

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

DATE: January 24, 2019

TIME: Executive Closed Session – 6:00 PM
Regular Session – 7:00 PM

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 at 6:00 P.M.**
- 2. Move to Executive Closed Session**
 - a) 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 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Paul Brisso, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.
 - b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 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 Paul Brisso, District Counsel. Negotiating party: Tim Callison. Under negotiation: price and payment terms.
- 3. Call to Order Regular Session at 7:00 P.M. and Roll Call**
- 4. Pledge of Allegiance**
- 5. Election of Board President, Vice President and Secretary**

Summary: District Ordinance No. 6, Article II Officers, Section 6 states: "The President, Vice-President and Secretary shall be elected at the annual meeting of the Board of Commissioners of the District from among the members of said Board of Commissioners, and shall hold office for one year or until their successors are elected and qualified. All Officers shall serve during the pleasure of the Board of Commissioners of the District."

- 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.

Agenda for January 24, 2019 Regular Board Meeting

8. Consent Calendar

- a) Receive District Financial Reports for November 2018 (Supplemental information will be released)
- b) Approval of Meeting Minutes for December 11, 2018 Special Board Meeting
- c) Approval of Permit and Agreement Renewal to Brian Saxton to Operate Humboats Kayak Adventures
- d) Appoint Larry Oetker as representative for Port Authority to Harbor Safety Committee

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 - Update on Intertidal Mariculture Environmental Impact Report

10. Unfinished Business

11. New Business

- a) **Award a Contract to the Lowest Responsive and Responsible Bidder for the Humboldt Bay Piling Removal Project Accounts for Collections**

Recommendation: Staff recommends the Board: Award a contract for the Humboldt Bay Piling Removal Project to the lowest responsive and responsible qualified bidder.

Summary: The District released an Invitation for Bids for the Humboldt Bay Piling Removal Project on January 7, 2019, with a bid opening scheduled for 2:00pm January 23, 2019 in the Woodley Island Marina Conference Room. Work comprises the removal via vibratory extraction of twenty-one (21) derelict pilings in Humboldt Bay in the vicinity of Red Tank Dock and Redwood Marine Terminal II. This project is a required mitigation measure for the Mariculture Pre-permitting Project and is scheduled for completion in March 2019.

- b) **Consideration of Approval of Amendment # 1 to Permit 13-03 to the Humboldt Bay Harbor, Recreation and Conservation District for the Mariculture Pre-Permitting Project**

Recommendation: Staff recommends the Board: Approve the amendment to Permit 13-03 to the Harbor District for the Mariculture Pre-Permitting Project.

Summary: The Humboldt Bay Mariculture Pre-Permitting Project (Project) is regulated via permits from the California Coastal Commission, the U.S. Army Corps of Engineers (USACE), the North Coast Regional Water Quality Control Board (NCRWQCB), and the Harbor District itself. As a pre-requisite to permit applications to these agencies for the Project, the District prepared an Environmental Impact Report (EIR) that assessed the potential environmental impacts of the Project and outlined mitigation measures to reduce any impacts to less than significant. During the permit approval process, the removal of twenty-one (21) derelict pilings from Humboldt Bay was included as an additional benthic habitat mitigation measure as a condition of approval. This specific mitigation measure was not originally included in the Final EIR for the Project, or in the original District Permit 13-03.

- c) **Consideration of Resolution 2019-01, A Resolution Declaring that Governing Body and Volunteers Shall Be Deemed Employees of the District for the Purpose of Providing Workers' Compensation Coverage**

Recommendation: Staff recommends the Board: Adopt Resolution 2019-01 for the Governing Body.

Summary: The Special District Risk Management Authority (SDRMA) recently informed the District that Workers' Compensation members need to pass a new Resolution if they would like to either continue or start covering their Governing Body members and/or volunteers. If adopted, such persons will be deemed as employees for workers' compensation benefit. The Resolution permits the Governing Body to designate the categories of persons who the District desires to "deem" to be employees for this purpose by checking the boxes associated with those categories

Agenda for January 24, 2019 Regular Board Meeting

on the Resolution. Any persons designated will need to be listed under the Workers' Compensation Program and must pay an annual premium to enable coverage

d) Update of the January 2019 Shoaling Conditions Near the Entrance to Humboldt Bay

Recommendation: Staff recommends the Board: Receive an update on the shoaling conditions and provide direction as appropriate.

Summary: The Humboldt Bay Bar Pilots conducted an unofficial survey on Friday, January 11th aboard the District's Port Authority Boat and found areas of shoaling north of centerline in the Entrance Channel. Depths of approximately 38 feet were found near the beginning of the dolosse which prompted a 34 foot draft restriction, based on a +6 foot tide, until official soundings are performed. During the unofficial survey, the Pilots identified an additional area of concern on the corner of the Entrance Channel near the buoy 9 location. Buoy 9 is missing from its station as a result of one of the earlier storms and has been recovered by the Coast Guard. Depths of approximately 20-22 feet were found in this location impeding east side of the channel. Humboldt Bay Commercial Fisherman and other mariners have reported unsafe conditions. On Thursday, January 17, the Coast Guard closed Humboldt, Noyo, and Crescent City Harbors due to sever winter storm conditions.

e) Review of Ordinance No. 16 Pilotage. An Ordinance Establishing Standards, Policies and Practices for Pilot Competency, Qualification, Profession Growth and Enforcement

Recommendation: Staff recommends the Board: Review Ordinance No. 16.

Summary: The State of California through the Harbors and Navigation Code, delegated to the HBHRCD authority to provide for, supervise and license bar pilots operating out of Humboldt Bay. Ordinance NO. 16 outlines the District's regulations regarding Pilots. Due to sever declines in ship traffic, the privately held Humboldt Bar Pilot's Association was dissolved in 2006 and Captain John Powell and Captain Tim Petruscha became employees of the District. In 2014 an agreement was reached where Captain Powell retired from the District and operated as a sole proprietary operation called Humboldt Bay Pilots. Captain Petruscha, continued employment with the District, providing secondary bar pilot services to maintain his certification and license. In January 2019, Captain Petruscha ended his employment with the District and Intends to operate as a private Pilot on Humboldt Bay.

12. Administrative and Emergency Permits

13. Adjournment

**DRAFT MINUTES
SPECIAL MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

December 11, 2018

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date at 5:30 P.M. Closed Session, 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

Appointed Commissioner Stephen Kullmann for District 3 and Elected Commissioner Richard Marks for District 4 Took Oath of Office

CLOSED SESSION – 5:30 P.M.

The Commission met in closed session to discuss the following item:

- a) 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 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Paul Brisso, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.
- b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND EMPLOYMENT CONTRACT RENEWAL pursuant to Government Code section 54957(b)(1).
 - 1. Title: Executive Director – Larry Oetker

OPEN SESSION – 7:04 P.M.

ROLL CALL:

PRESENT: DALE
 MARKS
 KULLMANN
 HIGGINS

ABSENT: DOSS

QUORUM: YES

PLEDGE OF ALLEGIANCE

REPORT ON EXECUTIVE CLOSED SESSION

- a) No Action to report out on.
- b) By unanimous vote (Commissioner Doss absent), Board directed District Counsel to prepare an Employment Contract extension for Executive Director Larry Oetker. Terms of the Contract to include:
 - Term of four years, 2019-2022
 - Effective January 1, 2019, salary increase to \$135,000 for years 1 and 2 of Contract
 - Effective January 1, 2021, salary increase to \$145,000 for years 3 and 4 of Contract
 - Three weeks of paid vacation
 - Twelve days of Management leave

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None.

CONSENT CALENDAR

- a) Receive District Financial Reports for October 2018
- b) Approve Meeting Minutes of October 4, 2018 Special Board Meeting
- c) Approve Meeting Minutes of November 15, 2018 Special Board Meeting
 - I. COMMISSIONER DALE MOVED TO APPROVE THE CONSENT CALENDAR. COMMISSIONER HIGGINS SECONDED.
 - II. Chair Marks opened the item to public comment. No members of the public commented.
 - III. Chair Marks moved the discussion back to the Commission.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, HIGGINS, DALE
Noes: NONE
Absent: DOSS
Abstain: NONE

COMMUNICATIONS AND REPORTS

- a) **Executive Director's Report**
 - I. Executive Director presented Executive Director's Report.
- b) **Staff Reports**
 - I. Staff presented on recent District activities.
- c) **District Counsel and District Treasurer Reports**
 - I. District Counsel reported on one item of litigation and status of Property Taxes for Redwood Marine Terminal II.
- d) **Commissioner and Committee Reports**
 - I. Commissioners reported on their recent activities.
- e) **Others**
 - I. None

Non Agenda - None

UNFINISHED BUSINESS - None

NEW BUSINESS

- a) **Receive a Presentation "Fishing Community Sustainability Planning for Eureka and Shelter Cove" from Humboldt State University**
 - I. Professor Laurie Richmond of Humboldt State University presented the item.
 - II. The Commission discussed the item.
 - III. Chair Marks opened public comment on the item: No public comment.
 - IV. Chair Marks thanked Professor Richmond on behalf of the Board.
- b) **Authorize the Executive Director to Execute a Contract Between the Harbor District and the Shelter Cove Fishing Preservation Incorporated for Janitorial Services Associated with the Fish Cleaning Station, Sublease the Mario's Marina Property, and the Transfer of Two Tractors.**
 - I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Chair Marks opened public comment on the item: Jake Mitchell commented.
 - IV. Chair Marks moved the discussion back to the Commission.
 - V. COMMISSIONER HIGGINS MOVED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE CONTRACT. COMMISSIONER KULLMANN SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, HIGGINS, DALE
Noes: NONE
Absent: DOSS
Abstain: NONE
- c) **Award a Contract to the Lowest Responsive and Responsible Bidder for the Brownfield Debris Pile Removal Project at Redwood Marine Terminal II**
 - I. Staff presented the item.
 - II. The Commission discussed the item.
 - III. Chair Marks opened public comment on the item: No public comment.
 - IV. Chair Marks moved the discussion back to the Commission.
 - V. COMMISSIONER HIGGINS MOVED TO AWARD THE DEBRIS PILE REMOVAL CONTRACT TO KERNEN CONSTRUCTION. COMMISSIONER DALE SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, HIGGINS, DALE

