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

DATE: September 22, 2016
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.
   a. Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54956.8 (Conference with Real Property Negotiators) and 54956.9(b) (Conference with Legal Counsel – Anticipated Litigation):
      1) Conference with Real Property Negotiators
         Agency Negotiator: Board President, Executive Director and District Counsel
         Under Negotiation:
         Samoa Roundhouse and related property
         Status of negotiations with Timber Heritage Association regarding status and progress of conditions required to be met by Timber Heritage Association for District’s transfer of property ownership.
      2) Conference with Legal Counsel – Anticipated Litigation
         Litigation threatened by King Salmon property owners regarding status of dredging of Fisherman’s Channel

2. Adjourn Executive Closed Session

3. Call to Order Regular Session at 7:00 P.M. and Roll Call

4. Pledge of Allegiance

5. Report on Executive Closed Session

6. 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.

7. Consent Calendar
   a. Consideration of approval of minutes from March 16, 2016 Special Combined Meeting with Humboldt Bay Development Association, Inc.
   b. Consideration of approval of minutes from June 9, 2016 Regular Board Meeting.
   c. Consideration of approval of minutes from June 23, 2016 Regular Board Meeting.
   d. Consideration of approval of minutes from June 30, 2016 Special Board Meeting.
   e. Consideration of approval of minutes from July 14, 2016 Regular Board Meeting.
8. Communications and Reports
   a. Executive Director Report
   b. Staff Reports
   c. District Counsel, District Planner, District Treasurer, District Engineer Reports
   d. Commissioner and Committee Reports
   e. Other
      • Aldaron Laird – City of Eureka Sea Level Rise Adaptation Planning Report
      • Whelan Gilkerson – Humboldt Bay Eelgrass Management Plan

9. Unfinished Business
   a. Consideration of Second Reading and Adoption of Amendment No. 3 to Ordinance No. 8 Establishing a Conflict of Interest Code.
   b. Consideration of adopting a CEQA Exemption the proposed Piling Replacement (Permit Application 16-06) at Eureka Forest Products Dock, operated by Sierra Pacific Industries near and in Humboldt Bay.
   c. Consideration of adopting Resolution 2016-17 which establishes findings relative to the Dock Seismic Replacement CEQA Exemption.
   d. Consideration of granting to Sierra Pacific Industries Permit16-06, for the Chevron Eureka Terminal Dock Seismic Retrofit

10. New Business
   a. Consideration of Adoption of Resolution 2016-18 Honoring the Memory of Former Commissioner Jimmy Smith.
   b. Discussion of application for a $500,000 Water/Wastewater Technical Assistance Grant for Wastewater Connecting and Ocean Discharge for the City of Eureka and Samoa Peninsula.

11. Administrative and Emergency Permits

12. Adjournment
MINUTES (Subject to Approval)
SPECIAL COMBINED MEETING OF THE
BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT
AND THE
BOARD OF DIRECTORS OF THE HUMBOLDT BAY DEVELOPMENT ASSOCIATION, INC.
March 16, 2016

HUMBOLDT BAY HARBOR RECREATION AND CONSERVATION DISTRICT:

PRESENT:
Commissioner Doss
Commissioner Higgins
Commissioner Wilson

ABSENT:
Commissioner Dale
Commissioner Marks

HUMBOLDT BAY DEVELOPMENT ASSOCIATION, INC:

PRESENT:
Larry Oetker
Aaron Newman
Patrick Higgins

ABSENT:
Rhea Williamson
Richard Marks

President Higgins/Secretary Higgins called the meeting to order for both agencies at 12:25 p.m.

Aaron Newman led those present in the Pledge of Allegiance.

PUBLIC COMMENT: None

NEW BUSINESS

A. CONSIDERATION BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND THE HUMBOLDT BAY DEVELOPMENT ASSOCIATION, INC. TO AUTHORIZE EXECUTIVE DIRECTOR TO OPEN BANK ACCOUNTS AT BBVA COMPASS BANK AND DESIGNATE ACCOUNT SIGNERS.

COMMISSIONER DOSS MOVED TO AUTHORIZE EXECUTIVE DIRECTOR TO OPEN BANK ACCOUNTS AT BBVA COMPASS BANK AND DESIGNATE ALL CURRENT COMMISSIONERS, EXECUTIVE DIRECTOR, DISTRICT TREASURER AND DIRECTOR OF ADMINISTRATIVE SERVICES AS ACCOUNT SIGNERS. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

DIRECTOR OETKER MOVED TO AUTHORIZE EXECUTIVE DIRECTOR TO OPEN BANK ACCOUNTS AT BBVA COMPASS BANK AND DESIGNATE ALL CURRENT DIRECTORS AND EXECUTIVE DIRECTOR AS ACCOUNT SIGNERS. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION BY THE HUMBOLDT BAY DEVELOPMENT ASSOCIATION, INC. TO ADOPT RESOLUTION 2016-01, DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY DEVELOPMENT ASSOCIATION, INC. FOR THE CALENDAR YEAR 2016.

District Counsel recommending removing Director of Administrative Services as a designated account signer as she is not an employee of the Humboldt Bay Development Association, Inc.

DIRECTOR HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2016-01, DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY
DEVELOPMENT ASSOCIATION, INC. FOR THE CALENDAR YEAR AND TO INCLUDE COUNSEL’S RECOMMENDATION. DIRECTOR NEWMAN SECONDED. ROLL CALL VOTE WAS TAKEN:

DIRECTOR WILLIAMSON – ABSENT
DIRECTOR OETKER – AYE
DIRECTOR MARKS – ABSENT
DIRECTOR NEWMAN – AYE
DIRECTOR HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

The meeting was adjourned at 12:35 p.m.

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT:

APPROVED BY: ___________________________________________  RECORDED BY: ___________________________________________

Patrick Higgins, President for
Greg Dale, Secretary 

Patricia Tyson, Director of Admin. Services

HUMBOLDT BAY DEVELOPMENT ASSOCIATION, INC.

APPROVED BY: ___________________________________________  RECORDED BY: ___________________________________________

Patrick Higgins, Secretary 

Patricia Tyson, Director of Admin. Services
Humboldt Bay Harbor District
MINUTES (Subject to Approval)
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

June 9, 2016

PRESENT:
Commissioner Doss
Commissioner Higgins
Commissioner Marks

ABSENT:
Commissioner Dale
Commissioner Wilson

President Higgins called the Executive Closed Session to order at 6:03 p.m.

President Higgins adjourned Executive Closed Session at 6:47 p.m.

President Higgins called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

President Higgins asked Commissioner Doss to lead the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Public Employee Performance Evaluation; Chief Executive Officer Annual Evaluation – no action taken; Conference with Real Property Negotiators: PG&E Property Transfer – no action taken.

PUBLIC COMMENT: None

President Higgins said there has been a lack of decorum during Public Comment. He said this will not be tolerated; and if necessary, the meeting will be recessed until the meeting can be brought under control.

CONSENT CALENDAR

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

COMMUNICATIONS AND REPORTS

EXECUTIVE DIRECTOR REPORT

- Eight responses to the Requests for Qualifications were received: 3 for Sediment Dredging; 2 for Shellfish Culture Activities and 3 for District Permits. Next step is to set up meetings with the District’s committee, City staff and respondents.
- Pre-permitting intertidal properties - 5 of 6 private owners have agreed to lease.
- Met with Coastal Commission staff on the CDP for the picnic tables and barbeques at the west end of Woodley Island.
- 12 applications were received for the Deputy Director position; 18 applications received for the Clerk position. The Administration Restructuring Committee are reviewing options.
- Sediment samples were taken at Fields Landing. The rock layer was deeper than expected at 4-5’; target depth was 3’.
- EDA representatives will visit to help determine the next funding request, possibly water pumping equipment to replace the old systems.
- Shelter Cove update: $17,500 revenue and 300+ boat launches.
- King Salmon District Formation – Canal Captains: James Roberts and Jan McFarlan – Sole Street; Gerry McGee – Salmon Street; Gwen Garrison and Lonnie Hollenbeck – Herring Street; Alling Foreman – Perch Street and Joan Brady – Cod Street. Still looking for someone to represent Crab Street.
Minutes (Subject to Approval)
Regular Meeting of the Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District
June 9, 2016
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STAFF REPORTS:

Director of Harbor Operations (by Executive Director):
- Dredge BAYPORT arrived May 21 and will leave June 13. So far 550,000 cy have been removed. Dredge ESSAYONS will arrive June 15. Draft restrictions will be removed today. A log ship is due June 15 and a chip ship is expected in July.
- Congressman Huffman and staff toured Humboldt Bay by Fire Boat and watched the dredge working. Commissioner Doss and Wilson also attended.

Director of Facility Maintenance (by Executive Director):
- Improvements continue at Redwood Terminal 2. The cost of security was unexpected, but necessary with the walls of the buildings wide open. Roofing material has arrived. Additional costs for District staff to stay ahead of contractors fixing some rotted areas.

DISTRICT COUNSEL, DISTRICT PLANNER AND DISTRICT TREASURER REPORT

District Planner:
- Shelter Cove – County requires a CDP permit for building and tree removal. A cultural resources specialist has been hired for culturally significant debris that has been found.
- One of his staff participated on a boat tour by Coast Seafoods for federal, state and local agencies. The Eelgrass Monitoring Plan was discussed. Coast Seafoods will recirculate their Draft EIR prepared by District Planner.
- Helped put together the King Salmon brochure regarding their assessment district.
- Responded to the Regional Water Quality Control Board regarding pressure retarded osmosis at Redwood Terminal 2.
- Met with Humboldt Bay Municipal Water District staff regarding the reorganization of the Samoa Fire District to the Samoa Community Services District, including Fairhaven water service.

District Treasurer:
- Met with Director of Administrative Services (DAS) and District Bookkeeper on how to split up DAS reporting duties. District Treasurer will help with month end reporting to give to the Board on a timely basis.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Doss:
- Attended the memorial service for former Commissioner and County Supervisor Jimmy Smith. Jimmy was such an advocate for Humboldt County and will be missed.
- Met with Congressman Huffman on the Fire Boat; he is a great advocate for Humboldt Bay and many bay issues were discussed. Riding on the Fire Boat was a good reminder of how the boat is a critical piece of safety apparatus for fire protection services.

