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

DATE:       June 25, 2015
TIME:       Executive Closed Session - CANCELLED
                         Regular Session – 6:00 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 Regular Session at 6:00 P.M. and Roll Call

2. Pledge of Allegiance

3. Report on Executive Session

4. 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.

5. Consent Calendar
   a. Consideration of approval of minutes from the December 4, 2014 Board Meeting.

6. Communications and Reports
   a. Executive Directors Report
      • Green Diamond Road and Right of Way Easement and Red Tank Fire System MOU
      • Samoa Wood Pellets ERTN
   b. Staff Reports
   c. District Counsel, District Planner and District Treasurer Reports
   d. Commissioner and Committee Reports
   e. Other

7. Non Agenda

8. Unfinished Business
   a. Public Hearing and First Reading of 2015/16 Budget.

9. New Business
   a. Consideration of California Maritime Infrastructure Authority membership.
   b. Second Reading and Adoption of Ordinance No. 19, Right to Fish Ordinance
   c. Consideration of adoption of Resolution 2015-12, a Resolution to enter into a contract and accept funds from the California Department of Fish and Wildlife for Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area.
d. Consideration of adoption of Resolution 2015-13, which establishes findings relative to the application by the Humboldt Bay Harbor, Recreation and Conservation District for a hagfish holding facility at Redwood Marine Terminal Berth 1 (Redwood Dock).

e. Consideration of granting Permit 15-04 to the Humboldt Bay Harbor, Recreation and Conservation District for a hagfish holding facility at Redwood Marine Terminal Berth 1 (Redwood Dock).

f. Consideration of providing public notification prior to use of herbicides associated with the Humboldt Bay Regional Invasive Spartina Eradication Project.

g. Consideration of providing portable toilets at various locations to protect Humboldt Bay's water quality - Commissioner Marks.

h. Discussion of California Association of Port Authorities member cost and insurance.

10. Administrative and Emergency Permits

11. Adjournment
PRESENT:

Commissioner Newman
Commissioner Marks
Commissioner Wilson
Commissioner Higgins

ABSENT:

Commissioner Dale

President Marks called the Executive Closed Session to order at 6:05 p.m.

President Marks adjourned the Executive Closed Session at 6:50 p.m.

President Marks called the regular meeting of the Board of Commissioners to order at 7:01 p.m.

President Marks led those present in the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Status of Conference with Real Property Negotiators: DG Fairhaven ocean outfall use agreement; Exclusive Right to Negotiate with Renewable Energy Technologies, LLC for Sale and Lease Agreement for boiler and other related ancillary power generation facilities at Redwood Terminal 2 property; Freshwater Tissue Company Notice of Retaining Parcel C per the Option Agreement; and Exclusive Right to Negotiate with Coast Seafoods Company for the East end of the Warehouse at Redwood Terminal 2 - No action taken on any of these items.

PUBLIC COMMENT: None

CONSENT CALENDAR: None

COMMUNICATIONS AND REPORTS

EXECUTIVE DIRECTOR’S REPORT:

- Update of Samoa Pellets project was tabled to December 18, 2014 Board meeting.
- Met with Dave Parson, Regional Water Quality Control Board, who has been assigned to help develop the dredge sediment management plan for Humboldt Bay.
- Shelter Cove ASBS water samples for the 4th quarter of 2014 – 10 samples will be taken by Director of Facility Maintenance during a storm event. The cost will be $700-$1,000.
- “Name that Boat” contest for the District’s fire boat, Port Authority boat and the dredge and tender will be organized.
- Pat O’Shea from Shelter Cove told Executive Director he will stop the tractor operations and fish buying operations unless the landlord amends the lease and invests in the marina buildings.
- An Eelgrass mitigation bank at King Salmon has good potential – an engineer should be hired to do a conceptual design. PG&E is interested in working with the District on this.

Commissioner Higgins said the Shelter Cove boat ramp and fish cleaning station should be a topic on the next agenda. He said the Resort Improvement District should be a more cooperative partner.
STAFF REPORTS:

Director of Facility Maintenance
- The lean-to on the side of Redwood Terminal 2 warehouse will be removed by the Cal Fire work group.
- Maintenance work on the dredge will start next week.
- Working with SHN Engineers on the field sampling and will take over sampling duties at the landfill. Will provide final reporting to the State. A similar water sampling process will take place at Shelter Cove.
- The one-ton crane has been installed at Berth 1. Once the cement cures, the crane will be powered-up and should be operational in 2-3 weeks.

Director of Harbor Operations
- Working with US Army Corps of Engineers on the dredge cycles for 2015. The work plane is $2.8 million for the interior and channels; budget is $1.8 million.
- Working with Bruce Conner on the local contacts for cruise ship planning.
- Working with Adam Wagschal on the water quality sampling for the mariculture pre-permitting project.
- The majority of the clean-up has been done for the marine debris removal.
- Three out of four PORTS buoys are operational – working with HSU on the maintenance.
- A chip ship will enter port tomorrow at the California Redwood Dock.

District Planner
- Had a meeting with Regional Water Quality Control Board this morning. Good discussion on beneficial reuse management plan.
- Had the King Salmon community meeting at Fields Landing Boat Yard regarding the dredge. Discussed the dredge schedule, assignments get through the permit process and other details.
- Submitted a request to the City of Eureka regarding the conversion of the District’s maintenance building to a seafood market.
- Working on compiling a data base of all the District properties.

District Treasurer
- Have been meeting and talking with auditors.
- Discussed bond refunding issues with lender.

