

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

DATE: November 14, 2024

TIME: Closed Session – 5:00 P.M.
Regular 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. Move to Closed Session

a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957(b)(1). Title: Executive Director – Chris Mikkelsen

b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-054-000, 401-031-061-000, 401-112-013-000. Agency negotiator: Chris Mikkelsen, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: California Redwood Company. Under negotiation: price and terms of payment.

Agenda for November 14, 2024 Regular Board Meeting

- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-071-000 and 401-112-029-000. Agency negotiator: Chris Mikkelsen, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Sniper Enterprises, LLC. Under negotiation: price and terms of payment.

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.*

8. Consent Calendar

- a) Adopt Minutes for October 10, 2024 Regular Board Meeting
- b) Consider Accepting Application for Filing for Harbor District Permit 2023-04: Humboldt Bay Oyster Company Shellfish Farm
- c) Approve a PO for a Temporary Harbor Maintenance Worker
- d) Authorize Executive Director to Amend the Amount of the Most Recent Moffatt & Nichol Contract (Purchase Order No. 2214) from \$10,297,336 to \$10,819,388 to Accommodate Eelgrass Mitigation Planning Activities Funded Through Caltrans Cooperative Agreement. Replaces Purchase Order No. 2178

9. Communications, Reports, and Correspondence Received

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

10. Unfinished Business

a) Receive Status Update Regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project

Recommendation: Receive the report and provide direction.

Summary: The Board has requested a monthly update regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project. Updates may include the project schedule, budget, funding opportunities, tasks completed, tasks underway, upcoming tasks, community engagement, and the latest overall project strategy. This report will provide an update for November 2024.

11. New Business

a) Consider Adopting Resolution 2024-10, A Resolution Commending Patrick Higgins for His Service as Commissioner of the Humboldt Bay Harbor, Recreation and Conservation District

Recommendation: Staff Recommends that the Board Adopt Resolution 2024-10 and recognize Commissioner Patrick Higgins for his unwavering service the District, and the constituents of Division 5.

Summary: Patrick Higgins has served as a Commissioner of the Humboldt Bay Harbor, Recreation and Conservation District continuously since 2007, choosing to retire his seat in 2024. His tireless advocacy has been at the forefront of conservation and restoration projects, as well as helping to incubate business and stimulate economic growth in and around Humboldt Bay. Guided by his love of the natural world and ability to connect with mother earth, Patrick continues to offer his hand in his guidance and stewardship of the Eel River Recovery Project and other legacy initiatives.

b) Consider Adopting Resolution 2024-11, A Resolution Authorizing the Submission of a California Energy Commission Waterfront Facility Improvement Program Grant for the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal – Enhanced Technical Studies and Public Engagement Project

Recommendation: Staff recommends the Board: Adopt Resolution 2024-11, authorizing staff to submit a grant application and authorizing the Executive Director to sign an associated Letter of Commitment to the California Energy Commission for the Waterfront Facility Improvement Program.

Summary: The California Energy Commission has \$45M in grant funding available to support the buildout of offshore wind facilities in California ports, harbors, and other waterfront facilities. The grant is due on 11/22/24. District staff and consultants are actively preparing the grant application. No District funds are being proposed to be used as a match.

c) Consider Adopting Resolution 2024-12: A Resolution Establishing Findings Relative to and Approving Harbor District Permit 2024-04 with Conditions for the Humboldt Bay Regional Spartina Eradication Plan Continued Implementation

Recommendation: Staff recommends that the Board consider and discuss the information presented in the staff report, accept public comments, and:

- Adopt Harbor District Resolution No. 2024-12 which includes:
 - Establishing Findings relative to the permit application for and Approving Permit 2024-04 with conditions for the Humboldt Bay Regional Spartina Eradication Plan Continued Implementation

Summary: The Harbor District has been working with project partners: Humboldt Bay National Wildlife Refuge, Wiyot Tribe, the City of Arcata, Redwood Community Action Agency, the State Coastal Conservancy, Caltrans, and other partners for many years to remove invasive Spartina (*Spartina densiflora*) from tidal marshes around Humboldt Bay. Invasive Spartina (dense-flowered cordgrass) is a major threat to the diversity of tidal marshes in Humboldt Bay and other West Coast estuaries. The project removes Spartina and restores Humboldt Bay native marsh communities. The Harbor District and project partners continue to coordinate and implement the Humboldt Bay Regional Spartina Eradication Plan (Regional Plan). This permit application requests a new Harbor District Permit for the ongoing project activities as previously approved and fully described in the Regional Plan.

12. Future Agenda Items

- a) Resolution Supporting Community Engagement
- b) Wadulh Lagoon: Harbor District Permit 2024-02
- c) Chevron Dock Repair: Harbor District Permit 2024-03

13. Adjournment

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

October 10, 2024

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date, Closed Session met at 5:30 P.M., Regular Session met at 6:00 P.M. at the Woodley Island Marina meeting room, 601 Startare Drive, Eureka, CA 95501.

CLOSED SESSION – 5:30 P.M.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: No one.

BUSINESS

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS. Property: Assessor’s Parcel Numbers 401-112-021 and 401-112-024, Samoa Peninsula, Humboldt County, California District negotiators: Chris Mikkelsen, Executive Director; Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms payment

REGULAR SESSION – 6:00 P.M.

ROLL CALL

PRESENT: BENSON
DALE
KULLMANN
NEWMAN

ABSENT: HIGGINS

QUORUM: YES

PLEDGE OF ALLEGIENCE

REPORT ON CLOSED SESSION: No reportable action.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on the regular session meeting agenda: No one.

CONSENT CALENDAR

- a) Adopt Minutes for August 8, 2024 Regular Board Meeting
- b) Adopt Minutes for August 28, 2024 Special Board Meeting
- c) Receive District Financial Reports for June 2024

Draft Minutes for October 10, 2024 Regular Board Meeting

- d) Accept Application for Filing Harbor District Permit 2024-04: Humboldt Bay Regional Spartina Eradication Plan Continued Implementation
- e) Consider Approval of a Contract with the Federal Maritime Administration (MARAD) to Receive a \$8,672,986 Grant for the Heavy Lift Marine Terminal Project
COMMISSIONER KULLMANN MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-E.
COMMISSIONER NEWMAN SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED.
Ayes: BENSON, DALE, KULLMANN, NEWMAN
Noes: NONE
Absent: HIGGINS
Abstain: NONE

COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED

- a) Correspondence Received
 - I. No correspondence received.
- b) Executive Director's Report
 - I. Executive Director presented Executive Director's report.
- c) Staff Reports
 - I. Staff presented reports.
- d) District Counsel Report
 - I. No report.
- e) District Treasurer Report
 - I. District Treasurer presented a report.
- f) District Engineer Report
 - I. Executive Director presented the District Engineer Report.
- g) Commissioner and Committee Reports
 - I. Commissioners reported on recent activities and subcommittees.

