

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

DATE: April 14, 2022

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

PLACE: Join Zoom Meeting
<https://us02web.zoom.us/j/6917934402>

Meeting ID: 691 793 4402
One tap mobile
(669) 900-9128, 6917934402#

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 Purchase and or Lease of Real Property on Samoa Peninsula, Humboldt County, With Assessor's Parcel Numbers, 401-031-083-000, 401-112-030-000, 401-031-054-000, 401-031-061-000, 401-112-013-000, 401-031-071-000, and 401-112-029-000, 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.
- b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957(b)(1). Title: Executive Director – Larry Oetker

Agenda for April 14, 2022 Regular Board Meeting

- 4. Call to Order Regular Session at 6:00 P.M. and Roll Call**
- 5. Pledge of Allegiance**
- 6. Report on Closed Session**
- 7. 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 (STAR) *9 and unmute themselves by pressing (STAR) *6.*

8. Consent Calendar

- a) Adopt Minutes for March 10, 2022 Regular Board Meeting
- b) Receive District Financial Reports for February 2022
- c) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings
- d) Approve a Change Order in the Amount of \$32,484.69 to the Clean Earth Contract to Remove Hazardous Materials from Redwood Marine Terminal II
- e) Consider Accepting for Filing District Permit No. 2022-03 City of Arcata Non-Motorized Boat Launch
- f) Approve Employment Contract for Natural Resources Coordinator
- g) Approve MOA-2022-023, a data-sharing Agreement between the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Center for Operational Oceanographic Products and Services (CO-OPS) and the Humboldt Bay Harbor, Recreation and Conservation District for the Quality Control and Dissemination of Data for the Humboldt Bay Physical Oceanographic Real-Time System (PORTS) to remain in effect until December 31, 2026

9. 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

10. Unfinished Business

- a) **Consider Adopting Amendment No. 4 to Ordinance No. 10: An Amendment to Ordinance 10 of the Humboldt Bay Harbor, Recreation and Conservation District Amending and Adjusting the Boundaries of the Election Divisions of the Humboldt Bay Harbor, Recreation and Conservation District**

Recommendation: Staff Recommends that the Commission: Adopt Amendment NO. 4 to Ordinance NO. 10 and consent to read by title only. Amendment No. 4 to Ordinance No. 10 of the Humboldt Bay Harbor, Recreation and Conservation District Amending and Adjusting the Boundaries of the Election Divisions of the Humboldt Bay Harbor, Recreation and Conservation District.

Summary: The Board Introduced the proposed amendment on February 10, 2022. The Ordinance would retain the District election boundaries in the same location with no changes. According to the Harbors and Navigation Code the boundaries of all election divisions for the Harbor District Commissioners shall be adjusted following each decennial federal census.

- b) **Consider Adopting Ordinance 20, An Ordinance of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District Relating to the Prohibition of the Storage and Handling of Coal and Petroleum Coke on District-Owned Property**

Recommendation: Adopt Ordinance 20 and consent to read by title only. Ordinance NO. 20: An Ordinance of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District Relating to the Prohibition of the Storage and Handling of Coal and Petroleum Coke on District-Owned Property.

Summary: The Board Introduced Ordinance 20 at their March 10, 2022 meeting. There is substantial evidence that storing or handling coal on and over District-owned property poses a danger to the health and safety of people living, working, visiting, and recreating on that and adjacent properties. If adopted, Ordinance 20 would ban the establishment and/or expansion of storage and handling of coal and/or petroleum coke on District-owned property.

11. New Business

- a) **Shelter Cove Fishing Preservation, Inc. Janitorial Agreement**

Recommendation: Staff recommends that the Board: Authorize the Executive Director to sign a services agreement with Shelter Cove Fishing Preservation Incorporated (SCFPI).

Summary: The Harbor District terminated the lease with Mario's Marina LLC on December 31, 2021. Through a Janitorial Services Agreement, the Harbor District has provided \$25,000 annually for SCFPI's services in the past and would like to renew that agreement for a two-year term.

b) Consider Approving Resolution 2022-02, thereby: Approving Harbor District Permit #2022-01 with Associated Conditions of Approval, Approving an associated CEQA Notice of Exemption, and Establishing Findings Relative to the Permit Application (Hog Island Dock Repair)

Recommendation: Staff recommends that the Board adopt Harbor District Resolution 2022-02 which includes:

- Approving Permit 2022-01 for the Hog Island Dock Repair Project
- Approving an associated CEQA Notice of Exemption
- Establishing Findings Relative to the Permit Application

Summary: Sequoia Investments X, LLC applied for a Harbor District permit to conduct a 5-year repair and maintenance plan for the Hog Island Dock located at Bivalve way, Samoa, CA (APN 401-301-007). The Harbor District Board is to consider issuing a permit. The purpose of the Project is to repair and/or replace defected piles and dock support structures. The replacement of piles would involve replacing the existing wood lateral beams with new steel I-beams (pile caps) and the steel piling will be welded or bolted to the I-beams. The total work area is approximately 3,000 sq. ft and the disturbed area will be approximately 75 linear feet and 225 square feet and is within the same footprint of the existing dock structures.

c) Review of Preliminary Budget and Goals for Woodley Island Marina, Shelter Cove and Fields Landing Boat Yard

Recommendation: Staff recommends the Board: Review and provide direction regarding the Preliminary budget and goals for Woodley Island Marina, Shelter Cove, and Fields Landing Boat Yard.

Summary: The budget is prepared annually under direction of the Executive Director. In accordance with CA Harbors and Navigation Code Section 6093, on or before June 15, the District Board shall estimate and determine the amount of money required by the Harbor District and shall adopt a preliminary budget. Per Section 6093.3, the final budget shall be reported to the Board of Supervisors no later than August 1st.

d) Approve Purchase Order for Eel River Disposal to Allow for the Remaining Debris Piles at Redwood Marine Terminal II to be Removed

Recommendation: Staff recommends the Board: Approve purchase orders for the removal of debris and materials from Redwood Marine Terminal II.

Summary: On July 8, 2022, the Board approved the annual operating budget for Redwood Marine Terminal II (RMT II), which included \$26,100 for the removal and recycling of debris and materials, which remained on site, after the NMTC financed building improvements were completed.

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e) Receive a Report Regarding Upcoming Grant Application for Port Infrastructure Development Program

Recommendation: Receive a report.

Summary: At the Regular Board Meeting scheduled for May 12, 2022, staff plans to bring before the Board an application for the Port Infrastructure Development Program (PIDP). The District is anticipated to request up to \$12,000,000. Staff anticipated that no General Funds will be used as matching funds, though staff does anticipate that the District will need to utilize as matching funds a portion of the \$10.45M grant issued to the District in March of 2022 by the California Energy Commission.

12. Future Agenda Items

- e) Green Diamond Shared Services Agreement
- f) Dredge Update

13. Adjournment