DISTRICT COUNSEL REPORT: None.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Newman:
- Crab season opened December 1st; looks like it might be a short season.

Commissioner Marks:
- Met with Pat O’Shea; said Mr. O’Shea has a positive attitude even though the tractor operation is costly.
- Said there was good information at the dredge meeting with the King Salmon community.

Commissioner Wilson
- Said the meeting regarding the dredge process with the King Salmon community was beneficial – and the tour of the dredge was appreciated by the attendees.
Commissioner Higgins

- Shared a salmon report video.
- Said the Eel River is gaining an ecological balance.
- Attended a school program at Covelo to get the students involved in taking care of the health of the river.
- Said there is an amazing array of talent available for the Deputy Director position.
- Editorial have been negative on the attraction of cruise ships; with the organizational ability of Bruce Conner, getting a cruise ship here looks to be positive.
- Expressed his feeling about the negative press on Commissioner Newman. He said the Harbor District has more capabilities now because of Commissioner Newman's participation and he advised Commissioner Newman to not be distracted, he is a valuable member of the Board.

NON AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS:


Drew Ciocca, Sutter Securities, and Cameron Weist, bond counsel, reported credit has been approved, combining and refinancing the harbor deepening loan and the CA Dept. of Boating and Waterways loan for building the marina. Approximately $112,000 will be saved through this refinancing.

Mr. Weist stated in this instance the trustee will be eliminated, saving the District over time. If capital needs arise, it will be easier for the District to get credit at lower rates. This resolution will approve the form of legal document.

COMMISSIONER WILSON MOVED FOR THE ADOPTION OF RESOLUTION 2014-11, A RESOLUTION AUTHORIZING THE REFUNDING OF THE DISTRICT’S OUTSTANDING LONG-TERM INDEBTEDNESS AND APPROVING AND DIRECTING THE EXECUTION AND DELIVERY OF CERTAIN FINANCING DOCUMENTS IN CONNECTION THEREWITH, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS TAKEN:
- COMMISSIONER NEWMAN – AYE
- COMMISSIONER DALE – ABSENT
- COMMISSIONER MARKS – AYE
- COMMISSIONER WILSON – AYE
- COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF USE AGREEMENT WITH DG FAIRHAVEN FOR THE OCEAN OUTFALL LINE.

Executive Director reported there have been two inspections and the end of the outfall pipe must be marked. Further negotiations with DG Fairhaven are needed. The terms of the agreement being proposed are: 15 year agreement; $82,000 per year with a 2.5% CPI on year 4. Years 1-3 paid in advance at $240,000. Continuation after year 4 is acceptable with notice; 12 one-year
options. The use must be compatible with the District's discharge. Included in the agreement is a land easement for access to the pipeline. The total value is $1,371,235.

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF USE AGREEMENT WITH DG FAIRHAVEN FOR THE OCEAN OUTFALL LINE. COMMISSIONER NEWMAN SECONDED.

President Marks stated this agreement is part of the partnership with the tenant and the District needs revenue to maintain the asset.

Karen Brooks asked if the District can get out of the agreement is a better deal comes along. She also asked if the expense is included in the budget. Executive Director replied one dive is included for $20,000. Ms. Brooks then asked how much will be spent this year on diving expense. Executive Director replied approximately $30,000 will be spent on two dives. Ms. Brooks then asked if the revenue is included in the General Fund and if there is a separate account. Executive Director said the revenue is put into the General Fund and there is not a separate account.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL OF EXCLUSIVE RIGHT TO NEGOTIATE WITH RENEWABLE ENERGY TECHNOLOGIES, LLC FOR SALE AND LEASE AGREEMENT OF THE DISTRICT'S AHLSTROM CHEMICAL RECOVERY BOILER AND RELATED ANCILLARY POWER GENERATION FACILITIES.

This item was tabled until the December 18, 2015 Board of Commissioners Meeting.

D. CONSIDERATION OF APPROVAL OF FRESHWATER TISSUE COMPANY RETAINING PARCEL C PER THE OPTION AGREEMENT.

Executive Director reported this will allow Freshwater Tissue Company to retain Parcel C. They will have to pay the value share of $320,000 or the District will exercise the purchase option of $2.5 million and sell it back to Freshwater Tissue Company for $550,000. Freshwater Tissue Company must provide a bona fide business venture and use the property within six months.

No decision was made by the Board of Commissioners.

E. CONSIDERATION OF EXCLUSIVE RIGHT TO NEGOTIATE WITH COAST SEAFOODS COMPANY FOR THE EAST END OF THE WAREHOUSE AT REDWOOD TERMINAL 2.

Executive Director reported the ERTN will be effective for 180 days. A $5,000 fee will be credited towards a lease if approved. The area of the warehouse is 10,000 sf, with an option for an additional 10,000 sf. He said Coast Seafoods' intent is to develop a shellfish hatchery in association with a Redwood Terminal 2 berth and to have a lease completed before the ERTN expires. The revenue from the lease will be $3,500/month and $7,000/month when the expansion is approved.

COMMISSIONER HIGGINS MOVED FOR THE EXCLUSIVE RIGHT TO NEGOTIATE WITH COAST SEAFOODS COMPANY FOR THE EAST END OF THE WAREHOUSE AT REDWOOD TERMINAL 2. COMMISSIONER NEWMAN SECONDED.

Kent Sawatzky asked if Taylor Mariculture also pays $0.35/sf.

Sebastian Elrite asked how many square feet are available. Executive Director replied 160,000.

