

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

DATE: August 28, 2024

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

PLACE: Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501

How to Observe and Participate in the Meeting:

Observe: Members of the public can attend the meeting in person or observe the meeting on Zoom at the following link: <https://us02web.zoom.us/j/6917934402>

Meeting ID: 691 793 4402

One tap mobile

(669) 900-9128, 6917934402#

Public members observing on Zoom will not be able to participate or provide comment.

Members of the public who may wish to provide public comment during the meeting must attend in person.

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 (707) 443-0801 at least 24 hours in advance of the meeting.

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. Moved to Closed Session

a) Government Code Section 54956.9(d)(2), exposure to litigation

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

5. Pledge of Allegiance

6. Report on Closed Session

Agenda for August 28, 2024 Special Board Meeting

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**. 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.*

8. Consent Calendar

- a) Consider Accepting Application for Filing for Harbor District Permit 2024-03: Chevron Dock Repair

9. Business

- a) **Consider, Discuss, and Take Action to Adopt Resolution 2024-08 Establishing Findings Relative to Permit 2024-01; Determining the Existence of California Environmental Quality Act Exemption; and Approving Harbor District Permit 2024-01 with Conditions for Billboard Repair and Continuation of Use for Five Years**

Recommendation: Staff recommends that the Board consider and discuss the information presented in the staff report, accept public comments, and take action either approving or denying Permit Application 2024-01:

- Adopt Harbor District Resolution No. 2024-08 which includes:
 - Establishing Findings Relative to the Permit Application for Billboard Repair
 - Determining the Existence of a California Environmental Quality Act Exemption
 - Approving Permit 2024-01 with conditions for Billboard Repair and Continuation of Use for Five Years; or
- Deny Permit Application 2024-01

Summary: A legally nonconforming billboard located within tidally-influenced portions of Humboldt Bay was damaged during winter storms in January 2024. The owner of the billboard is seeking a permit to conduct "like for like" repair work to restore the billboard. If approved, the permit before the Board of Commissioners would allow the repair as well as implement Amendment No. 2 to Ordinance No. 7 by permitting the continued operation of the billboard for a five-year amortization period, after which the billboard will be removed.

Agenda for August 28, 2024 Special Board Meeting

b) Consider Awarding a Contract to Hooven & Co., Inc. for the Manila Park Improvements, as Project for the Clean California Grant, Samoa Peninsula Beautification Project

Recommendation: Staff recommends the Board: Accept the bid and authorize the Executive Director to execute a contract with Hooven & Co., Inc. for the Manila Park Improvement, Parking Lot Resurfacing, as a key project under the Samoa Peninsula Beautification Project as funded by an award under the Clean California Grant CCL-6302-003.

10. Adjournment

COMMISSIONERS

1st Division: Aaron Newman
2nd Division: Greg Dale
3rd Division: Stephen Kullmann
4th Division: Craig Benson
5th Division: Patrick Higgins

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



STAFF REPORT
HARBOR DISTRICT MEETING
August 28, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: August 16, 2024

TITLE: Consider Accepting Application for Filing for Harbor District Permit 2024-03: Chevron Dock Repair

STAFF RECOMMENDATION: Staff recommends that the Board: Accept Permit Application 2024-03 for filing.

SUMMARY: Chevron USA is proposing repairs and upgrades to their dock facility. The project consists of three discrete project areas, replacement of piles and pile bracing on the dock causeway, replacement of guide piles and guides at the floating dock, and replacement of the beam at the working platform. This is a procedural step to accept a permit application. If the Board accepts the permit application, the actual permit will come before the Board in a future meeting.

DISCUSSION: In accordance with MOTEMS (Marine Oil Terminal Engineering & Maintenance Standards), Chevron USA is proposing repairs and upgrades to their facility in Eureka, CA (Figure 1. Project Site and Location Map). The project consists of three discrete project areas, replacement of piles and pile bracing on the dock causeway at Bents 8, 20, 21, 22, and 23, replacement of guide piles and guides at the floating dock, and replacement of the beam at the working platform (Figure 2. Plans for 2024 Upgrades and Repairs to the Chevron Eureka Terminal). Work at Bents 8, 20, 21, 22, and 23 includes the removal of 5 timber piles and two steel piles at the floating dock. Consistent with District Ordinances and the Harbors and Navigation Code, this is a procedural step to accept a permit application to conduct physical improvements within the waters of Humboldt Bay. If the Board chooses to accept the filing of this permit, staff will follow standard procedures to review and evaluate the project. Following that analysis, the project will come before the Board with a staff recommendation for or against approval.

The following is a description of the proposed project as presented in the permit application. If accepted for filing, District staff will work with the applicant to review, analyze, and/or modify the following.

The work is proposed to be conducted in a single phase with construction repairs scheduled for the work window between July 1, 2024, and October 15, 2024. Construction activities will be performed from a flat-bottomed barge with an approximately 1.5-meter draft when loaded (e.g., the Moondoor II, a 34.7- by 23.8-meters barge). The barge will be powered and maneuvered into position by a push boat (e.g., the Joseph George). The barge will approach the trestle from the south side and will be repositioned as needed to access work locations. A crane (e.g., Kobelco

CK1000-III Crawler Crane with a 36.7-meter boom) will be positioned on the barge and will be used to install and remove piles and other components of the pipeway. Work in eelgrass habitat will be limited to times of the day when tidal heights are sufficient to allow the barge to float over the substrate.

Timber piles will first be cut off 0.3 meters below the mudline and will then be removed using a crane located on a floating barge. The exact method of removal using the crane will be determined by the contractor. Pile replacement shall be with 0.41-meter-diameter coated steel piles installed to a depth of -40'. Once piles are replaced, new guide systems and bracing systems will be installed on the floats and new piling for the floating dock and causeway piles respectively. All steel piles will be driven to tip elevation or refusal using a crane and a vibratory hammer. If refusal occurs before tip elevation is reached, an impact pile-driving hammer will be used to drive the piles to the required tip elevation, completing the installation. Timber piles will be removed using a crane, with the method to be determined by the contractor. It is not known how long it will take to perform pile installation and removal procedures. However, because the work will occur only during high tides, the barge will not be in any given position long enough to affect eelgrass through shading. After they are removed, piles will be placed on the barge in a containment area.



