

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

DATE: December 15, 2016
TIME: 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 Regular Session at 7:00 P.M. and Roll Call**
- 2. Pledge of Allegiance**
- 3. 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.

4. Consent Calendar

- a. Consideration of approval of minutes from the December 8, 2016 Board Meeting.

5. Communications and Reports

- a. Executive Director Report
- b. Staff Reports
- c. District Counsel, District Planner and District Treasurer Reports
- d. Commissioner and Committee Reports
- e. Resolution 2016-20- A Resolution Honoring The Memory of Former Commissioner Jimmy Smith.

6. Non Agenda

7. Unfinished Business

- a. Consideration of granting PG&E a one year extension to January 23, 2018 for Permit No. 13-04 for Humboldt Bay Power Plant Intake and Discharge Canal Remediation Project.
- b. Consideration of adopting Resolution 2016-19 which establishes finding relative to Humboldt Bay Power Plant Wetland Sediment Sampling project. (Permit Application 16-08)
- c. Consideration of granting PG&E Permit 16-08, for wetland and Bay sediment sampling.
- d. Resolution 2016-21- A Resolution Commending Mike Wilson for his service as Commissioner of the Humboldt Bay Harbor, Recreation and Conservation District.

8. New Business

Agenda for December 15, 2016 Regular Board Meeting

9. Administrative and Emergency Permits

10. Adjournment

4a.

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

December 8, 2016

PRESENT:

Commissioner Doss
Commissioner Dale
Commissioner Higgins
Commissioner Wilson
Commissioner Marks

President Higgins called the Special meeting of the Board of Commissioners to order at 12:16 p.m.

President Higgins led the Pledge of Allegiance.

PUBLIC COMMENT: None

NEW BUSINESS

A. CONSIDERATION OF APPROVAL FOR APPLICATION OF A GRANT TO USEPA BROWNFIELDS.

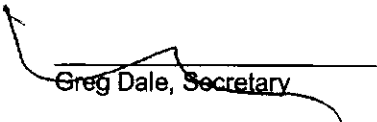
District Engineer described the project as follows: As per a previous 2014 submittal, the project is to clean up debris piles at the Harbor District's Redwood Marine Terminal 2 facility. There are 2,400 cubic yards of demolition material on-site from the old boiler, digester and AST's. The preferred option is the on-site reuse and partial removal and disposal of non-hazardous materials. The total cost of the project is \$293,000; the grant request is \$200,000 with a maximum cost share of \$93,000. To date the Harbor District's cost share has been approximately \$35,000 for the preparation of plans and implementation and project management. EPA has made comments and suggestions on the 2014 application. SHN Consulting Engineers is rewriting the narrative with EPA's recommended changes for a cost of \$2,000. This current application is due December 20 and will be submitted with new letters of support.

COMMISSIONER WILSON MOVED TO APPROVE THE APPLICATION OF A GRANT TO USEPA BROWNFIELDS. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

The Special Meeting of the Board of Commissioners adjourned at 12:30 p.m.

APPROVED BY:

RECORDED BY:


Greg Dale, Secretary


Jack Crider

Recording Secretary



**Pacific Gas and
Electric Company™**

James T. Salmon
Environmental Manager
Humboldt Bay Power Plant

7a.
1000 King Salmon Ave
Eureka, CA 95503
707-444-0719 - Office

November 17, 2016

ENVR 16-48

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. 13-04,
Humboldt Bay Power Plant Intake and Discharge Canal Remediation Project**

Dear Mr. Crider:

In January of 2014, the Humboldt Bay Harbor, Recreation and Conservation District (the District) issued Permit No. 13-04 to Pacific Gas and Electric Company (PG&E). In December of 2015, the District granted a permit extension to January 23, 2017.

In accordance with Condition 6 of the subject permit, PG&E requests the District extend the permit for another one-year period. The project has made significant progress in the last year, but some restoration and vegetation planting activities at the intake canal are expected to continue into mid-2017.

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

Sincerely,

James T. Salmon
Environmental Manager

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

RECEIVED

NOV 21 2016

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

7b. 7c.

AGENDA REPORT

For agenda of: December 15, 2016

Agenda Items: Agenda Items 7b & 7c

Unfinished Business

7b. Consideration of adopting Resolution 2016-19 which establishes findings relative to the Humboldt Bay Power Plant Wetland Sediment Sampling project (Permit Application 16-08).

PG&E is decommissioning the Humboldt Bay Power Plant (HBPP). The site will be restored to repurpose the former HBPP area to support the Independent Spent Fuel Storage Installation, the continued operation of the Humboldt Bay Generating Station, and future power generation-related activities on the property. As a part of this process, PG&E prepared a plan for restoration of the HBPP site, the Final Site Restoration (FSR) plan. The HBHRCD, as Lead Agency, approved the above described project (Permit 2015-01) on August 27, 2015 and approved an IS/MND which included a mitigation monitoring and reporting program. A one-year time extension for the permit was granted by the Commission on August 25th, 2016.