Commissioner Higgins:
- Saddened by the passing of Jimmy Smith; a true leader with a gentle style. Jimmy helped the Board of Supervisors understand fish management issues.
- Caught large salmon on the Reel Steel charter boat.
- Southern Humboldt Summer Arts Festival – Eel River Recovery Project had a booth.
- Took school kids to see trout in Covelho and places on the Van Duzen and Eel River; trying to get kids interested in natural resources careers.

Commissioner Marks:
- Finishing up baseball season; starting softball season.
- Attended a NCRA meeting in Healdsburg yesterday. NCRA is turning the tide on finances; will see rail expansion in the next few years.
- Attended the memorial for Jimmy Smith. Commissioner. Commissioner Marks said Jimmy was good to talk to – “you always had a smile when you walked away from him”.
OTHER

Report from Chris Weden - USEPA

EPA is finished with their work at Redwood Terminal 2. The emergency removal began in 2013 when highly corrosive pulp liquors were trucked to Kapstone in Washington. No spills in Humboldt Bay, which was the primary concern. The first order of business was to pump the liquors that should not have been in the tanks in the first place; they then moved on to the steel tanks. Pulp slurry residue is still in the bottom of the tanks and can be removed by a “super sucker” and spread around – it is low PH. EPA was happy they were able to make a problem go away. Mr. Weden said EPA hopes the District’s plans for the property come to fruition.

President Higgins said the District is grateful to EPA for their assistance as the District would not have been able to do the work.

Executive Director stated it was a pleasure to work with EPA – a great group of workers and contractors.

NON AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF ADOPTING AN ADDENDUM TO THE 2007 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR COAST SEAFOODS COMPANY FOR MODIFICATION OF MARICULTURE ACTIVITIES.

District Planner reported the Addendum determines that the 2007 Initial Study/Mitigated Negative Declaration analyses and conclusions remain current and valid. The proposed permit modification would not cause new significant effects not identified in the MND nor increase the level of environmental effect to substantial or significant; no new mitigation measures would be necessary to reduce significant effects. No change has occurred with respect to circumstances surrounding the proposed project that would cause new or substantially more severe significant environmental effects than were identified in the 2007 IS/MND. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the MND. Therefore, no further environmental review is required beyond this Addendum.

COMMISSIONER DOSS MOVED FOR THE ADOPTION OF AN ADDENDUM TO THE 2007 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR COAST SEAFOODS COMPANY FOR MODIFICATION OF MARICULTURE ACTIVITIES. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2016-10, A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE REQUEST BY COAST SEAFOODS FOR MODIFICATION OF MARICULTURE ACTIVITIES.

COMMISSIONER DOSS MOVED FOR THE ADOPTION OF RESOLUTION 2016-10, A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE REQUEST BY COAST SEAFOODS FOR MODIFICATION OF MARICULTURE ACTIVITIES. COMMISSIONER MARKS SECONDED ROLL CALL VOTE WAS TAKEN:

  COMMISSIONER DOSS – AY
  COMMISSIONER DALE – ABSENT
  COMMISSIONER HIGGINS – AYE
  COMMISSIONER WILSON – ABSENT
  COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.
C. CONSIDERATION OF GRANTING 2016 MODIFICATION OF PERMIT 04-03 TO COAST SEAFOODS COMPANY FOR MODIFICATION OF MARICULTURE ACTIVITIES.

District Planner stated this modification to the existing permit will allow Coast Seafoods to widen the spacing between the oyster longlines within approximately 7.88 acres of its existing intertidal footprint known as aquaculture bed MR 10 and declares Coast Seafoods has the right to conduct this activity as part of the original permit.

COMMISSIONER MARKS MOVED TO GRANT THE 2016 MODIFICATION OF PERMIT 04-03 TO COAST SEAFOODS COMPANY FOR MODIFICATION OF MARICULTURE ACTIVITIES. COMMISSIONER DOSS SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF NOMINATIONS TO HUMBOLDT BAY DEVELOPMENT ASSOCIATION BOARD.

Executive Director reported Rhea Williamson, a public member, has resigned her position on the Humboldt Bay Development Board. Since the position is one for a public member, the Harbor District Board recommends the replacement.

COMMISSIONER MARKS NOMINATED LEROY ZERLANG TO THE HUMBOLDT BAY DEVELOPMENT ASSOCIATION BOARD. COMMISSIONER DOSS SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION TO ACCEPT PG&E DONATION OF USED FOOT BRIDGE.

Executive Director reported the foot bridge in King Salmon is being removed and PG&E would like to donate it. Although there is no need by the District at this time, it could be used in the future, i.e. for the kayak trail in Arcata Bay. There is no cost for the 2 50’ spans.

Commissioner Doss said Ferndale has a need and a plan for the foot bridge as a safety benefit for school children. He suggested the Board defer this decision and let Ferndale take the foot bridge; or if Ferndale does not want it, the District would take it.

COMMISSIONER MARKS MOVED TO ACCEPT THE DONATION OF THE FOOT BRIDGE AND CONSIDER THE DONATION TO FERNADEL IF NEEDED. COMMISSIONER DOSS SECONDED. MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF EXTENDING LEASE LISTING AGREEMENT WITH SCOTT PESCH FOR ONE YEAR.

Executive Director stated Mr. Pesch has shown the property to many interested parties, but the CDI restrictions have made it difficult to find permanent tenants. The extension is to December 31, 2017.

COMMISSIONER DOSS MOVED FOR THE APPROVAL OF EXTENDING LEASE LISTING AGREEMENT WITH SCOTT PESCH FOR ONE YEAR. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

G. CONSIDERATION OF EXTENDING AGREEMENT WITH HUNTER, HUNTER AND HUNT FOR SERVICES TO PROVIDE THE ANNUAL AUDIT FOR FY 2015/16.

Executive Director reported Hunter, Hunter and Hunt were contracted through a RFP process for the fiscal year of 2012/13 for a three year contract. Their fees have been as follows: FY 2012/13 - $16,000; FY 2013/14 - $16,500; FY 2014/15 - $21,500 and their proposed fee for FY 2015/16 is $18,500. The knowledge of their staff of the Harbor District, history of Redwood Terminal 2 and the New Market Tax Credits project allows for an easy transition into the audit.
COMMISSIONER DOSS MOVED FOR THE APPROVAL OF EXTENDING AGREEMENT WITH HUNTER, HUNTER AND HUNT FOR SERVICES TO PROVIDE THE ANNUAL AUDIT FOR FY 2015/16. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:05 p.m.

APPROVED BY: 

RECORDERD BY: 

Greg Dale 
Secretary 

Patricia Tyson 
Director of Administrative Services
PRESENT:
Commissioner Doss
Commissioner Dale
Commissioner Higgins
Commissioner Wilson
Commissioner Marks

President Higgins called the Executive Closed Session to order at 6:07 p.m.

President Higgins adjourned Executive Closed Session at 6:58 p.m.

President Higgins called the regular meeting of the Board of Commissioners to order at 7:05 p.m.

President Higgins asked Commissioner Doss to lead the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Public Employee Performance Evaluation: Chief Executive Officer, Director of Harbor Operations and Director of Facility Maintenance – no action taken; Conference with Real Property Negotiators: PG&E Property transfer – no action taken.

PUBLIC COMMENT

Monte Provolt said he had good news: the Board does not have to revisit the East-West rail study because a grant has been awarded to Trinity County for an in-depth study on the East-West Rail. He said he would like to see the Board support this study and participate. Mr. Provolt asked for his written comments regarding the District’s Coast Seafoods Loan be made a part of the permanent record.

Larry Henderson said Commissioner Dale’s Letter to the Editor in the May 30 Times-Standard misrepresented the Harbor Working Group. He said he was insulted by the letter calling HWG “a few retired folks”; he is not retired and is still working. These types of comments can hurt his business if people think he is retired. Mr. Henderson feels an apology is due to the Harbor Working Group. Mr. Henderson asked for his written comments to be made a part of the permanent record.

Karen Brooks said the grant is great news! Years and years and lots of hard work over several counties accomplished this. She took issue with Commissioner Dale’s letter. It is unbecoming for and elected official, a community minded person, to demean anyone. The characterization of Marian Brady as irrational was demeaning. She would like to see a greater tone of civility. The Board has verbally abused a citizen group offering time and talents. Every elected official should respect and honor their citizens. This is the worst attitude of public servants. Ms. Brooks asked for her written comments to be made a part of the permanent record.

Sid Berg said he is a lifelong resident of Humboldt County and the face of labor for 20 years. He is doing everything he can to help people in Humboldt County get jobs and has participated in the grassroots efforts of the Harbor Working Group. He assumed Commissioner Dale supported their efforts, but writing the letter as a Commissioner showed the arrogance of this Board. Harbor Working Group is not about the East-West Rail; it is about hard working people.

Kent Sawatzky said it is a tough job of the Board to listen to the public and be held to a higher level of civility. It is a common courtesy to divulge if one is speaking for the Board.

Debbie Provolt said if the Board was doing their job, the Harbor Working Group would not be needed. They are more proactive than the Board.

CONSENT CALENDAR

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson said, in the future, he would like to know why a permit extension is needed.
COMMUNICATIONS AND REPORTS

EXECUTIVE DIRECTOR REPORT

- A RFQ was distributed for the District Engineer. Responses are due July 1. Will the Restructuring Committee review the responses or a different committee?
- There is tenant interest in the Redwood Terminal 2 property due to the improvements being made.
- The dredge pipe in the ocean outfall pipe is feasible. Looking at whether a NPDES permit is required.
- The clarifiers at Redwood Terminal 2 are 75% drained; sediment depth needs to be measured.
- Beaver Korea whole log sawdust machine has shipped and due to arrive July 15.
- Fields Landing mitigation sediment tests are due tomorrow.
- King Salmon Canal Captains meeting to be set up – Commissioners Marks and Doss are the committee.
- Mariculture Pre-Permitting Project – started with 458 acres – 177 remain.
- Shelter Cove Update: 350 Launches, Revenue $25,000, 60 boat parking spaces rented. The demolition permit should be received in August. On the 4th of July there will be 6 Sheriffs, 3 State, 2 Fish & Wildlife, 6 Resort Improvement Staff and 3 Harbor District Staff. Beach access will not be blocked.