UNFINISHED BUSINESS

- a) **Receive Status Update Regarding Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project**
 - I. District staff presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened the item to public comment. No one commented.
 - IV. Chair Dale moved the discussion back to the Commission.
 - V. Discussion item only, no formal action was taken.
- b) **Cancelation of Special Meeting Scheduled for 11/20/24 Regarding Harbor District Permit Application 2024-01 Due to Withdrawn Application**
 - I. District Planner presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened the item to public comment. No one commented.
 - IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO CANCEL THE SPECIAL MEETING SCHEDULED FOR NOVEMBER 20, 2024.

COMMISSIONER BENSON SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

NEW BUSINESS

a) Authorize the extension of the Real Property Lease with Redwood Restaurants for a period of Ten (10) additional years

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO EXTEND THE REAL PROPERTY LEASE WITH REDWOOD RESTAURANTS FOR A PERIOD OF TEN ADDITIONAL YEARS.

COMMISSIONER BENSON SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

h) Consider Adopting Resolution 2024-09, A Resolution to Authorize the Execution of a Grant Agreement and Accept Funds From the California Natural Resources Agency Department of Parks and Recreation Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO ADOPT RESOLUTION 2024-09, A RESOLUTION TO AUTHORIZE THE EXECUTION OF A GRANT AGREEMENT AND ACCEPT FUNDS FROM THE CALIFORNIA NATURAL RESOURCES AGENCY DEPARTMENT OF PARKS AND RECREATION DIVISION OF BOATING AND WATERWAYS FOR THE SURRENDERED AND ABANDONED VESSEL EXCHANGE PROGRAM.

COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

FUTURE AGENDA ITEMS

- a) Resolution Supporting Community Engagement

ADJOURNMENT – 6:46 P.M.

APPROVED BY:

RECORDED BY:

Aaron Newman
Secretary of the Board of Commissioners

Mindy Hiley
Director of Administrative Services

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
November 14, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director and Vanessa Blodgett, District Planner

DATE: November 1, 2024

TITLE: Consider Accepting Application for Filing for Harbor District Permit 2023-04: Humboldt Bay Oyster Company Shellfish Farm

STAFF RECOMMENDATION: Staff recommends that the Board: Accept Permit Application 2023-04 for filing.

SUMMARY: Humboldt Bay Oyster Company (HBOC) currently farms Pacific oysters (*Crassostrea gigas*) and Kumamoto oysters (*C. sikamea*) in Humboldt Bay, California. The farm was established in 1978 and HBOC purchased it from Kuiper Mariculture in 2002. The HBOC Farm (the “Project”) has three distinct phases (Figure 1). Each phase is necessary for a specific life stage of the oysters. Oyster seeds are first matured in a subtidal floating upwell system (FLUPSY), then subtidal rafts and finally they are grown to market size using intertidal rack-and-bag culture. HBOC is seeking approval for (1) existing farm operations; (2) farming within a proposed expansion area; and (3) the use of an additional intertidal culture method known as “Longline Culture”.

This permit application was originally submitted in July 2023, prior to going before the Board to accept it for filing the applicant requested the application be put on hold. The applicant’s representative has requested that the application continue to be processed and that the project description submitted previously has not changed.

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.

DISCUSSION:

The following is a brief overview of the three phases of Project. More in-depth information for each phase can be found in the Humboldt Bay Oyster Company Shellfish Farm Project Application.

Existing Operations

Floating Upwell System - The FLUPSY at Woodley Island Marina consists of a 20’x30’ flotation raft with tanks suspended in its center, drawing water through 1 mm mesh-bottom bins via a propeller pump. The FLUPSY houses 10 bins, each regularly lifted, rinsed, and sorted to maintain uniform seed growth and density. Approximately 2.5-3

million oyster seeds are cycled through the system annually, with seeds starting at 1.5-2 mm and graduating to larger rafts in Mad River Slough when they reach 6-10 mm.



Figure 1. Location of HBOC's existing rafts, rack-and-bag and floating upwelling system culture

Raft Culture - In the approximate 9.2-acre project area in Mad River Slough (Figure 2), up to fifteen 16'x20' nursery rafts hold stacked plastic tray modules where the oyster seed feeds on plankton as tidal water flows through the mesh trays. The trays are secured with ropes and suspended 4' into the water column from the surface. Seed is evenly distributed in each tray then stacked 12 to 14 trays tall, roped together and suspended in the water. Rafts are held in place using concrete anchors, 3/4" rope, and heavy gauge hardware. Three groups of three rafts each are strung together and anchored on each end. The trays are lifted out of the water once a week for inspection and rinsing of accumulated silt. To conduct this regular maintenance a crane barge is pushed from raft to raft with a work skiff. The hydraulic crane lifts the modules from their raft spots and places them on the deck of the raft so they can be disassembled and rinsed with bay water.

Rack and Bag Culture - Once the oysters reach adequate size, they are transferred into mesh bags for grow-out in the farm's existing 17.8-acre intertidal area using rack and bag methods. Oyster bags are strapped onto racks that keep the oysters off the bay bottom. Each rack is 6' long, 32" deep and 18" tall and constructed of 1/2" welded steel rebar. Bags are secured with large rubber straps with stainless steel wire hooks. Oyster harvesting occurs at low tide using a small flat bottom skiff with dropping bow doors. Bags are transported to an onshore facility three miles up Mad River Slough for rinsing and sorting, packing, icing and shipping. HBOC currently operates 874 rebar racks that can hold up to 2,622 bags for growing both seed oysters and market-sized oysters.

Proposed Expansion Areas

HBOC is seeking approval for their current rack & bag oyster farming method and the longline culture method within their existing 17.8-acre farming area and two proposed expansion areas near-by (3.1-acre Expansion Area 1 and 10.8-acre Expansion Area 2) (Figure 3).



Intertidal Longline Culture

HBOC proposes the use of intertidal longlines within existing rack & bag culture areas and within the proposed expansion areas. The proposed intertidal longline method involves using either SEAPA-type culture baskets or tipping bags. These systems may be deployed with or without floats that harness tidal energy to "tumble" the oysters. The longlines, ranging from 100 to 300 feet in length, are anchored with galvanized steel pipe and supported by 2" PVC posts spaced every 8 feet. The longlines can hold bags or baskets and will be elevated 1 to 4 feet above the ground. The lines are plastic-coated steel, with an outer sleeve to minimize wear. The lines will be spaced approximately 3 feet apart, with 15 feet between blocks of four lines to allow boat access. Deployment and removal of the posts and lines will be done manually or with the aid of boat-mounted cranes.

The Project involves ongoing operations and expansion of operations which requires approval from the North Coast Regional Water Quality Control Board, U.S. Army Corps of Engineers, and California Coastal Commission. The Harbor District is the California Environmental Quality Act (CEQA) lead agency. A CEQA initial study will be prepared to inform the required environmental review.