Figure 1. Project Site and Location Map

All piles identified in bents 8, 20, 21, 22, and 23 are located in eelgrass habitat (Figure 3. Eelgrass Distribution around Project Site). Guide float piles are located outside eelgrass areas. A Biological Assessment (BA) for Marine Resources, Eelgrass Mitigation and Monitoring Plan, and Hydroacoustic Monitoring Plan have been prepared for the project. The BA concludes that the project is not likely to adversely affect listed wildlife species, critical habitat, or essential fish habitat. The project applies mitigation credit from onsite piling removal conducted in 2017 as follows: “The proposed replacement of five 0.36-meter-diameter timber piles (2.54 square meters) with five 0.41-meter-diameter steel piles (3.30 square meters) will require compensatory mitigation because of the permanent loss of eelgrass habitat (0.76 square meter). Chevron will mitigate permanent losses to eelgrass habitat through application of a credit provided by the removal of 25 0.36-meter-diameter timber piles in 2017, minus the compensatory mitigation acreage applied to the impacts of that project. The credit remaining after compensatory mitigation applied for the 2017 project totals 1.35 square meters (H. T. Harvey & Associates 2018). At a 1:1 ratio, this



is more than enough to cover the permanent loss of eelgrass habitat of 0.76 square meter” (H. T. Harvey & Associates, 2024). The applicant is also pursuing permits from other regulatory agencies.

The submitted Chevron Dock Repair Application will be available on the Harbor District website:
<https://humboldtby.org/public-notice-announcements-information>.



Figure 2. Plans for 2024 Upgrades and Repairs to the Chevron Eureka Terminal

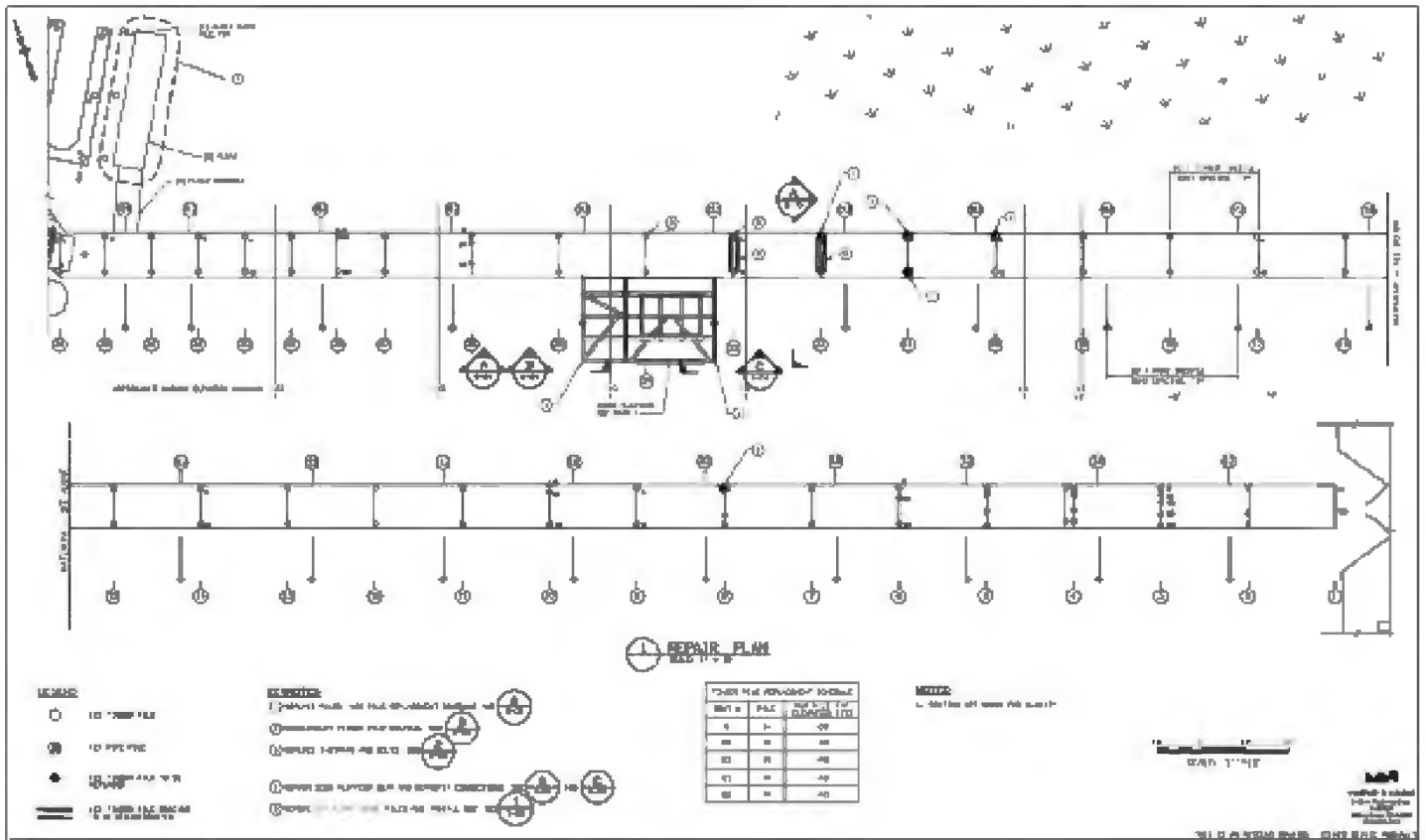


Figure 3. Eelgrass Distribution around Project Site





COMMISSIONERS
 1st Division
 Aaron Newman
 2nd Division
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Harbor, Recreation and Conservation District
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 Eureka, California 95502-1030

STAFF REPORT
HARBOR DISTRICT MEETING
August 28, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: August 23, 2024