STAFF REPORTS:

Director of Harbor Operations (by Executive Director):
- Showed a picture of Beaver Korea loading the whole log sawdust machine into a 40’ container.
- Log ship loaded – close to 3 million board feet below deck.
- Redwood Terminal 2 clarifiers – connected to drain at the same rate; tapered system. The amount of algae growing is impressive.

Director of Facility Maintenance:
- Working with Maintenance staff at Redwood Terminal 2 to make repairs, keeping costs down. Roofers are onsite on Monday. The improvements are bringing positive attention to the property. All contractors are local.

DISTRICT COUNSEL, DISTRICT PLANNER AND DISTRICT TREASURER REPORT

District Planner:
- Gave an update on the HSU Water Desalination Pilot Project. Revised the application adding the Flake Salt project and response to Regional Water Quality Control Board and Coastal Commission agency comments on June 22. Both uses are at Redwood Terminal 2 and use the same bay water intake system. They are coastal depending and the desalination pilot project uses the ocean outfall.
- Humboldt Bay Symposium will be held on October 21 and 22. The tentative title will be “Changing Tides, Changing Times”. Topics will include climate change, sea level rise, sediments, economic development and activities on the bay and bay and ocean changes. The District’s participation will be to lead the economic development session, participation in the organization/production/funding and provide speakers on aquaculture expansion, eelgrass management and pulp mill cleanup and repurposing.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Doss:
- Has been fact-gathering and having discussions regarding Coastal Dependent Industrial zoning.
- Excited to hear about the grant for the rail study. The State of California feels there are viable shipping opportunities in Humboldt Bay. Humboldt Bay is the perfect set up for shipping, mariculture and other opportunities.

Commissioner Dale:
- Missed last meeting; he was attending his son’s graduation from Cal Poly San Luis Obispo.
- The Oyster Festival in Arcata was a huge success. It is estimated there were 14-18,000 people in attendance.
- Spoke on KINS Community Comment
Attended Garberville Rotary meeting; made a presentation on Shelter Cove activities; all comments were positive.
95th Annual Fortuna Rodeo is next month.

Commissioner Higgins:
- Has heard the District's launch service in Shelter Cove is working well.
- There are abundant Coho Salmon in the South Fork of the Eel River. Every square foot of the Eel River is covered in eels/lamprays.
- Great to see the revitalization of the Redwood Terminal 2 buildings. Hopes the Board of Supervisors can move forward with the CDI interim use approval on July 5.
- Presented videos of fish in the Eel River.

Commissioner Wilson:
- Participated as an oyster-tasting judge at the Oyster Festival.
- As a kid, jumped off the backside of the Benbow dam into a pool of eels.
- Was elected to the County Board of Supervisors effective January 1, 2017. Volunteered to work with Commissioner Higgins to develop options for the vacant seat; two years of the term is left.

Commissioner Marks:
- Chaired the Humboldt Bay Development Association meeting.
- NCRA will hold a meeting in Eureka in September. Harbor Working Group will be invited to give an update.

OTHER

John Hummer – US Maritime Administration (MARAD)

Mr. Hummer stated MARAD is one of the modal administrations within the Department of Transportation. MARAD keeps a fleet of ships along the coasts maintained in a state of readiness in case of deployment for national or local emergencies. The largest fleet is in Alameda and they are known for the mothball fleet in Suisun Bay. 55 ships have been scrapped already. Mr. Hummer works with the ports in the commercial maritime sector. In Northern California there are seven public ports and one private port (Benicia).

The FAST Act legislation replaced TEA 21 and requires the Federal Government to produce a national freight plan. There is a draft national maritime strategy waiting for review before enacting. Port finance and project development are included. Smaller ports could benefit from MARAD. There is not a lot of funding, but there is a program called “Strong Ports”; Congress allocates funds to the maritime sector.

The national freight system begins and ends with ports. California is the gateway to Asia. Mr. Hummer toured Redwood Terminal 2 and said he will ask his colleagues back East to see if they can help Humboldt Bay. Port of Humboldt Bay needs to make noise in Washington DC. California is completing a statewide freight plan, mandated by the Federal Freight Plan. Governor Brown is looking to make the complete chain zero or near zero emission targets. Alameda is submitting its own freight plan. Oakland is the dominate export port, mainly produce from the Central Valley. It is a freight-rich environment and opportunity is presenting itself now. He is very impressed with the current activities and the rail study approved by CalTrans.

A $250,000 market analysis was done on short sea shipping. It was determined the M5 (maritime highway) was too slow; it would never work. A tie to Mexico and Canada was researched, but an international connection cuts off federal funding.

Commissioner Marks asked Mr. Hummer if he is familiar with the SMART train and the interface with NCRA. Mr. Hummer stated he was a former locomotive engineer and ran trains. It is very expensive to get rail service to Humboldt County; renovation of the tracks is expensive.

NON AGENDA: None
UNFINISHED BUSINESS

A. CONSIDERATION OF ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPLICATION BY CHEVRON USA FOR THE CHEVRON EUREKA TERMINAL DOCK SEISMIC RETROFIT.

COMMISSIONER DALE MOVED FOR THE ADOPTION OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPLICATION BY CHEVRON USA FOR THE CHEVRON EUREKA TERMINAL DOCK SEISMIC RETROFIT. COMMISSIONER DOSS SECONDED.

District Planner reported the proposed project will provide a seismic upgrade to the existing dock structure and will not add any additional square footage or capacity to the Chevron Eureka Terminal Dock. The project is compliance-driven as required by the California State Lands Commission. The existing timber structure is inadequate to support the pipeway during the considered seismic events. Retrofitting the structure consists of isolating the pipeway from the timber dock structure by installing a new steel support system along the trestle and a new unloading platform on the wharf. The remainder of the existing dock will remain in place and is not part of this project.

CEQA Compliance is as follows: Impacts to the following environmental factors: biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality and noise, can occur from construction activities; mitigation measures have been development for each affected environmental factor, reducing potential impacts to less than significant; and the proposed Initial Study/Mitigated Negative Declaration was made available for the public’s review and comment via a Notice of Intent, with a comment period beginning May 16 and ending June 16. No comments regarding this project were received.

Travis Schneider, project manager, reported upgrades are being done by state mandates. Chevron has taken the initiative to comply and they foresee longevity in Humboldt Bay. Mr. Schneider commended staff, helpful even after work hours and on weekends.

Sid Berg asked if the jobs are local prevailing wage or union jobs.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTING RESOLUTION 2016-12, WHICH ESTABLISHES FINDINGS RELATIVE TO THE CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR CHEVRON EUREKA TERMINAL DOCK SEISMIC RETROFIT.

COMMISSIONER DOSS MOVED FOR THE ADOPTION OF RESOLUTION 2016-12, WHICH ESTABLISHES FINDINGS RELATIVE TO THE CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR CHEVRON EUREKA TERMINAL DOCK SEISMIC RETROFIT. COMMISSIONER WILSON SECONDED.

Commissioner Dale asked about the status of the facility; if there are any problems. Mr. Schneider stated Chevron maintains the facility and operates above the minimum standards.

Karen Brooks said she hopes the pilings will be repurposed and not put into a landfill.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER DOSS – AYE
COMMISSIONER DALE – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER DALE – AYE

MOTION CARRIED WITHOUT DISSENT.
C. CONSIDERATION OF APPROVAL OF GRANTING TO CHEVRON PERMIT 16-02 FOR THE CHEVRON EUREKA TERMINAL DOCK SEISMIC RETROFIT.

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF GRANTING TO CHEVRON PERMIT 16-02 FOR THE CHEVRON EUREKA TERMINAL DOCK SEISMIC RETROFIT. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. PUBLIC HEARING AND FIRST READING OF BUDGET FOR FY 2016/17.

Director of Administrative Services reported the Board adopted their Preliminary Budget for FY 2016/17 at their May 2 Special Board Meeting. A 30-day public comment period followed, with no comments received. There were no dollar changes in the budget presented at this meeting; there was a narrative change. At the May 2 meeting, Commissioner Doss asked for a placeholder in Professional Services for a potential rail study revisit, but no dollars were allocated.

Commissioner Doss said he would like some dollars allocated to a potential rail study; there maybe potential matching funds for the grant that was awarded. He would like for the Harbor District to participate if Trinity County asks for assistance. There should always be something in the budget allocated towards transportation.

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF THE BUDGET TO INCLUDE $10,000 FOR THE HARBOR DISTRICT TO ADDRESS SUPPORT OF TRANSPORTATION PLANNING AND/OR STUDY. COMMISSIONER DALE SECONDED.

Commissioner Dale said some of the criticism of the Board by the Harbor Working Group is valid; the Harbor District is part of public transportation.

Karen Brooks said a press release will be forthcoming by CalTrans states the grant is $350,000 for the study, with a $50-$80,000 match. $10,000 is a great start, but she would like to see the District authorize $15-$20,000. Any help is appreciated.

MOTION CARRIED WITHOUT DISSENT.

Karen Brooks asked about projections vs. actual and about salaries and wages. What is happening with the vacant Deputy Director position? She noted there are no allocations for defense of levies; this should be a continual issue such as dredging.

Commissioner Wilson said the District has some jurisdiction around the bay on levies, but there is no ownership. He suggested Ms. Brooks contact the levy districts. No one has said the levies should be abandoned; there needs to be a plan to address sea level rise and impacts on levies.

NEW BUSINESS

A. CONSIDERATION OF APPROVAL OF EMPLOYMENT AGREEMENT WITH EXECUTIVE DIRECTOR JACK CRIDER.

Executive Director said it has been a pleasure over the last four years working with the Board and staff. The agreement is the same as last year, no golden parachute. Annual salary is proposed at $136,000.

Commissioner Higgins said Executive Director's productivity has been extraordinary.

