

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

DATE: August 17, 2017
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 Conference with Legal Counsel, Existing Litigation, pursuant to Government Code Section 54956.9:
 - 1) Conference with Real Property Negotiators
Agency Negotiator: Board President, Executive Director and District Counsel
Under Negotiation:
Sequoia Investments X Lease extension.

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. Approval of meeting minutes for July 27, 2017.
8. **Communications and Reports**
 - a. Executive Director Report
 - b. Staff Reports
 - c. District Counsel, District Planner, District Engineer and District Treasurer Reports
 - d. Commissioner and Committee Reports
 - e. Other
9. **Non Agenda**

Agenda for July 27, 2017 Regular Board Meeting

10. Unfinished Business

- a. Consideration of granting one year extension for Permit No. 15-01 for the Humboldt Bay Power Plant Final Site Restoration Plan Implementation.

11. New Business

- a. **Resolution No. 2017-12.** A resolution approving the application for grant funds for the environmental enhancement and mitigation (EEM) program.
- b. **Consideration to** purchase dock finger sections not to exceed \$16,000.
- c. **Consideration to** proceed with costs of Phase 1 environmental for ship wreck mitigation property at King Salmon, not to exceed \$6,500.
- d. **Consideration of** request by Sequoia X, LLC to extend its current lease dated October 28, 2105 for tideland lease located at Fairhaven for an additional 15 year term with two options to renew of 10 years each, pursuant to extension agreement to be prepared by District Counsel and approved and executed by the District Executive Director.

12. Administrative and Emergency Permits

13. Adjournment

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

July 27, 2017

The Humboldt Bay Harbor, Recreation, and Conservation District met in regular session on the above date, 6:00 P.M. Closed Session, 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

1) CLOSED SESSION - 6:00 P.M.

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

- 1) Conference with Real Property Negotiators Agency Negotiator: Board President, Executive Director and District Counsel Under Negotiation:
 - a. Security National Lease Extension.
- 2) Leo Sears v. Humboldt Bay Harbor, Recreation and Conservation District, Humboldt County Superior Court No. CV 150690.

2) ADJOURN EXECUTIVE CLOSED SESSION

3) OPEN SESSION – 7:00 P.M.

ROLL CALL:

PRESENT: MARKS
 KULLMANN
 DALE
 HIGGINS
 DOSS

ABSENT: NONE

QUORUM: Yes

4) PLEDGE OF ALLEGIANCE

5) REPORT ON EXECUTIVE CLOSED SESSION

- 1) No action to report out on. Item on agenda under New Business.
- 2) No action to report out on. Provided update of case.

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

7) CONSENT CALENDAR:

- a. Consideration of approval of Board meeting minutes for June 9, 2017.
 - b. Consideration of approval of Board meeting minutes for June 29, 2017.
 - I.COMMISSIONER DALE MOVED TO APPROVE OF THE CONSENT CALENDAR. COMMISSIONER KULLMANN SECONDED.
 - II.Chair Marks then opened up public comment on the item. Seeing no members of the public wishing to speak, Chair Marks then moved the discussion back to the Commission.
- VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DALE, DOSS, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

8) COMMUNICATIONS AND REPORTS:

a. Executive Director, Jack Crider Report:

- o Presented dredging update

b. Staff Reports

- o Director of Maintenance & Operations, Alan Bobillot:
 - a) Presented update of District facilities and staff activities.
- o Director of Harbor Operations and Bar Pilot, Tim Petrusha:
 - a) Presented recent harbor activities on the Bay

c. District Counsel, District Planner, District Treasurer and District Engineer Reports

- o District Counsel, Paul Brisso:

a) Reported recent legal work on court cases.

- o District Engineer, Mike Foget:
 - a) Reported on sampling, surveying, and infrastructure planning activities of the District.
- o District Planner, George Williamson:
 - a) Reported on recent permitting, office administration, and grant activities for District locations and activities.
- o District Treasurer, Mark Wetzl:
 - a) NONE.

d. Commissioner and Committee Reports

- o Commissioners reported on recent activities and meetings.

e. Other NONE.

9) NON-AGENDA: NONE.

10) UNFINISHED BUSINESS:

A. CONSIDERATION OF EXTENDING PERMIT #14-04 TO SIERRA PACIFIC INDUSTRIES FOR THE SIERRA PACIFIC DOCK MAINTENANCEDREDGING PROJECT.