The submitted Humboldt Bay Oyster Company Shellfish Farm Project Application is available on the Harbor District website: <https://humboltdbay.org/public-notice-announcements-information>.



Figure 2. HBOC's existing raft culture area in Mad River Slough.



Figure 3. HBOC's existing and proposed expansion areas of rack & bag culture. Longline culture is also proposed as a culture method within these areas.

COMMISSIONERS

1st Division

Aaron Newman

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Craig Benson

5th Division

Patrick Higgins

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Eureka, California 95502-1030



STAFF REPORT
HARBOR DISTRICT MEETING
November 14, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Mindy Hiley, Director of Administrative Services

DATE: November 6, 2024

TITLE: Approve a Purchase Order for a Temporary Harbor Maintenance Worker

STAFF RECOMMENDATION: Approve Purchase Order No. 2220 to Express Personnel for \$10,000.

SUMMARY: The Maintenance Staff have been short-handed due to extended absences resulting from on-the-job injuries. In order to prepare for winter and the upcoming crab season, staff would like to retain a temporary Harbor Maintenance Worker through January 2025.

ATTACHMENTS:

- A. PO No 2220 for Express Personnel



Humboldt Bay Harbor, Recreation &
Conservation District

PO Box 1030
Eureka, CA 95502

Purchase Order

Date	P.O. No.
11/06/2024	2220

Vendor
Express Employment Professionals PO BOX 844277 Los Angeles, CA 90084-4277

Ship To
Humboldt Bay Harbor, Recreation and Conservation District PO Box 1030 Eureka, CA 95502

Description	Qty	Rate	Class	Amount
Temporary HMW1 Jake Flynn Period of 7 weeks beginning 11/18/2024 Coverage for R. Provolt Medical Leave As approved by Board of Commissioners on 11/14/2024		\$33.74		
Approved By:			Total	\$10,000.00

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STAFF REPORT
HARBOR DISTRICT MEETING
November 14, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: November 7, 2024

TITLE: Authorize Executive Director to Amend the Amount of the Most Recent Moffatt & Nichol Contract (Purchase Order No. 2214) from up to \$10,297,336 to up to \$10,819,388 to Accommodate Eelgrass Mitigation Planning Activities Funded Through Caltrans Cooperative Agreement. Replaces Purchase Order No. 2178

STAFF RECOMMENDATION: Authorize Executive Director to Execute a Contract Amendment with Moffatt & Nichol.

SUMMARY: The consulting firm Moffatt & Nichol is under contract with the Harbor District to conduct a suite of activities associated with the Humboldt Bay Heavy Lift Marine Terminal. This item is for an amendment to the contract for additional budget.

DISCUSSION: On 6/13/24, the Board authorized the Executive Director to sign a contract with Moffatt & Nichol up to \$10,297,336, to be paid with grant funds provided by the CEC and MARAD. On 5/29/24, the Executive Director signed a cooperative agreement with Caltrans to jointly conduct the "Humboldt Bay Eelgrass Mitigation Project," which includes \$522,052 of funding issued from Caltrans to the District to hire consultants to conduct technical studies and permitting. Since a substantial portion of the joint eelgrass project is associated with the Heavy Lift Marine Terminal Project, and since the competitive RFQ process used to select Moffatt & Nichol included qualifications for eelgrass work, the Moffatt & Nichol contract can be amended to include the eelgrass work funded by Caltrans. Staff recommends that the Board authorize the Executive Director to amend the contract with Moffatt & Nichol up to \$10,819,388 (which is the sum of \$10,297,336 plus \$522,052).

ATTACHMENTS:

- A Contract Amendment No. 1
- B Purchase Order No. 2214



moffatt & nichol

MN STANDARD AMENDMENT TO AGREEMENT

AMENDMENT TO AGREEMENT
AMENDMENT NO.: 1

Project Name: Redwood Marine Heavy Lift Terminal and Baywide Master Plan Project
MN Project No. 231859
Service Provider Agreement No. 2214

THE AGREEMENT (“Original Agreement”), fully executed October 16, 2024, between Humboldt Bay Harbor, Recreation & Conservation District (CLIENT) and Moffatt & Nichol for services on the above-named Project is hereby amended as follows:

1. Services

No changes

2. Compensation for Services Provided

The Original Agreement’s not-to-exceed compensation of \$10,297,336 is increased to a not-to-exceed compensation of \$10,819,388.

3. Schedule

No changes

4. Other Amendments

None

Except as expressly amended herein, all provisions contained in the aforementioned Agreement and its Amendments shall remain in full force and effect and are hereby incorporated herein by this reference.

Humboldt Bay Harbor, Recreation & Conservation District

Moffatt & Nichol

By: _____

By: _____

Name: _____

Name: R. Shane Phillips

Title: _____

Title: Business Unit Lead

Date: _____

Date: _____



Humboldt Bay Harbor, Recreation &
Conservation District

PO Box 1030
Eureka, CA 95502

Purchase Order

Date	P.O. No.
11/14/2024	2214

Vendor
Moffat & Nichol P.O. Box 51760 Long Beach, CA 90051-0068

Ship To
Humboldt Bay Harbor, Recreation and Conservation District PO Box 1030 Eureka, CA 95502

Description	Qty	Rate	Class	Amount
<p>Contract Amendment as approved by the Board of Commissioners on 11/14/2024</p> <p>Replaces Purchase Order No. 2178</p>				
Approved By:			Total	\$10,819,388.00

COMMISSIONERS

1st Division

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Craig Benson

5th Division

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STAFF REPORT
HARBOR DISTRICT MEETING
November 14, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: November 6, 2024

TITLE: Receive Status Update Regarding Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project

STAFF RECOMMENDATION: Receive report and provide direction.

SUMMARY: The Board has requested a monthly update regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project. Updates may include the project schedule, budget, funding opportunities, tasks completed, tasks underway, upcoming tasks, community engagement, and the latest overall project strategy. This report will provide an update for Noember 2024.

COMMISSIONERS

1st Division

Aaron Newman

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STAFF REPORT
HARBOR DISTRICT MEETING
November 14, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: November 4, 2024

TITLE: Consider Adopting Resolution 2024-10, A Resolution Commending Patrick Higgins for His Service as Commissioner of the Humboldt Bay Harbor, Recreation and Conservation District

STAFF RECOMMENDATION: Staff Recommends that the Board Adopt Resolution 2024-10 and recognize Commissioner Patrick Higgins for his unwavering service the District, and the constituents of Division 5.

SUMMARY: Patrick Higgins has served as a Commissioner of the Humboldt Bay Harbor, Recreation and Conservation District continuously since 2007, choosing to retire his seat in 2024. His tireless advocacy has been at the forefront of conservation and restoration projects, as well as helping to incubate business and stimulate economic growth in and around Humboldt Bay. Guided by his love of the natural world and ability to connect with mother earth, Patrick continues to offer his hand in his guidance and stewardship of the Eel River Recovery Project and other legacy initiatives.