TITLE: Consider, Discuss, and Take Action to Adopt Resolution 2024-08 Establishing Findings Relative to Permit 2024-01; Determining the Existence of California Environmental Quality Act Exemption; and Approving Harbor District Permit 2024-01 with Conditions for Billboard Repair and Continuation of Use for Five Years

STAFF RECOMMENDATION: Staff recommends that the Board consider and discuss the information presented in the staff report, accept public comments, and take action either approving or denying Permit Application 2024-01:

- Adopt Harbor District Resolution No. 2024-08 which includes:
 - Establishing Findings Relative to the Permit Application for Billboard Repair
 - Determining the Existence of a California Environmental Quality Act Exemption
 - Approving Permit 2024-01 with conditions for Billboard Repair and Continuation of Use for Five Years; or
- Deny Permit Application 2024-01

SUMMARY:

A legally nonconforming billboard located within tidally-influenced portions of Humboldt Bay was damaged during winter storms in January 2024. The owner of the billboard is seeking a permit to conduct "like for like" repair work to restore the billboard. If approved, the permit before the Board of Commissioners would allow the repair as well as implement Amendment No. 2 to Ordinance No. 7 by permitting the continued operation of the billboard for a five-year amortization period, after which the billboard will be removed.

BACKGROUND:

The HBHRCD Board adopted Amendment No. 2 to Ordinance No. 7 in 2021 (Attachment A), implementing certain portions of the Humboldt Bay Master Plan related to billboards and signs in a manner consistent with and authorized by State law. Under Ordinance No. 7 as amended, no new billboards or off-premises signs and structures may be constructed. The Ordinance further declares, consistent with state law, that all preexisting billboards erected in Humboldt

Bay in conformance with state law and local ordinances in effect at the time of their erection or subsequently brought into full compliance with state law and local ordinances, and which have continuously occupied the same site without expansion or modification other than customary maintenance, are recognized as legally nonconforming. Under state law such legally nonconforming billboards may be removed only after notice to the billboard owner that provides a long enough time period for the billboard owner to recover invested capital.

Ordinance No. 7, as amended, establishes five years as the presumptively reasonable time period before a nonconforming billboard can be ordered removed. The five-year presumption is rebuttable by the billboard owner upon factual evidence that supports the need for a longer amortization period to recover invested capital. The District has not received any evidence to rebut this presumption.

To summarize, Ordinance No. 7 as amended outlines procedures for:

- Declaring preexisting billboards nonconforming;
- Requiring such nonconforming billboards to receive a Harbor District permit;
- Establishing a rebuttable amortization period for their removal; and
- Seeking approval to conduct maintenance, repair, or reconstruction within the amortization period.

The billboard in question never received a permit and never received notice of an amortization period after which it must be removed. Therefore, the District is implementing Ordinance No. 7 as amended through its review and approval of this Harbor District Permit Application 2024-01 for Billboard Repair/Replacement. The conditions of approval implement Ordinance No. 7 as amended.

DISCUSSION:

A billboard located in Humboldt Bay west of Highway 101 near Indianola cutoff was damaged during winter storms in January 2024 (OutFront billboard unit #4567A). Following initial storm damage to supportive beams, more of the support structure failed and the billboard collapsed into Humboldt Bay. See Attachment A for project location map and photos. Geoff Wills, on behalf of OutFront Media, applied for a Harbor District permit and other regulatory approvals (i.e. Coastal Development Permit) for Billboard Repair/Replacement. As the billboard is in the Bay and requires construction that touches the ground (or water) below the high tide line, this repair project is within Harbor District jurisdiction and the Harbor District Board is to consider issuing a permit. The purpose of the repair project is to remove the fallen existing billboard structure, replace damaged uprights, and to install six (6) new main posts and six (6) new support posts in the same location as the previous ones. The repair project will also include reconstruction of the billboard itself in the exact same location and to the same specifications (12'x40') as the damaged one.

Process to date

- Billboard damaged and Harbor District Permit for repair application filed in early 2024.
- Application accepted for filing by District Board. Comment letter received from Humboldt Waterkeeper.

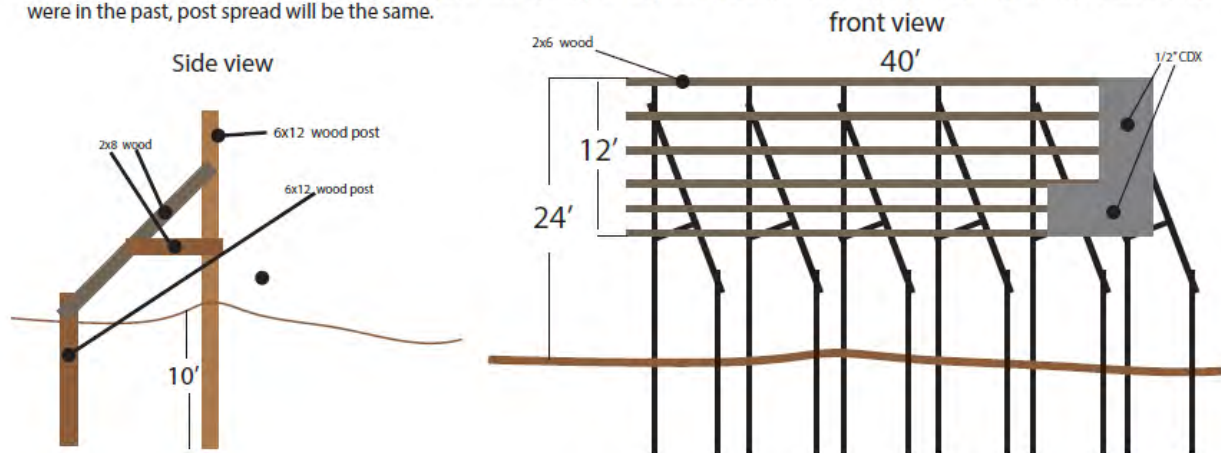
- Notice of Application sent to referral agencies, tribes, adjacent property owners, published in the times standard, and posted on District website. Request for additional information letter sent to applicant.
- Site visit conducted with applicant, California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC) representatives.
- Received email comments from CDFW (summarized below) and letter from Bear River Band of Rohnerville Rancheria requesting that Inadvertent Discovery Protocols are in place before any work begins.

