

**AGENDA  
MEETING OF THE BOARD OF COMMISSIONERS  
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

**DATE:** May 23, 2019

**TIME:** Executive Closed Session 6:00 P.M.  
Regular Session 7:00 P.M.

**PLACE:** Woodley Island Marina Meeting Room

*The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 at least 24 hours in advance of the meeting.*

**1. Call to Order Closed Session at 6:00 P.M.**

**2. Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on the various issues not itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.*

**3. Move to Executive Closed Session**

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Platz, District Counsel. Negotiating party: Tim Callison. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-012-021 and Lease PRC 3186.1 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Platz, District Counsel. Negotiating party: Inyo Networks Inc. Under negotiation: price and payment terms.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 307-101-002 in Fields Landing, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Platz, District Counsel. Negotiating party: Terra-Gen, LLC. Under negotiation: price and payment terms.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-031-040 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Platz, District Counsel. Under negotiation: price and payment terms.
- e) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Steven Mueller. Under negotiation: price and payment terms.

## **Agenda for May 23, 2019 Regular Board Meeting**

- 4. Call to Order Regular Session at 7:00 P.M. and Roll Call**
- 5. Pledge of Allegiance**
- 6. Report on Executive Closed Session**
- 7. Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on the various issues not itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.*

### **8. Consent Calendar**

- a) Approval of Meeting Minutes for April 25, 2019 Regular Board Meeting
- b) Approval of Meeting Minutes for May 8, 2019 Special Board Meeting
- c) Receive District Financial Reports for January 2019
- d) Receive District Financial Reports for February 2019
- e) Receive District Financial Reports for March 2019
- f) Letter of Support for North Coast Rail Authority Funding

### **9. Communications and Reports**

- a) Executive Director's Report
- b) Staff Reports
- c) District Counsel and District Treasurer Reports
- d) Commissioner and Committee Reports
- e) Others – Report on Dredging Permits for Woodley Island Marina and Fields Landing Boat Yard

### **10. Unfinished Business**

- a) Update on Emergency Shoaling Conditions near Buoy 9 and letter written to USACOE**
- b) Update on Woodley Island Marina and Fields Landing Boat Yard Harbor District Dredging Permit amendments to allow upland disposal for beneficial reuse**
- c) Consideration of Resolution 2019-06, A Resolution Establishing Findings Relative to the Permit Application by the California Department of Transportation for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project**

*Recommendation:* Staff recommends the Board: Adopt Resolution 2019-06 establishing findings in accordance with the California Environmental Quality Act (CEQA) for implementation of the Eureka-Arcata Route 101 Corridor Improvement Project.

*Summary:* Caltrans proposes to improve public safety and infrastructure along the Eureka-Arcata Route 101 Corridor by eliminating uncontrolled left turns, adding a grade separated intersection at Indianola Road, adding a partial signal at Airport road, extending and/or constructing various acceleration and deceleration lanes, replacing and upgrading bridge rails and guard rails, installing a cable median barrier, replacing the southbound Jacoby Creek bridge, and replacing six (6) tide gates on culverts. The replacement of the southbound Jacoby Creek bridge, the bridge rail upgrades at northbound Jacoby Creek Bridge and northbound Gannon Slough Bridge, and the tide gate replacement elements of the project fall within the regulatory jurisdiction of the District as they

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require work below the Mean Higher High Water level. Mitigation for this work is being developed as a separate project and, if needed, will be considered under a separate permit application to the District.

**d) Consideration of Granting to the California Department of Transportation Permit 2018-01 for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project**

*Recommendation:* Staff recommends the Board: Grant Permit 2018-01 to the California Department of Transportation.

*Summary:* The proposed Permit 2018-01 would allow the California Department of Transportation to proceed with work associated with the Eureka-Arcata Route 101 Corridor Improvement Project consisting of the replacement of the southbound Jacoby Creek bridge, bridge rail upgrades at Northbound Jacoby Creek Bridge and Northbound Gannon Slough Bridge, and replacement of six (6) tide gates between post miles 79.9 and 86.3.