ATTACHMENTS:

A Resolution 2024-10

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

RESOLUTION NO. 2024-10

**A RESOLUTION COMMENDING PATRICK HIGGINS FOR HIS SERVICE AS COMMISSIONER OF THE
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

WHEREAS, Patrick Higgins was first elected by the voters of the Fifth Division on November 6, 2007; to a second term on November 8, 2011; and to a third term on November 3, 2015; and to a fourth term on November 5, 2019; and

WHEREAS, Patrick Higgins chose retire his seat and not run for reelection in 2024; and

WHEREAS, Patrick Higgins served in various offices of the Harbor District, including its President in 2016; its Vice President in 2014 and 2015; and its Secretary in 2012, 2013, 2017, 2018, 2020, and 2021; and

WHEREAS, Patrick Higgins served honorably on Board of Commissioner Ad-Hoc and Standing Committees including the Executive Search and CEO Selection Committees, Economic Development Advisory Committee, Steering Committee for the Humboldt Bay Symposium, Budget Committee, Long-Term Sediment Management Ad-Hoc Committee addressing long-term sediment management addressing climate change and sea level rise, Redwood Region Economic Development Committee, Redwood Marine Terminal Advisory Committee, Mariculture Pre-Permitting Project Committee, Union Negotiating Committee, Humboldt Bay Development Association, Ordinance No. 7-Implementing Certain Portions of the Humboldt Bay Master Plan Subcommittee, the Dredging Ad-Hoc Committee, Shelter Cove and Resort Improvement Ad-Hoc Committee; and

WHEREAS, Patrick Higgins represented the Harbor District and Humboldt County in many areas including: the North Coast Local Agency Coastal Coordination Committee, Explore the North Coast, Eel River Trails Association, worked on the Collaborative Fisheries Venture benefiting the Marine Life Protection Act and working with the Pacific Fisheries Management Council, Timber Heritage Association, Humboldt Bay Harbor Working meetings, was active in Harbor District Strategic Plan Meetings, attended Citizens for Prosperity meetings and Monitoring Enterprise-related meetings, attended Humboldt Bay Action Plan meetings, was involved with Rails to Trails; and

WHEREAS, Patrick Higgins dedicated efforts to improve Humboldt by being an early advocate for addressing Sea Level Rise, was actively involved in the Marine Life Protection Act, met with tribes on the Klamath River dam removal project, attended conferences on Klamath River water quality, and started working on the Humboldt Bay Power Plant decommissioning in the 1970's; and

WHEREAS, Patrick Higgins met with representatives from the Timber Heritage Association regarding the ERTN on the Samoa Shops Complex and worked on the grant for the Shelter Cove Fish Cleaning Station; and

WHEREAS, Patrick Higgins dedicated time and energy to protect wildlife, improve habitat, and remove invasive species in the Woodley Island Wildlife Area; and

WHEREAS, Patrick Higgins was a part of the Harbor District team that negotiated the purchase of the Freshwater Tissue Company Pulp Mill (later named Redwood Marine Terminal 2), effected the clean-up of the Redwood Terminal 2 property, avoiding a potential catastrophic event for Humboldt Bay, whereby allowing economic development and the creation of jobs all while representing former mill workers, having himself worked at the pulp mill for nearly 30 years; and

WHEREAS, Patrick Higgins was a vial part of the Harbor District team that lead the way for the Port of Humboldt Bay to emerge as west coast leader in supporting offshore wind with the pending development of the Humboldt Multi-purpose Heavy Lift Marine Terminal; and

WHEREAS, Patrick Higgins fulfilled his duties of office with passion, knowledge and consideration; and

WHEREAS, Patrick Higgins became a friend, mentor, and respected colleague; and

WHEREAS, Patrick Higgins cannot be mentioned without acknowledging his love of sport fishing and his tireless dedication to the Eel River Recovery Project; and

WHEREAS, Patrick Higgins has left a lasting legacy with numerous positive accomplishments around Humboldt Bay and Uncle Pat will be sorely missed.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS: That the Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District do hereby express our heartfelt appreciation for the best efforts and contributions of Patrick Higgins as a Commissioner and herein wish him the best in all his future endeavors.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the **14th day of November 2024** by the following polled vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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. **2024-10** entitled,

A RESOLUTION COMMENDING PATRICK HIGGINS FOR HIS SERVICE AS COMMISSIONER OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

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 **14th day of November 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 **14th day of November 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
November 14, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: November 6, 2024

TITLE: Consider Adopting Resolution 2024-11, A Resolution Authorizing the Submission of a California Energy Commission Waterfront Facility Improvement Program Grant for the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal – Enhanced Technical Studies and Public Engagement Project

STAFF RECOMMENDATION: Staff recommends the Board: Adopt Resolution 2024-11, authorizing staff to submit a grant application and authorizing the Executive Director to sign an associated Letter of Commitment to the California Energy Commission for the Waterfront Facility Improvement Program.

SUMMARY: The California Energy Commission has \$45M in grant funding available to support the buildout of offshore wind facilities in California ports, harbors, and other waterfront facilities. The grant is due on 11/22/24. District staff and consultants are actively preparing the grant application. No District funds are being proposed to be used as a match.

DISCUSSION: The State and Federal governments have established ambitious goals for renewable energy generation through offshore wind development. These efforts to combat climate change represent an economic opportunity for the Port, the State, the Pacific region, and the entire nation. Achieving these goals also presents complex logistical challenges, including the development of new port and port-terminal facilities throughout California, including within Humboldt Bay. Offshore wind development will require new heavy lift marine terminal facilities, upland infrastructure/laydown areas, manufacturing centers, and logistics facilities.

The CEC established the Offshore Wind Waterfront Facility Improvement Grant Program to implement the provisions of Assembly Bill 209 (The Energy and Climate Change budget bill, Chapter 251, Section 12, Chapter 7.6, Article 6, enacted in September 2022) to support offshore wind infrastructure improvements to advance the capabilities of California waterfront facilities. The grant application window is very short, having opened on September 30th and closing on November 22nd.