MOTION CARRIED WITHOUT DISSENT.
ADMINISTRATIVE AND EMERGENCY PERMITS: None.

The Regular Meeting of the Board of Commissioners adjourned at 8:00 p.m.

APPROVED BY:                  RECORDED BY:

Patrick Higgins, Vice President   Patricia Tyson
For Greg Dale, Secretary               Director of Administrative Services
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<td>(WIM Dredge Surchg/Float Replace)</td>
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**OPERATING EXPENSES**

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# NON-OPERATING EXPENSES

## CAPITAL EXPENDITURES

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<td>NOE1</td>
<td>WI Facility Improvmt</td>
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<td>Dredging Expenses</td>
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**TOTAL CAPITAL EXPENDITURES**

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<td>NOE12</td>
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<td>578,403</td>
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## DEBT PAYMENTS

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**TOTAL DEBT PAYMENTS**

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NARRATIVE FOR FY 2015/16 BUDGET

REVENUE

R1 - Tax Revenue

Estimated income received from County of Humboldt - District's portion of property taxes paid to County.

R2 - Sales and Permits

General - Estimated income from permit fees.
Marina - Estimated income from coin-operated showers, washers, and dryers, vending machines, ice machine, liveboard inspection fees, charter service and other business permits and forklift fees. Permits for fish sales at marina - $100/year

R3 - Harbor Surcharge

Anticipated revenues to be generated by Harbor Improvement Surcharge.

R5 - Slip Rentals

Marina - Estimated income from the rental of slips at the Marina. 1% rate increase.

R6 - Transient Rentals

Marina - Estimated income from the rental of transient slips at the Marina. 1% rate increase.

R7 - WIM Maintenance Dredging Surcharge

Charge assessed toward future maintenance dredging of Woodley Island Marina. Revenue from this fee transferred directly to Woodley Island Marina Maintenance Dredge Cash Designation. 1% rate increase.

R8 - WIM Float Replace

Charge for all tenants/transients of Woodley Island Marina deposited into a fund designated specifically for dock/float replacement. Revenue from this fee will be transferred directly to Woodley Island Marina Float Replacement Cash Designation. 1% rate increase.

R9 - WIM Electrical

Revenue received from the metering of electrical use by Woodley Island Marina tenants.

R10 - Fields Landing

Revenue received from storage (boats and trailers) utilities, forklift, and equipment rentals, building space rent, and Travelift haul out fees and usage. A new revenue source is the lease for yard and building space to Zerlang & Zerlang Marine Services. Average 15% increase in rates.

R11 - Redwood Dock/Berth 1

Revenue received from building space rent/terminal lease/wharfage and dockage. Additional revenue for FY 2015/16 to be received from increased dock use/forklift fees, unloading live crab/eels, building lease (seafood company) and the installation of a fuel dock. Additional buildings used for storage of crab pots. New oyster tenant.

R12 - Redwood Terminal 2/Berth 2

Revenue estimated to be received from the tenants of this property: Taylor Mariculture, DG Power, Samoa Pellets and Coast Seafoods Company. Also, $1,400,000 is estimated for the sale of surplus equipment from the upland property. $200,000 new leases.
FY 2015/16 BUDGET NARRATIVE PAGE 2

R13 - Rents

Money to be received by the District for rents and concessions as follows: Café Marina Restaurant; Office Space; and work yard rent on Woodley Island. Additionally, a storage area on Woodley Island for trailers has been designated and will be available from May 1 – September 30. Fish Market Lease revenue $10,000.

R14 - Tideland Leases

Money to be received by the District for tidelands leases held throughout the Humboldt Bay area. $130,000 new aquaculture leases.

R15 - Late Fees and Interest on Delinquent Accounts

Late fees and interest collected on delinquent accounts.

R16 - Other Revenue

Revenue received from Coast Seafoods for gallonage fees as a condition of their tideland lease, Secretariat Services for Harbor Safety Committee, Chevron’s payment for the PORTS O&M costs, other government agencies and miscellaneous operating and non-operating revenue. Also monies anticipated to be received for support of fire boat operation and maintenance.

R17 - Interest

Interest earned by the District on monies presently deposited in the Humboldt County Treasury.

R18 - Grant Revenue

Monies received from grant-funded projects expected to be received in FY 2015/16.

R19 - New Markets Tax Credits

Monies acquired for asset purchase and improvements.

R20 – Borrowed Funds

$1.5 million borrowed as part of the New Market Tax Credits program.

R21 – Coast Seafoods Loan

Monies borrowed in FY 2014/15 from Coast Seafoods Company to pay for the trucking of the liquors from Redwood Terminal 2.

R22 – Brownfields Grant

Monies received for the cleanup of the Redwood Terminal 2 property.

R23 – TIGER Grant

Monies received for the planning and permitting pertaining to the Samoa Industrial Waterfront Transportation Access Plan.

R24 – CDB/EDA Grants

Community Development Block Grant and Economic Development Administration grants for Redwood Terminal 2 upgrades.

R25 – Mitigation Reimbursement

Monies received for payment of mitigation expenses for dredging project.
EXPENSES

E1 - Salaries and Wages
Salaries and wages paid to Harbor District employees. Includes the addition of one (1) Harbor Maintenance Worker 1 and the negotiated increases for the District's represented employees. 5% increase for management employees.

E2 - Commissioners Fees
Fees paid for the service of Commissioners on the Board.

E3 - Temporary Services
Expenses paid for additional temporary services as needed.