Noes: NONE
Absent: DOSS
Abstain: NONE

- d) Authorize the Executive Director to Execute a Memorandum of Understanding between the Harbor District and Principle Power Inc., Aker Solutions Inc., EDPR Offshore North America LLC, and Redwood Coast Energy Authority**
- I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Chair Marks opened public comment on the item: Jake Mitchell, Todd Reinke, Jen Kalt, and Susan Penn commented.
 - IV. Chair Marks moved the discussion back to the Commission.
 - V. COMMISSIONERS KULLMANN AND DALE WERE APPOINTED TO A SUBCOMMITTEE TO WORK WITH STAFF ON DEVELOPING A RENEWABLE ENERGY HUB IN HUMBOLDT BAY.
 - VI. COMMISSIONER DALE MOVED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE MOU. COMMISSIONER HIGGINS SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, HIGGINS, DALE
Noes: NONE
Absent: DOSS
Abstain: NONE
- e) Approve the 2019 Calendar Year Meeting Schedule for Regular Board Meetings and Consideration of Setting Special Meeting Dates in November and December**
- I. Staff presented the item.
 - II. The Commission discussed the item.
 - III. Chair Marks opened public comment on the item: No public comment.
 - IV. Chair Marks moved the discussion back to the Commission.
 - V. COMMISSIONER DALE MOVED TO APPROVE THE 2019 CALENDAR YEAR MEETING SCHEDULE FOR REGULAR BOARD MEETINGS AND SET THE DATES FOR SPECIAL MEETINGS IN NOVEMBER AND DECEMBER. COMMISSIONER HIGGINS SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, HIGGINS, DALE
Noes: NONE
Absent: DOSS
Abstain: NONE
- f) Consideration of Acceptance of Permit Application 2018-01 for Filing**
- I. Staff presented the item.
 - II. The Commission discussed the item.
 - III. Chair Marks opened public comment on the item: No public comment.
 - IV. Chair Marks moved the discussion back to the Commission.
 - V. COMMISSIONER HIGGINS MOVED TO ACCEPT PERMIT APPLICATION 2018-01 FOR FILING. COMMISSIONER KULLMANN SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, HIGGINS, DALE
Noes: NONE
Absent: DOSS
Abstain: NONE
- g) Consideration of Employment Contract Renewal with Larry Oetker, Executive Director**
- I. This item was discussed in the Report on Closed Session. District Counsel will bring a new employment contract to the Board for approval at the next regular session.

ADMINISTRATIVE AND EMERGENCY PERMITS

a) Administrative Permit A-2018-04 Repair/Replacement of Aids to Navigation in Humboldt Bay

- I. Staff presented the item.
- II. As a notification item only, no action was taken.

12. ADJOURNMENT – 9:15 P.M.

APPROVED BY:

RECORDED BY:

Patrick Higgins
Secretary

Mindy Hiley
Director of Administrative Services

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

**PERMIT AND AGREEMENT TO
OPERATE KAYAK RENTAL SERVICES**

Startare Drive
Woodley Island Marina
PO Box 1030
Eureka, CA 95501

PERMITEE:

Brian Saxton
dba Humboats Kayak Adventures
1745 Roberts Way
Arcata, CA 95521

This Permit and Agreement is executed in triplicate at Woodley Island Marina, Eureka, California, between HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, hereinafter referred to as "District", and BRIAN SAXTON, individually, DBA, HUMBOATS KAYAK ADVENTURES hereinafter referred to as "Humboats".

WHEREAS, Humboats desires to operate the Humboats Kayak Adventures as a kayak rental, tour and lesson business from the Woodley Island Marina; and

WHEREAS, on or about January 10, 2019 Brian Saxton made written application to renew the Permit to operate the business Humboats Kayak Adventures at Slip Number 02, Float A at the Woodley Island Marina; and

WHEREAS, Ordinance Number 9, Section 6.7, of the District prohibits any commercial endeavor or charter service for hire, subparagraph (a), without a special permit from the District and payment of permit.

AFTER REVIEW AND CONSIDERATION thereof by the Board of Commissioners of the District of the application of Humboats hereinabove referred to:

THE PARTIES, THEREFORE, AGREE AS FOLLOWS:

1. District shall permit Humboats, an independent contractor, to operate the business Humboats Kayak Adventures for the purpose of rentals, tours and lessons from Woodley Island Marina. For the purpose of this Permit and

Agreement, Humboats commercial endeavor shall be referred to as "Kayak Rental Service". Diving or diving instruction from or on said vessels shall not be allowed and shall be prohibited at all times.

2. As described in Exhibit A, Berthing Permit and Rental Agreement for Woodley Island Marina, a copy of which is attached hereto and incorporated by reference as Exhibit "A" hereto; Humboats is permitted to use Slip Number 02, Float A, at the Woodley Island Marina for their vessels and barge.
3. As described in Exhibit B, Woodley Island Marina Storage Application, Humboats is permitted to use two (2) storage spaces in the Woodley Island Marina Storage Yard.
4. The term of this Permit and Agreement shall be for three (3) years commencing March 01, 2019 and terminating on February 28, 2022. District or Humboats may terminate this Permit and Agreement by giving sixty (60) days written notice of termination to the other party. District may terminate this Permit and Agreement with Humboats with or without cause or reason by giving Humboats sixty (60) days written notice of termination and Humboats shall terminate their Kayak Rental Service sixty (60) days from the date of personal service of said written notice of termination or sixty (60) days from the date of deposit or the written notice of termination deposited, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail, and addressed to Brian Saxton, 1745 Roberts Way, Arcata, CA 95521. In the event Humboats is in default of any of the provisions of the Berthing Permit and Rental Agreement for the Woodley Island Marina, a copy of which is attached hereto as Exhibit "A", and Humboats' Berthing Permit is terminated pursuant to said Agreement, this Kayak Rental Service Permit and Agreement shall terminate forthwith on the date of termination of Humboats' Berthing Permit and Rental Agreement without the requirement of

the hereinabove set forth sixty (60) day notice of termination provisions.

5. In addition to the monthly/yearly rental payable by Humboats to the District pursuant to the Berthing Permit and Rental Agreement for the Woodley Island Marina, a copy of which is attached hereto as Exhibit "A", Humboats shall pay District the sum of Two hundred fifty dollars (\$250.00) per year for this Permit to carry on a Kayak Rental Service pursuant to this Agreement. All rates may be changed pursuant to paragraph 3 of the Berthing Permit and Rental Agreement for Woodley Island Marina which provides that the District may change or increase the rates by giving thirty (30) days notice.
6. Humboats shall pay District all fees described in the agreement and as detailed in Exhibit A and Exhibit B of the agreement on an annual basis.
7. On or prior to the date of the Agreement, to wit: March 01, 2019 Humboats shall purchase and maintain throughout the term of the Permit and Agreement, Commercial General Liability insurance covering Humboats' operation of their Kayak Rental Service operation pursuant to the terms of the Permit and Agreement. Said insurance policy of "protection and indemnity insurance" insuring Humboats from liability for bodily injury, death, or property damage as a result of their Kayak Rental Service operation and shall name District as an additional insured and provide District with a Certificate of Insurance stating the amount of the insurance and proof that the District is an additional named insured, and the agreement of said insurance company that District shall be notified forthwith of the event of non-payment of the premium or termination of said insurance policy. **The amount of insurance shall be One Million Dollars and no cents (\$1,000,000.00) per occurrence.** In the event said liability insurance policy is cancelled or terminated, Humboats shall forthwith cease and stop their Kayak Rental Service for hire operation at District's premises at the Woodley Island Marina and shall not resume operations until said liability insurance

policy is fully reinstated and in full force and effect.

8. Humboats shall prior to commencing operation of their Kayak Rental Service obtain any and all necessary permits and licenses applicable to Humboats operation.
9. Humboats agrees that neither the Humboldt Bay Harbor, Recreation and Conservation District, nor its Board of Commissioners, nor any Officer of the District shall be liable to any extent for the injury or damages to any person or property or for the death of any person arising out of or connected with Humboats' Kayak Rental Service operation and Humboats shall indemnify and hold harmless District, its Commissioners, and Officers free and harmless from any liability for any such injury, death or damages. In addition, Humboats agrees to hold harmless, indemnify, and hold District non-responsible for any of Humboats' Kayak Rental Service operations according to the provisions of paragraphs 11, 13, and 19 of the Berthing Permit and Rental Agreement for Woodley Island Marina, a copy of which is attached hereto as Exhibit "A" and incorporated by reference as though set forth in full.
10. Humboats at all times shall comply and shall obtain compliance of Lessee's family, agents, employees, business visitors, and invitees of all laws, ordinances, rules and regulations, including Ordinance No. 9, the Woodley Island Marina Rules and Regulations, California Boating Law and those of federal and state government.
11. Humboats at all times shall ensure that walkways and finger piers are not obstructed in any manner. No tires, ropes, canvas, or other material shall be nailed or attached to finger piers, docks, and piles without the written approval of the District. Vessels underway within the marina limits shall be for the purpose of mooring, entering or leaving a berth. Cruising between piers and under gangways is strictly prohibited. Humboats may place a sign

on the vessels the size of which must be approved by the District's Executive Director. Humboats may place a directional sign for incoming traffic onto the Marina at a location and the type and size sign which is approved by the Executive Director of the District, which shall reasonably conform in size, shape, and colors of the signs heretofore existing on the Woodley Island Marina.