Proposed Repair Project

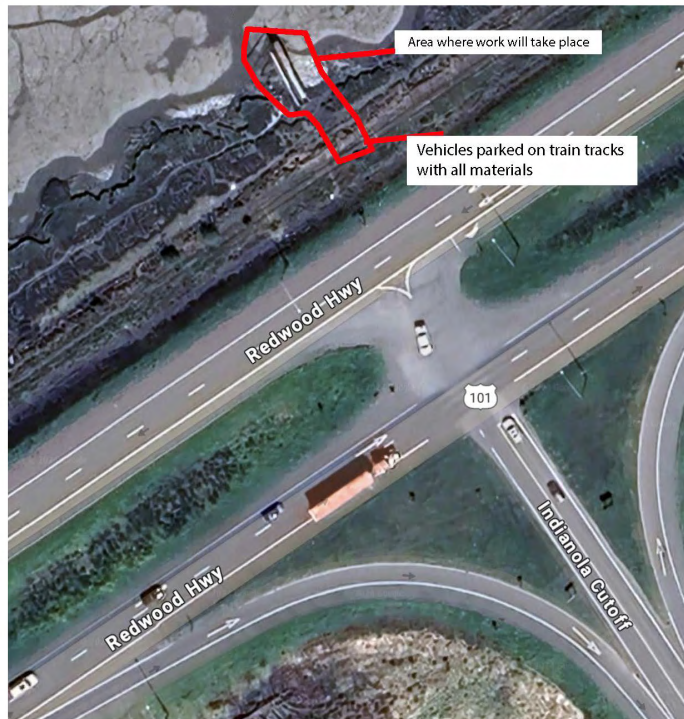
The submitted work plan includes removal of the existing fallen structure and existing uprights. The repair project would install six (6) new main posts and six (6) new support posts in the exact location as the old ones. The construction of the new uprights will involve using pile-driving techniques to drive 6x12 dimensional lumber posts into the ground to a depth of 10 feet. An excavator, accessing the site via the railroad tracks and employing wooden mats to distribute its weight, will perform the pile driving. The width of excavator is 8' and it will travel the length of the billboard which is 40'.

The repaired billboard will be constructed of CDX plywood and dimensional lumber as specified by an engineer. The structure includes vertical support posts that measure 6 inches by 12 inches, horizontal stringers that are 2x6, and half-inch CDX plywood. Additionally, the catwalks will be constructed from 4x6 wood, while back braces will use 2x8 lumber. Work will be performed by 2-4 people using standard cordless tools over a two-week time frame.

All materials will be the same, all footings will be smaller as they will be pile drove with no concrete vs hand dug with concrete as they were in the past, post spread will be the same.



Each day crews would arrive by vehicle on train tracks and park in a designated parking area, one path to and from the billboard will be used to minimize impacts from a human walking. No temporary staging is required and all materials can be staged on railroads tracks, on vehicles and carried by hand to billboard for installation. Construction timeframe is approximately two weeks.



Site Visit

A site visit was conducted with the applicants representative and representatives from California Department of Fish and Wildlife (CDFW), the California Coastal Commission (CCC), and the Harbor District. The proposed repair project methods and details were discussed during the site visit. CDFW provided the following email comments/ recommendations (per 4/25/24 email):

“The California Department of Fish and Wildlife (CDFW) is the State’s trustee for fish and wildlife resources, and as requested, I’d like to summarize our recommendations to avoid or minimize impacts to sensitive salt marsh and tidal

mudflat habitat. The site location consists of remnant tidal salt marsh and intertidal mudflats, both sensitive and ecologically important wetland habitats. Although the salt marsh is invaded with dense-flowered cordgrass (*Spartina densiflora*), it still supports a native plant community, with Humboldt Bay owl’s clover (*Castilleja ambigua* ssp. *humboldtensis*; CRPR 1B.2) located in nearby patches of marsh. In addition, the salt marsh along this margin of the bay gets significant use by roosting shorebirds. Placement of a billboard in this location is not consistent with the ecological functions and values of these habitats and can include short- and long-term impacts to native plants, shore bird roosting, and potentially increased erosion potential of the marsh. As the Harbor District is aware, this site is under consideration for a significant marsh restoration project associated with sea level rise (SLR) resiliency. While there is no guarantee such a project would be implemented, it’s clear that installing a billboard within the footprint of a restored marsh would not be consistent with the goals of a nature based SRL resiliency project.

CDFW recommends the Harbor District take this opportunity to phase out a land use activity that is not consistent with ecosystem functions of the site and not permit the replacement/repair of the billboard. If the Harbor District chooses to permit the billboard replacement, CDFW recommends incorporating the following conditions of approval:

- Work below the mean high tide line shall only occur during low tide (i.e., no in-water work permitted)
- Uprights shall be installed with vibratory pile driving techniques rather than percussive pile driving during low tide or receding tides when water is at least 50ft from the site.
- New footings shall be installed within the footprint of existing uprights.
- Require the removal of the billboard with no option to replace it if a SLR resiliency marsh restoration project is implemented at the site.

Regardless of whether the structure is replaced, the existing failed billboard should be disassembled onsite and hauled off in pieces to minimize damage to salt marsh and tidal flat. Since the wood is pressure-treated, measures should be taken to minimize chips and sawdust from contaminating the area.”

The Applicant continues to pursue required Coastal Commission permits/approval for both removal of the damaged billboard and replacement.

Best Management Practices and Conditions of Approval

The proposed repair project will include the Harbor District’s Best Management Practices for Piling Removal and Installation (Exhibit 1).

Permit for Continuation of Billboard

In addition, the District’s Ordinance No. 7, as amended, requires that owners of non-conforming billboards obtain permits consistent with Ordinance No. 14 and allows for continuance, maintenance, repair or reconstruction provided the activities meet the established criteria and are within the amortization period. All permits shall contain at a minimum the following conditions:

- i. Giving notice that the sign, structure and use remain nonconforming to the Humboldt Bay Master Plan.
- ii. Stating reasonable amortization period after which the billboard shall be removed.
- iii. Requiring the applicant to provide financial assurance in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by the end of the reasonable amortization period.