E4 – Auto Value – No expenses for FY 2015/16

E5 - Payroll Burden
Payroll Burden consists of employer-paid taxes and employer-paid benefits and insurances provided for in the District’s Personnel Policy. The Employer Contribution Rate for PERS for FY 2015/16 is 8.003%, plus a lump sum $21,639 for PERS unfunded liability.

E6 - Advertising and Promotion
General - Allocation for the printing of legal notices in the local newspapers required by laws and permit procedures of the State and the District. This line item also funds the printing and distribution of notices to inform the public of special interest items concerning the District's meeting and projects. There is also an amount included for the publication and for additional port, Marina and District marketing and promotional materials.

Marina – Allocation for the printing of notices, newsletters, Marina advertisements etc. to inform the Marina tenants and/or the general public of items which may be of special interest to them.

E7 - Automotive Expense
Cost of maintaining and fueling the District's automobiles, vessels, electric trucks, security vehicles, forklift, and other operating equipment.

E8 - Communications
Telephones and Cell Phones - This amount includes the costs for the FAX, modem, E-mail and Website hosting, offsite Web link, wifi and cell phones.

E9 - Conferences & Meetings
Approves travel expenses for attendance at the following up to the total budget amount: (4) CMANC conferences; (3) CAPA conferences; (1) California Maritime Leadership Symposium; (3) legislative trips to Sacramento and Washington DC; (1) CSDA training conference, (4) Pacific Coast Congress of Harbor Masters, (2) Northern Area Port Security meetings, (4) Conservation-related meetings; and (2) safety seminars in order to maintain discounted Workers Compensation premiums. Additional conferences or travel that would exceed the budget require individual approval by the Board.

E10 - Dues & Subscriptions
This category includes dues for membership in the following organizations: California Marine Affairs and Navigation Conference, California Association of Port Authorities, California Special District Association, Association of California Water Agencies, Pacific Coast Congress of Harbor Managers and Port Masters, California Association of Harbor Masters and Port Captains, Fishing News, Pacific Fishing, Costco and various other subscriptions. Dues/Subscription costs vary by a variety of factors and amounts shown are estimated. Dues and subscriptions expenses that would exceed the budget require individual approval by the Board of Commissioners.
E11 - Elections and Fees Paid to Other Governmental Entities

There are three Board seats slated for election for the District in FY 2015/16.

E12 - Insurance

The Special Districts Risk Management Authority (SDRMA) policy combines several of the individual property, liability, bonds and other miscellaneous policies into one, plus the Marina Operator's Liability policy. SDRMA reported there will be no increase in the base rate for Property/Liability and Workers Compensation policies for FY 2013/14. There will be a decrease in the Workers Comp experience modification from 129% to 108% for 2015/16. The CAPA excess insurance through AON Risk Services is still in order. The District's Fireboat and Port Security/Work boat are insured through Poseidon Insurance. Insurance for Redwood Terminal 2 is also included. Insurance expenses that would exceed the budget require individual approval by the Board of Commissioners.

E13 - Office Expense

Expenses include office supplies, postage and other expenses necessary for the operation of the office.

E14 - Operating Supplies

Expenses for janitorial supplies.


E16 - Legal Services

Fees paid to District Counsel Paul Brisso for work in connection with the Woodley Island Marina and to do District legal work to draw up ordinances, permits, agreements, leases etc. between the District and other agencies/entities, attend Commissioner meetings and all other general legal and litigation work needed by the District.

E17 - Accounting/Auditing Services

Fees paid for the services of District Treasurer Mark Wetzel for service in a controllership capacity, supervision of bookkeeping functions, statements and reports and monitoring all District cash transactions. Fees paid to independent accounting firm to perform the District's annual certified audit. Hunter, Hunter & Hunt is the contracted auditing firm for FY 2015/16.

E18 - District Planner Services

Fees paid for the services of District Planner George Williamson for service in all aspects of planning associated with District projects.

E19 - Professional/Outside Services

Excess Liability Insurance broker fees ($10,000) split between CAPA ports. This account also includes funds for website revision, appraisal services, engineering and environmental consultant services required that have not been covered in any other category. Professional services may be hired to assist with Ordinance revisions, asset inventory, Personnel Policy revision, and dredging-related projects.

E20 - Utilities

Expenses for electricity, gas, water, sewer and refuse for the District office, Marina docks, lights, office spaces, and buildings. This expense will be offset by the revenue received through the installation of water and electrical meters.

E21 - Maintenance Expense

Estimated expenses for repairs and maintenance to Marina docks, light fixtures, compressor, miscellaneous equipment, facilities and roof repairs to the main building, as well as other District facilities. Also includes all tools less than $2,500 and annual maintenance agreements on office equipment.
E22 - Fields Landing Expense
This is to cover any expenses of the District for the repair and maintenance of the District's Fields Landing property including storm water filters, repairs to buildings and yard lighting. Also included are insurance, utilities, water, sewer, refuse, and telephone service.

E23 - Shelter Cove Expense
Expenses/miscellaneous items needed for the repair and maintenance of the District's facilities at Shelter Cove (includes Insurance Expense). Also includes repairs to breakwater, roads, fencing and fish cleaning station.

E24 - King Salmon Expense
Estimated expenses for maintaining the King Salmon Beach area, including replacing signage and vegetation maintenance.

E25 - Redwood Marine Terminal/Berth 1 Expense
Estimated expenses for maintaining the Redwood Dock/Berth 1 property (planking, roadway upgrade, power).

