

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

DATE: January 13, 2022

TIME: Closed Session – 5:00 P.M.
Regular Session – 6:00 P.M.

PLACE: Join Zoom Meeting
<https://us02web.zoom.us/j/3432860852>

Meeting ID: 343 286 0852
One tap mobile
(669) 900-9128, 343 286 0852# US

Consistent with Executive Orders N-25-20 and N-29-20, the Board of Commissioners meeting location will not be physically open to the public. Members of the public may observe and participate in the meeting via Zoom or teleconference using the information set forth above.

- 1. Call to Order Closed Session at 5:00 P.M.**
- 2. Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on the closed session items. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Closed Session Agenda. 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.

3. Move to Closed Session

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential lease and sublease of District's lease interest by District under lease between the District and Mario's Marina LLC dated April 1, 2016 for the real property commonly known as Mario's Marina in Shelter Cove (APN: 108-171-023-000), Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Mario's Marina, Shelter Cove Resort Improvement District, and Shelter Cove Fisherman's Preservation, Inc. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of lease of real property in Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-031-055-000,

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401-031-070-000, 401-031-054-000, 401-031-061-000, 401-112-013-000, 401-031-071-000, and 401-112-029-000, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Town of Samoa, Green Diamond, Sniper Properties. Under negotiation: price and payment terms.

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition of lease on (APN:401-121-009), Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Simpson Timber Company. Under negotiation: price and payment terms.

4. Call to Order Regular Session at 6:00 P.M. and Roll Call

5. Pledge of Allegiance

6. Election of Board President, Vice President and Secretary

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

7. Report on Closed Session

8. 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. Callers can “raise their hand” by pressing *9 and unmute themselves by pressing *6.*

9. Consent Calendar

- a) Adopt Minutes for December 19, 2021 Regular Board Meeting
- b) Receive District Financial Reports for November 2021

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- c) Amend Clean Earth Contract to Remove Hazardous Materials from Redwood Marine Terminal II by Increasing Contract by \$9,100
- d) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings

10. Communications, Reports and Correspondence Received

- a) Executive Director's Report
- b) Staff Reports
- c) District Counsel and District Treasurer Reports
- d) Commissioner and Committee Reports
- e) Correspondence Received

11. Unfinished Business

a) Consider Approval of Amendment No. 1 to the Tuluwat Island Wetland Mitigation Project Agreement with CalTrans

Recommendation: 1) Approve terms related to Amendment No. 1 of the Tuluwat Island Wetland Mitigation Project (Project) Cooperative Agreement; 2) Authorize the District Attorney to make nonmaterial amendments to the Agreement as may be required by CalTrans; 3) Authorize the Executive Director to execute the amendment and contracts based on these terms; and 4) Bring the final agreement back to the Board for public disclosure.

Summary: On March 4, 2021 the Harbor District entered a cooperative agreement with Caltrans related to implementation of the Tuluwat Island Wetland Mitigation Project. On September 9, 2021 the Board conditionally approved a contract with the Redwood Community Action Agency (RCAA) to implement the project with the Wiyot Tribe to provide cultural monitoring pending approval of the attached funding agreement.

b) Informational Update on Easements Through the Town of Samoa Properties

Recommendation: Staff is presenting this as an information item to notify the Board of its completion of those actions approved in the September 09, 2021 Board Meeting related to certain easements serving the Town of Samoa and Harbor District property.

Summary: Whereas certain easements existed between the Town of Samoa, LLC (Samoa) and the District, centered around what is known as Vance Avenue, current and future development necessitated the need for updated easements.

12. New Business

a) Letter of Support for Senate Bill (SB 307) McGuire, A Bill Prohibiting Spending State Moneys for Any New Bulk Coal Terminal Project within the County of Humboldt

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Recommendation: Staff Recommends that the Board submit a letter of support for SB 307 and direct staff to continue to work with Senator McGuire, Humboldt County, City of Eureka and other partners to rail bank the former North Coast Rail lines North of Willits.

Summary: As reported in the January 5th Times Standard, SB 307, introduced by state Sen. Mike McGuire (D-Healdsburg), would block a proposal to restore the defunct North Coast railroad in an attempt to export coal overseas from Montana, Utah and Wyoming through the Port of Humboldt Bay by prohibiting the use of state funds for any new bulk coal terminal project within Humboldt County.

b) Status Report on the Nordic Aquafarms Environmental Impact Report and Regulatory Agency Permitting Timelines for the Proposed Recirculating Aquaculture Facility at Redwood Marine Terminal II

Recommendation: Staff Recommends that the Board: Receive an informational report from Staff and take no action on this item.

Summary: THIS IS NOT A HEARING. The Harbor District has a lease agreement with Nordic Aquafarms to develop an indoor recirculating aquaculture facility at Redwood Marine Terminal II. After consultation with the County of Humboldt, Coastal Commission, State Water Board, and Harbor District Staff it was determined that a consolidated Environmental Impact Report (EIR) would be prepared for the entire project and that the County of Humboldt would be the lead agency under CEQA. The County has Noticed the Availability of the EIR and is accepting Public Comments until February 18, 2022. **The County of Humboldt is the lead agency and all comments on the EIR should be directed to the County and NOT to the Harbor District.**

c) Review of Subcommittees and Change Subcommittees and Committee Assignments As Needed

Recommendation: Staff recommends that the Board: 1) Review the list of current subcommittees; 2) Eliminate the Ordinance No 7 (Billboards Subcommittee); 3) Assign a new committee member to replace former Commissioner Larry Doss; 4) Propose changes to current subcommittee members at the Board's discretion.

Summary: Subcommittees are formed regularly throughout the year. Staff would like to review the active subcommittees annually to ensure they are still necessary and meeting, as well as giving members the opportunity to reevaluate their membership and replace vacancies.

13. Future Agenda Items

- a) Green Diamond Shared Services Agreement

14. Adjournment