12. This Permit and Agreement is not transferable or assignable by Humboats without approval in writing by the District. Any transfer of assignment or attempted transfer or assignment of this Permit by Humboats shall be null and void.
13. This Permit and Agreement is non-exclusive and District retains the right to enter into agreements with and grant permits to other persons or business for the same purposes as set forth in this Permit and Agreement.
14. The covenants and conditions herein contained shall apply to and bind the heirs, legal representatives, successors, and assigns of all of the parties hereto; and all of the parties hereto shall be jointly and severally liable hereunder.
15. Time is of the essence of this Permit and Agreement and of each and every covenant, term, and condition, and provision hereof.
16. Humboats is hereby notified by the District that this Permit and Agreement to Operate Kayak Rental Services in conjunction with the Berthing Permit and Rental Agreement for the vessels for the Woodley Island Marina or property interests created herein, if any, may be subject to a possessory interest tax or property taxation if created pursuant to Sections 107 to 108 of the California Revenue and Taxation Code and that Humboats and/or the party in whom the possessory interest is vested may be subject to the payment of property taxes levied upon such interests. Humboats agrees and acknowledges that they have actual notice pursuant to Section 107.6 of the

California Revenue and Taxation Code that Humboats may be required to pay a possessory interest tax as a result of this Permit and Agreement to operate Kayak Rental Services in conjunction with the Berthing Permit and Rental Agreement for the vessels for Woodley Island Marina. Humboats hereby acknowledges that they have actual knowledge of the existence of a possessory interest tax and has read the provision of Section 107 to 108 of the California Revenue and Taxation Code. Humboats agrees to and shall pay all possessory interest taxes levied any governmental agencies by reason of this Permit and Agreement to Operate Kayak Rental Services and their Berthing Permit and Rental Agreement for their vessels, for Woodley Island Marina.

EXECUTED on, _____, 2019 by authority of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT.

_____, **President**
Board of Commissioners
HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

Brian Saxton, individually, DBA HUMBOATS KAYAK ADVENTURE, as Permittee in this Permit and Agreement hereby accepts and agrees to all terms and conditions herein above set forth.

Dated: _____, 2019

By **BRIAN SAXTON**
PERMITTEE:
Humboats Kayak Adventure



COMMISSIONERS
1st Division
Larry Doss
2nd Division
Greg Dale
3rd Division
Stephen Kullmann
4th Division
Richard Marks
5th Division
Patrick Higgins

Humboldt Bay
Harbor, Recreation and Conservation District
(707)443-0801
P.O. Box 1030
Eureka, California 95502-1030

January 25, 2019

Mr. Reuben Macaspac
California Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, CA 94244-2090

RE: Harbor Safety Committee of the Humboldt Bay Area Membership

Dear Mr. Macaspac:

Longtime Port Authority Harbor Safety Committee member Suzie Howser is set to retire from the District at the end of February 2019 and at the January meeting of the Safety Committee her resignation from the Committee was reluctantly accepted. Suzie has been an excellent representative of the Port Authority and Humboldt Bay as a whole. Her services will be missed.

On January 24, 2019, the Board of Director's of the Humboldt Bay Harbor, Recreation and Conservation District/Port of Humboldt Bay nominated Executive Director Larry Oetker as the Port Authority representative for the Harbor Safety Committee of the Humboldt Bay Area. Please accept this nomination to fill the recent Port Authority vacancy so that the seat may be filled for the March 2019 meeting.

Should you have any questions regarding the above, please feel free to contact me at 707-443-0801. Thank you for your consideration.

Sincerely,

President Board of Commissioners

COMMISSIONERS

1st Division

Larry Doss

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Richard Marks

5th Division

Patrick Higgins

Humboldt Bay
Harbor, Recreation and Conservation District
(707)443-0801
P.O. Box 1030
Eureka, California 95502-1030



STAFF REPORT – HARBOR DISTRICT MEETING
January 24, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

PREPARED BY: Bernadette Clueit, Harbor Specialist II

DATE: January 15, 2019

TITLE: Award a Contract to the Lowest Responsive and Responsible Bidder for the Humboldt Bay Piling Removal Project

STAFF RECOMMENDATION: Staff recommends the Board: Award a contract for the Humboldt Bay Piling Removal Project to the lowest responsive and responsible qualified bidder.

BACKGROUND: The District released an Invitation for Bids for the Humboldt Bay Piling Removal Project on January 7, 2019, with a bid opening scheduled for 2:00pm January 23, 2019 in the Woodley Island Marina Conference Room. Work comprises the removal via vibratory extraction of twenty-one (21) derelict pilings in Humboldt Bay in the vicinity of Red Tank Dock and Redwood Marine Terminal II. This project is a required mitigation measure for the Mariculture Pre-permitting Project and is scheduled for completion in March 2019.

DISCUSSION: Staff will present all qualified bids to the Board for consideration at the Regular Session. If any irregularities are found during review of the bid packages, Staff may recommend the Board continue the item to a future meeting, rather than award the contract.

COMMISSIONERS

1st Division

Larry Doss

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Richard Marks

5th Division

Patrick Higgins

Humboldt Bay
Harbor, Recreation and Conservation District
(707)443-0801
P.O. Box 1030
Eureka, California 95502-1030



STAFF REPORT – HARBOR DISTRICT MEETING
January 24, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: January 17, 2019

TITLE: Consideration of Approval of Amendment # 1 to Permit 13-03 to the Humboldt Bay Harbor, Recreation and Conservation District for the Mariculture Pre-Permitting Project

STAFF RECOMMENDATION: Staff recommends the Board: Approve the amendment to Permit 13-03 to the Harbor District for the Mariculture Pre-Permitting Project.

BACKGROUND: The Humboldt Bay Mariculture Pre-Permitting Project (Project) is regulated via permits from the California Coastal Commission, the U.S. Army Corps of Engineers (USACE), the North Coast Regional Water Quality Control Board (NCRWQCB), and the Harbor District itself. As a pre-requisite to permit applications to these agencies for the Project, the District prepared an Environmental Impact Report (EIR) that assessed the potential environmental impacts of the Project and outlined mitigation measures to reduce any impacts to less than significant. During the permit approval process, the removal of twenty-one (21) derelict pilings from Humboldt Bay was included as an additional benthic habitat mitigation measure as a condition of approval. This specific mitigation measure was not originally included in the Final EIR for the Project, or in the original Permit 13-03.

DISCUSSION: This permit amendment would modify the existing Harbor District permit by the addition of the removal of the derelict piles as a component of the Project. In addition, Condition 5 covering the term limit and expiration of the Permit is modified, and a condition is added to authorize the Executive Director to approve minor deviations from approved plans.

ATTACHMENTS:

- A. Permit 13-03 Amendment # 1

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

PERMIT AMENDMENT # 1

Permit No. 13-03

**601 Startare Drive
Woodley Island Marina
P O Box 1030
Eureka, CA 95502-1030**

Permittee:

**Humboldt Bay Harbor District
601 Startare Drive
Eureka, CA 95501**

**Humboldt Bay Mariculture Pre-Permitting Project
Amendment # 1**

Permit # 13-03 for the Humboldt Bay Mariculture Pre-Permitting Project is hereby amended as follows (additions in *italics*, subtractions in ~~strike~~through):

PROJECT

Humboldt Bay Mariculture Pre-Permitting Project

The Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District** hereinafter referred to as "**District**", having considered the Application herein, number 13-03, received by the **District** on May 3, 2013, and the **Humboldt Bay Harbor, Recreation and Conservation District**, hereinafter referred to as "**Permittee**", and the Board of Commissioners of the **District** having on February 25, 2016, passed Resolution No. 2016-04 establishing findings relative to the Application by the **Permittee** for the Humboldt Bay Mariculture Pre-Permitting Project provided for in this Permit, the **Permittee** is hereby authorized to perform the work of improvement, as more particularly described in the Application filed with the **District**.