E26 - Redwood Terminal 2/Berth 2 Expense
Estimated expenses for maintaining the Redwood Terminal 2/Berth 2 property, utilities and minor repairs.

E27 - Mariculture Lease Fees
Fees paid to City of Eureka for mariculture leases.

E28 - Interest/Fee Expense

E29 - Grant Expense
Expenses associated with grant-funded projects expected to occur in FY 2015/16.

CAPITAL EXPENDITURES

NOE1 - Woodley Island Facility Improvement
Estimated expense for the purchase of replacement floats ($40,000), gangway gates ($3,000), improvements to work yard ($5,000), fence replacement ($10,000), floating dock for kayaks ($5,000), fish market preparation ($20,000) and camera for the island entrance to capture license plate numbers ($7,000).

NOE2 - Dredging Expenses
Estimated expenses in preparation of dredging the marina and other bay sites, including Fisherman's Channel at King Salmon. $50,000 is estimated for dredge permitting and sediment sampling for Woodley Island Marina. Permitting and mitigation of Fisherman's Channel ($200,000 - $500,000), sediment sampling for Berths 1 & 2 and Fields Landing ($25,000), Wheel house/booster pump and extra pipes for dredge ($30,000), Ready Redwood Terminal 2 water treatment plant for dredge material ($50,000).

NOE3 - Fields Landing Boat Yard
Estimated expenses for capital improvements to the Fields Landing Boat Yard, including installation of a lower dock next to Travelift pier ($5,000), water and sewer to the Sea Scouts building ($5,000), cables and door repair ($20,000) and purchase of a backhoe ($25,000).

NOE4 - Redwood Marine Terminal Berth 1 Improvement
Estimated expenses required for power, lights and pump ($20,000), fencing ($10,000), installation of a fuel dock ($75,000), dock repairs ($5,000).
NOE5 - Harbor Improvement

Payments for harbor improvement projects such as channel deepening, shoreline protection, shoal abatement and navigation aid improvement. Sea wall repair ($10,000) and designation of a Port Authority dock ($5,000).

NOE6 - Property Acquisition

None anticipated in FY 2015/16.

NOE7 - Property Improvement – Redwood Terminal 2

Expenses associated with the Redwood Terminal 2 property and paid from New Markets Tax Credits revenue, including but not limited to: new main electrical power ($500,000), domestic water ($100,000), industrial water and fire protection ($50,000), warehouse, shop and office roof, door and outside wall repairs/improvements ($2,100,000), road improvements ($50,000), outfall pipe repairs ($100,000) and environmental cleanup/debris removal ($100,000).

NOE8 - Recreational Enhancements

There are no anticipated capital expenditures expected for Shelter Cove for FY 2015/16.

NOE9 - Conservation Enhancements

Estimated expenses for capital improvements related to conservation enhancements at facilities other than Woodley Island.

NOE10 - Auto/Operating Equipment

There are no Auto/Operating Equipment capital expenditures expected for FY 2015/16.

NOE11 - Office Equipment

Estimated expenses for upgrading District computers and District website.

DEBT PAYMENTS

NOE13 - Cal Boating Loan & Deepening Loan Combined

In FY 2014/15, the Cal Boating Loans and the Deepening Loan were combined as a Bond refinance. The loans were originally incurred to build Woodley Island Marina and dry stack storage and to pay for the deepening of Humboldt Bay's bar and entrance channel.

NOE14 - Electric Meter Loan Payments

Monthly payments on the Woodley Island Marina electric meter loan.

NOE15 - Forklift Loan Payments

Monthly payments on the Redwood Terminal 2 Forklift.

NOE16 - Coast Seafoods Repayment

Repayment of loan to Coast Seafoods for the trucking of the liquors from Redwood Terminal 2 to KapStone.

NOE17 - New Market Tax Credits Payment

Payment on the New Markets Tax Credit Loan: $1.5 million @ 5% for 30 years.

CASH DESIGNATIONS

Woodley Island Facility Improvement

Funds set aside for major Marina and upland construction, rehabilitation, improvement or expansion projects.
Woodley Island Marina Dredging

Funds set aside annually to pay for maintenance dredging of Woodley Island Marina every 7-10 years.

Woodley Island Marina Float Replacement

Funds set aside annually to pay for marina float replacement.

Fields Landing Boat Yard

Funds set aside for future maintenance projects on the Boat Building and Repair Facility in Fields Landing such as future repaving of the yard.

Marine Terminal Improvements

Funds set aside for construction, rehabilitation, improvement or expansion projects at the Redwood Dock Marine Terminal (including Berths 1 & 2 and warehouses and upland dredge disposal site), and Fields Landing Terminal.

Harbor Improvements

Funds set aside for harbor improvement projects such as channel deepening, shoreline protection, shoal abatement and navigation aid improvement.

Recreational Enhancements

Funds set aside for recreational facility construction, rehabilitation, improvement or expansion projects including funds set aside for acquisition of additional recreational facilities and for planning expenses related to the Samoa Shops complex.

Conservation Enhancements

Funds set aside for the acquisition, construction, restoration, rehabilitation or expansion of conservation areas.

Mariculture Management Fund

Each year the District shall reserve 25% of the tideland revenue from mariculture operations on tidelands leased as a part of the District's mariculture expansion project. These funds are reserved for future expenses related to permitting and environmental compliance for mariculture activities on District tidelands.