COMMISSIONER DALE MOVED FOR THE APPROVAL OF EMPLOYMENT AGREEMENT WITH EXECUTIVE DIRECTOR JACK CRIDER. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF RESOLUTION NO. 2016-11, 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.

Executive Director reported this service has been provided by Dockmaster for several years. There are minimum strings attached.

COMMISSIONER WILSON MOVED FOR THE ADOPTION OF RESOLUTION NO. 2016-11, 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. COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER DOSS – AY
COMMISSIONER DALE – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

Executive Director stated a Special Board Meeting will be called for the Board to discuss Coastal Dependent Industrial related issues.

The Regular Meeting of the Board of Commissioners adjourned at 8:47 p.m.

APPROVED BY:                                  RECORDED BY:

Greg Dale                                      Patricia Tyson
Secretary                                      Director of Administrative Services
In a contract with Pacific Seafoods, the Harbor District borrowed 1.25 million dollars. This contract obligated the District to repay this amount with in five years. If the loan is not repaid in time, The District agrees to give Pacific Seafoods a 40 year lease extension of California tide lands. The lease payments will be lower than current lease rates. In addition, California taxpayers will still be obligated to repay the 1.25 million dollars to Pacific Seafoods.

It is my understanding that only interest payments have been made, and in the current and proposed budgets, there are no payments anticipated toward the principle. It is unlikely the loan will be repaid in the given time frame. This has the appearance of an intentional giveaway to commissioner Dale's parent company in the form of a long term lease extension at discount rates, if so, this is a gross violation of your fiduciary responsibility to the tax payers of California.

Monte Provolt
822-0508
[Introduction]

I wish to comment on a letter to the editor published in the Times Standard May 30.

The letter referenced action taken by your Commission, and was submitted by Commissioner Greg Dale.

As Chairman of the Harbor Working Group, I thank Commissioner Dale for his references to our organization.

Although the references were the masculine equivalent of cow pie, they did serve to promote interest and inquiry about our mission.

I am, however, very disappointed—and very much insulted—by the falsehood of Commissioner Dale’s description of us.

To the point...it is not true that I am retired; and it did me great harm describing me being in retirement...that falsely told the world that I am no longer seeking work.

For the record, I still practice my craft; and I still offer my time and talents for money.

Actually, I want more money and need the work to get it...so if you know of anybody who needs a great consultant, give them my contact information.

In any case, I feel like an apology is due for describing me and the Harbor Working Group as just a few retired folks.
Complaint regarding Commissioner Dale’s 5-30-16 Letter to the Editor.

For a business man, father, husband, Rotarian, elected Harbor Commissioner, member and past officer of the Farm Bureau and Eureka Chamber of Commerce among other community service activities it is unbecoming any community minded person, and especially a person with the privilege of holding public office to demean anyone.

To Demean in case you want to know is to cause a severe loss in the dignity of and respect for (someone or something). You demeaned Marian Brady for her opinion of Mike Wilson as a dis supervisor based on his actions or inactions as a Harbor Commissioner. You can certainly agree but to call her opinion irrational is libelous, unless you hold a degree in psychology. The harbor district is already defending you in one law suit why invite another?

Isn’t politics toxic enough? Can we be civil to one another even when we disagree?

As a member of the Humboldt Bay Harbor Working Group since its beginning in 2011, I’m offended by the routine abuse by this board. Your, collectively, rude and hostile when we make presentations, you have come to our meetings and verbally abused us, we see no cooperation or appreciation for the advocacy and education we do on a volunteer basis to outreach our community about economic development opportunities in and around our Harbor.

Then to condemn the actions of citizens demeans the office you hold and demonstrates the worst possible attitude of being in service to your community. You are not kings to dismiss your subjects. You work for us, we are your boss. Your comments we out of line and I would like to give you an opportunity to show the public that you misspoke and apologize for your efforts to support Mike Wilson.

Thank you

Karen Brooks
Bayside
6-24-16
Mike Wilson’s public service unsurpassed

Posted: 05/30/16, 11:50 AM PDT | Updated: 3 weeks, 2 days ago

0 Comments

I wasn’t shocked by Marion Brady’s irrational statement regarding Mike Wilson’s public service by ridiculing his attendance at the Humboldt Bay Working group as a required part of a commissioners duties (“Uri Driscoll is the clear choice for the 3rd District,” May 21, Page A5).

The working group is a few retired folks that meet at the Samoa Cook House for lunch with no responsibilities or mandate. I’ve attended several of their meetings and found them fun but not particularly useful or productive for Harbor Business. Their focus almost always leads to establishing an East/West rail.

Recognizing that not everyone can attend working group lunches each month, the Commission asked Commissioner Richard Marks (North Coast Railroad Authority Director) to attend and report to the board working group issues. As a result the need was recognized for more detailed and accurate information regarding rail service so as to make informed decisions.

Mike, as chair of the commission, lead us to contracting a renowned rail consultant to study different rail right of ways and the probable customers and cargos as well as construction, operation and maintenance costs. The report was telling and did not align with the working group's dogma. Thus their ire with the commission and Mike.

Those familiar with the HD know that Mike’s passion, intellect, record of service and commitment of time is unquestionable. Samoa Pulp Mill acquisition, cleanup and maintenance of critical infrastructure is creating new jobs today.

This is the leadership we need on our Board of Supervisors. This is why I hope you vote for Mike Wilson on June 7.

Greg Dale, 2nd Division harbor commissioner, Eureka
MINUTES (Subject to Approval)
SPECIAL MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

June 30, 2016

PRESENT:
Commissioner Doss
Commissioner Dale
Commissioner Wilson
Commissioner Marks

ABSENT:
Commissioner Higgins

Vice President Wilson called the Special meeting of the Board of Commissioners to order at 12:05 p.m.

Vice President Wilson led the Pledge of Allegiance.

PUBLIC COMMENT: None

NEW BUSINESS

A. CONSIDERATION OF ADOPTION OF RESOLUTION 2016-13, A RESOLUTION RECOMMENDING THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS IMPLEMENT HUMBOLDT BAY AREA PLAN SECTION 30232 AND ADOPT AMENDMENTS ALLOWING NON COASTAL DEPENDENT USES ON AN INTERIM BASIS IN THE INDUSTRIAL/COASTAL DEPENDENT ZONE.

Executive Director reported this resolution was suggested by Humboldt Bay Development Association Board Member Larry Oetker, who also helped write the resolution.

District Planner stated this resolution allows the broadening of potential uses on CDI parcels until a longer-term Local Coastal Plan can be considered. The Harbor District is one of many property owners on the peninsula affected by the current zoning.

COMMISSIONER MARKS MOVED FOR THE ADOPTION OF RESOLUTION 2016-13, A RESOLUTION RECOMMENDING THAT THE HUMBOLDT COUNTY BOARD OF SUPERVISORS IMPLEMENT HUMBOLDT BAY AREA PLAN SECTION 30232 AND ADOPT AMENDMENTS ALLOWING NON COASTAL DEPENDENT USES ON AN INTERIM BASIS IN THE INDUSTRIAL/COASTAL DEPENDENT ZONE. COMMISSIONER DOSS SECONDED.

Commissioner Doss said the Board should make sure to always include commercial activities of the bay when considering this type of action. Resolutions last beyond human memory and is being done in the spirit of encouraging existing business and potential growth.

Commissioner Wilson said it is not necessary to include dike enhancement wording as there are no dikes on the CDI properties on the peninsula.

Commissioner Doss said the dikes were mentioned because of the King Salmon Channels CDI properties. The Board also needs to be cognizant of conservation requirements, especially regarding eelgrass.

The Board agreed to replace "dike enhancements" with "marine revetments and maintenance and repair", as well as few other wording changes.

Commissioner Wilson said the point of the change is to "generate income to protect critical infrastructure", which is included in the third paragraph of the resolution.

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

MOTION CARRIED WITHOUT DISSENT.

The Special Meeting of the Board of Commissioners adjourned at 12:54 p.m.

APPROVED BY:

RECORDED BY:

Greg Dale
Secretary

Patricia Tyson
Director of Administrative Services
MINUTES (Subject to Approval)
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOUR, RECREATION AND CONSERVATION DISTRICT

July 14, 2016

PRESENT:
Commissioner Doss
Commissioner Higgins
Commissioner Wilson
Commissioner Marks

ABSENT:
Commissioner Dale

President Higgins called the Executive Closed Session to order at 6:12 p.m.

President Higgins adjourned Executive Closed Session at 6:53 p.m.

President Higgins called the regular meeting of the Board of Commissioners to order at 7:05 p.m.

President Higgins asked Commissioner Marks to lead the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Conference with Real Property Negotiators: PG&E Property transfer – no action taken.

PUBLIC COMMENT

Pete Oringer spoke to the Board on behalf of the Land-Bridge Alliance. He said the Board spoke of the feasibility study at their last meeting and thanked the Board for showing support of the East-West Rail line study. A study will utilize date of other studies, including the Harbor District’s study, which was done during a worldwide financial meltdown. This study will consider many options that the other study was not able to obtain. The Board’s contribution of $10,000 will support the $69,000 match. Land-Bridge Alliance is a non-profit charged with collecting the match required for the final grant. Mr. Oringer looks forward to the Board’s participation in the effort.

CONSENT CALENDAR: None

COMMUNICATIONS AND REPORTS

EXECUTIVE DIRECTOR REPORT

- The final step for approval by the Coastal Commission of the Woodley Island Fish Market – removal of the three District-owned conex boxes in the Work/Storage Yard.
- Both Director of Facility Maintenance and Dockmaster offices have been moved out of the security trailers and back in the main office.
- Sediment testing of Fields Landing mitigation results indicate NO contamination found.
- Meeting with PG&E, will modify King Salmon Fisherman Channel into Phases to match mitigation – piling removal only for entrance?
- Meeting with Coast Guard regarding the low depth at their dock at the marina, rafting barge helps, but only 6" bottom clearance at -1.7 tide. Coast Guard wants to help with dredge permit.
- Shelter Cove – Revenues $38,000; 800 Launches.
- Board of Supervisors Meeting on CDI/Interim Use on Tuesday, July 19 at 1:30 p.m.