District staff are working with our consultants (led by Moffatt & Nichol) to prepare a grant application. Unfortunately, the grant application materials are not entirely clear regarding which types of activities qualify. Several ports, including Humboldt, have posed questions about the grant program, but the CEC has not provided answers as of the time of this staff report. Answers are scheduled to be released by the CEC on 11/8/24. Thus, as of 11/6/24, the exact scope has not yet been determined, though the District will be seeking the maximum budget of \$27,000,000. The Board will not be asked to authorize any matching funds. Tasks that will be included in the grant application include:

1. A suite of new professionally-produced audio-visual materials for use in public engagement and publicity, including graphics, videos, website, social media accounts, and more.
2. Enhanced Tribal Engagement (building on the substantial work already complete and underway):
 - a. Administration of stipends for Tribal members seeking to participate in the project.
 - b. Develop and implement a “Tribal Government Consultation and Engagement Strategy.”
 - c. Identify and engage with California Native American Tribes to receive input on a consultation and engagement strategy for the project.
 - d. Provide pre-planning, post-planning, and end-of-project Tribal consultation and engagement reports.
 - e. Summarize the results of consultation and engagement activities, and discuss the concerns, feedback, and suggestions from California Native American Tribes.
 - f. Develop a strategy for how the project will support and create good jobs for Tribal members, workforce development pathways, including for underserved communities, and economic development opportunities.
 - g. Facilitation of meetings with Tribes, potentially including multi-tribal workshops.
3. Enhanced Community Engagement (building on the substantial work already complete and underway):
 - a. Administration of stipends for non-Tribal stakeholders.
 - b. Update to the District’s existing “[Community Engagement Strategy](#)”.
 - c. Identify and engage with under-resourced communities.
 - d. Inform, educate, and involve local community members in project planning.
 - e. Identify specific and tangible community benefits and impacts that are expected and resulted from developing the project. This includes workforce development, jobs created or retained, community investments, and local health impacts.
 - f. Ensure broad and diverse participation from the community and under-represented groups including minority-, women, and LGBT-owned businesses.
 - g. Pre-planning, post-planning, and end-of-project community engagement reports.
 - h. Enhanced stakeholder engagement strategy.
 - i. Strategy for how the project will support and create good jobs.
 - j. Public Engagement Facilitation, Coordination, Labeling, Stakeholder Workshops, etc.
 - k. Stakeholder Educational Boat Tours: Ten “free-to-the-public” tours of the bay and the HLMT site.
4. Regulatory Agency Engagement Strategy

Depending on the answers provided by the CEC and budget availability, other scope tasks that will be added to the grant application include:

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| <ol style="list-style-type: none"> A. Contribution to the District’s Community Benefit Program. B. Enhanced Fiscal Analyses. C. Supplemental Technical Studies: <ol style="list-style-type: none"> i. Enhanced Geotechnical - Sediment Sampling/Analysis ii. Enhanced Geotechnical – Landside Test Pits | <ol style="list-style-type: none"> iii. Vessel Maneuvering Analysis - Full Bridge Simulation iv. Assessment of widening federal navigation channel v. Enhanced Utilities Planning & Design vi. Design for Reconfiguration of District baywater intake system vii. Solar Array - Data Collection |
|---|--|

- | | |
|--|---|
| <ul style="list-style-type: none"> viii. Micro-grid special studies, permitting, and design ix. Establishment of Green Terminal Standards x. Ten supplemental visual simulations, visual impact analyses, shadow analyses, viewshed model, and 3D model xi. Supplemental Noise Analysis, Design, Simulations, Reduction, and Mitigation Plans xii. Easement & ROW Modification Work - Terminal & Access Roads xiii. Enhanced Hydrodynamic Analyses | <ul style="list-style-type: none"> xiv. Enhanced Marine Biological Impacts Analysis xv. Marine Mammal Studies xvi. Samoa Lagoons - Design & Permitting xvii. Aquaculture Tenant Relocation - Design & Permitting xviii. Offsite Mitigation: Data Collection, Assessments, Preliminary Design, Land Acquisition, Technical/Special Studies (cultural, bio, hazmats, ROW, survey, geotech, etc), Design, and Permitting. |
| | <ul style="list-style-type: none"> B. Advanced Design for Project Phase II. |

Note that only the ports of Humboldt and Long Beach are eligible for a bulk of the grant funds (\$38M of the total \$45M). Each of the two ports can apply for between \$9M and \$27M, though each of our two ports need substantially more than this to complete our projects. Accordingly, each of our two ports has decided to each seek the maximum of \$27M. This is done in the spirit of cooperation. Asking for the maximum grant amount from each port also conveys the true cost of building these two anchor projects and helps make a compelling argument for the need of additional state and federal funding.

The Humboldt Bay Harbor District is seeking a letter of support from the Port of Long Beach, who is in turn requesting a letter of support from us. In the spirit of the two ports collaborating to stand-up a thriving floating offshore wind industry in California, the ports of Long Beach and Humboldt will provide a joint letter of support for both grant applications. Our Port's partnership with Long Beach and the other ports of California continues to show the importance of a multi-port strategy for the successful launch of the floating offshore wind industry on the West Coast.

ATTACHMENTS:

- A. Resolution 2024-11

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

RESOLUTION NO. 2024-11

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A CALIFORNIA ENERGY COMMISSION
WATERFRONT FACILITY IMPROVEMENT PROGRAM GRANT FOR THE HUMBOLDT BAY
OFFSHORE WIND HEAVY LIFT MARINE TERMINAL - ENHANCED TECHNICAL STUDIES AND
PUBLIC ENGAGEMENT PROJECT**

WHEREAS, on March 29th, 2021, the Federal Government announced a whole of government approach to catalyze offshore wind energy, strengthen the domestic supply chain, and create good-paying jobs; and

WHEREAS, the California Energy Commission Waterfront Facility Improvement Program is seeking to fund projects that support the buildout of offshore wind facilities in California ports, harbors, and other waterfront facilities; and

WHEREAS, the grant program's objective is to implement the provisions of CA Assembly Bill 209 (the Energy and Climate Change budget bill, Chapter 251, Section 12, Chapter 7.6, Article 6, enacted in September 2022) to support offshore wind infrastructure improvements to advance the capabilities of California waterfront facilities; and

WHEREAS, the Federal Government has established a goal of 30 gigawatts of offshore wind by the year 2030 and the State of California has established a goal of 25 gigawatts of offshore wind by the year 2045; and

WHEREAS, in December of 2022 the federal Bureau of Energy Management (BOEM) received bids totaling \$757,100,000 from five international energy companies for two offshore wind areas (five sub-areas) off the coast of Humboldt and off the coast of Morro Bay; and

WHEREAS, studies by NREL and others have also identified future offshore wind lease areas off the Cape Mendocino and Del Norte Coast which are approximately 122 miles from Humboldt Bay and capable of producing a combined total of approximately 12.8 gigawatts of electricity; and

WHEREAS, a report published by BOEM in early 2023 determined that only three ports in California are capable of hosting "Staging and Integration" (S&I) sites; and

WHEREAS, the California Energy Commission formally awarded \$10.45 million in funding to support the Port of Humboldt Bay's project; and

WHEREAS, the Federal Maritime Administration (MARAD) formally awarded \$8,672,986 million in funding from the PIDP program to support the Port of Humboldt Bay’s project; and

WHEREAS, the Port has prepared 15% design plans on approximately 180+ acres of existing coastal dependent industrial lands at the Redwood Marine Terminal site to develop a new heavy lift terminal, upland tarmac, and manufacturing facilities to serve as a west coast hub for offshore wind; and

WHEREAS, on January 11th 2024, the District passed resolution 2024-01 committing the District to developing and adopting a Green Terminal Strategy and Roadmap; and