Those mandatory conditions as established by Ordinance No. 7 are covered in this permit’s Conditions.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

District staff has determined that the repair project qualifies for CEQA exemption pursuant to Class 1, §15301 Existing Facilities and Class 2, §15302 Replacement or Reconstruction. The repair project will replace severely damaged billboard uprights and associated structures and would not result in an expansion of capacity or use. Further, the repair project involves the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and have the same purpose and capacity as the structure being replaced.

ATTACHMENTS:

- A. Amendment No. 2 to Ordinance No. 7
- B. Project Location & Photos
- C. Resolution No. 2024-08 Establishing Findings Relative to and Approving Harbor District Permit 2024-01 with Conditions for Billboard Repair
 1. California Environmental Quality Act – Notice of Exemption
 2. Harbor District Permit 2024-01 with Conditions for Billboard Repair

Documents incorporated here by reference are on file with the Harbor district and the initial application is available online (<https://humboldtby.org/public-notices-announcements-information>):

- Permit No. 2024-01: Permit Application: Billboard Repairs (March 8, 2024)

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

AMENDMENT NO. 2 ORDINANCE NO. 7

AN ORDINANCE IMPLEMENTING
CERTAIN PORTIONS OF THE
HUMBOLDT BAY MASTER PLAN

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,
RECREATION, AND CONSERVATION DISTRICT, DOES HEREBY ORDAIN AS
FOLLOWS:

Section 1. Findings and Purposes. The Board of Commissioners (the "Board") of the Humboldt Bay Harbor, Recreation, and Conservation District (the "District") finds and declares as follows:

- (a) On September 16, 1976, the District adopted Ordinance No. 7 Implementing Certain Portions of the Humboldt Bay Master Plan pursuant to its authority as Trustee of the public trust, and under the police power enabling authority delegated to the District by the State of California in Appendix II of the Harbors and Navigation Code.
- (b) Ordinance No. 7, among other provisions, prohibits all signs and related structures in the District's tidal and submerged lands except when related to navigational, public safety, resource management and identification purposes.
- (c) On June 26, 1986, the District adopted Ordinance No. 14, prohibiting, among other provisions, the construction or repair of any structures on property within the District's jurisdiction without the owner first obtaining a permit from the District.
- (d) The District desires to further implement the existing Ordinance No. 7 billboard prohibition by amending Ordinance 7 to require that owners of non-conforming billboards obtain permits consistent with Ordinance No. 14 and to provide the mechanism for orderly billboard removal in a manner consistent with the District's regulatory authority, its Ordinances, Plans, Policies, and with state law.

Section 2. Ordinance Amendment. ARTICLE IV SECTION 9, ENVIRONMENTAL QUALITY, OF ORDINANCE NO. 7 IS HEREBY AMENDED BY INSERTING NEW LANGUAGE AFTER EXISTING SUBDIVISION (f) AS FOLLOWS:

(f) Signs and related structures, other than those that are necessary and approved by the District for navigational, public safety, resource management and identification purposes shall be eliminated and prohibited from the tidal and submerged lands within the jurisdiction of the District.

- 1) **Billboards and Off Premises Signs:** Billboards and off premises signs and structures are inconsistent with the purposes and standards of the District's regulatory and

jurisdictional authority and are, therefore, prohibited in all Planning Designations in Article III of this Ordinance No. 7.

- a) *New Billboards and Off Premises signs and structures:* No new billboards or off premises signs and structures shall be permitted.
- b) *Illegal Billboards and Off Premises Signs and Structures:* A billboard or off premises sign or structure that has not continuously occupied a site since September 16, 1976, and does not have an active permit from the District, shall be deemed an illegal sign and shall be subject to removal in compliance with this Ordinance No. 7.
- c) *Existing Non-conforming Billboards and Off Premises Signs and Structures:* A billboard or off premises sign or structure that was erected in conformance with state law and local ordinances in effect at the time of its erection or that was subsequently brought into full compliance with state law and local ordinances, and that has continuously occupied the same site without expansion or modification other than customary maintenance, shall be deemed to be a non-conforming billboard or off premise sign or structure. The elimination of existing non-conforming billboards and off premises signs is as important to the Humboldt Bay aesthetic and public health, safety, and welfare as the prohibition of new billboards and off premises signs that would violate the provisions of this section and because findings cannot be made pursuant to Harbors and Navigation Code Appendix 2 Section 24. It is also recognized that non-conforming billboards and off premises signs should be eliminated in a manner that avoids an unreasonable invasion of established property rights. With these goals in mind, the District regulates non-conforming billboards and off premises signs as outlined below.
 - 1) *Non-conforming Billboards and Off Premises Signs Elimination.* Nonconforming billboards and off premises signs or structures shall be discontinued and removed from their sites after a reasonable amortization period which shall be specified in the District permit authorizing the billboard or off premises sign or structure. The District hereby finds that five years is presumptively a reasonable amortization period, or until January 31, 2026, because it provides the sign owner adequate time to recover capital investment and is consistent with the length of time for an outdoor advertising permit issued by the California Department of Transportation (CalTrans). This five year presumption amortization period is subject to rebuttal by the permit holder and the permit review authority may define an alternative amortization period based on the evidence presented at their discretion.
 - 2) *Continuation and maintenance.* Until the end of the reasonable amortization period specified in the District permit, a nonconforming billboard or off premises sign may be continued in operation and maintained, but may not be:
 - i. Replaced with another nonconforming billboard or off premises sign;
 - ii. Moved to another location on the property; or