STAFF REPORTS:

Director of Facility Maintenance:

- Redwood Terminal 2 roof – up to 30 people are working to replace the roof. Siding is being replaced. There have been no real surprises. District staff is making minor repairs. Getting close to completion. Doors are up and in place; 6 are fully operational.
DISTRICT COUNSEL, DISTRICT PLANNER AND DISTRICT TREASURER REPORT

District Treasurer:
- Meeting with auditors and Director of Facility Maintenance next week to set up audit schedule and talk about preliminary issues.
- Mona, from his office, will be stepping in during Bookkeeper’s absence to run payroll and some account payable.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Doss:
- Met with PG&E regarding King Salmon and the need for dredging. State agencies have made the overall project cost prohibitive and work overload by their demands.
- Timber Heritage Association hosted the Arcata Chamber Mixer. It was a great opportunity to see the results of the living/working museum. The speeder schedule is very active.
- The Junior Rodeo has been going on the last couple of days in Fortuna; his daughter is a participant. The program is getting increasingly more successful; very family oriented. Thank you to those who put on the rodeo for the community.

Commissioner Higgins:
- The Humboldt Bay Symposium will be held October 21-22; science, policy and issues for Humboldt Bay will be presented.
- Board of Supervisors meeting on CDI/Interim Use – hoping for a positive outcome on July 19.
- Presented videos on fish in Eel River and associated creeks.

Commissioner Wilson:
- There is a concept in the community that the Harbor District is wanting to be a part of the cannibas market at the Redwood Terminal 2 site. The Harbor District is bound by contractual obligation on the New Market Tax Credits project not to participate in any cannabis-related activity.

Commissioner Marks:
- Will attend the Board of Supervisors meeting on July 19 to listen to the discussion about CDI/Interim Use.
- Met with PG&E regarding Fisherman Channel at King Salmon.
- People talk about creating jobs around Humboldt Bay. 78 people are working at Redwood Terminal 2 and being paid prevailing wage.

OTHER: None

NON AGENDA: None

UNFINISHED BUSINESS


COMMISSIONER WILSON MOVED FOR THE APPROVAL OF SECOND READING AND ADOPTION OF BUDGET FOR FY 2016/17. COMMISSIONER MARKS SECONDED.

Executive Director stated the staff structure was left the same, even though there has been some turnover, because no decision has been made by the Board to replace, restructure, etc.

COMMISSIONER WILSON MADE A FRIENDLY AMENDMENT TO HIS MOTION TO REVISE PROFESSIONAL SERVICES TO DELETE "POTENTIAL RAIL STUDY UPDATE" AND REPLACE WITH "TRANSPORTATION (MARINE/ROADS/RAIL) STUDY SUPPORT". COMMISSIONER MARKS SECONDED THE FRIENDLY AMENDMENT.
Debbie Provolt said she appreciates seeing "Rail" in the budget. She is a member of Land-Bridge Alliance and appreciates the financial and verbal support of the Board. It would be helpful to have the minutes of the First Reading when considering the Second Reading. She asked about the District’s Workers Compensation rate and the change in the Ex Mod. Director of Administrative Services replied when the number and dollar amount of workers compensation claims are reduced, the experience modification is reduced causing a reduction in premiums.

Pete Oringer asked how to set up a liaison to gain some guidance with the Land-Bridge Alliance in light of the dollars allocated to the feasibility study. He also said online availability of meeting agenda with minutes would be helpful.

MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson said he wanted to clarify the Board has not committed anything yet to the grant.

NEW BUSINESS

A. FIRST READING OF AMENDMENT 6 TO ORDINANCE 6, AN ORDINANCE ESTABLISHING PROCEDURES FOR THE CONDUCT OF MEETINGS, ELECTION OF OFFICERS AND THE PASSAGE OR APPROVAL OF ORDINANCES AND RESOLUTIONS FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.

Executive Director stated currently the Ordinance 6 requires regular meetings to be held on the 2nd and 4th Thursdays January – October, 2nd Thursday in November and the 1st and 3rd Thursdays in December. If a regular meetings falls on a holiday, it will be held the next succeeding Thursday. The proposal is as follows: One regular meeting per month on the 4th Thursday. If it falls on a holiday, such as Thanksgiving, the Board can call a Special meeting to conduct time sensitive business. Executive Director said having one set Board Meeting per month on the 4th Thursday gives flexibility for additional meetings.

Debbie Provolt said one meeting per month is plenty. If a meeting is cancelled due to a holiday, it would be two months before the next one is held, which is too long. Special meetings should be held in the evening. She suggested putting Commissioner Reports at the end of the meetings and Staff Reports should be prior to Public Comment so the public can have an opportunity to comment. Recently, discussion has been about public comment: what it can be and what the Board can comment on; but the public can say anything they want and they can ask a question of the Board and the Board can decide whether to answer. The Board cannot take action on something not on the agenda, but the public’s suggestions can be put on future agendas.

Scott Frazier said it appears the Board will have at least 12 Special meetings and it is hard to know when the meetings are scheduled. He suggested the Board consider having a regular meeting if the District is as busy as it appears to be.

Executive Director said all meetings will be noticed; 72 hours in advance for regular meetings and 24 hours in advance for Special meetings.

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2016-14 RECOGNIZING PATRICIA TYSON ON HER RETIREMENT.

Executive Director stated Ms. Tyson started as Administrative Assistant on May 12, 1997, was promoted to Director of Administrative Services and served for several months as Interim Chief Executive Officer. She was the Human Resources officer, event planner, everyone’s “go to” person, providing counseling on the “appropriate behavior” for the office. Ms. Tyson has been a tremendous asset to the Harbor District and will be missed.

President Higgins read Resolution 2016-14 aloud. He thanked Ms. Tyson for her tremendous dedication and efforts during District transition periods.
Ms. Tyson thanked the Board and Executive Director for the recognition and the opportunities given to her during her years at the Harbor District.

COMMISSIONER DOSS MOVED FOR THE ADOPTION OF RESOLUTION 2016-14 RECOGNIZING PATRICIA TYSON ON HER RETIREMENT. COMMISSIONER WILSON SECONDED.

Commissioner Wilson said Ms. Tyson’s work, dedication to her work and the people and her professionalism is all true. There have been trials and tribulations here at the District and there was a time when her personal integrity was crucial during the transition to a new Chief Executive Officer, it was meaningful and helped all in the organization. Commissioner Wilson said he appreciated very much those times; they were not easy. He thanked Ms. Tyson and said it has been wonderful to have her at the District.

Commissioner Marks said Ms. Tyson was the calm in the storm during the transition between Chief Executive Officers; she never wavered from the idea that everything would be alright. These were hard times, but she took the initiative to be the Interim Chief Executive Officer. Commissioner Marks said he will miss Ms. Tyson greatly.

Pete Oringer said he appreciated the respect and courtesy Ms. Tyson extended to the public.

Director of Facility Maintenance said the staff received a lot of motherly advice from Ms. Tyson and she will be missed.

District Treasurer said he has worked with Ms. Tyson for the entire time she has been with the District; it has been a great journey. She has taken on all that has been given to her and she has grown into the rolls; always helpful. District Treasurer will miss Ms. Tyson.

District Counsel said Ms. Tyson is very well organized, keeps the District’s important documents organized. She has a good sense of what needs to be done and when legal advice is needed. She has saved the District money over the years by seeing issues that need addressing early on. She has been a great asset to the District. District Counsel said he has enjoyed working with Ms. Tyson and will miss her.

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

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPOINTMENT OF PATRICIA TYSON, AN INDEPENDENT CONSULTANT, TO FILL THE CRITICALLY-NEEDED POSITION OF CLERK TO THE BOARD OF COMMISSIONERS AFTER HER RETIREMENT ON AUGUST 1, 2016.

COMMISSIONER DOSS MOVED FOR THE APPOINTMENT OF PATRICIA TYSON, AN INDEPENDENT CONSULTANT, TO FILL THE CRITICALLY-NEEDED POSITION OF CLERK TO THE BOARD OF COMMISSIONERS AFTER HER RETIREMENT ON AUGUST 1, 2016. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. DISCUSSION OF RFQ RESPONSES FOR DISTRICT ENGINEER AND SOLAR/BIO MASS CONTRACTOR.

Executive Director said four interviews for District Engineer will be conducted tomorrow: Manhard Consulting – Praj White, Pacific Affiliates – Travis Schneider, SHN Engineers – Mike Foget and ICF Jones & Stokes – Adam Wagschal.
Three Solar/Biomass consultants will be interviewed in the next several days: Energy Systems Development, Borrego Solar and Atwater Infrastructure. A committee is requested for the interviews.

Commissioner Wilson suggested Matt Marshall of the Energy Commission and Larry Oetker should be on the committee. President Higgins appointed Commissioners Higgins and Wilson, Matt Marshall and Larry Oetker to the committee for the Solar/Biomass interviews.

Commissioner Wilson said he would not be adverse to receiving new proposals.

E. CONSIDERATION OF APPROVAL OF EMPLOYMENT CONTRACT WITH TIM PETRUSHA.

Executive Director said Mr. Petrusha serves as Director of Harbor Operations and Bar Pilot and certifies the Private Bar Pilot operations. He supervises the Dockmaster, oversees all tenant leases and supervises all District-owned vessels and operation. Mr. Petrusha has done an excellent job and had a successful evaluation. Executive Director recommends a merit increase of $5,000 and a renewal of a one-year contract for $84,269.

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF EMPLOYMENT CONTRACT WITH TIM PETRUSHA. COMMISSIONER WILSON SECONDED.

President Higgins said the District is lucky to have Mr. Petrusha; his ability to diversify has been beneficial to the District. He was also impressed with Mr. Petrusha’s diplomacy in working in Shelter Cove.

Commissioner Wilson said the District is rewarding professional growth through real experience. Mr. Petrusha’s presence is of the caliber of the position.

MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF APPROVAL OF EMPLOYMENT AGREEMENT WITH ALAN BOBILLOT.

Executive Director stated Mr. Bobillot is the Director of Facilities Maintenance and supervises 11 full and part-time employees; supervises the maintenance of all District-owned assets. Mr. Bobillot has shown leadership skills in facilities operations and Executive Director recommended a promotion to Director of Operations and Facilities Maintenance with a $12,000/year salary increase for the additional responsibilities. Executive Director also recommended an extension of the one-year contract at $76,207.