## **11. New Business**

**a) Receive a Report from Humboldt County Office of Economic Development Regarding Samoa Peninsula Infrastructure**

**b) Consideration of Resolution 2019-07, A Resolution to Authorize the Execution of a Grant Agreement and Accept Funds from the California Department of Fish and Wildlife for Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area for Fiscal Year 2019-2020**

*Recommendation:* Staff recommends the Board: Adopt Resolution 2019-07.

*Summary:* The California Department of Fish and Wildlife (CDFW) Office of Spill Prevention and Response (OSPR) in compliance with the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 established five regional Harbor Safety Committees (HSC) throughout California as described in California Government Code 8670.23. Each HSC is responsible for planning for the safe navigation and operation of tankers, barges and other vessels within each of California's major harbors, and must produce an annual Harbor Safety Plan (HSP) encompassing all vessel traffic within the harbor. These functions are essential to the consistent achievement of maritime safety and the prevention of major marine oil pollution incidents.

To ensure that HSCs have the necessary resources to execute their designated duties, the OSPR Administrator has made grant funds available in each region to provide an executive secretariat to act as the coordinator for facilitating all communications between HSCs, subcommittees, and the OSPR. The CDFW has approved the Humboldt Bay Harbor, Recreation and Conservation District to conduct the Secretariat Services for the HSC of the Humboldt Bay Area, and to receive payment for these services.

**c) Consideration of Acceptance of Permit Application 2019-02 for Filing**

*Recommendation:* Staff recommends the Board: Accept Permit Application 2019-02 for filing, and direct Staff to process the application and prepare the required environmental documents in compliance with the California Environmental Quality Act (CEQA).

*Summary:* Pacific Gas and Electric (PGE) has submitted to the District an application for work on three (3) gas transmission pipelines that cross creeks or sloughs or are located alongside a creek, which is being proposed as a single bundled project for the purposes of planning and regulatory permitting. The project includes decommissioning and removal of pipeline, installation of replacement pipeline, and remediation of significant erosion that has exposed a section of pipeline. Construction is planned for 2020, with in-water work restricted to the July 1 – October 15 aquatic work window.

**d) FY 2019-20 District Budget Preparation – draft goals revenues and expenditures by programmatic activity**

*Recommendation:* Staff recommends that the Board: Receive a report of the draft goals, income and expenditures for RMT I, RMT II and Shelter Cove.

*Summary:* The Budget is prepared annually under direction of the Executive Director. In accordance with CA Harbors and Navigation Code Section 6093, on or before June 15, the District Board shall estimate and

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determine the amount of money required by the Harbor District and shall adopt a preliminary budget. Per Section 6093.3, the final budget shall be reported to the Board of Supervisors not later than August 1<sup>st</sup>.

**12. Administrative and Emergency Permits**

**a) Emergency Permit E-2019-03 Caltrans Tide Gate Replacement**

*Recommendation:* Staff recommends the Board: Accept notification of the following Emergency Permit issued by the Executive Director.

*Summary:* On December 21, 2018, the California Department of Transportation (Caltrans) was notified of a failure of the dual box tide gate system located at post mile 80.8 on Highway 101 northbound behind the Farm Store on Airport Road. Inspections showed that one tide gate had failed completely, and the other gate was partially failed, allowing water from Eureka Slough to backflow through the system into the adjacent fresh water drainage channel. The influx of water into this channel caused substantial flooding affecting multiple businesses along Jacobs Avenue, county roadway, state Highway and a mobile home park. The failure of the tide gates combined with the extreme high tides of December 2018 and the significant storm events resulted in a determination that emergency repairs were necessary to prevent or mitigate loss of, or damage to, life, health, property, and essential public services.

**13. Adjournment**