WHEREAS, the District intends to build on the Green Terminal Strategy by adding an emissions reduction strategy, including the management of emissions during future construction and a feasibility analysis of achieving net zero emissions; and

WHEREAS, on July 5th, 2024, the District Board adopted a “Community Engagement Commitments and Strategies” Plan for the project that aims to guide public and community interactions; and

WHEREAS, the District has hosted and participated in multiple meetings, workshops, and listening sessions with seven different Tribal governments, with many more such meetings planned into the future; and

WHEREAS, on May 9th 2024, at the request and guidance of local Tribes, the District passed resolution 2024-04 affirming the District’s commitment to the prevention of sex trafficking and “missing and murdered indigenous people” in association with the project; and

WHEREAS, the District has hosted multiple dozens of meetings and workshops with a wide array stakeholders, interested parties, and affected communities, including fishermen, recreational and commercial fishing organizations, recreational boating organizations, environmental advocacy non-profit organization, social justice advocacy non-profit organizations, aquaculture businesses, neighborhood groups, labor and workforce organizations, floating offshore wind equipment manufacturers, offshore wind developers, other ports throughout the west coast, port and harbor users and tenants, and others, with many more such meetings planned into the future; and

WHEREAS, the District has hosted at least five public meetings, with more to come; and

WHEREAS, while the District has invested significant time and effort into Tribal and community engagement activities, the District seeks to build upon those efforts, plans to enhance such engagement to an even higher level, and is actively broadening engagement with an even wider array of stakeholders, interested parties, and affected communities; and

WHEREAS, the District is seeking to inform, educate, and involve local community members (including disadvantaged communities, low income communities, under resourced communities) in project planning; and

WHEREAS, the District is seeking participation from various community members in the identification of specific and tangible community benefits and impacts that are expected and resulted from developing the project; and

WHEREAS, the District is seeking to ensure broad and diverse participation from the community and under-represented groups including minority-, women-, and LGBT-owned businesses; and

WHEREAS, at the request of various stakeholders, the District is seeking to conduct multiple additional supplemental technical studies for the project; and

WHEREAS, the Port has prepared a CEC Waterfront Facility Improvement Program grant to cover enhanced public engagement activities, enhanced Tribal engagement activities, and a range of supplemental technical studies; and

WHEREAS, District staff will dedicate a substantial amount of staff time to managing and implementing the grant activities.

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

SECTION 1. Authorizes the submission of a grant application under the California Energy Commission Waterfront Facility Improvement Program for the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project - Enhanced Technical Studies and Public Engagement Project.

SECTION 2. Authorizes the Executive Director to sign all documents associated with the grant application, including site commitment letters, commitment of in-kind staff time, and approval of project consultant and sub-recipient project partners, and all other required grant application documentation.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the **14th day of November 2024** by the following polled vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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. **2024-11** entitled,

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A CALIFORNIA ENERGY COMMISSION
WATERFRONT FACILITY IMPROVEMENT PROGRAM GRANT FOR THE HUMBOLDT BAY
OFFSHORE WIND HEAVY LIFT MARINE TERMINAL - ENHANCED TECHNICAL STUDIES AND
PUBLIC ENGAGEMENT PROJECT**

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 **14th day of November 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 **14th day of November 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
November 14, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Vanessa Blodgett, District Planner and Rob Holmlund, Development Director

DATE: November 6, 2024

TITLE: Consider Adopting Resolution 2024-12: A Resolution Establishing Findings Relative to and Approving Harbor District Permit 2024-04 with Conditions for the Humboldt Bay Regional Spartina Eradication Plan Continued Implementation

STAFF RECOMMENDATION: Staff recommends that the Board consider and discuss the information presented in the staff report, accept public comments, and:

- Adopt Harbor District Resolution No. 2024-12 which includes:
 - Establishing Findings relative to the permit application for and Approving Permit 2024-04 with conditions for the Humboldt Bay Regional Spartina Eradication Plan Continued Implementation

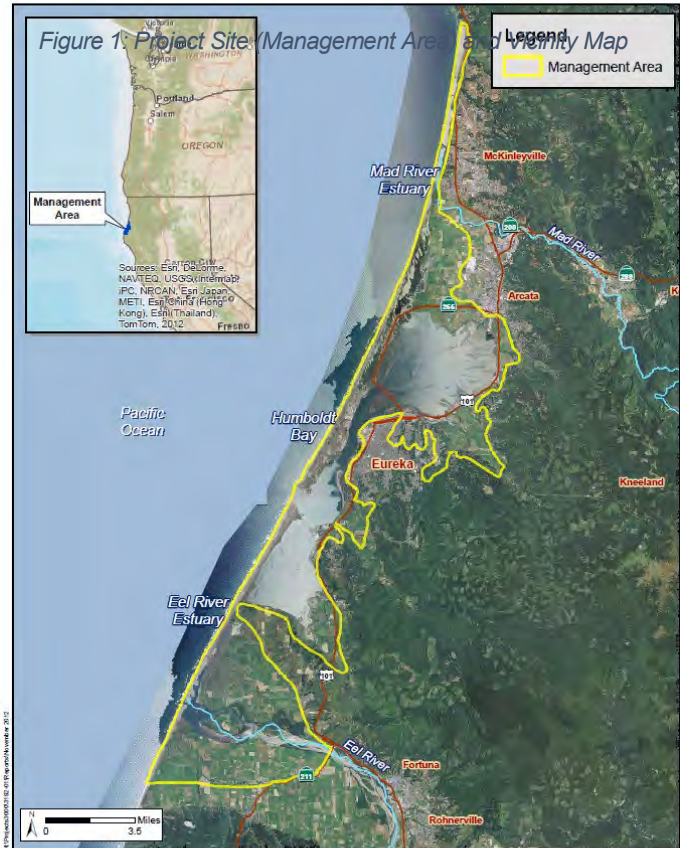
SUMMARY: The Harbor District has been working with project partners: Humboldt Bay National Wildlife Refuge, Wiyot Tribe, the City of Arcata, Redwood Community Action Agency, the State Coastal Conservancy, Caltrans, and other partners for many years to remove invasive *Spartina densiflora* from tidal marshes around Humboldt Bay. Invasive *Spartina* (dense-flowered cordgrass) is a major threat to the diversity of tidal marshes in Humboldt Bay and other West Coast estuaries. The project removes *Spartina* and restores Humboldt Bay native marsh communities. The Harbor District and project partners continue to coordinate and implement the Humboldt Bay Regional Spartina Eradication Plan (Regional Plan). This permit application requests a new Harbor District Permit for the ongoing project activities as previously approved and fully described in the Regional Plan.