As part of the Humboldt Bay Power Plant (HBPP) Nuclear Regulatory Commission (NRC) license termination and Department of Toxic Substances Control (DTSC) mandated chemical remediation efforts, soil sampling within four wetland areas on the HBPP parcel and the PG&E property extending into Humboldt Bay is necessary. PG&E is pursuing a separate permit for these sampling activities. The application was accepted for filing by the Commission on October 27, notification was sent to the Tribes, regulatory agencies, and published in the newspaper. A CEQA Class 6 Exemption (CEQA Guidelines Section 15306) has been prepared for the project, which allows for data collection activities that do not result in a serious or major disturbance to environmental resources.

Sampling areas include:

- 1) 4 wetland areas: Buhne Slough, Buhne Point Wetland Preserve, Duck Pond, Frog Pond.

The sampling locations described above will be accessed by foot. Two types of sampling will be conducted in these areas as a part of remediation efforts, Final Status Surveys (FSS) and DTSC sampling. For FSS, the size of each sampling point will be one foot wide and six inches deep and the soil will be collected by hand using a trowel. For DTSC, sampling depth will vary from four inches to four feet below ground surface. Similarly, collection method will vary by location and may include- Shovel, disposable scoop, or hand auger.

- 2) The portion of the PG&E property which extends into Humboldt Bay. The sampling locations will be accessed by boat. A hand-held soil dredge will collect approximately one liter of soil from each sample location.

All soil samples will be taken prior to the completion of HBPP Final Site Restoration in 2018/2019. See EXHIBIT A for sampling locations and methods.

Board Packet Material:

- Project Description and Site Plan (Exhibit A)

- CEQA Notice of Exemption
- Resolution 2016-19

Staff Recommendation: approval of Resolution 2016-19

7c. Consideration of granting to PG&E Permit 16-08, for wetland and Bay sediment sampling.

Summary: The proposed permit 16-08 would allow PG&E to conduct sediment sampling and remain in compliance with their license termination and mandated chemical remediation process.

Board Packet Material: Permit 2016-08

Staff Recommendation: Approval of Permit 2016-08

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

76.

RESOLUTION NO. 2016-19

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION FOR PG&E
HUMBOLDT BAY POWER PLANT WETLAND SEDIMENT SAMPLING**

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 the proposed wetland sediment sampling upon the air, land, environment, and ecology of the land under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

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

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found the following to be true and adopts the following findings with respect to the proposed use contemplated by the Humboldt Bay Harbor, Recreation, and Conservation District in Application 16-08 and supplements and amendments thereto:

1. The proposed use 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, qualifies as exempt from further review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14, Chapter 3 CEQA Guidelines, 15306; 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 15th day of December 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. 2016-19 entitled,

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION FOR PG&E
HUMBOLDT BAY POWER PLANT WETLAND SEDIMENT SAMPLING**

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 15th day of December 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 15th day of December.

Greg Dale, Secretary
Board of Commissioners

7c.

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

PERMIT

Permit No. 2016-08

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

Permittee:

**Pacific Gas and Electric Company
Humboldt Bay Power Plant
1000 King Salmon Ave.
Eureka, CA 95503
James T. Salmon, Environmental Manager**

The Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District** hereinafter referred to as "**District**", having considered the Application herein, number 2016-08, 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 Humboldt Bay Power Plant Wetland Sediment Sampling 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:
Humboldt Bay Power Plant Wetland Sediment Sampling as more particularly described in the 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. The permit term is one year.
4. All sampling collection activities shall be conducted as described in the project description included in the application and follow the applicable protocols and practices contained in the Archaeological Resources Protection Plan for the Humboldt Bay Power Plant Final Site Restoration Plan, prepared by VCZ Archeology and Cultural Resource Management, April 2016.
5. 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.
6. That there shall be no unreasonable interference with navigation by the work herein authorized.
7. 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.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. That this Permit is valid as of the 15th day of December, 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 15th day of December, 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**

Pacific Gas and Electric, **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.

Pacific Gas and Electric **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: _____

Pacific Gas and Electric Company

EXHIBIT A

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT PERMIT 2016-08

SOIL SAMPLING IN WETLAND AREAS ON HUMBOLDT BAY POWER PLANT PARCEL AND PG&E PROPERTY EXTENDING INTO HUMBOLDT BAY

PROJECT SUMMARY

As part of the Humboldt Bay Power Plant (HBPP) Nuclear Regulatory Commission (NRC) license termination and Department of Toxic Substances Control (DTSC) mandated chemical remediation efforts, soil sampling within four wetland areas on the HBPP parcel and PG&E property extending into Humboldt Bay is necessary.

Nuclear Regulatory Commission

Final Status Surveys (FSS) must be conducted throughout the HBPP parcel, as part of NRC license termination. The FSS consist of taking soil samples to determine whether an area exceeds the Derived Concentration Guideline Levels.¹ Any areas where the Derived Concentration Guideline Levels are found to have been exceeded will require remediation.