Emergency

Funds available for expenses related to recovery from emergencies.
HUMBOLDT BAY HARBOUR, RECREATION
AND CONSERVATION DISTRICT

ORDINANCE NO. 19

AN ORDINANCE ESTABLISHING THE RIGHT TO FISH

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOUR, RECREATION
AND CONSERVATION DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

A new Ordinance, titled "Fish and Seafood Operations" to conserve, protect, and encourage the
development of seafood operations and limit the loss of fishing and seafood operations by
limiting the circumstances under which commercial seafood and fishing operations that adhere
to generally accepted practices may be subject to complaints or potential legal action and to
provide a means of attempting to resolve complaints.

FISH AND SEAFOOD OPERATIONS

1. Purpose and Findings
2. Definitions
3. Limitations of Actions
4. Procedures for Complaints, Investigations, and Resolution

1. Purpose and Findings

A. It is the declared policy of Humboldt Bay Harbor, Recreation and Conservation District
(District) to conserve, protect, and encourage the development of commercial fishing
and seafood operations at Woodley Island Marina. It is in the public interest to promote a
clearer understanding between the seafood and fishing industry and the general public
concerning the normal operations and potential inconveniences associated with the
seafood and fishing industry.

B. It is also the policy to reduce the loss of fishing and seafood operations by limiting the
circumstances under which commercial seafood and fishing operations that adhere to
generally accepted practices may be subject to complaints or interference by the
District’s permittees, tenants and other persons using District properties and to provide a
mediation process to attempt to resolve such complaints.

C. This ordinance shall not in any way restrict or impede the authority of the State or
County to protect the public health, safety, or welfare.

D. This ordinance is not intended to and shall not modify or abridge local, state or federal
laws relating to health, safety, zoning, licensing requirements, or environmental
standards. The provisions of this ordinance do not supersede the County Land Use
Ordinance and do not alter in any way the District, County, State or Federal permitting
process.

2. Definitions

As used in this ordinance, the following terms shall have the meanings indicated:
A. Commercial Seafood or Fishing Operation - A commercial seafood or fishing operation includes, but is not limited to, all matters of harvesting seafood and charter boat fishing, including boats and patrons leaving and returning at all hours; boat and gear maintenance, vessel lights and operation of generators, bait, ice, fish totes, forklift operation, net repairs, trolling poles and crab tank installation, vessel retail sales; the commercial raising or holding of seafood, bait by means such as, but limited to aquaculture, mariculture and commercial oyster farming; and associated equipment.

B. Generally Accepted Seafood and Fishing Industry Practices - Those methods used in connection with the commercial seafood and fishing industries which are in compliance with any District permit or lease provisions and do not violate the County Land Use Ordinance or applicable federal, state, or local laws, public health, safety or welfare including practices which are recognized as the best management practices by various and appropriate government agencies for the harvesting of seafood. If a generally accepted practice has not been identified by a government agency, the District may consult with individuals with a working knowledge of the seafood industry and other individuals, businesses, or governmental agencies that the District deems appropriate.

3. Limitations of Actions

A. When conducted within standard and generally accepted seafood and fishing industry practices, tenants, customers, or permittees of the district or district tenants, visitors, employees and neighboring property owners shall have no recourse against the inherent effects of commercial seafood and fishing operations conducted by the District's tenants, permittees or on property under the jurisdiction of the District at Woodley Island Marina. These inherent effects include, but are not limited to, smoke, noise, vibration, odors, fumes, dust, the operation of machinery of any kind during any twenty-four period, movement of equipment or boats.

B. A private action may not be maintained by any District tenant, customer, permittee or employee of the District or visitors to District premises with respect to any seafood or fishing operation conducted substantially in accordance with generally accepted seafood and fishing industry practices on the grounds that the seafood or fishing operation interferes or has interfered with the use and enjoyment of property, whether public or private, if the seafood or fishing operation has been in existence at the site for at least one year and such operation was not a nuisance at the time it began operation.

C. Notwithstanding any provision of this section, no action alleging that a seafood or fishing operation has interfered with the reasonable use or enjoyment of real property or personal well-being by any tenants, customers, or permittees of the District or district tenants, visitors, employees may be filed in a court if the claimant has not sought resolution under this ordinance.

4. Procedures for Complaints, Investigations, and Resolution

A. Complaints. Complaints of nuisances that allegedly affect the reasonable use and enjoyment of property at Woodley Island Marina shall be made in writing to the District. Complaints that allege an impact to public health also shall be forwarded to the County Health Department.
B. Investigation. Upon receipt of a written complaint, a copy shall be provided to all parties involved and the District shall initiate an investigation. The District’s Executive Director or his or her designee shall conduct the investigation. The District shall contact all parties involved in the dispute to ensure full understanding of the nature of the complaint and obtain additional information and documentation as may be necessary. When necessary, the District may enlist the professional expertise of qualified experts in the relevant field to clarify the issues pertaining to the complaint. Once the investigation is complete, the District shall prepare a staff report with all pertinent information and send the report to all parties.

C. Resolution.

1) Upon receipt of the investigative report from the District, within 10 business days the complaining party shall advise the District in writing whether it wishes to drop its complaint or proceed to a mediation with the other party or parties.

2) Within 10 business days of receipt of the request for mediation, the parties shall mutually agree to the selection of a mediator to schedule a mediation hearing. If the parties cannot agree to a mediator, the parties shall request the judge of the Humboldt County Superior Court with primary responsibility for civil matters, or the presiding judge of that court, to select a mediator from a list of potential mediators provided jointly or individually by the parties. The parties shall bear the expense of the mediator jointly. Notice shall be sent to all parties at least 10 days prior to the hearing by the mediator.