You are hereby authorized to perform work of improvement described in the Permit *13-03 as well as the removal of 21 pilings that were required as part of the Coastal Development Permit for this project.*

~~You are hereby authorized to perform work of improvement described in the Permit Application as modified by the revised project description depicted in Attachment A of **Permittee** consisting of:~~

~~Installation and operation of subtidal shellfish nurseries and macro-algae culture.~~

That the location of the proposed work of improvement shall be located in Humboldt County, California, in Humboldt Bay adjacent to the Samoa Peninsula.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. That all work authorized by this Permit shall further be subject to the approval of the following public agencies:
 - A. U.S. Army Corps of Engineers
 - B. California Coastal Commission
 - C. North Coast Regional Water Quality Control Boardand you shall fully comply with all regulations and conditions affecting such work as imposed by the above agencies.
2. That there shall be no unreasonable interference with navigation by the work herein authorized.
3. That no attempt shall be made by the **Permittee** to interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the work.
4. That the mitigation measures described in the Final Environmental Impact Report for the Humboldt Bay Mariculture Pre-Permitting Project are made conditions of this permit by reference:
5. *This permit shall expire within 12 months from the date of its approval unless said permit is activated. "Activated" shall mean when development, construction, or use activity authorized by this permit have commenced.*

~~That this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on the 25th day of February 2017. This permit may be extended in annual increments for up to a total of nine (9) years at the discretion of the **District**.~~

6. That the Board of Commissioners of the **District** may revoke this Permit at any time upon a finding by the **District** of a violation by the **Permittee** of any condition of this Permit.
7. That the **Permittee** shall comply with any regulations, condition, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State of California Water Resources Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instruction in effect or prescribed by Federal or State Agencies are hereby made a condition of this Permit.
8. That **Permittee** shall furnish to the **Humboldt Bay Harbor, Recreation and Conservation District** a written annual progress report and upon completion, a written completion report describing the completion of the project. **Permittee** shall at all times notify the **Humboldt Bay Harbor, Recreation and Conservation District** in writing of all locations, including new locations, in Humboldt Bay, that **Permittee** proposes to install the uses permitted herein, prior to said installation.

9. That this Permit is valid as of the 25th day of February 2016, and is made subject to the **Permittee** approving and agreeing to the conditions above set forth and executing said approval as hereinafter provided.

10. *Minor deviations from approved plans may be approved by the Executive Director.*

EXECUTED on this 24th day of January 2019, by authority of the Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District.**

_____, **President**
Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

The Humboldt Bay Harbor, Recreation and Conservation District, Permittee, in the above Permit, hereby accepts and agrees to all of the conditions hereinabove set forth.

Dated: January 24, 2019

Humboldt Bay Harbor, Recreation and
Conservation District

By _____

Title _____

COMMISSIONERS
 1st Division
 Larry Doss
 2nd Division
 Greg Dale
 3rd Division
 Stephen Kullmann
 4th Division
 Richard Marks
 5th Division
 Patrick Higgins

Humboldt Bay
Harbor, Recreation and Conservation District
 (707)443-0801
 P.O. Box 1030
 Eureka, California 95502-1030



STAFF REPORT – HARBOR DISTRICT MEETING
January 24, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Mindy Hiley, Director of Administrative Services

DATE: January 17, 2019

TITLE: Consideration of Resolution 2019-01, A Resolution Declaring that Governing Body and Volunteers Shall Be Deemed Employees of the District for the Purpose of Providing Workers’ Compensation Coverage.

STAFF RECOMMENDATION: Staff recommends the Board: Adopt Resolution 2019-01 for Governing Body.

BACKGROUND: The Special District Risk Management Authority (SDRMA) has informed the District that Workers’ Compensation members need to pass a new Resolution if they would like to either continue or start covering their Governing Body members and/or volunteers. If adopted, such persons will be deemed as employees for workers’ compensation benefit. The Resolution permits the Governing Body to designate the categories of persons whom the District desires to “deem” to be employees for this purpose by checking the boxes associated with those categories on the Resolution. Any persons designated will need to be listed under the Workers’ Compensation Program and must pay an annual premium to enable coverage.

DISCUSSION: The Humboldt Bay Harbor, Recreation and Conservation District values its Commissioners and recommends that they be covered and listed under the Workers’ Compensation Program. The financial burden of the addition of five Commissioners would be \$151.20 annually. The District also values its volunteers and is enrolled in Humboldt State University’s Center for Community Based Learning as a Learning Site; however, any student volunteers, interns or work-study persons gained from this program would be covered under the University’s policy. If the District did want to add any persons in the additional categories, the annual rate is calculated based on volunteer hours. As an example, 500 volunteer hours would be an additional annual premium of \$65. If the District wishes to add any persons to the policy, it must be done at the time of renewal, in the month of February.

Staff recommends the Board adopt the Resolution for the Governing Body only at this time. The addition of workers’ compensation coverage for Governing Body Members and Volunteers will be revisited annually.

ATTACHMENTS:

- A. Resolution 2019-01
- B. Letter from SDRMA regarding Workers’ Compensation Resolution

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

RESOLUTION NO. 2019-01

**A RESOLUTION DECLARING THAT GOVERNING BODY MEMBERS AND
VOLUNTEERS SHALL BE DEEMED TO BE EMPLOYEES OF THE DISTRICT FOR
THE PURPOSE OF PROVIDING WORKERS' COMPENSATION COVERAGE FOR
SAID CERTAIN INDIVIDUALS WHILE PROVIDING THEIR SERVICES**

WHEREAS, the Humboldt Bay Harbor, Recreation and Conservation District utilizes the services of Governing Body Members and Volunteers; and

WHEREAS, Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a resolution by the Governing Body of the agency so declaring, be deemed to be an employee of the agency for the purpose of Division 4 of said Labor Code while performing such services; and

WHEREAS, the Governing Body wishes to extend Workers' Compensation coverage as provided by State law to the following designated categories of persons as indicated by a checkmark in the box to the left of the descriptions:

- All Members of the Governing Body of the Humboldt Bay Harbor, Recreation and Conservation District as presently or hereafter constituted and/or
- All persons performing voluntary services without pay other than meals, transportation, lodging or reimbursement for incidental expenses
- Individuals on Work-study programs
- Interns
- Other Volunteers
-

_____ [designate]

NOW, THEREFORE, BE IT RESOLVED, that such persons coming within the categories specified above, including the duly elected or appointed replacements of any Governing Body Member and other designated individuals be deemed to be employees of the Humboldt Bay Harbor, Conservation and Recreation District for the purpose of Workers' Compensation coverage as provided in Division 4 of the Labor Code while performing such service. However, said Governing Body Members and other designated individuals will not be considered an employee of the Humboldt Bay Harbor, Recreation and Conservation District for any purpose other than for such Workers' Compensation coverage, nor grant nor enlarge upon any other right, duty or responsibility of such Governing Body Members or other designated individuals, nor allow such persons to claim any other benefits or gifts give to paid employees of the Humboldt Bay Harbor, Recreation and Conservation District.

PASSED, APPROVED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 24th day of January 2019, by the following polled vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____, **President**
Board of Commissioners

_____, **Secretary**
Board of Commissioners

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2019-01 entitled,

A RESOLUTION DECLARING THAT GOVERNING BODY MEMBERS AND VOLUNTEERS SHALL BE DEEMED TO BE EMPLOYEES OF THE DISTRICT FOR THE PURPOSE OF PROVIDING WORKERS' COMPENSATION COVERAGE FOR SAID CERTAIN INDIVIDUALS WHILE PROVIDING THEIR SERVICES

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 24th day of January 2019; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of January 2019.

_____, Secretary
Board of Commissioners

November 30, 2017

Ms. Penny Hickey
Bookkeeper
Humboldt Bay Harbor, Recreation and Conservation District
Post Office Box 1030
Eureka, California 95502-1030

RECEIVED

DEC 04 2017

H.B.H.R. & C.D.

Re: Workers' Compensation Resolution for Governing Body Member and/or Volunteer Coverage

Dear Ms. Hickey,

Recently our excess carrier has made us aware that SDRMA Workers' Compensation (WC) members need to pass a **new Resolution** if they would like to continue (or start) covering their Governing Body members and/or volunteers.

Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a Resolution by the Governing Body of the agency so declaring, be deemed to be an employee for workers' compensation purposes. Thus, if such a resolution is adopted, and the volunteer is injured while performing duties for the agency, the volunteer is entitled to receive workers' compensation benefits and their exclusive remedy for recovery against the agency is through the Workers' Compensation system.

Such Governing Body members and/or volunteers may be covered for workers' compensation benefits only if a Resolution to that effect is adopted by the Governing Body pursuant to Labor Code § 3363.5 and a copy of the Resolution is filed with SDRMA.

A new Resolution (see attached) has been created by our coverage counsel. The Resolution permits your Governing Body to designate the various categories of persons who the agency desires to "deem" to be employees for purposes of workers' compensation. It declares, on a blanket basis, that the designated categories of volunteers are deemed employees and those categories consist of Governing Body Members, persons performing voluntary service, persons on work study, interns, and other volunteers. In addition, those so designated persons also need to be listed under our Workers' Compensation Program (which includes paying an annual contribution amount) to enable coverage.

When using the sample Resolution provided, please do not make any changes other than the areas highlighted in yellow. **To ensure accurate and timely implementation of your Resolution, please return your Governing Body approved Workers' Compensation Resolution as soon as possible by fax or email.** A Microsoft Word version of the sample Resolution can be downloaded at <http://www.sdrma.org/program-coverages/workers-compensation-program>. If your agency has any questions please contact Ellen Doughty, Chief Member Services Officer, at 800.537.7790 or edoughty@sdrma.org.

Sincerely,
Special District Risk Management Authority



Gregory S. Hall, ARM
Chief Executive Officer

Enclosures: Sample Resolution for Covering Governing Body and/or Volunteers

COMMISSIONERS

1st Division

Larry Doss

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Richard Marks

5th Division

Patrick Higgins

Humboldt Bay
Harbor, Recreation and Conservation District
 (707) 443-0801
 P.O. Box 1030
 Eureka, California 95502-1030



STAFF REPORT – HARBOR DISTRICT MEETING
January 24, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: January 17, 2019

TITLE: Update of the January 2019 Shoaling Conditions Near the Entrance to Humboldt Bay

STAFF RECOMMENDATION: Staff recommends the Board: Receive an update on the shoaling conditions and provide direction as appropriate.