- iii. Expanded or enlarged.
- 3) *Allowed change in copy.* The copy on a non-conforming billboard and off premises sign may be changed before the expiration of the amortization period without a permit provided that the change of copy does not increase the sign area or make the sign more non-conforming.
- d) *Maintenance, Repair or Reconstruction.* Provided that repair or reconstruction is started within one year and diligently pursued to completion, non-conforming billboards and off premises signs may be reconstructed and the nonconforming use may be resumed until the end of the amortization period as follows:
- 1) Permit approved by the Executive Director pursuant to District Ordinance No. 14.
 - i. Structures may have “like for like” repair work completed, as long as there is no enlargement or expansion of the structure or use and all repair is completed above the water level at the time repair work is completed.
 - ii. Structures which are damaged by high winds, destroyed by fire, or other calamity may with have the portions of the damaged structure above water level at the time the repair work is completed restored.
 - iii. Structures which are damaged by vandalism may be repaired or replaced and existing piles and anchors reattached provided that the applicant provides documentation that the work is not in any way enlarged over the existing structure and the work will have no significant impact on biological resources.
 - 2) All reconstruction not completed under section d)1) above shall require an Administrative Permit in accordance with Ordinance No. 14 Section 1.09.
 - 3) All permits shall contain at a minimum condition(s):
 - i. Giving notice that the sign, structure and use remain nonconforming to the Humboldt Bay Master Plan.
 - ii. Stating reasonable amortization period after which the billboard shall be removed.
 - iii. Requiring the applicant to provide financial assurance in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by the end of the reasonable amortization period.
 - 4) Consistent with Ordinance No. 14, Section 24, no permit may be issued authorizing an ongoing billboard or off premise sign or structure use, or its

maintenance, repair, or reconstruction, without the District first considering of the impact of the proposed use on the air, water, land, environment, and ecology of the District's lands, and thereafter finding that the proposed use is necessary to promote the safety, health, comfort and public convenience of the public, that the proposed use is required by the public convenience, and that the proposed use will not have an adverse environmental or ecological effect.

- e) *Billboard Declared a Nuisance.* Any billboard or off premises sign or structure operated in violation of Ordinance No. 7, or the District's permit is deemed a nuisance and subject to abatement.

PASSED AND ADOPTED THIS 14TH DAY OF JANUARY 2021 BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: DALE, DOSS, HIGGINS, KULLMANN

NOES: MARKS

ABSENT: NONE



STEPHEN KULLMANN, PRESIDENT
Board of Commissioners

ATTEST:



PATRICK HIGGINS, SECRETARY
Board of Commissioners

ATTACHMENT B: Project Location & Photos



Figure 1: Location of proposed Billboard Repair in Humboldt Bay, CA



Figure 2: Location of Billboard Repair Project

Photo 1. Billboard Unit #4567A prior to storm damage



Photo 2. Billboard Unit #4567A initial storm damage



Photo 3. Billboard in the Bay to be removed



Photo 4. Billboard pilings to be removed & replaced



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

RESOLUTION NO. 2024-08

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO PERMIT 2024-01; DETERMINING THE
EXISTENCE OF A CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION; AND APPROVING
HARBOR DISTRICT PERMIT 2024-01 WITH CONDITIONS FOR
BILLBOARD REPAIR AND CONTINUATION OF USE FOR FIVE YEARS**

WHEREAS, the Board of Commissioners (“Board”) of the Humboldt Bay Harbor, Recreation, and Conservation District (“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, pursuant to said powers, the Board adopted Ordinance No. 7, as amended, *Implementing Certain Portions of the Humboldt Bay Plan* (“Ordinance No. 7”), and Ordinance No. 14 *Establishing Procedures for the Evaluation of Applications for Grants, Franchises, Leases, Permits, Rights, or Privileges, affecting or Involving Areas or Activities Within the Jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District, and Establishing Rules and Regulations Pertaining Thereto* (“Ordinance No. 14”); and,

WHEREAS, Ordinance No. 7 and Ordinance No. 14 together prohibit the construction, maintenance or repair of any new signs in the tidal and submerged lands within the jurisdiction of the District, and require that all existing legal and nonconforming signs be permitted by the District and eliminated after a reasonable amortization period; and,

WHEREAS, Ordinance No. 7 establishes five years as a presumptively reasonable amortization period because, without factual rebuttal by the sign owner, 5 years provides the sign owner adequate time to recover capital investment; 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, Geoff Wills on behalf of OutFront Media applied to the District to repair and reconstruct the nonconforming billboard designated by the California Department of Transportation as billboard No. 4567A located in tidal and submerged lands of Humboldt Bay within the District’s jurisdiction; and

WHEREAS, the District has not previously issued a permit for the continuation of use billboard No. 4567A as required by Ordinance 7; 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 Project upon the air, land, environment, and ecology of the Bay under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District, after considering the impact of the repair of billboard No. 4567A and continuation of use thereafter for five years (the “Proposed Use”) upon the air, water, land, environment, and ecology of the lands under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District, hereby makes the following findings:

- a) Billboard No. 4567A was erected in conformance with state law and local ordinances in effect at the time of its erection and has continuously occupied the same site without expansion or modification other than customary maintenance;
- b) The Proposed Use is necessary to promote public safety, health, comfort, and convenience of the public;
- c) The Proposed Use is required by the public convenience and necessity;
- d) The Proposed Use will not have any substantial adverse environmental or ecological effect;
- e) The proposed billboard sign, structure and use remain nonconforming to the Humboldt Bay Master Plan pursuant to Article IV, Section 9(f)1)c) of District Ordinance No. 7, as amended;
- f) The billboard owner has failed to present any evidence as to why five years is not a reasonable time period in which it may recover its capital investment;
- g) The Proposed Use including proposed billboard repairs may not be implemented until the applicant provides financial assurance in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by the end of the five-year amortization period.
- h) The permit, right, or privilege is reasonably required by public convenience to promote growth, and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree; and
- i) 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.

SECTION 2. That the Proposed Use is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, §15301 (Existing Facilities) and Class 2 (§ 15302 Replacement or Reconstruction), there is no substantial evidence the project will have a significant effect on the environment, and the Executive Director is hereby directed to prepare and file a Notice of Exemption (NOE).

SECTION 3. That the Board of Commissioners does hereby authorize the Executive Director to issue Permit No. 2024-01 conditionally approving the onetime billboard repair and continuation of use thereafter for five years (Attachment A-1).