BACKGROUND: The Humboldt Bay Regional Spartina Eradication Plan provides a framework for eradicating invasive *Spartina densiflora* at a regional level using a coordinated strategic approach that has been underway since the early 2000s. The Harbor District made findings for adoption of the Humboldt Bay Regional Invasive Spartina Eradication Plan and associated Final Programmatic Environmental Impact Report (PEIR) (SCH#2011012015) through Resolution 2013-04 (April 25, 2013) and adopted Resolution No. 2014-14 establishing findings relative to the Harbor District Permit

(Permit 2014-05) for control of *Spartina densiflora* and restoration of native salt marshes in Humboldt Bay, California on December 18, 2014. The Project continues to be effectively implemented and remains consistent with the approved project description, this new Harbor District Permit is for the ongoing project activities as fully described in the Regional Plan.

The invasive *Spartina* has infested significant portions of the tidal marshes (as much as 90% of Humboldt Bay's remnant salt marshes were affected in 2001), excluding native plant species, disrupting the benthic macroinvertebrate community, reducing primary productivity, and threatening to transform vital mudflats into salt marsh. The removal of *Spartina* is critical for preserving native biodiversity, preventing further habitat degradation, and protecting crucial foraging areas for shorebirds and waterfowl. The Regional Plan has been successfully implemented over the past 10+ years in tidal marshes, and mudflats of Humboldt Bay, the Eel River estuary, and the Mad River estuary.

The project area (Management Area) is the Humboldt Bay region which is defined as the area spanning from the Mad River to the north, the Eel River delta to the south, and includes the mouths of rivers, sloughs, estuaries, and tidal channels within Humboldt Bay. Key areas of concern include Eel River Estuary, Mad River Estuary, Mad River Slough, McDaniel Slough, Jacoby Creek, Eureka Slough, Salmon Creek, Hookton Slough, and the Salt River (Figure 1).



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS
Humboldt Bay Regional Invasive *Spartina* Management Plan (3192-01)
November 2012

DISCUSSION: The Humboldt Bay Regional Invasive *Spartina* Eradication Project is a collaborative effort aimed at removing *Spartina* to restore and protect sensitive tidal marsh habitats in the region. Coordinated by the Humboldt Bay Harbor, Recreation, and Conservation District, the project involves partnerships with the Wiyot Tribe, Caltrans, Humboldt Bay National Wildlife Refuge, the City of Arcata, Redwood Community Action Agency (RCAA), the State Coastal Conservancy, and other stakeholders. These groups continue to work together to remove the invasive *Spartina* from tidal marshes around Humboldt Bay.

The project uses a combination of treatments, including specialized equipment like brush cutters and an amphibious Marsh Master, to remove *Spartina* from these areas. Site-specific plans for each of the proposed treatment areas in any given year are developed and include a description of the specific measures that will assure the restoration of native tidal marsh plant species in the treatment area, and how the mitigation measures detailed in the Final PEIR and special conditions of the Coastal

Development Permit (CDP) are implemented at each location. Information that is included in site specific plans is shown in the table below.

General Information	Specific Information
Site Description	Location, size, ownership, land use history, current management, adjacent land use, accessibility
Site Conditions	Topography, hydrology, substrate, vegetation types, sensitive resources
Extent of <i>Spartina</i>	Abundance and distribution on-site, threats from off-site <i>Spartina</i>
Treatment Approach	Methods, equipment, access, limiting factors, labor, safety, timeline
Treatment Coordination	Coordination plan, contact information for all affected parties
Revegetation	Potential for natural recovery/need for planting
Monitoring	Photodocumentation, assessment of need for follow-up treatments, evaluation of treatment success
Environmental Compliance	Permits, mitigation measures, notification process
Reporting	Documentation of treatment implementation and monitoring
References	Use existing data/science reports to inform planning

Source: Regional Plan, Table 4.3, pg. 47.

Comprehensive eradication and restoration of native plant vegetation requires several treatment stages as discussed in detail in the Regional Plan. Different strategies and techniques or combinations of techniques are used for different treatment stages. Treatment stages may include, primary treatment, resprout treatment, seedling treatment, maintenance treatment, revegetation, and seed suppression treatment. Mechanical and other control methods are further described in the Regional Plan.

The ongoing project activities and all CDP permit conditions and provisions remain unchanged. The mitigation measures described in Final Programmatic Environmental Impact Report (Attachment B) continue to be conditions of this permit by reference and remain in effect.



Seed Suppression Top Mow Using Brushcutters
Source: Regional Plan.



Top Mow Using Amphibious Equipment

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Programmatic Environmental Impact Report (PEIR) was developed and certified to streamline permitting and facilitate efficient *Spartina* eradication efforts. The Final PEIR for the *Spartina* Plan and

found that, as conditioned by the associated Mitigation Monitoring and Reporting Program, is consistent with CEQA and there is no substantial evidence the project will have a significant effect on the environment. The Harbor District previously adopted the Humboldt Bay Regional Spartina Eradication Plan and associated Final Programmatic Environmental Impact Report (PEIR) through Resolution 2013-04 (April 25, 2013). Mitigation measures were adopted for affected environmental factors, reducing potential impacts to less than significant. The continued implementation of the Regional Spartina Eradication Plan has not changed from the project description approved in the above EIR and none of the conditions described in CEQA Guidelines 15162 have occurred, as such no subsequent CEQA review shall be required.

ATTACHMENTS:

- A. Resolution No. 2024-12 Approving Harbor District Permit 2024-04 with Conditions for Humboldt Bay Regional Spartina Eradication Plan Continued Implementation

Exhibit A-1. Humboldt Bay Harbor, Recreation and Conservation District Permit 2024-04 for Humboldt Bay Regional Spartina Eradication Plan Continued Implementation
- B. Mitigation Monitoring and Reporting Program (MMRP)

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

- Application – Humboldt Bay Regional Spartina Eradication Plan Implementation
- Humboldt Bay Regional Spartina Eradication Plan (2012)
- California Environmental Quality Act – Humboldt Bay Regional Spartina Eradication Plan Final Programmatic Environmental Impact Report (2013)

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

RESOLUTION NO. 2024-12

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT
PERMIT 2024-04 WITH CONDITIONS FOR THE HUMBOLDT BAY REGIONAL SPARTINA
ERADICATION PLAN CONTINUED IMPLEMENTATION**

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, an application was submitted to the Humboldt Bay Harbor, Recreation, and Conservation District for the Humboldt Bay Regional Spartina Eradication Plan Continued Implementation "Project"; and

WHEREAS, consistent with Humboldt Bay Harbor, Recreation, and Conservation District Ordinances and the Harbors and Navigation Code, an application was filed and accepted by the Board on October 10, 2024 and a Notice of Application was published in the Times Standard; and

WHEREAS, the Regional Spartina Eradication Plan was subject of a Final Programmatic Environmental Impact Report (PEIR) prepared by the California State Coastal Conservancy as the lead agency under the California Environmental Quality Act (CEQA) and;

WHEREAS, the California State Coastal Conservancy certified the Final PEIR for the Spartina Plan and found that, as conditioned by the associated Mitigation Monitoring and Reporting Program, is consistent with CEQA and there is no substantial evidence the project will have a significant effect on the environment; and