- I. District Planner George Williamson presented the item.
- II. COMMISSIONER HIGGINS MOVED TO APPROVE THE EXTENSION OF PERMIT #14-04 SIERRA PACIFIC INDUSTRIES TO OCTOBER 15, 2017, FOR THE SIERRA PACIFIC DOCK MAINTENANCE DREDGING PROJECT. COMMISSIONER DALE SECONDED THE MOTION.
- III. Chair Marks then opened up public comment on the item. No members of the public commented on this item. Chair Marks then moved the discussion back to the Commission.
- IV. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

11) NEW BUSINESS:

A. RESOLUTION NO. 2017-09. 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.

- I. COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION NO. 2017-09. COMMISSIONER DALE SECONDED THE MOTION.
- II. Executive Director Crider presented the item.
- III. Chair Marks then opened up public comment on the item. No members of the public commented on this item. Chair Marks then moved the discussion back to the Commission.
- IV. ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

B. RESOLUTION NO. 2017-10. A RESOLUTION DECLARING VARIOUS ITEMS AS SURPLUS PROPERTY AND FOR THE SALE OF SURPLUS PERSONAL PROPERTY BELONGING TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.

- I. Executive Director Crider presented the item.
- II. COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2017-10. COMMISSIONER DALE SECONDED THE MOTION.
- III. The Commission discussed the item.
- IV. Chair Marks then opened up public comment on the item. No members of the public commented. Chair Marks then moved the discussion back to the Commission.
- V. ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS

Noes: NONE
Absent: NONE
Abstain: NONE

C. RESOLUTION NO. 2017-11. A RESOLUTION FOR ESTABLISHING FINDINGS RELATIVE TO THE CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE MARTIN SLOUGH ENHANCEMENT PROJECT.

- I. District Planner George Williamson presented the item.
- II. COMMISSIONER KULLMANN MOVED TO ADOPT RESOLUTION 2017-11. COMMISSIONER DALE SECONDED THE MOTION.
- III. Elijah Portugal and Kerry McNamee spoke on behalf of the project
- IV. Chair Marks then opened up public comment on the item: No members of the public commented on the item. Chair Marks then moved the discussion back to the Commission.
- V. ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

D. CONSIDERATION OF GRANTING TO THE NORTH COAST REGIONAL LAND TRUST PERMIT 2017-02, FOR THE MARTIN SLOUGH ENHANCEMENT PROJECT.

- I. District Planner George Williamson presented the item.
- II. COMMISSIONER KULLMANN MOVED TO GRANT PERMIT 2017-02, FOR THE MARTIN SLOUGH ENHANCEMENT PROJECT. COMMISSIONER DALE SECONDED THE MOTION.
- III. Chair Marks then opened up public comment on the item: No members of the public commented on the item. Chair Marks then moved the discussion back to the Commission.
- IV. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

E. CONSIDERATION OF COOPERATIVE AGREEMENT WITH THE DEPARTMENT OF THE ARMY FOR HUMBOLDT BAY SPARTINA ERADICATION PROJECT AND ACCEPTANCE OF A GRANT AWARD OF \$269,000.

- I. COMMISSIONER HIGGINS MOVED TO APPROVE THE COOPERATIVE AGREEMENT WITH THE DEPARTMENT OF THE ARMY FOR HUMBOLDT BAY SPARTINA ERADICATION PROJECT AND ACCEPT THE GRANT AWARD OF \$269,000. COMMISSIONER KULLMANN SECONDED THE MOTION.
- II. Executive Director Crider presented the item.
- III. The Commission discussed the item.
- IV. Chair Marks then opened up public comment on the item: No members of the public commented on the item. Chair Marks then moved the discussion back to the Commission.
- V. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

F. CONSIDERATION OF REQUEST BY SEQUOIA X, LLC TO EXTEND ITS CURRENT LEASE DATED OCTOBER 28, 2105 FOR TIDELAND LEASE LOCATED AT FAIRHAVEN FOR AN ADDITIONAL 15 YEAR TERM WITH TWO OPTIONS TO RENEW OF 10 YEARS EACH.