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 28th day of August 2024 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

**Greg Dale, President
Board of Commissioners**

**Aaron Newman, 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. 2024-08 entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO PERMIT 2024-01; DETERMINING THE EXISTENCE OF A CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION, AND APPROVING HARBOR DISTRICT PERMIT 2024-01 WITH CONDITIONS FOR BILLBOARD REPAIR AND CONTINUATION OF USE FOR FIVE YEARS

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 **28th day of August 2024**; 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 28th day of August 2024.

**Aaron Newman, Secretary
Board of Commissioners**

COMMISSIONERS
1st Division
Aaron Newman
2nd Division
Greg Dale
3rd Division
Stephen Kullmann
4th Division
Craig Benson
5th Division
Patrick Higgins

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



STAFF REPORT – HARBOR DISTRICT MEETING

August 28, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: August 22, 2024

TITLE: **Consider Awarding a Contract to Hooven & Co., Inc. for the Manila Park Improvements, as Project for the Clean California Grant, Samoa Peninsula Beautification Project**

STAFF RECOMMENDATION: Staff recommends the Board: Accept the bid and authorize the Executive Director to execute a contract with Hooven & Co., Inc. for the Manila Park Improvement, Parking Lot Resurfacing, as a key project under the Samoa Peninsula Beautification Project as funded by an award under the Clean California Grant CCL-6302-003.

DISCUSSION: In June 2022 the District received a Notice to Proceed for the Peninsula Beautification Project, a grant award of \$903,870.00 under the Clean California Local Grant Program. The District and our partner Redwood Community Action Agency (RCAA) were awarded the grant to implement the project with focuses on enhancing the community through projects such as public art, wayfinding signage, historical markers along dune/beach trails, interpretive signage, native plant installation, public seating, coastal safety signage, an extensive anti-littering campaign, educational activities, litter abatement days, abandoned vehicle abatement, dog waste pickup kiosks, bicycle and pedestrian facility improvements, and other site enhancements. The Manila Community Park is a key focus of the Grant, and this project is the final step in adding significant value to the peninsula community. Four bids were submitted and Hooven & Co., Inc. submitted a competitive and successful bid.

ATTACHMENTS:

- A. Bid Proposal

(BID PROPOSAL)

DESIGNATION OF SUBCONTRACTORS

Manila Park Improvements

The Contractor must list all subcontractors doing work in excess of 0.50% of total bid amount. The undersigned certifies that he has used the sub-bids of the following listed subcontractors in making up his bid and that the subcontractors listed will be used for the work for which they bid, subject to the approval of the DISTRICT, and in accordance with applicable provisions of these Specifications and Plans.

Bid Item No.	Subcontractor	Address and Tel No.	State License No.
<u>N/A</u>			

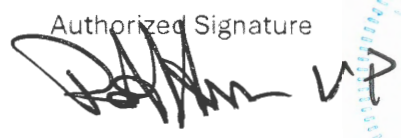
Date
7/19/2024

Address
3445 Central Ave

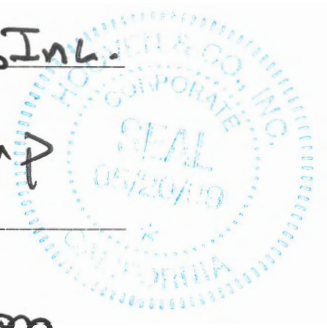
McKinleyville CA 95519

Telephone Number
707-839-1291

Bidder's Name
Hoovert Co., Inc.

Authorized Signature


Type of Organization
Corporation



(BID PROPOSAL)

MATERIAL RECYCLING INFORMATION FORM

Manila Park Improvements

(Note: Recycling information requested and listed on this page is being collected for audit use only. It will not be used in any way related to the award of the project.)

Bid Item No.	Description of item to be replaced	Estimated Tonnage of item to be recycled	Name & address of recycling facility
05		4	Alvis Inc 4200 West End Rd Arcata CA 95521 Arcata Scrap & Salvage 192 S.G St Arcata
04		6	

7/19/2024

Date

3445 Central Ave

Address

McKinleyville CA 95519

707-839-1291

Telephone Number

Hooven & Co., Inc

Bidder's Name



Authorized Signature

Corporation

Type of Organization

#663866 8/31/2025

State Contractors Lic. No & Exp Date



(BID PROPOSAL)

NONCOLLUSION DECLARATION TO BE EXECUTED BY BIDDER
AND SUBMITTED WITH BID

Manila Park Improvements

The undersigned declares:

I am the Vice President of Hooven & Co., Inc. the party making the foregoing bid. The bid is not made in the interest of, or on behalf of, an undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose. Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on July 19, 2024 (DATE),

at Humboldt County (DISTRICT), California (STATE).

Hooven & Co., Inc

Bidder' Name

3445 Central Ave

Address 1

McKinleyville CA 95519

Telephone Number

707-839-1291

Address 2

[Signature] V.P.

Authorized Signature



Corporation

Type of Organization

663866 8/31/2025

State Contractors Lic. No & Exp Date

(Bid Proposal)

Manila Park Improvements

Drug-Free Workplace Certification

The Contractor named below hereby certifies compliance with Government Code Section 8355 in matters related to providing a drug-free workplace. The Contractor named below will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a)
2. Establish a Drug-Free awareness program as required by Government Code Section 8355(a)(2), to inform about all of the following:
 - a. The dangers of drug abuse in the workplace.
 - b. The persons or organizations policy of maintaining a drug-free workplace
 - c. Any available counseling, rehabilitation, and employee assistance programs, and
 - d. Penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code Section 8355(a)(3) that every employee who works on the proposed contract or grant:
 - a. Will receive a copy of the company's drug free policy statement, and
 - b. Will agree to abide by the terms of the companies statement as a condition of employment on the contact or grant.

Certification:

I, the official named below, hereby swear that I am duly authorized legally to bind the Contractor to the certification described above. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.

Contractor/Bidders Firm Name: Hoooven & Co., Inc.