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF EMPLOYMENT AGREEMENT WITH ALAN BOBILLOT. COMMISSIONER WILSON SECONDED.

Commissioner Marks said he was highly impressed with Mr. Bobillot’s abilities when the caustic liquors were being moved from the pulp mill and the old dock needed repairing first.

Mr. Bobillot said the cultivation of knowledge and professionalism that surround him helps him be the person he is. He said he loves his job.

Commissioner Wilson said he is impressed with Mr. Bobillot’s “gear head”; he is an amazing project manager.

MOTION CARRIED WITHOUT DISSENT.

G. CONSIDERATION OF SALARY RAISE FOR DISTRICT BOOKKEEPER PENNY HICKEY.

Executive Director stated Ms. Hickey has been the District Bookkeeper for 17 years and works in a union position. She has been responsible for all general bookkeeping, payroll, grant accounting, contract management and customer services. Ms. Hickey has accepted additional responsibilities, Human Resources, bank reconciliation and financial statement generation and Executive Director recommended a $5,000/year raise for additional responsibilities; all other union contract terms will remain the same.
Commissioner Marks asked if the union has been notified. Executive Director responded that the union was notified.

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF SALARY RAISE FOR DISTRICT BOOKKEEPER PENNY HICKEY. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS

Administrative Permit to Pacific Gas & Electric Company for Sediment Sampling

Executive Director reported some of the regulatory agencies determined there was an area included in PG&E's current permit requiring further sampling. This is a minor change from what was already approved in the PG&E permit.

The Regular Meeting of the Board of Commissioners adjourned at 8:25 p.m.

APPROVED BY:                          RECORD BY:

Patrick Higgins, President          Patricia Tyson
For Greg Dale, Secretary             Director of Administrative Services
AGENDA REPORT

For agenda of: September 22, 2016

Agenda Items: Agenda Items Unfinished Business 9 a,b,c

New Business

9a. Consideration of adopting a CEQA Exemption the proposed Piling Replacement (Permit Application 16–06) at Eureka Forest Products Dock, operated by Sierra Pacific Industries near and in Humboldt Bay. The Dock occupies two parcels (APN 003-082-001, -001) an inland parcel and an adjacent tideland parcel into which the dock extends into Humboldt Bay.

The project proposes to replace the damaged timber piling on the existing dock to allow the continual use of ship mooring to import/export timber products from the project site. Located over tidal and subtidal land, the dock is approximately 33,870 square feet. There will be no changes to existing operations.

The project would include the removal of 35 creosote treated timber fender piles located along the outside western face of the dock. A total of 28 pressure treated timber piles are proposed to be installed to replace the piles being removed. Project activities will take place during the initial construction window between August 1st and October 15th 2016.

A CEQA Exemption has been prepared for the project

Board Packet Material:
- CEQA Exemption for Dock Piling Replacement

Staff Recommendation: that the Board of Commissioners adopts the CEQA Exemption for the Dock piling replacement, and determine that:

(1) The CEQA Exemption has been completed in compliance with CEQA,

(2) The Dock CEQA Exemption was presented to the decision-making body of the Humboldt Bay Harbor District and that the Humboldt Bay Harbor District reviewed and considered the information contained in the CEQA Exemption prior to approving the project; and

(3) The Dock Piling Replacement CEQA Exemption reflects the Humboldt Bay Harbor District’s independent judgment and analysis.

And,

9b. Consideration of adopting Resolution 2016-17 which establishes findings relative to the Dock Seismic Replacement CEQA Exemption.

Board Packet Material:
- Resolution 2016-17

Staff Recommendation: approval of Resolution 2016-17
And,
9c. Consideration of granting to Sierra Pacific Industries Permit 16-06, for the Chevron Eureka Terminal Dock Seismic Retrofit

*Summary*: The proposed permit would allow SPI to replace Dock pilings.

*Board Packet Material*: Permit 2016-06

*Staff Recommendation*: Approval of Permit 2016-06
California Environmental Quality Act Notice of Exemption

Project Title: Dock Piling Replacement.

Project Proponent
Sierra Pacific Industries
PO Box 5046 Eureka CA 95501

Project Summary
The project involves repairs to the Eureka Forest Products Dock operated by Sierra Pacific Industries, located at 1206 West 14th Street, Eureka, California. The project proposes to replace the damaged timber piling on the existing dock to allow the continual use of ship mooring to import/export timber products from the project site. Located over tidal and subtidal land, the dock is approximately 33,870 square feet. There will be no changes to existing operations. The project would include the removal of 35 creosote treated timber fender piles located along the outside western face of the dock. A total of 28 pressure treated timber piles are proposed to be installed to replace the piles being removed. Project activities will take place during the initial construction window between August 1st and October 15th 2016. The project is further described in the permit application.

Pertinent California Environmental Quality Act (CEQA) Exemption: CEQA Guidelines §15301 allow for the repair of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Rationale for Exemption: Repairs are to an existing private structure (the SPI Dock) and will involve no expansion of use beyond that existing at the time of the lead agency's determination (i.e., all repairs will be in-kind replacements of the dock's existing components). As designed, there is not a reasonable possibility that the project will have a significant effect on the environment and the cumulative effect of successive projects of the same type in the same place over time would not be significant. Furthermore, the project will not affect scenic or historical resources and is not located on a hazardous waste site.

Contact: Jack Crider, Executive Director
Humboldt Bay Harbor, Recreation and Conservation District
601 Startare Drive, Eureka, CA 95501

Date: ____________________ Signature: ____________________
RESOLUTION NO. 2016-17

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT AND CEQA EXEMPTION FOR DOCK PILING REPLACEMENT

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 impact of piling replacement activities 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 Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners has found the following to be true and adopts the following findings with respect to the proposed use contemplated by Sierra Pacific Industries (SPI) in Application 16-06 and supplements and amendments thereto:

1. The use proposed by SPI is necessary to promote public safety, health, comfort, and convenience;

2. The proposed use is required by the public convenience and necessity;

3. The proposed use, is exempt from CEQA, per CEQA Guidelines §15301, as there is no substantial evidence the project will have a significant effect on the environment; and

4. The proposed use is consistent with the Humboldt Bay Management Plan; 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 area, historic sites and buildings, or archeological sites in the area.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 22nd day of September 2016, by the following polled vote:

AYES: 
NOES: 
ABSENT:

PATRICK HIGGINS, 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. 2016-17 entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION BY SPI FOR DOCK PILING REPLACEMENT ACTIVITIES

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 22nd day of September 2016; 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 22nd day of September 2016.

Greg Dale, Secretary
Board of Commissioners
HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT

PERMIT

Permit No. 2016-06

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

Permittee:

Sierra Pacific Industries
PO Box 5046
Eureka, CA 95501
Project Manager: Jerry Kelley

AGENT:
Nate Meyers, Pacific Affiliates
990 W. Waterfront Dr.
Eureka, CA 95501
(707) 445-3001 X209

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District hereinafter referred to as “District”, having considered the Application herein, number 2016-06, submitted by Sierra Pacific Industries, hereinafter referred to as “Permittee”, and the District as the lead agency, pursuant to the California Environmental Quality Act of 1970, as amended, establishing findings relative to the Application by Permittee for dock piling replacement as provided for in this Permit, the Permittee is hereby authorized to perform the work of repairs, as more particularly described in the Application filed with the District.

You are hereby authorized to conduct that activity described in the Permit Application of Permittee consisting of:

Dock Piling Replacement- removing treated timber piles and replacement, as more particularly described in Application filed by Permittee.

That the location of the proposed activity shall be in Humboldt Bay, Humboldt County, California,

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. If the Permittee materially changes the activity plan and scope, it will be necessary to request a permit revision.

2. The Permittee, at all times, shall comply with Air Quality Regulation 1, Chapter IV of the North Coast Unified Air Quality Management District’s Rules and Regulations.
3. Replace damaged timber piling on the existing dock to allow the continual use of ship mooring to import/export timber products.

4. The term of the permit is five years to allow dock piling replacement. However, further repairs or modification may be necessary pending future inspections and the completion of the structural analysis.

5. SPI to obtain permits or waivers from other agencies: with permit authority.

6. In-water work will be limited to the July 1st – October 15th work window for 2016, when salmonid species are less likely to be present in the Bay.

7. All impact pile driving activities will incorporate a “soft start” approach whereby the piles are lightly tapped before the full hammer strength is applied. The first few taps of the hammer on the pile should cause fish to swim away from the piles before full impact hammer strength is applied, thereby reducing the potential for fish to be exposed to harmful sound levels.

8. A cushion pad, typically wood, nylon or polymer material, will be placed between the pile and the impact hammer to reduce sound levels.

9. Existing SPI and West Coast Contractors Spill Prevention, Control and Countermeasure (SPCC) plans may be altered, if necessary, specifically for this project to improve protections. Spill kits with contents appropriate for the types of hazardous materials present will be maintained on the barge and the dock. Kits shall be equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill. Booms will be available to contain any materials spilled in the water.

10. All construction debris shall be removed from the site and disposed of only at an authorized disposal site. Sidecasting of such material or placement of any such material within Humboldt Bay or any wetland area is prohibited.

11. To prevent and address spill of equipment fuels, lubricants, and similar materials the repair and work shall incorporate the following measures:
   a. No equipment fueling, except vessels, shall occur on, within or immediately adjacent to the bay.
   b. All equipment used during construction shall be free of oil and fuel leaks at all times.
   c. Oil absorbent booms and/or pads shall be on site at all times during project construction and deployed if necessary in the event of a spill.
   d. All spills shall be reported immediately to the appropriate public and emergency services response agencies.
   e. All equipment staging and materials storage shall be within existing paved parking area.
f. Equipment working over water, below mean high water, shall use non-petroleum hydraulic fluid.