BACKGROUND: The Humboldt Bay Bar Pilots conducted an unofficial survey on Friday, January 11th aboard the District's Port Authority Boat and found areas of shoaling north of centerline in the Entrance Channel. Depths of approximately 38 feet were found near the beginning of the dolosse which prompted a 34 foot draft restriction, based on a +6 foot tide, until official soundings are performed. During the unofficial survey, the Pilots identified an additional area of concern on the corner of the Entrance Channel near the buoy 9 location. Buoy 9 is missing from its station as a result of one of the earlier storms and has been recovered by the Coast Guard. Depths of approximately 20-22 feet were found in this location impeding east side of the channel. Humboldt Bay Commercial Fisherman and other mariners have reported unsafe conditions. On Thursday, January 17, the Coast Guard closed Humboldt, Noyo, and Crescent City Harbors due to sever winter storm conditions.

DISCUSSION: Humboldt Bar Pilots and District Staff contacted the U.S. Army Corps of Engineers (USACOE) and requested that they come to Humboldt Bay and conduct an official survey as soon as possible. USACOE responded rapidly and stated that they would schedule the survey for mid February pending weather conditions. The USACOE is scheduled to dredge the bar and entrance channel with the regional hopper contract beginning in early June. California Redwood Co. has a vessel due to arrive in late February and the survey is needed to confirm its arrival and maximum departing draft.

The Humboldt Bay Harbor Safety Committee received testimony on the unsafe conditions from commercial fisherman, fuel barge, commercial shipping Harbor District and Coast Guard personnel. Attached are letters from Chairman of the Harbor Safety Committee and the President of the Humboldt Fisherman's Marketing Association.

The shoaling and associated harbor safety and draft restrictions continue to be an ongoing problem. There have been numerous reports prepared concerning Humboldt Harbor and Bay and it is sometimes useful to review these historical documents to reconsider previous potential solutions and identify new solutions based on updated information, technology, and hard/soft engineering strategies in other areas. The attached report states that the severity of the shoaling has ranged from 18 feet to 33 feet depending on the severity of the shoaling. A variety of measures have been considered to reduce the ongoing shoaling problem and a brief description of 11 alternatives. The report considered conducting a feasibility study to focus on identifying realistic solution.

ATTACHMENTS:

- A. January 17, 2019 letter from the Chairman of the Harbor Safety Committee
- B. January 15, 2019 letter from the President of the Humboldt Fisherman's Marketing Association
- C. January 18, 2019 Letter from the County of Humboldt requesting Emergency Dredging.
- D. 2005 Analysis Humboldt Bay Long Term Sediment Management Study



January 17, 2019

Dear Mike Wilson,

Due to extremely **life threatening** conditions at Rock & Roll Alley in Humboldt Bay between buoy #9 (off-station) and #10 caused by shoaling, it is extremely urgent that we receive a letter from Humboldt County Board of Supervisors addressed to the United States Army Corps of Engineers and the Humboldt Bay Harbor District. Unlike in past years, the shoaling conditions are not just impacting the commercial shipping aspect of our area, but also will impact the commercial fishing fleet and fuel barging. We are willing to attend Supervisor meetings or meet with you in person if necessary. Again, I would like to stress that this could close down Humboldt Bay to not only commercial shipping, receiving fuel, commercial fishing, sport fishing, and recreational use as well as compromising the use of this port as a safe haven. In my career of over a half a century in Humboldt Bay I have never seen conditions this serious.

Please send your letters to:

Jessica.L.BurtonEvans@usace.army.mil

Peter.Mull@usace.army.mil

And CC:

Showser@humboldt看.org

Jgennuso@humboldt看.org

A handwritten signature in black ink, appearing to read 'Leroy Zerlang', is written over a horizontal line.

Leroy Zerlang

Zerlang & Zerlang Marine Services

Chairman, Humboldt Bay Harbor Safety Committee

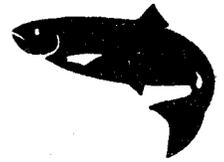
HUMBOLDT FISHERMEN'S MARKETING ASSOCIATION, INC.



3 Commercial Street
Eureka, California 95501-0241

(707) 443-0537

FAX (707) 443-1724



January 15, 2019

Re: Dangerous Shoaling in the Eureka Harbor Entrance

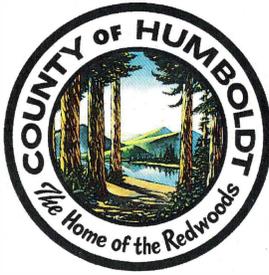
Humboldt Fishermen's Marketing Association is writing to request emergency action by the Army Corps of Engineers to remedy or modify dangerous shoaling conditions which have developed inside the harbor entrance of Humboldt Bay, California.

Shoaling has increased to such a degree during the past weeks as to present a life threatening hazard to all vessels entering and exiting Humboldt Bay. This includes a barge which supplies fuel to our port. Dungeness crab fishing season is literally days from opening, there are many fishing vessels that are entering this port with little local knowledge. We are convinced that vessel loss and potential loss of life due to this hazard is a strong probability. Navigational aid "G-9" is not only off-station, it is missing due to the extreme sea conditions at this location. An immediate emergency response by the Army Corps would be essential in restoring safe navigation for all vessels traversing Humboldt Bay. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Ibach", written over a horizontal line.

Harrison Ibach, President
Humboldt Fishermen's Marketing Association
On Behalf of Fishermen in the Port of Eureka



**COUNTY ADMINISTRATIVE OFFICE
COUNTY OF HUMBOLDT**

825 5th Street, Suite 112, Eureka, CA 95501-1153
Telephone (707) 445-7266 Fax (707) 445-7299
cao@co.humboldt.ca.us

Jan. 18, 2019

Delivered via email

Jessica Burton Evans
U.S. Army Corps of Engineers
1455 Market St.
San Francisco, CA 94103
Jessica.l.burtonevans@usace.army.mil

Re: Support from the Army Corps of Engineers

On behalf of the Humboldt County Board of Supervisors, I am writing to respectfully request the emergency dredging of Humboldt Bay. Strong recent storms have affected the Northern California coast, creating dangerous conditions for all vessels entering and exiting the Humboldt Bay Federal Channel, including fuel barge.

Shoaling has increased to such a degree that it prompted depth restrictions, and the US Coast Guard closed our harbor due to severe winter storm activity. Dungeness crab season is set to open off our coast soon, and because other areas remain closed many fishing vessels are entering this port without local knowledge, increasing the hazard around the channel. Safety of these and other vessels is the primary concern, as well as the risk to loss of business and fuel.

We recognize that over the years Corps of Engineers has been an outstanding partner for Humboldt County and we value all the efforts to help develop and maintain our port infrastructure and channels upon which our shipping industry and local economy are so dependent. Currently, the Corps is scheduled to dredge the channel in June. Considering the abnormal circumstances and the threat the current shoaling situation poses to our area, the county respectfully requests that dredging be moved up as early as possible. We appreciate your consideration for this request.

Sincerely,

Amy Nilsen
County Administrative Officer
County of Humboldt

cc: Humboldt County Board of Supervisors
Humboldt Bay Harbor, Recreation, and Conservation District
Waterman & Associates
Congressman Jared Huffman
Senator Dianne Feinstein
Senator Kamala Harris

SECTION 905(b) (WRDA 86) ANALYSIS
HUMBOLDT BAY LONG-TERM SEDIMENT MANAGEMENT STUDY
(CWIS #081540; P2 Project #105098)

1. STUDY AUTHORITY

a. This study is authorized by Section 216 of the 1970 Flood Control Act, which reads:

“The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due to significant changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest.”

The changed physical conditions that are being investigated in this study are the causes of the unanticipated shoaling in the Humboldt Channels, which is the basis for the Section 216 study.

b. The completed construction project authority was provided in Section 101.a.2 of WRDA 1996 (Water Resources Development Act of 1996, PL 104-303, 12 October 1996), which reads:

“The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of \$15,180,000, with an estimated Federal cost of \$10,000,000 and an estimated non-Federal cost of \$5,180,000.”

c. Funding in the amount of \$100,000 was appropriated in the Energy and Water Development Appropriations Act of 2004, to conduct the reconnaissance phase of the study.

2. STUDY PURPOSE

The purpose of the analysis is to determine if there is a Federal interest in participating in a cost-shared feasibility study to provide navigation improvements to Humboldt Harbor and Bay, specifically to address the changed conditions (i.e., shoaling) in the Bar and Harbor Entrance and North Bay Channels. The analysis has resulted in the finding that there is a Federal interest in continuing the study into the feasibility phase.

3. LOCATION OF STUDY, NON-FEDERAL SPONSOR AND CONGRESSIONAL DISTRICTS

a. The study area is located in Humboldt County on the coast of Northern California, approximately 225 nautical miles north of San Francisco. (Attachment 2 – Location Map).

b. The non-Federal sponsor for the feasibility phase of the study is the Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD), located in Eureka, California.

c. The study area lies within the jurisdiction of the following California Congressional District: 1st District, Representative Mike Thompson.