Date Executed: 7/19/2024

Executed in County of: Humboldt

Contractor Signature: [Signature]

Title: Vice President

Contractor/Bidder's Firm Mailing Address: 3445 Central Ave. McKinleyville CA 95519

Contractor/Bidder's Telephone Number: 707-839-1291



(BID PROPOSAL)

**PROPOSAL TO THE BOARD OF COMMISSIONERS
OF THE HUMBOLDT BAY HARBOR, RECREATION & CONSERVATION DISTRICT**

FOR

Manila Park Improvements

To the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District:

The undersigned, as Bidder, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm, or corporation; that Bidder has carefully examined the location(s) of the proposed work and the proposed form of the contract and the plans and specifications; and Bidder agrees if this proposal is accepted, that Bidder will contract with the Humboldt Bay Harbor, Recreation and Conservation District, in the form of the contract annexed hereto, to provide all necessary machinery, tools, apparatus, and other means of construction and to do all the work and furnish all the materials specified in the contract in the manner and time prescribed and according to the requirements of the Engineer; that Bidder will provide the bonds as required herein at the time Bidder executes the contract; that Bidder will provide proof of insurance as provided herein; that Bidder will begin the work on the project within TEN (10) CALENDAR DAYS after receiving notice from the District to proceed and diligently prosecute the same to completion before the expiration of October 31st (unless extension is granted) from the date of commencement of the work; and that as provided for in the Contract Documents, the liquidated damage shall be in the sum of five hundred (\$500.00) per day for each and every calendar day delay in finishing the work beyond the time described herein; and that Bidder will take in full payment therefore the following unit or lump sum prices, as the case may be, to wit:

SEE BID SCHEDULE ON FOLLOWING PAGE

(BID PROPOSAL)

Base Bid Schedule Humboldt Bay Harbor, Recreation, and Conservation District Manila Park Improvements					
Item No	Description	Unit	Quantity	Unit Cost	Total Cost
1	Mobilization	LS	1	5,350.00	5,350.00
2	Erosion Control	LS	1	4,035.00	4,035.00
3	Clearing and Grubbing	LS	1	2,662.00	2,662.00
4	Demo RR tracks	LS	1	10,257.00	10,257.00
5	Concrete Demolition	SF	225	9.80	2,205.00
6	Concrete Valley Gutter	LF	158	83.75	13,232.50
7	Concrete ADA Parking	SF	323	40.00	12,920.00
8	Concrete Sidewalk	SF	462	20.00	9,240.00
9	Truncated Domes	SF	118	40.00	4,720.00
10	Concrete Curb at Sidewalk	LF	36	97.00	3,492.00
11	Concrete Curb at Planter and Splash Blocks	LF	123	83.00	10,209.00
12	Asphalt (Grind and Pave 0.25')	SF	9,084	7.30	66,313.20
13	Striping and Wheel Stop	LS	1	3,383.00	3,383.00
14	Through Drain	LF	9	379.00	3,411.00
15	Drainage Swale	LS	1	3,458.00	3,458.00
16	Restore Landscaping	LS	1	3,500.00	3,500.00

TOTAL BASE BID AMOUNT IN NUMBERS:

\$ 158,387.70

TOTAL BASE BID AMOUNT IN WORDS:

One hundred fifty eight thousand three hundred eighty seven dollars and seventy cents

(BID PROPOSAL)

Additive Alternate Schedule Humboldt Bay Harbor, Recreation, and Conservation District Manila Park Improvements					
Item No	Description	Unit	Quantity	Unit Cost	Total Cost
1A	Demo and Pave AC 0.25'	SF	1,547	13.50	20,884.50
2A	Seal Coat Basketball Court	SF	5,410	0.80	4,328.00
3A	Seal Coat Sport Area	SF	5,252	0.79	4,149.08
4A	HMA Overlay 0.15' Sport Area	SF	5,252	5.00	26,260.00
5A	Demo Tether Ball Poles	EA	2	681.00	1,362.00

TOTAL ADDITIVE ALTERNATE BID AMOUNT IN NUMBERS:

\$56,983.58

TOTAL ADDITIVE ALTERNATE BID ITEM AMOUNT IN WORDS:

Fifty six thousand nine hundred eighty three dollars and fifty eight cents

The Owner intends to award the Contract to the lowest qualified Bidder. **The low bidder shall be determined based on the sum of the Base Project Bid Alternatives.**

Bidder acknowledges receipt of the following Addendum:

ADDENDUM NUMBER: _____ DATE: _____

ADDENDUM NUMBER: _____ DATE: _____

ADDENDUM NUMBER: _____ DATE: _____

It is further understood and agreed that:

- A. In case of a discrepancy between words and figures, the words shall prevail, and in case of a discrepancy between unit prices and totals, the unit price shall prevail.
- B. The DISTRICT reserves the right to eliminate any section of this proposal from the contract without claim of the Contractor for profits lost.
- C. No verbal agreement or conversation with any officer, agent, or employee of the DISTRICT, either before or after the execution of the Agreement, shall affect or modify any of the terms or obligations of this proposal.
- D. The DISTRICT will not be responsible for any errors or omissions on the part of the undersigned in making up their bid, nor will the bidder be released on account of errors.
- E. The undersigned bidder is properly licensed in accordance with the State of California Contractors' State License Law providing for the registration of Contractors.
- F. If the proposal is accepted and the undersigned shall fail to contract as aforesaid and to give the two bonds in the sums to be determined as aforesaid, with surety satisfactory to the Board of Commissioners, within EIGHT (8) CALENDAR DAYS (not including Sundays) after the bidder has received the Notice of Award, the District may, at its option, determine that the bidder has abandoned the contract, and thereafter this proposal and the acceptance thereof shall be null and void.
- G. The undersigned bidder certifies that he has confirmed that the proposed form of contract and the Plans are complete.

7/19/2024

Date

3445 Central Ave

Address

Mckinleyville CA 95519

207-839-1291

Telephone Number

Hooven & Co., Inc.

Bidder's Name



Authorized Signature

Corporation

Type of Organization

#663866 8/31/2025

State Contractor's Lic. No & Exp Date



THE ABOVE SIGNED ACKNOWLEDGES THAT THESE REPRESENTATIONS ARE MADE UNDER PENALTY OF PERJURY.

Purchase Order# _____