There are three wetland areas in which FSS must be conducted. These areas include: Buhne Slough, the Buhne Point Wetland Preserve, and the Duck Pond. In addition, FSS must be conducted within the PG&E owned property in Humboldt Bay. Figure 1 depicts the wetland areas and the PG&E owned property within Humboldt Bay where the soil sampling must occur. The soil samples will be taken prior to the completion of HBPP Final Site Restoration in 2018/2019.

Wetland Areas - Wetland areas descriptions and number of soil samples to be taken in each area:

- Buhne Slough: Fifteen soil samples will be taken within this is native undeveloped salt marsh.
- Buhne Point Wetland Preserve: Approximately five soil samples will be collected in this wetland and upland habitat. Most of the area has been established for a number of years and is composed of a mosaic of coastal grassland, riparian scrub/forest, saltwater and freshwater marsh.
- Duck Pond: A maximum of twenty samples will be taken in this semi-freshwater or brackish marsh with native vegetation a few feet in elevation above the surrounding tidally influenced salt marsh. Although not tidal, it shows some evidence of saltwater intrusion, including halophytic plants.

All of the FSS wetland area sampling locations described above will be accessed by foot. Given the extensive vegetation in Duck Pond areas, some vegetation may require trimming to access the sampling locations. The size of each sampling point will be approximately one foot in diameter and the soil will be removed to a depth of approximately six inches. The soil will be collected by hand using a trowel.

Humboldt Bay - The PG&E parcel extends up to approximately 200 feet offshore into Humboldt Bay area that is shallow, sandy, and unvegetated. A maximum of twenty soil samples will be collected in this area.

¹ Derived Concentration Guideline Level (DCGL) – Derived radionuclide – specific activity concentration that corresponds to release criterion (25 millirem/year) within a survey unit.

The sampling locations will be accessed by boat. A hand held soil dredge approximately 6-inches wide by 6-inches long and 6-inches deep and lowered to the Bay bottom by rope or cable, will be used to collect the soil at each location. Approximately one liter of soil will be collected from each sample location.

Department Toxic Substances Control

Soil samples must also be collected in three wetlands areas: Buhne Slough, Duck Pond, and Frog Pond. The details regarding the sampling in each of the wetland areas are discussed below. DTSC sampling is scheduled to occur in 2017.

- **Buhne Slough:** Sediment samples will be collected from the muddy bottom of the slough channel at up to five locations. The sample locations will be accessed on foot via King Salmon Avenue. The diameter of each collection location will be one to two feet maximum. The depth of each sample will be four to six inches. A shovel will be used to obtain the samples.
- **Duck Pond:** Soil samples will be collected from up to twelve locations within the Duck Pond. The sampling locations will be accessed by foot from Trailer City. The diameter of the sampling locations will be four inches or less. The depth of the sample will be six inches. A disposable scoop will be used to obtain the samples.
- **Frog Pond:** Soil samples will be collected from up to twenty-six locations from the Frog Pond area. The sampling locations will be accessed on foot. The diameter of the samples will be up to four inches and the depth will be between two and four feet below ground surface. The soil samples will be obtained by using a hand auger. As this wetland area is slated for permanent impacts (which will be fully mitigated) as part of the HBPP Final Site Restoration Plan implementation, the bore holes will be filled after the sampling is complete.

COMMISSIONERS

- 1st Division
Larry Doss
- 2nd Division
Greg Dale
- 3rd Division
Mike Wilson
- 4th Division
Richard Marks
- 5th Division
Patrick Higgins

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



California Environmental Quality Act Notice of Exemption

Project Title: Humboldt Bay Power Plant Wetland Sediment Sampling

Project Proponent

Pacific Gas and Electric Company
 Humboldt Bay Power Plant
 1000 King Salmon Ave.
 Eureka, CA 95503
 James T. Salmon, Environmental Manager

Project Summary

PG&E is decommissioning the Humboldt Bay Power Plant (HBPP). The site will be restored to repurpose the former HBPP area to support the Independent Spent Fuel Storage Installation, the continued operation of the Humboldt Bay Generating Station, and future power generation-related activities on the property. As a part of this process, PG&E prepared a plan for restoration of the HBPP site, the Final Site Restoration (FSR) plan. The HBHRCD, as Lead Agency, approved the above described project on August 27, 2015 and approved an IS/ MND which included a mitigation monitoring and reporting program.

As part of the HBPP's Nuclear Regulatory Commission license termination and Department of Toxic Substances Control mandated chemical remediation efforts, soil sampling within four wetland areas and one bay area on the HBPP parcel are necessary. PG&E is pursuing a separate permit for these sampling activities, which are herein considered exempt from further CEQA review.

Pertinent California Environmental Quality Act (CEQA) Exemption: CEQA Guidelines Section 15306 (Information Collection) allows for data collection activities that do not result in a serious or major disturbance to environmental resources.

Rationale for Exemption:

The sampling is a data collection activity and would not result in a serious or major disturbance to environmental resources.

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

Date: _____

Signature: _____