4. PRIOR REPORTS AND EXISTING PROJECTS

a. Previous Reports: There have been numerous reports prepared concerning Humboldt Harbor and Bay. In addition to previous reports, which will be reviewed as part of this study, the most recent report, prepared in 1995, is listed below:

(1) Humboldt Harbor and Bay (Deepening) Final Feasibility Report and Environmental Impact Statement/Report for Navigation Improvements, Humboldt County, California, dated April 1995, prepared by the U.S. Army Corps of Engineers, San Francisco District and the Humboldt Bay Harbor, Recreation, and Conservation District. The project consists of the following: deepening the Bar and Entrance Channels and “Middle Ground Area” of North Bay Channel to a depth of 48 feet MLLW; deepening the North Bay, Samoa Channel, and Samoa Turning Basin to 38 feet MLLW; widening the Entrance Channel on the north side of the channel from the jetty heads through the “middle ground” to the turn into the North Bay Channel (this widening ranges from a maximum of 275 feet in the Entrance Channel to 200 feet in the “middle ground” area); moving of Entrance Channel edge north and away from the South Jetty by 100 feet; and widening and realigning the Samoa Turning Basin entrance. The purpose of the project is to improve efficiencies in navigation and provide safer channels for existing deep-draft vessels calling at the harbor. The project consists of dredging the above navigation channels, and the disposal of the dredged material as follows: approximately 6.5 million cubic yards of dredged material in the Pacific Ocean at the designated Section 102 Humboldt Open Ocean Disposal Site (HOODS). (See Attachment 3 – Existing Navigation Project Map.)

b. Existing Projects: This study is investigating potential modifications of the Bar and Entrance Channel, existing Federally authorized and maintained navigation channels in Humboldt Bay. (Past studies and projects are shown in Attachment 1.)

5. PLAN FORMULATION

a. Identified Problems:

(1) Existing Conditions: Humboldt Harbor is the only deepwater port between San Francisco, 225 nautical miles to the south, and Coos Bay, Oregon, 156 nautical miles to the north. Surrounded by some of the most productive timber in the world, the primary cargo such as wood pulp, wood chips, lumber, particleboard, and logs, amount to approximately 1.1 million tons annually. About two-thirds of the tonnage is exported to domestic markets such as San Francisco and Los Angeles.

Moderate winter storms have created dangerous shoaling spots as streams of sand flow upward from the entrance of the ship channel. This shoaling not only creates shipping hazards (one vessel, the *Curie*, actually grounded in November 1999, and sustained \$2.3 million in business losses alone), but has forced the Humboldt Bar Pilots to impose restrictions on vessel drafts. Depending on the severity of shoaling, these restrictions have ranged from 18 to 33 feet, far less than the authorized depth of 48 feet MLLW. When faced with such restrictions, vessels end up transiting the channel partially loaded, incurring extra transportation costs. Furthermore, the Harbor District has been forced to perform emergency dredging of the affected areas, which cost \$60,000 to \$90,000 a day. The shoaling problem is most severe toward the early spring, just before the scheduled maintenance dredging is performed.

The problem is the restricted depth in the Bar and Entrance Channel and North Bay Channel for up to six months of the year. The channels are usually dredged in early spring, but winter storms cause the channels to excessively shoal, resulting in depth restrictions on vessels until the next maintenance dredging in the following spring.

Based on upon an analysis conducted by the Water Resources Section in 2004, it was anticipated that an increase in dredging volume of approximately 20% to 40% due to channel deepening would occur, however, a dredging volume increase on the order of 200% has actually occurred. The increase in dredging volume is much greater than predicted in earlier analysis, and can not be explained by the channel deepening alone which indicates that other mechanisms need to be studied and more refined analyses need to be conducted.

The Corps of Engineers, San Francisco District (Corps) conducts bi-annual maintenance dredging in Humboldt Harbor every year. Prior to the completion of Humboldt Harbor and Bay Deepening Navigation Project in May 2000, there were spring and fall maintenance dredging activities during which the Interior Channels were dredged in the Spring, and the Bar and Entrance Channels in the Fall. The current maintenance dredging activity consists of

maintenance dredging of the North Bay, Eureka, Samoa, and Field's Landing Channels in March/April, and maintenance dredging of a portion of the Bar and Entrance Channels not only in March/April, but also in a time period anywhere from July to November.

A visual inspection was made of the April-May 2003 (pre-dredge), September 2003 (post-dredge), and January 2004 (pre-dredge) condition surveys for the Bar and Entrance Channel and the North Bay Channel (up through the Middle Ground area). Comparing the pre-dredge 2003 and the pre-dredge 2004 surveys indicates that the shoaling in 2004 was reduced for both the Bar and Entrance Channel and North Bay Channel. However, for the 2004 survey over half of the areas for both channels was still above the 48-foot MLLW authorized channel depth. Comparing the post-dredge 2003 survey and pre-dredge 2004 survey indicates that over half the Bar and Entrance Channel area has shoaled above the authorized 48-foot MLLW channel depth between dredging events. The North Bay Channel has also shoaled significantly, but it is hard to judge the amount of shoaling for the Middle Ground area, as the post-dredge survey was already above the authorized channel depth. (Note: Most of the shoaling in the Middle Ground area occurred prior to the post-dredge 2003 survey.) The visual inspections of these three surveys are summarized in the Table 1.

TABLE 1 -SUMMARY OF SURVEY INSPECTIONS

Survey	Dates	Bar & Entrance	North Bay
Pre-dredge 2003	25-30 Apr & 3, 20-24 May 2003	Over 50% of the channel is above 48' MLLW depth.	About 50% of the channel is above 48' MLLW depth.
Post-dredge 2003	26-29 Sep 2003	Over 90% of the channel is below the 48' MLLW depth.	Over 70% of the channel is below 48' MLLW, but the area of the bend in the Middle Ground is predominantly above 48' MLLW.
Pre-dredge 2004	29 Jan & 7 Feb 2004	Over 50% of the channel is above 48' MLLW.	Over 50% of channel is above 48' MLLW; large shoals along North Jetty side of channel and in the Middle Ground bend area.

Note: Authorized depth is 48 feet MLLW; authorized overdepth is 2 feet.

A review of the pre-dredge 2003, post-dredge 2003, and pre-dredge 2004 condition surveys for the Bar and Entrance Channel and the North Bay Channel (up through the Middle Ground area) reveal that over half of the channels' areas have shoaled above the authorized depth of 48 feet MLLW between maintenance dredging events. The magnitude of the shoaling for both the Bar and Entrance and North Bay Channels is predominantly less than 5 feet (i.e., channel depth of 43 feet MLLW or deeper), with the greatest shoaling located along the sides of the channel.

(2) Future Without Project Condition Assumptions.

We assumed that the Bar Pilots and the Harbor District would continue to address the shoaling problem by imposing draft restrictions as they had over the past several winters. The restrictions ranged from 18 feet to 33 feet, depending on the severity of the shoaling. Draft restrictions would result in increased shipping inefficiencies, particularly for the largest vessels. Under the most likely restriction scenario (defined as the average of the most recent restrictions) of 30 feet MLLW, the subsequent inefficiencies can range from \$657,000 to \$2.6 million, depending on vessel traffic and when the restrictions are imposed. The Preliminary Economic Analysis (Attachment 4) presents the logic in computing the economic inefficiencies associated with draft restrictions.

b. Public Concerns: A number of public concerns have been identified during the course of the reconnaissance study. Initial concerns were expressed in the study authorization. Additional input was received through coordination with the sponsor, and some initial coordination with other agencies. The public concerns that are related to the establishment of planning objectives and planning constraints are:

A safe entrance for all ocean-going vessels is essential to the local economy. Humboldt Harbor is already known as a treacherous entrance even before the shoaling problem started. Two factors contribute to making the entrance dangerous: 1) the semi-permanent sand bar in/near the entrance, and 2) the large waves.

The measured channel depths for the Bay and Entrance and North Bay Channels ranged from 65 feet MLLW to 39 feet MLLW in 2004 and 65 feet MLLW to 26 feet MLLW in 2003. The maximum shoaling for 2004 was approximately 10 feet.

c. Problems and Opportunities:

(1) Problems:

(a) Shoaling in the Humboldt Harbor and Bay between November and early April impedes navigation by reducing channel depth, preventing large draft (primarily those greater than 30 feet) vessels from entering the harbor and/or reducing the tonnage such vessels can transport resulting in loss of production and greater transportation costs.

(b) Shoaling in the Humboldt Harbor and Bay between November to April can result in ship groundings, resulting in damage to vessels, costs of recovery, and potential risk to human life and safety. The shoaling problem occurs mainly in the winter and early spring, but affects port operations throughout the year.

(2) Opportunities: There is an opportunity to reduce the potential for ship groundings during the winter and early spring months (November through April).

e. Planning Objectives: The planning objective is to reduce the year-round economic impacts to commercial navigation caused by shoaling in the Federal navigation channels in Humboldt Harbor and to evaluate potential restoration of seagrass beds within the Bay.

f. Planning Constraints: Planning constraints identified in this study are 1) not adversely impact other maritime uses of Humboldt Bay and Harbor; and 2) comply with existing laws, policies and guidance.

g. Preliminary Measures to Address Identified Planning Objectives: A variety of measures were considered; a description and preliminary evaluation are presented below:

(1) No Action: The No Action alternative assumes that shoaling would continue to be a problem in Humboldt Harbor and Bay for up to six months of the year (during the winter and early spring months), which restricts the vessels entering and leaving the Harbor.

(2) Structural: Ten structural measures have been identified and are described in more detail in the discussion of preliminary plans below.

(3) Non-structural Measures: Two non-structural measures were considered: a) use of alternate ports, and b) livery. The use of alternate ports is not considered a feasible alternative due to the distance from Humboldt Bay; and livery is not considered a feasible alternative due to the wave climate.

h. Preliminary Plans: Preliminary plans are comprised of one or more management measures. The descriptions and results of the evaluations of the preliminary plans that were considered in this study are presented below.