- I. Executive Director Crider presented the item.
- II. COMMISSIONER KULLMANN MOVED TO AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS TO RENEW THE LEASE FOR THE TERMS, AND TO DETERMINE THE BEST VALUE OF THE PROPERTY. COMMISSIONER DALE SECONDED THE MOTION.
- III. The Commission discussed the item.
- IV. Chair Marks then opened up public comment on the item: No members of the public commented on the item. Chair Marks then moved the discussion back to the Commission.
- V. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

G. AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO PURCHASE 1 OR 2 VEHICLES WITH INSURANCE PROCEEDS.

- I. Executive Director Crider presented the item.
- II. COMMISSIONER DALE MOVED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO PURCHASE 1 OR 2 VEHICLES WITH INSURANCE PROCEEDS. COMMISSIONER HIGGINS SECONDED THE MOTION.
- III. The Commission discussed the item.
- IV. Chair Marks then opened up public comment on the item: No members of the public commented on the item. Chair Marks then moved the discussion back to the Commission.
- V. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

H. DISCUSSION OF REQUEST FOR PROPOSAL TO LEASE RMTII BOILER FOR A COMMUNICATIONS TOWER.

- I. Executive Director Crider introduced the item.
- II. The Commission discussed the item.
- III. Chair Marks then opened up public comment on the item: Public commenters included: Unidentified public commenter. Chair Marks then moved the discussion back to the Commission.
- IV. As a discussion item, no action was taken by the Commission.

I. DISCUSSION OF REQUEST FOR PROPOSAL TO REMOVE EQUIPMENT FROM RMTII BOILER BUILDING

- I. Executive Director Crider introduced the item.
- II. The Commission discussed the item.
- III. Chair Marks then opened up public comment on the item: Public commenters included: Unidentified public commenter. Chair Marks then moved the discussion back to the Commission.
- IV. As a discussion item, no action was taken by the Commission.

12) ADMINISTRATIVE AND EMERGENCY PERMITS:

A. Maintenance Dredging Permit for City of Eureka

- I. As a maintenance project, item is subject to administrative approval, and will be approved by staff.

13) ADJOURNMENT

APPROVED BY

Patrick Higgins
Secretary

RECORDED BY:

George Williamson
District Planner



**Pacific Gas and
Electric Company™**

James T. Salmon
Environmental Manager
Humboldt Bay Power Plant

1000 King Salmon Ave
Eureka, CA 95503
707-444-0719 - Office

August 8, 2017

ENVR 17-18

Mr. Jack Crider
Executive Director
Humboldt Bay Harbor, Recreation and Conservation District
P.O. Box 1030
Eureka, CA 95502-1030

**Subject: Humboldt Bay Harbor, Recreation and Conservation District Permit No. 15-01,
Humboldt Bay Power Plant Final Site Restoration Plan Implementation**

Dear Mr. Crider:

In accordance with Condition 8 of the subject permit, Pacific Gas and Electric Company (PG&E) requests the Harbor District extend the permit for a one year period. Final Site Restoration activities have been initiated, primarily in the vicinity of the intake canal and adjacent areas. The entire restoration is a multi-year effort. Therefore, we anticipate the need to request more extensions in the future.

If you have any questions, please contact me at 707-444-0719.

Sincerely,

A handwritten signature in black ink that reads 'James T. Salmon'. The signature is written in a cursive, flowing style.

James T. Salmon
Environmental Manager

CC: Loren Sharp, Director/Nuclear Plant Manager/PG&E

Resolution No: 2017-12**RESOLUTION OF THE HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT
APPROVING THE APPLICATION FOR GRANT FUNDS FOR
THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM**

WHEREAS, the Legislature and Governor of the State of California have enacted Section 164.56 of the California Streets And Highways Code, which is intended to provide grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures and criteria, and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of an application by the Applicants governing board before submission of said application to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the Project.

NOW, THEREFORE, BE IT RESOLVED that the Humboldt Bay Harbor, Recreation and Conservation District Commission:

1. Approves the filing of an application for the Samoa Dunes and Wetlands Conservation Project; and
2. Certifies that Applicant understands the requirements in the Program Guidelines;
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that Applicant will record a document against the real property that defines the State's interest in the property whether the Grantee owns the property or not; and
5. Certifies that Applicant will comply with the provisions of Section 1771.5 of the State Labor Code regarding payment of prevailing wages on Projects awarded EEM Program Funds; and
6. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable licenses and permits will have been obtained; and

7. Certifies that Applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
8. Appoints the Executive Director, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests etc., which may be necessary for the completion of the aforementioned project.

Approved and adopted the 17 day of August 2017. I, the undersigned, hereby certify that the foregoing Resolution Number 2017-12 was duly adopted by the Humboldt Bay Harbor, Recreation and Conservation District Commission.

Following Roll Call Vote: Ayes: _____
Nos: _____
Absent: _____
Abstain: _____

RICHARD MARKS, President
Board of Commissioners

ATTEST:

PATRICK HIGGINS, 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. 2017-12 entitled,

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM

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 17th day of August 2017; 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 17th day of August 2017.

PATRICK HIGGINS, Secretary
Board of Commissioners