12. If archeological or cultural features or materials are unearthed during any phase of project activity, all work in the immediate vicinity of the find shall halt until the Permittee has contacted the Wiyot Tribe’s Cultural Department, and the significance of the resource has been evaluated, to the satisfaction of the Wiyot Tribe. Any mitigation measures that may be deemed necessary will be provided to the Wiyot Cultural Director for review and input to ensure they are consistent with the standards for cultural resource mitigation particularly in cooperation with Native American tribal representatives and the California State Native American Heritage Commission. Mitigation measures shall be implemented by a qualified archeologist representing the Permittee prior to resumption of construction activities. If human remains are exposed by project related activity, the Permittee shall comply with California State Health and Safety Code, §7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, §5097.98.

13. That there shall be no unreasonable interference with navigation by the work herein authorized.

14. 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.

15. That the District, its Commissioners, or any officer or employee of the District shall in no case be liable for any damages or injury of the work herein authorized which may be caused by or result from future operations undertaken by the District for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

16. That neither the District, nor its Board of Commissioners, nor any officer of the District shall be liable to any extent for any such injury or damage to any person or property or for the death of any person arising out of or connected with the work authorized by this Permit.

17. 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.

18. 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.

19. That neither the District, nor its Board of Commissioners, nor any officer of the District shall be liable to any extent for the injury or damage to any person or property or for the work authorized by this Permit, and the Permittee shall indemnify and hold harmless the District, its Commissioners and officers free and harmless from any liability for any such injury, death or damage.

20. That as a condition to the issuance of this Permit, Permittee agrees to indemnify and hold harmless District from and against any and all liability, loss, or damage District may suffer from claims and demands for attorneys’ fees, costs of suit, and costs of administrative records made against District by any and all third parties as a result of third party environmental actions against District arising out of the subject matter of this Permit, including, but not limited to attorneys’ fees, costs of suit, and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys’ fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial appeal or arbitration of claims for attorneys’ fees, costs of suit, and costs of administrative records in connection with the subject matter of this Permit.

21. That this Permit is valid as of the 22nd day of September, 2016, 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 22nd day of September, 2016, by authority of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District.

PATRICK HIGGINS, President
Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District

SPI, Permittee, in the above Permit, hereby accepts and agrees to all of the conditions hereinabove set forth. Permittee shall indemnify and hold harmless the District, its Board of Commissioners, officers and employees from any and all claims of any nature arising from the performance of and work of improvement contained in the Application for injury, death or damage to any person or property.

SPI, Permittee, in the above Permit, agrees to indemnify and hold harmless District, its Board of Commissioners, officers and employees from and against any and all liability, loss or damage District may suffer from claims and demands from attorneys' fees; costs of suit and costs of administrative records made against District by any and all third parties as a result of third party environmental actions against District arising out of the subject matter of this Permit including, but not limited to, attorneys' fees, costs of suit and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys fees, costs of suit and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal or arbitration of claims for attorneys' fees, costs of suit and costs of administrative records in connection with the subject matter of this Permit.

Dated: _____________________

____________________________________

SPI
Date Filed

<table>
<thead>
<tr>
<th>General Information</th>
<th>For Commission Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.) Name, Address, phone # and email of Developer, Project Sponsor and Legal Owner</td>
<td>A. Application No.</td>
</tr>
<tr>
<td>Owner - Eureka Forest Products</td>
<td>Application Type:</td>
</tr>
<tr>
<td>Applicant – Sierra Pacific Industries</td>
<td>Franchise [ ]</td>
</tr>
<tr>
<td>PO Box 5046, Eureka, CA 95501</td>
<td>Permit [ ]</td>
</tr>
<tr>
<td>APN: 003-082-001, -002</td>
<td>Lease [ ]</td>
</tr>
<tr>
<td>2.) Address of Project and Assessor’s block, lot and Parcel Number</td>
<td>B. Date Received by Harbor District</td>
</tr>
<tr>
<td>1206 W 14th Street, Eureka, CA 95501</td>
<td>C. Date Accepted for filing by BOC</td>
</tr>
<tr>
<td>APN: 003-082-001, -002</td>
<td>D. Date of Public Notice</td>
</tr>
<tr>
<td>3.) Contact person Name, Address, phone #</td>
<td>E. Date of Environmental Compliance</td>
</tr>
<tr>
<td>Nathan Meyers</td>
<td>F. Date of Public Notice</td>
</tr>
<tr>
<td>990 W. Waterfront Drive</td>
<td>G. Date of Public Hearings</td>
</tr>
<tr>
<td>Eureka, CA 95501</td>
<td>H. Date of Commission Action</td>
</tr>
<tr>
<td>707-445-3001x203</td>
<td>Approval: [ ]</td>
</tr>
<tr>
<td><a href="mailto:nmeyers@pacaff.com">nmeyers@pacaff.com</a></td>
<td>Conditional: [ ]</td>
</tr>
<tr>
<td></td>
<td>Disapproval: [ ]</td>
</tr>
<tr>
<td>4.) Attach list of names and addresses of all adjoining property owners</td>
<td>I. Expiration Date</td>
</tr>
<tr>
<td>5.) List and describe any other related Project Permits &amp; Other Public Approvals required, including those required by City, Regional, State &amp; Federal Agencies.</td>
<td>Comments</td>
</tr>
<tr>
<td></td>
<td>6.) Existing City/County Zoning</td>
</tr>
<tr>
<td>7.) Proposed Site Use (Project Title)</td>
<td>Piling Replacement – Sierra Pacific Dock</td>
</tr>
</tbody>
</table>
Describe in detail the proposed project:

Project involves replacement of damaged fender piles on the Sierra Pacific Dock identified by Sierra Pacific Industries. The proposed project includes maintenance of the existing dock, no expansion to the extents of the existing dock will occur. A total of 35 creosote treated timber piling are proposed to be removed and replaced with 28 pressure treated timber piles along the west face of the dock. All existing fender piles are 18 inches in diameter. New piles will be same size as existing and will be placed in same location as removed pile. All piling activities will be performed by a crane and vibratory hammer. Crane will be located on a barge during pile driving activities. The project is proposed to take place between August 1 and October 15.

(See attached Piling Replacement Plans for more detail).
PROJECT DESCRIPTION

8. Site Size
9. Square Footage
10. Number of floors of construction
11. Amount of off-street parking provided
12. Attach plans
13. Proposed scheduling
14. Associated projects
15. Anticipated incremental development
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities
18. If industrial, indicate type, estimated per shift employment & loading facilities.
19. If institutional, indicate the major function, estimated per shift employment, occupancy, loading facilities, and community benefits derived from the project.
20. If the project involves a variance, conditional use or recognizing application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Answer yes or no. Discuss all items answered yes.

21. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours.

22. Change in scenic views or vistas from existing residential areas or public lands or roads.

23. Change in pattern, scale or character of general area of project.

24. Significant amounts of solid waste or litter.

25. Change in dust, ash, smoke, fumes or odors in vicinity.

26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.

27. Substantial change in existing noise or vibration levels in the vicinity.
   A. During Construction
   B. During Project Utilization

28. Site on filled land or on slope of 10% or more.
29. Use of disposal or potentially hazardous materials, such as toxic substances, flammable or explosives.

30. Substantial change in municipal services demand (police, fire, water, sewage, etc.)

31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).

32. Relationship to larger project or series of projects

ENVIRONMENTAL SETTING:

33. Describe the project site as it exists before the project including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site and the use of the structures. Attach photographs of the site. Photos will be accepted.

34. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.) intensity of land use (one-family, apartment houses, shops, department stores, etc.) and the scale of development (height, frontage, set-back, rear yard, etc.) Attach photographs of the vicinity. Photos accepted.

35. How will the proposed use or activity promote the public health, safety, comfort, and convenience?

36. How is the requested grant, permit, franchise, lease, right, or privilege required by the public convenience and necessity?

37. Financial statement:
   A. Estimated project cost.
   B. How will the project be financed?

38. Describe fully directions necessary to arrive at project site.

39. The Applicant agrees to as a condition of the permit being issued, to indemnify and hold harmless the Humboldt Bay, Harbor Recreation and Conservation District from any and all claims, demands, or liabilities for attorneys' fees obtained from or against demands for attorney's fees, costs of suit, and costs of administrative records made against District by any and all third parties as a result of third party environmental actions against District arising out of the subject matter of this application and permit, including, but not limited to, attorney's fees, costs of suit, and costs of administrative records obtained by or awarded to third parties pursuant to the California Code of Civil Procedure Section 1021.5 or any other applicable local, state, or federal laws, whether such attorneys' fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal, or arbitration of claims for attorneys' fees and costs of administrative records in connection with the subject matter of this application and permit.

NOTE
The District hereby advises the Applicant that, under California Public Resources Code (PRC) Section 21089, the District when a lead agency under the California Environmental Quality Act (CEQA) of 1970, as amended, pertaining to an Environmental Impact Report (EIR) or a Negative Declaration (MND/ND) may charge and collect from the Applicant a reasonable fee in order to recover the estimated costs incurred by the District in preparing an EIR or MND/ND for the project and the procedures necessary for PRC compliance on the Applicants project.

In the event your project contains an analysis of issues pertaining to CEQA, for which District staff is not competent to independently review, or District requires the same in preparation of an EIR or MND/ND for the project, the District may retain a reviewing consultant to evaluate the content of the Administrative-Draft EIR and Final EIR or MND/ND with respect to these issues. The cost of such reviewing consultant services shall be borne by the Applicant.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. And I agree to indemnify the District as described in part 39 of this application.