3) The mediation will discuss whether the particular practice does or does not conform to generally accepted practices. The mediator will attempt to facilitate a resolution acceptable to all parties but shall have no authority to make any binding decision or determination of facts. A party may not maintain a legal action unless the mediation process provided by this ordinance has been exhausted.

THIS ORDINANCE PASSED AND ADOPTED THIS _____ DAY OF JUNE, 2015 BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES:

NOES:

ABSENT:

RICHARD MARKS, President
BOARD OF COMMISSIONERS

ATTEST:

GREG DALE, Secretary
BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT

RESOLUTION NO. 2015-12

A RESOLUTION TO ENTER INTO A CONTRACT AND ACCEPT FUNDS FROM THE
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR
SECRETARIAT SERVICES FOR THE HARBOR SAFETY COMMITTEE
OF THE HUMBOLDT BAY AREA

WHEREAS, the People of the State of California have enacted the Lempert-Keene-
Seastrand Oil Spill Prevention and Response Act of 1990 which appropriates funds for the
creation and maintenance of the Harbor Safety Committees within the State of California; and

WHEREAS, the Port of Humboldt Bay/Humboldt Bay Harbor, Recreation and
Conservation District is a member of the Harbor Safety Committee of the Humboldt Bay
Area and the Dockmaster is Chair of this committee; and,

WHEREAS, the Port of Humboldt Bay/Humboldt Bay Harbor, Recreation and
Conservation District applied to the California Department of Fish and Wildlife to conduct
Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area; and,

WHEREAS, the California Department of Fish and Wildlife has approved the Port
of Humboldt Bay/Humboldt Bay Harbor, Recreation and Conservation District to conduct the
Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area and to
receive payment for the services; and

WHEREAS, the California Department of Fish and Wildlife requires a resolution
from the Humboldt Bay Harbor, Recreation and Conservation District accepting the
Secretariat Contract and payment of fees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the
Humboldt Bay Harbor, Recreation and Conservation District as follows:

Executive Director Jack Crider is hereby authorized to enter into a contract with the
California Department of Fish and Wildlife to conduct Secretariat Services for the Harbor
Safety Committee of the Humboldt Bay Area and to accept payment from the California
Department of Fish and Wildlife for aforementioned services on behalf of the Humboldt
Bay Harbor, Recreation and Conservation District, a public entity established under the
laws of the State of California.
PASSED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 25th day of June, 2015, by the following polled vote:

AYES:

NOES:

ABSENT:

______________________________
RICHARD MARKS, President
Board of Commissioners

ATTEST:

______________________________
GREG DALE, 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. 2015-12 entitled,

A RESOLUTION TO ENTER INTO A CONTRACT AND ACCEPT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR SECRETARIAT SERVICES FOR THE HARBOR SAFETY COMMITTEE OF THE HUMBOLDT BAY AREA

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 25th day of June 2015; 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 25th day of June 2015.

_________________________________
GREG DALE, Secretary
Board of Commissioners
RESOLUTION NO. 2015-13

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR THE REDWOOD MARINE TERMINAL BERTH 1 HAGFISH OPERATIONS PROJECT, SAMOA, CALIFORNIA

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District is empowered by Appendix II of the Harbors and Navigation Code, and its own ordinances and resolutions, to grant permits, leases, rights, and privileges; and,

WHEREAS, no permits, rights, leases, and privileges may be granted without first having considered certain potential impacts and without first having made findings relative to said impacts; and,

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District has been presented with certain evidence relating to the Redwood Marine Terminal Berth 1 Hagfish Operations Project proposed by Humboldt Bay Harbor, Recreation and Conservation District upon the air, land, environment, and ecology of the land under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District as follows:

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found the following to be true and adopts the following findings with respect to the proposed use contemplated by Humboldt Bay Harbor, Recreation and Conservation District in Application 15-04 and supplements and amendments thereto:

1. The use proposed by Humboldt Bay Harbor, Recreation and Conservation District is necessary to promote the safety, health, comfort, and convenience of the public; and

2. The proposed use is consistent with CEQA and there is no substantial evidence the project will have a significant effect on the environment; and

3. The proposed use is consistent with the Humboldt Bay Management Plan; with special relevance to policy HFA-2: Support the improvement of existing fish landing, buying, and processing facilities in the Humboldt Bay area; and
4. The proposed use is required by the public convenience and necessity; and

5. The proposed use is reasonably required to promote growth, and to meet area demands, and does not adversely effect the environment or ecology of the area to any substantial degree; and,

6. The proposed use will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety, and air and water quality in the vicinity of Humboldt Bay, or on the parks, recreation and scenic areas, historic sites and buildings, or archeological sites in the area.

PASSED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 25th day of June 2015, by the following polled vote:

AYES:

NOES:

ABSENT:

Richard Marks, President
Board of Commissioners

ATTEST:

Greg Dale, 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. 2015-13 entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR THE REDWOOD MARINE TERMINAL BERTH 1 HAGFISH OPERATIONS PROJECT, SAMOA, CALIFORNIA

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 25th day of June 2015; 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 25th day of June 2015.