The alternatives to reduce shoaling of the Bar and Entrance Channel and other affected inner channels at Humboldt Bay and thereby provide all-weather channels (i.e., channels that remain at or below their authorized channel depth for the entire time period between dredging cycles (usually one year)) were developed based upon the March 16, 2004 meeting with the Port of Humboldt, Bar Pilots, tug captains, and the Westfall Stevedore Company, review of the Santa Cruz Harbor Shoaling Study (USACE 1992), and discussions with other coastal engineers and Humboldt Shoaling Project Delivery Team (PDT) members. The resulting eleven alternatives are believed to be inclusive of all technically realistic alternatives to reduce shoaling without consideration of other external factors (such as costs, environmental effects, political decisions, or public opinion). These alternatives can be conveniently categorized into three groups based upon how they reduce shoaling, which coincidentally relates to

whether a hard structure or dredging is used in the alternative: (a) sediment removal alternatives (dredging); (b) sediment blocking alternatives (coastal structures); or, (c) combination of (a) and (b). The alternatives are presented based on category, but in no particular order of importance. Note that all of these alternatives assume that the annual maintenance dredging at Humboldt would continue and these alternatives are meant to supplement the existing dredging and hopefully either stabilize or reduce the amount of maintenance dredging needed at Humboldt. These alternatives are as follows:

(1) Sediment Blocking Alternatives (Coastal Structures):

(a) Alternative 1 – Groins. The groin alternative to reduce shoaling at Humboldt is to place a groin of appropriate size on the South Spit, which would trap sufficient sediment to ensure that the channels remain at their authorized depths for a number of years. Groins are shore-perpendicular structures that block the longshore transport of sediment, which results in the build-up of a beach on the updrift side of the groin and a reduction of sediment on the downdrift side. Groins are usually constructed either as a sheetpile (not recommended for Humboldt as they would be difficult to construct and very expensive due to the large wave forces experienced at Humboldt) or as a rubble mound of appropriately sized stone for the wave climate at the site (recommended for Humboldt). Rubble-mound groins would be easier to construct, and therefore less expensive, and can withstand the wave forces at Humboldt.

(b) Alternative 2 – Artificial Reef (Submerged Offshore Groin). The artificial reef alternative to reduce shoaling at Humboldt is to place an artificial reef (or submerged offshore groin) of appropriate size offshore of the South Spit, which would trap sufficient sediment to ensure that the channels remain at their authorized depths for a number of years. The most likely construction method for this alternative would be a submerged rubble-mound groin, or a combination of man-made objects with rubble placed to fill in the gaps between objects. This alternative reduces shoaling in the channels the same way that the groin alternative does, by trapping sediment before it reaches the channel.

(c) Alternative 3 – Spur (Wing) Jetties. The spur jetties alternative to reduce shoaling at Humboldt is to construct spur jetties of appropriate size near the heads of the North and South Jetties to deflect sediment into deeper water where it would not enter the entrance channel and thereby ensure that the channels remain at their authorized depths. Spur (or wing) jetties are constructed off of the main jetties to deflect sediment away from the entrance channel and into deeper water, where it would not circulate back into the channel.

(d) Alternative 4 – Extension of the South Jetty. The South Jetty extension alternative to reduce shoaling at Humboldt is to extend the jetty in the west to southwest direction to block sediment from entering the entrance channel and

possibly deflect the sediment into deeper water where it would not enter the entrance channel and thereby ensure that the channels remain at their authorized depths. Extensions to jetties and breakwaters have been used on other Corps projects to reduce shoaling into the entrance channel (e.g., West Breakwater at Pillar Point Harbor, California). The extension reduces shoaling within the entrance channel by blocking the sediment against the extension. Eventually, the sediment would migrate around the extension and into the channel and would have to be dredged.

(2) Sediment Removal Alternatives:

(a) Alternative 5 – Advance Maintenance Dredging. The Advance maintenance dredging alternative to reduce shoaling at Humboldt would require that the channels be deepened, the side slopes flattened, and the shoal near the tip of the South Jetty be removed to ensure that the channels remain at their authorized depths on an annual basis. Advance maintenance dredging could be used to reduce shoaling and provide for all-weather channels by dredging deeper than is normally done for maintenance dredging at Humboldt, so that the channels do not shoal past their authorized depths on an annual basis.

Advance maintenance dredging could be accomplished on an as-needed basis, but most likely it would occur on an annual basis. Advance maintenance dredging usually occurs in the authorized channel, but if there is a shoaled area next to the channel that will most likely cause increased shoaling within the channel, then this area also can be dredged under advance maintenance dredging.

(b) Alternative 6 – Winter Dredging Cycle. Dredging at Humboldt could be delayed to start after the first major winter storm and thereby increase the amount of time that the channels remain at their authorized depths. However, this alternative alone would not guarantee all-weather channels at Humboldt, as the channels would continue to shoal after the winter dredging has been completed. The winter dredging cycle alternative to reduce shoaling at Humboldt would delay maintenance dredging to start after the first winter storm and extend the amount of time the channels remain at their authorized depths.

(c) Alternative 7 – Year-Round/Episodic Dredging Cycle. The year-round/episodic dredging cycle alternative to reduce shoaling at Humboldt would require that a new dredge be permanently stationed at Humboldt, the regular maintenance dredging would be done by the existing dredges, and the permanently stationed dredge would be used for spot maintenance of the bar and entrance channel and inner channels, thereby ensuring that the channels remain at their authorized depths on an annual basis.

(d) Alternative 8 – Channel Realignment. The channel realignment alternative to reduce shoaling at Humboldt would require that the existing channels be modified by dredging to optimize the natural hydraulic flushing of the tidal currents, thereby reducing the amount of dredging necessary to maintain the channels at their authorized depths on an annual basis. Realignment of the channels would consist of relocating the thalweg of the channel by dredging the appropriate areas to establish the existing channel cross-section in a new location.

(e) Alternative 9 – Sand Bypassing. The sand bypassing alternative to reduce shoaling at Humboldt would require the installation of a sand bypassing system near the end of the South Jetty, with the dredged material pumped to the North Spit beaches, thereby reducing the amount of dredging necessary to maintain the channels at their authorized depths on an annual basis. Sand bypassing consists of placing a fixed or mobile dredging plant at a shoaled area and pumping the dredged material onto the downdrift feeder beach.

(f) Alternative 10 – Sediment Trap. The sediment trap alternative to reduce shoaling at Humboldt Bay would require a sediment trap being dredged near the South Jetty, with periodic dredging of the sediment trap once it reaches its capacity, thereby reducing the amount of dredging necessary to maintain the channels at their authorized depths on an annual basis. Sediment traps are large pits dug into the seafloor to capture sediment before it reaches the navigation channel. The sediment trap is then periodically dredged when it fills up its capacity. (Note: The difference between a sediment trap and advance maintenance dredging is the sediment trap is a permanent authorized area of fixed dimensions that can not be changed without a change in the authorization, while advance maintenance dredging can be changed on an annual basis.)

(3) Combination Alternative:

(a) Alternative 11 – Offshore Breakwater with a Sediment Trap. This alternative is the same as the above sediment trap alternative (Alternative 10) with the addition of a shore-parallel breakwater. The breakwater provides two added benefits to the sediment trap alternative: 1) it provides a calm area for the dredges when they are dredging out the sediment trap; and 2) it reduces the amount of shoreward cross-shore sediment transport into the sediment trap.

(4) Other Combinations: Numerous combination alternatives could be developed based upon the previous singular alternatives. None of these additional combination alternatives are presented here, as they do not add any new design elements. Further development and evaluation of combination alternatives would be deferred until the feasibility phase, after the elimination of any unrealistic alternatives.

i. Preliminary Plans Eliminated from Further Consideration: Alternative 9 (Sand Bypassing) has also been eliminated from further consideration as it would be very expensive to construct and maintain in the big wave climate and sediment volume at Humboldt.

j. Preliminary Plans For Further Consideration: The Sediment Blocking Alternatives (Coastal Structures)(Alternatives 1 through 4) are carried forward for further study. It should be noted that Alternatives 1 through 4 could potentially result in starving the North Spit of sand, and more sand would be needed on the North Spit for beach nourishment, thereby resulting in additional impacts and costs, which would be studied further in the feasibility phase. The Sediment Removal Design Alternatives (Dredging) (Alternatives 5 thru 8, and 10) are carried forward for further analysis. Possible impacts identified include impacts to eel grass beds and erosion problems; these potential impacts will be studied further in the feasibility phase. Alternative 11 (Offshore Breakwater with a Sediment Trap) is also carried forward for further study in the feasibility phase.

k. Conclusions from the Preliminary Screening: There are a number of potentially technically viable solutions to the excessive shoaling problem at Humboldt Bay that could be further investigated during the feasibility phase of this project. Based on this preliminary Section 905(b)-level investigation, it is determined that there are sizeable inefficiencies given the shoaling problems and that Federal participation is warranted. Projects such as Alternative 9 (Sand Bypassing) may be cost-prohibitive as it would be very expensive to construct and maintain in the big wave climate and sediment volume at Humboldt. Even minor improvements such as extending the number of dredging days or altering the maintenance dredging schedule could offer economic benefits.

l. Establishment of a Plan Formulation Rationale: The conclusions from the preliminary screening form the basis for the next iteration of the planning steps that would be conducted in the feasibility phase. The likely array of alternatives that would be considered in the next iteration includes the Sediment Blocking Alternatives, and the Sediment Removal Alternatives (with the exception of Alternative 9 – Sand Bypassing). Future screening and reformulation would be based on, but not limited to, the following factors: environmental factors (e.g., impacts to eelgrass beds, dredged material disposal concerns), public concerns, benefits and costs.