Dated: 8/4/16

For: Sierra Pacific Ind.
4. List of names and addresses of all adjoining property owners:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Assessor Parcel Number(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwestern Pacific Railroad Co.</td>
<td>003-082-021</td>
</tr>
<tr>
<td>305 East Perkins Street</td>
<td>003-082-022</td>
</tr>
<tr>
<td>Ukiah, CA 95482</td>
<td></td>
</tr>
<tr>
<td>City of Eureka</td>
<td>003-082-006</td>
</tr>
<tr>
<td>531 K Street</td>
<td>003-082-001</td>
</tr>
<tr>
<td>Eureka, CA 95501</td>
<td>003-072-005</td>
</tr>
<tr>
<td>Preston Properties</td>
<td>003-082-011</td>
</tr>
<tr>
<td>P.O. Box 471</td>
<td>003-082-016</td>
</tr>
<tr>
<td>Fortuna, CA 95540</td>
<td></td>
</tr>
<tr>
<td>Tosco Corporation</td>
<td>003-072-006</td>
</tr>
<tr>
<td>P.O. Box 52085, DC-48</td>
<td></td>
</tr>
<tr>
<td>Phoenix, AZ 85072-2085</td>
<td></td>
</tr>
<tr>
<td>Eureka Forest Products</td>
<td>003-082-007</td>
</tr>
<tr>
<td>P.O. Box 3457</td>
<td>003-082-002</td>
</tr>
<tr>
<td>Eureka, CA 95502-3457</td>
<td>003-002-015</td>
</tr>
<tr>
<td>Schmidbauer Lumber</td>
<td>003-072-004</td>
</tr>
<tr>
<td>P.O. Box 152</td>
<td>003-072-007</td>
</tr>
<tr>
<td>Eureka, CA 95501</td>
<td></td>
</tr>
<tr>
<td>L &amp; M Renner</td>
<td>003-082-003</td>
</tr>
<tr>
<td>P.O. Box 4868</td>
<td></td>
</tr>
<tr>
<td>Eureka, CA 95502</td>
<td></td>
</tr>
</tbody>
</table>
Project Description:

8. Site Size
   APN 003-082-01  5.29 acres
   APN 003-082-02  14.23 acres
   Total            19.52 acres
   Dock Area       0.78 acres

9. Square footage
   APN 003-082-01  230,400 square feet
   APN 003-082-02  619,700 square feet
   Total           850,100 square feet
   Dock Area       33,870 square feet

10. Number of floors
    N/A

11. Off Street Parking
    N/A

12. Plans
    See attached sheets C1 to C4.

13. Proposed Scheduling
    In-water work will be performed between August 1st and October 15th.

14. Associated Projects
    None

15. Anticipated incremental development
    N/A

16. If residential
    N/A

17. If commercial
    N/A

18. If industrial, indicate type, estimated employment per shift, and loading facilities.
    The Sierra Pacific Dock is used by vessels and barges for importing and exporting wood products. There will be no changes to existing operations.

19. If institutional
    N/A

20. Project variance
21. **Change to existing**
   There will be no changes. New piles will be driven as close to the original location as possible.

22. **Change in scenery**
   Piling equipment may be visible from Railroad Avenue during time of construction, however, there will be no long term changes of scenery.

23. **Change in pattern**
   Piling in the Bay will produce no noticeable changes to the site or its vicinity and will not change the character of the general area.

24. **Solid waste and litter**
   All piling removed from the dock will be disposed of as solid waste at a waste management facility.

25. **Dust, smoke, fumes, or odors**
   A temporary increase in fumes and odors will be produced by the piling equipment. However, there will be no long term effects and these types of activities are common at the site and in the general area.

26. **Water quantity or quality**
   During piling activities, there will be a temporary, localized increase in turbidity of the Bay water; however, no long term effects are anticipated. Creosote piling will be removed from the structure and pressure treated piling are proposed to be used as replacements.

27. **Noise levels**
   A. During construction there will be a minor increase in noise and vibration levels due to the operation of piling equipment, but it is not out of character for heavy equipment to be operating in the area.
   B. No, there will be no increase in noise or vibrations during project utilization.

28. **Filled site**
   Site does not contain fill or slopes of greater than 10%. Project is located over tidal and subtidal lands.

29. **Use/disposal hazardous materials**
   Other than the fuel and oil used to operate the equipment during construction, there will be no use of potentially hazardous materials. Creosote piling being removed will be disposed of at a waste management facility.

30. **Municipal Services**
   No.
31. **Fossil fuel consumption**
   No.

32. **Larger/series projects**
   This is the project in its entirety.

33. **Project Site**
   Two parcels make up the project site: APNs 003-082-01 and 003-082-02; the former is a tideland parcel owned by the City of Eureka and the latter is the adjacent upland parcel owned by Eureka Forest Products. Sierra Pacific Industries leases both parcels for the purpose of importing and exporting timber and timber products.

   The project site is located in Humboldt Bay along the western shore of the City of Eureka and on the east side of the maintained North Bay Channel. Tides in this channel range from a low of less than -2.00' MLLW to a high of almost 9.00' MLLW feet. Adjacent to the dock, concrete rubble has been placed along the bank to provide slope protection beneath the mud flats that continue to the back of the dock.

   The upland area behind the dock is mostly developed for industrial use. Improvements include a truck scale, office buildings, maintenance shop, storage buildings and equipment for unloading and moving wood chips around the facility. Vegetation is limited to sparse grasses growing on the unused portions of the site. Other than the small plants growing on the dock piling, there is essentially no aquatic plant life present in the project area.

**Birds**

Humboldt Bay is a major wintering area and important stopover site for numerous species of migratory water-birds (Clowell 1994). Many species of shorebirds forage for invertebrates on intertidal mudflats, pastures, beach, sandflats, shoreline eelgrass, and in marshes (Barhart et al. 1992). Black bellied Plover (*Pluvialis squatarola*), Willet (*Catoptrophorus semipalmatus*), Long-billed Curlew (*Numenius americanus*), Marbled Godwit (*Limosa fedoa*), Dunlin (*Calidris alpine*), Western Sandpiper (*Calidris mauri*) and Least Sandpiper (*Calidris minuta*) are shorebirds species that may occur within the project area at low tide.

Ducks use open-water areas, water covered mudflats and eelgrass areas (Barhart et al. 1992). Surf Scoters (*Melanitta perspicillata*), Bufflehead (*Bucephala albeola*), and greater Scaup (*Aythya marila*) are among the most commonly observed waterfowl in Eureka (pers. Obs. Ron LeValley). Humboldt Bay is an important migratory stopover site for Black Brant (*Branta bernicla nigricans*), a small migratory goose that feeds almost exclusively on eelgrass, principally in the South Bay (Barhart et al. 1992). Black Brant show up in
numbers in the fall to early winter. Thousands of Black Brant are present on South Bay during the peak period of migration in April.

Diving birds occur primarily in open-water migration areas of the Bay. Double-crested Cormorants (*phalacrocorax auritus*) are most abundant, followed by Red-throated Loons (*Gavia stellata*) and common Loons (*Gavia immer*). Western (*Aechmophorus occidentalis*), Horned (*podiceps auritus*), Eared (*P. nigricollis*) and Pied-billed (*Podilymbus podiceps*) grebes occur in Eureka Channel.

Heron and egrets are regularly seen on Humboldt Bay (Bernhart et al. 1992, Harris 1996). Additionally, Humboldt Bay is important habitat for gulls and terns (Barnhart et al. 1992). In the summer, Western (*Larus occidentalis*) and Heermann's (*Larus heermanni*) gulls are most common. From October to March the following gull species are present on Humboldt Bay (listed in approximate order of decreasing abundance): Western Gull, Glaucous-winged Gull (*L. glaucescens*), New Gull (*L. canus*), and California Gull (*L. californicus*).

Marine Mammals
The Pacific harbor seal (*Phoca vitulina*), a small, non-migratory seal species (Griswold 1985), is the most common marine mammal in Humboldt Bay (Barnhart et al. 1992). Seals haul on mudflats exposed during ebb tides adjacent to small tidal channels in upper Arcata and South Bays (pers. Obs.). Harbor seals are present in the Eureka Channel throughout the year.

California Sea Lion (*Zalophus californianus*) and the Steller Sea Lion (*Eumetopias jubatus*) are rarely observed in the Bay, but increasing numbers of California Sea lions are roosting on docks and boats at Woodley Island. While few California sea lions (*Zalophus californianus*) breed in Northern California, peak abundance occurs during the fall after the breeding season when the males migrate northward (Reeves et al. 2002). Females tend to stay close to the rookeries all year. The Federally threatened Steller Sea Lion (*Eumetopias jubatus*) favors the outer coast, preferring the haul-out on offshore rocks and rocky islands. Steller sea lions do not breed in Northern California but may occur in this region during fall, winter and spring (Reeves et al. 2002). Steller sea lions are not often found in river mouths, bays, or estuaries (Reeves et al. 2002).

Fish
Four listed anadromous fish species are known to occur within Humboldt Bay (Barnhart et al. 1994, Tauber 2002). Southern Oregon/Northern California Coho Salmon (*Oncorhynchus kisutch*), Chinook Salmon – California coastal ESU (Ecologically Significant Unit), (*Oncorhynchus tshawytscha*) and steelhead – Northern California ESU (*Oncorhynchus mykiss*) likely pass through the project site. Juvenile salmonids that are migrating to the ocean and adults migrating to freshwater streams to spawn use Humboldt Bay as a corridor. Juvenile salmonids also use Humboldt Bay as foraging habitat (Barnhart et al. 1992).
Longfin smelt have an established population in Humboldt Bay and spawn in the freshwater streams tributary to the Bay. The federally endangered tidewater goby (*Eucylogobius newberryi*) is also known to exist in Humboldt Bay.

See attached photos of the existing site.

34. **Surrounding properties**
Surrounding properties are industrial and include an industrial forest product terminal, a lumber company, warehouse, office building, and an inactive railroad spur track.

35. The proposed piling replacement will allow safe and convenient moorage of shipping vessels at the dock to continue and provide direct access to surface transportation within the industrial area of the City of Eureka.

36. **Requirement by public**
Maintaining the structural integrity of the dock allows ships to continue to pick up cargo for import and export. This benefits the economy of the greater Eureka area.

37. **Financial Statement**
A. The estimated cost of the project is $50,000.
B. Sierra Pacific Industries will pay for the project.

38. **Directions to project site**
From Highway 101 passing through Eureka, travel west on 14th Street, proceed westerly across the intersection of 14th Street and Railroad Avenue and through the yard to the dock.

39. Yes, Sierra Pacific Industries agrees to the stated condition.
Photographs of site

Figure 1- Aerial of site and vicinity. Photo courtesy of Humboldt County Web GIS
Figure 2- View of South Western Face of Dock.
Figure 3- View of North Western Face of Dock
Figure 4- View of existing chip conveyor system.