GREG DALE, Secretary
Board of Commissioners
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

PERMIT

Permit No. 15-04

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

Permittee:

Humboldt Bay Harbor, Recreation and Conservation District
601 Startare Drive
Eureka Ca 95501

Project:

REDWOOD MARINE TERMINAL BERTH 1 HAGFISH OPERATIONS

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District hereinafter referred to as "District", having considered the Application herein, number 15-04, received by the District on May 6th 2015, and the Humboldt Bay Harbor, Recreation and Conservation District as permittee hereinafter referred to as "Permittee", and the District as the lead agency, pursuant to the California Environmental Quality Act of 1970, as amended, having made a determination of a Categorical Exemption dated June 23rd 2015 and the Board of Commissioners of the District having on June 25th 2015 passed Resolution No. 2015-13 establishing findings relative to the Application by Permittee for the development of the Redwood Marine Terminal Berth 1 Hagfish Operations Project provided for in this Permit, the Permittee is hereby authorized to implement the Redwood Marine Terminal Berth 1 Hagfish Operations Project as more particularly described in the Application filed with the District referred to above.

You are hereby authorized to implement the Redwood Marine Terminal Berth 1 Hagfish Operations Project as described in the Permit Application consisting of:

1. Install a water intake, discharge and tanks at Redwood Marine Terminal Berth 1 for a hagfish holding and packing facility and operate the facility including: transferring live hagfish from commercial fishing vessels to the tanks using a hoist and forklift; holding the hagfish in the tanks; and packing and transporting away the live hagfish. The hereby permitted project is described more fully in the application filed by Permittee.

That the location of the proposed work of improvement shall be located at Parcel No. APN 401-03-140, in Humboldt County, CA, in the uplands, tide and submerged lands of Humboldt Bay owned by Permittee.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

Page 1 of 3 Permit 15-04 Humboldt Bay Harbor District Hagfish Operations Project
1. If Permittee cannot complete the work within the time granted by this Permit, Permittee shall request an extension before the Permit expires. If there are material changes to the plan and scope of the work, it will be necessary for Permittee to submit a detailed explanation and request a revision of the Application and plans.

2. That all work authorized by this Permit shall further be subject to the approval of the following public agencies:

   A. United States Army Corps of Engineers San Francisco District
   B. State of California Coastal Commission

   and Permittee shall fully comply with all regulations and conditions affecting such work as imposed by the above agencies.

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 this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on the 25th day of June 2016. This permit may be extended in annual increments for up to a total of nine (9) years at the discretion of the District.

5. 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, or a finding of substantial new information regarding the effect of the Permitted activities. District shall notify Permittee prior to revocation and shall provide an opportunity, where possible, to resolve the situation prior to revoking this permit.

6. 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.

7. That this Permit is valid as of the 25th day of June 2015, and is made subject to the Permittee approving and agreeing to the conditions above set forth and executing said approval as hereinafter provided.

EXECUTED on this 25th day of June 2015 by authority of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District.
Richard Marks, President
Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

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

Humboldt Bay Harbor, Recreation and Conservation District

Signature ____________________
Name ________________________
Title _________________________
Date _________________________
California Environmental Quality Act Notice of Exemption

Project Title: Redwood Marine Terminal Berth 1 Hagfish Operations

Project Proponent:
Humboldt Bay Harbor, Recreation and Conservation District
601 Startare Drive
Eureka, CA 95501
707-443-0801

Project Summary: The project proponent will install a water intake and discharge in Humboldt Bay (Samoa, California) leading to the interior of an existing warehouse and will install tanks within the warehouse. These structures/facilities will support a live hagfish holding and packing facility.

Pertinent California Environmental Quality Act (CEQA) Exemption: CEQA Guidelines §15303 “New Construction or Conversion of Small Structures” exempts the construction of small structures and the conversion from one use to another within small structures where only minor modifications are made in the exterior of the structure.

Rationale for Exemption: This project will construct small structures (i.e., a water intake and discharge) on the exterior of an existing structure and will change uses within one half of the structure from no-use to a seafood holding and packing use. The other half of the structure will continue to be used to store commercial fishing equipment.

Contact: Adam Wagschal
Deputy Director
Humboldt Bay Harbor, Recreation and Conservation District

Date: June 23, 2015
Signature

Adam Wagschal, Deputy Director
AGENDA REPORT

For agenda of: June 25, 2015

Agenda Item 9f. Consideration of providing public notification prior to use of herbicides
associated with the Humboldt Bay Regional Invasive Spartina Eradication Project.

Under certain circumstances and with mitigation, the Humboldt Bay Regional Invasive Spartina
Eradication Project would control Spartina densiflora by applying the herbicide Imazapry.
District staff received the following request from the group Californians for Alternatives to
Toxics:

I'm writing to request that the Humboldt Bay Harbor, Recreation and Conservation
District Board of Commissioners consider a resolution in support of, and to broaden,
public notification of herbicide use for Humboldt Bay Regional Spartina Eradication
Plan.

Because there is 1) a demonstrated broad local opposition to herbicide use and 2) the
potential that conditions regarding Spartina eradication objectives and methods will
change as more information becomes available, we believe it would be in the best
interest of the District and the public it serves to resolve to provide advance
notification of proposed herbicide application to the general public. Additionally, we
request that the District provide an opportunity for public response, such as in letters
or regularly scheduled meetings of the Commissioners.

Notification could be accomplished by mailing an announcement to local
newspapers of general circulation, radio, TV and internet media outlets, and to
interested members of the public including Indian Tribes, city governments, natural
resource and environmental organizations and others as appropriate.

Patty Clary

Executive Director

Recommendation: District Commissioners are to consider directing staff to notify the
public regarding herbicide application associated with the Humboldt Bay Regional
Invasive Spartina Eradication Project as described above or as the Commissioners deem
appropriate.