6. FEDERAL INTEREST

Since providing navigation improvements to Humboldt Harbor and Bay is an output with a high budget priority and that navigation improvement is the primary output of the alternatives to be evaluated in the feasibility phase, there is a strong Federal interest in conducting the feasibility study. Based on the preliminary screening of alternatives, there appears to be potential project alternatives that would be consistent with Army policies and could have adequate

benefits and acceptable costs and environmental impacts. There are several alternative plans that appear likely to produce navigation benefits in excess of project costs, such as the advanced maintenance dredging alternative which has a preliminary project cost ranging from \$1 million to \$9 million, and the channel realignment alternative which has a preliminary project cost ranging from \$600,000 to \$1.8 million. (Note: These preliminary project costs estimates are based on experience with similar projects and do not include any real estate costs; these costs will be obtained during the feasibility phase.) The preliminary estimated navigation benefits could support a project cost of about \$10 million to \$20 million.

7. PRELIMINARY FINANCIAL ANALYSIS

As the local sponsor, the Humboldt Bay Harbor, Recreation and Conservation District, would be required to provide 50 percent of the cost of the feasibility phase. The local sponsor is also aware of the cost-sharing requirements for potential project implementation. A Letter of Intent from the local sponsor stating a willingness to pursue the feasibility study is included as Attachment 5.

8. ASSUMPTIONS AND EXCEPTIONS

a. Future Without Project Condition Assumptions: It is assumed that the Bar Pilots and the Harbor District would continue to address the shoaling problem by imposing draft restrictions as they had over the past several winters. Restrictions ranged from 18 feet to 33 feet, depending on the severity of the shoaling. Draft restrictions would result in increased shipping inefficiencies, particularly for the largest vessels.

b. Policy Exceptions and Streamlining Initiatives: The study would be conducted in accordance with the Principles and Guidelines and the Corps of Engineers regulations. No exceptions to established guidance have been identified that would streamline the feasibility study process that would not adversely impact the quality of the feasibility study. Approval of the Section 905(b) Analysis by Corps of Engineers, South Pacific Division, does not result in the approval of any policy exceptions or streamlining initiatives.

9. FEASIBILITY PHASE MILESTONES

Milestone	Description	Duration (months)	Cumulative (months)
Milestone F1	Initiate Study	0	0
Milestone F2	Public Workshop/Scoping	2	2
Milestone F3	Feasibility Scoping Meeting	6	8
Milestone F4	Alternative Review Conference	9	17
Milestone F4A	Alternative Formulation Briefing	5	22
Milestone F5	Draft Feasibility Report	3	25
Milestone F6	Final Public Meeting	1	26
Milestone F7	Feasibility Review Conference	1	27
Milestone F8	Final Report to SPD	3	30
Milestone F9	DE's Public Notice	1	31
-	Chief's Report	4	35
-	Project Authorization	4	39

10. FEASIBILITY PHASE COST ESTIMATE

WBS#	DESCRIPTION	COST
JAA00	FEAS-SURVEYS & MAPPING (EXCEPT REAL ESTATE)	\$100,000
JAB00	FEAS-HYDROLOGY & HYDRAULICS STUDY/REPORT (COASTAL)	300,000
JAC00	FEAS-GEOTECHNICAL STUDIES/REPORT	550,000
JAE00	FEAS-ENGINEERING & DESIGN ANALYSIS REPORT	100,000
JAG00	FEAS-GIS MAPPING	50,000
JB000	FEAS-SOCIOECONOMIC STUDIES	60,000
JC000	FEAS-REAL ESTATE ANALYSIS/REPORT	60,000
JD000	FEAS-ENVIRONMENTAL STUDIES/REPORT (EXCEPT USF&WL)	250,000
JE000	FEAS-FISH & WILDLIFE COORDINATION ACT REPORT	80,000
JF000	FEAS-HTRW STUDIES/REPORT	50,000
JG000	FEAS-CULTURAL RESOURCES STUDIES/REPORT	30,000
JH000	FEAS-COST ESTIMATES	60,000
JI000	FEAS-PUBLIC INVOLVEMENT DOCUMENTS (INCLUDES STRATEGIC COMMUNICATIONS)	50,000
JJ000	FEAS-PLAN FORMULATION & EVALUATION	160,000
JL000	FEAS-FINAL REPORT DOCUMENTATION	50,000
JLD00	FEAS-TECHNICAL REVIEW DOCUMENTS	61,000
JM000	FEAS-WASHINGTON LEVEL REPORT APPROVAL (REVIEW SUPPORT)	50,000
JP000	PROJECT MANAGEMENT & BUDGET DOCUMENTS	150,000
JPB00	SUPERVISION & ADMINISTRATION	100,000
JPC00	CONTINGENCIES	150,000
L0000	PROJECT MANAGEMENT PLAN (PMP)	50,000
Q0000	PED COST SHARING AGREEMENT	20,000
X0000	FEAS-VALUE ENGINEERING ANALYSIS	50,000
TOTAL		\$2,570,000

11. VIEWS OF OTHER RESOURCE AGENCIES

Because of the funding and time constraints of the reconnaissance phase, only limited and informal coordination has been conducted with other resource agencies. The U.S. Fish and Wildlife Service, in response to the Humboldt Harbor and Bay Deepening Feasibility Report, in 1995, stated that the project was not likely to adversely affect wildlife and plant species. Consultation with the U.S. Fish and Wildlife Service will be conducted during the feasibility study phase.

12. POTENTIAL ISSUES AFFECTING INITIATION OF FEASIBILITY PHASE

Continuation of this study into the cost-shared feasibility phase is contingent upon an executed Feasibility Cost Sharing Agreement (FCSA). Failure to achieve an executed FCSA within 18 months of the approval date of the Section 905(b) Analysis would result in termination of the study. No issues that could impact the initiation of the feasibility phase have been identified at this time.

The schedule for signing the FCSA is May 2005. Based on the schedule of milestones in Paragraph 9, completion of the feasibility report would be in December 2007, with a potential Congressional Authorization in a WRDA 2008.

13. STUDY AREA MAP

A map of the study area is attached (Attachment 3).

14. RECOMMENDATIONS

I recommend that the Humboldt Bay Long-Term Sediment Management Study proceed into the feasibility phase.

Date: _____

PHILIP T. FEIR
LTC, EN
Commanding

Attachments

Attachment 1- Past Studies and Projects

Attachment 2 – Location Map

Attachment 3 – Existing Navigation Project Map

Attachment 4 – Preliminary Economic Analysis

Attachment 5 – Letter of Intent

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STAFF REPORT – HARBOR DISTRICT MEETING
January 24, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: January 17, 2019

TITLE: Review of Ordinance No. 16 Pilotage. An Ordinance Establishing Standards, Policies and Practices for Pilot Competency, Qualification, Profession Growth and Enforcement

STAFF RECOMMENDATION: Staff recommends the Board: Review Ordinance No. 16.

BACKGROUND: The State of California through the Harbors and Navigation Code, delegated to the HBHRCD authority to provide for, supervise and license bar pilots operating out of Humboldt Bay. Ordinance NO. 16 outlines the District's regulations regarding Pilots. Due to sever declines in ship traffic, the privately held Humboldt Bar Pilot's Association was dissolved in 2006 and Captain John Powell and Captain Tim Petruscha became employees of the District. In 2014 an agreement was reached where Captain Powell retired from the District and operated as a sole proprietary operation called Humboldt Bay Pilots. Captain Petruscha, continued employment with the District, providing secondary bar pilot services to maintain his certification and license. In January 2019, Captain Petruscha ended his employment with the District and Intends to operate as a private Pilot on Humboldt Bay.

DISCUSSION: The purpose of this Staff Report is to inform the Board that we are currently operating out of compliance of Ordinance NO. 16 as Section 2.1 among other requirements specifies that Pilots must:

- Pilots must possess both a federal Pilot's license and a HBHRCD Pilot's license.
- Pilots must be members of the Humboldt Bar Pilots Association.
- There shall be a minimum of two Pilots.
- Pilot shall work ships on a rotational basis

When Captain Petruscha ended his employment with the District, the noncompetition and some of the other intended purposes of the requirement to be members of the Humboldt Bar Pilots Association have come into question. Both Pilots have expressed their intention to reform the Association as a privately held enterprise. The next ship is scheduled to arrive in mid February, and in compliance with State law we will continue to supervise the Bar to ensure that they are operating in compliance with Ordinance 16 before the ships arrival.

Section 1.2 b. of Ordinance No. 16 defines “Humboldt Bar Pilots Association: A partnership of individuals licensed to perform pilotage in Humboldt Bay. This partnership was formed in 1965 to unify Pilots and bring competition between pilots to an end.”

According to the American Pilots Association, the typical licensed pilot in the U.S. is the most highly trained mariner in the world. Pilots have either extensive deep sea or tug experience before they enter pilots training and apprenticeship programs. Once a pilot receives a license, he or she undergoes regular continuing training, including training in bridge resource management for pilots, emergency ship handling, and new navigation technology, as well as other types of instruction and practice on full mission bridge simulators and manned models. Humboldt Bay is fortunate to have two Pilots with the experience, skill and temperament of Captain Powell and Captain Petrusha.