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor Recreation and Conservation District adopted Resolution No. 2013-04 on the 25th day of April 2013 Establishing Findings Relative to the Adoption and Implementation of the Humboldt Bay Regional Invasive Spartina Eradication Plan and Associated Final PEIR, acting as a responsible agency for the Project under CEQA, it considered the information contained in such PEIR and concurred in the analysis and conclusions set forth in said documents; and

WHEREAS, the continued implementation of the Regional Spartina Eradication Plan has not changed from the project description approved in the above EIR and none of the conditions

described in CEQA Guidelines 15162 have occurred, as such no subsequent CEQA review shall be required; 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 Humboldt Bay Regional Spartina Eradication Plan Continued Implementation 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 (1) continues to concur with the analysis and conclusions set forth in the previously adopted PEIR along with other information in the record and (2) continues to find that the PEIR prepared for the Project was completed in compliance with CEQA and in a manner that is consistent with state guidelines implementing CEQA and (3) continues to find that the PEIR represents the independent judgment and analysis of the Humboldt Bay Harbor District as a responsible agency for the Project.

SECTION 2. That the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found, after considering the impact of 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, that:

- a) The proposed uses are necessary to promote safety, health, comfort, and convenience of the public;
- b) The proposed uses are required by the public convenience and necessity;
- c) The proposed uses will not have any substantial adverse environmental or ecological effect;
- d) The proposed use is consistent with the Humboldt Bay Management Plan policies including, but not limited to, CAE-2 (Maintain, restore, and enhance aquatic ecosystem integrity), CAE-3 (Protect and maintain environmentally sensitive habitat areas); CAS-1 (Maintain biological diversity and important habitats throughout Humboldt Bay); CAS-3 (Maintain and enhance habitat for sensitive species); and CAS-4 (Control or remove non-indigenous invasive species);
- e) 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
- f) 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 3. That the Board of Commissioners does hereby issue Permit 2024-04 conditionally approving the Humboldt Bay Regional Spartina Eradication Plan Continued Implementation (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 14th day of November 2024 by the following polled vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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. **2024-12** entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2024-04 WITH CONDITIONS FOR THE HUMBOLDT BAY REGIONAL SPARTINA ERADICATION PLAN CONTINUED IMPLEMENTATION

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 **14th day of November 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 14th day of November 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

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

PERMIT

Permit No. 2024-04

Permittee:

Humboldt Bay Harbor Recreation and Conservation District
Contact: Chris Mikkelsen, Executive Director
PO Box 1030, Eureka CA 95502
cmikkelsen@humboldtby.org; 707-443-0801

The Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District** hereinafter referred to as "**District**", having considered the Application herein, number 2024-04, filed by the **Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD)**, hereinafter referred to as "**Permittee**", and the **District** as responsible agency, pursuant to the California Environmental Quality Act of 1970, as amended, having previously adopted the Humboldt Bay Regional Spartina Eradication Plan and associated Final Programmatic Environmental Impact Report (PEIR) through Resolution 2013-04 (April 25, 2013) and the Board of Commissioners of the **District** having on November 14, 2024, passed Resolution No. 2024-12, establishing findings relative to the Application by **Permittee** for the Humboldt Bay Regional Spartina Eradication Plan Continued Implementation as provided for in this Permit, the **Permittee** is hereby authorized to perform the work as more particularly described in the Application filed with the **District** and the Final PEIR referred to above.

You are hereby authorized to conduct that activity described in the Permit Application of **Permittee** consisting of:

Invasive Spartina eradication and native salt marsh restoration as described in the permit application and Humboldt Bay Regional Spartina Eradication Plan (Regional Plan).

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. That all work authorized by this Permit shall further be subject to the approval of the following public agencies as applicable:
 - A. California Coastal Commission

- B. North Coast Regional Water Quality Control Board
- C. California Department of Fish and Wildlife

and **Permittee** shall fully comply with all regulations and conditions affecting such work as imposed by the above agencies.

3. That the mitigation measures described in the March 21, 2013 Final Programmatic Environmental Impact Report for the Humboldt Bay Regional Spartina Eradication Plan are made conditions of this permit by reference.
4. That this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on **November 14, 2025**. If **Permittee** cannot complete the work within the time granted by this Permit, an application for extension must be filed prior to the Permit termination date. Up to nine (9) one year extensions may be granted, for a total permit term of up to ten years.
5. Any in-water work requires a Spill Prevention, Control and Countermeasure (SPCC) plan. Spill kits with appropriate contents will be maintained at the project site. Kits shall be equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill. Booms will be available to contain spilled materials.
6. All construction debris shall be removed from the site and disposed of only at an authorized disposal site. Sidecasting of such material or placement of any such material within Humboldt Bay or any wetland area is prohibited.
7. 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.

8. That there shall be no unreasonable interference with navigation by the work herein authorized.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. That this Permit is valid as of November 14, 2024 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 14th day of November 2024, by authority of the Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District**.

GREG DALE, Chair
Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

The HCRCD, **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.

The HCRCD, **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 attorney's 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: _____

HCRCD Representative

Mitigation Monitoring and Reporting Plan

Humboldt Bay Regional Spartina Eradication Plan

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
<p>MITIGATION AV-1: Post Educational Signs. Educational signs shall be posted in areas where public use is high. The signs will explain Spartina's ecological impacts and describe the project. Increased public understanding of the project will improve the public's reaction to the temporary adverse change to the scenic marsh vista.</p>	Coordinating Entity Project Manager	Coordinating Entity Project Manager	Beginning of first treatment season and each treatment season thereafter
<p>MITIGATION AV-2: Limit covering. In any given area that is visible from a public vantage point, including roads, highways and other areas of relatively high public use, covering shall be limited to 0.5 acres.</p>	Coordinating Entity Project Manager	Coordinating Entity Project Manager	During control
<p>MITIGATION AQ-1: Dust Control. Apply dust control measures where treatment methods may produce visible dust clouds and where sensitive receptors (i.e., houses, schools, hospitals) are located within 500 ft of the treatment site. The following dust control measures shall be included:</p> <ul style="list-style-type: none"> • Suspend activities when winds are too great to prevent visible dust clouds from affecting sensitive receptors; and • Limit traffic speeds on any dirt access roads to 15 mi per hour. 	Spartina control contractor	Coordinating Entity Project Manager	During control
<p>MITIGATION AQ-2: Smoke and Ash Emissions. The Management Area is within NCUAQMD Smoke Management Zones 1 and 2. Therefore, for prescribed burns, notification of and coordination with NCUAQMD and a local fire agency shall happen well in advance, prior to initiating the burn. Depending upon the quantity of material to be burned, the District APCO may request that a burn authorization number be obtained prior to ignition. On a project specific basis, a burn permit may be required with NCUAQMD to address potential issues with smoke and as a component of a smoke management plan, if deemed necessary. Additional notification to the local fire agency and/or department may also be required as deemed appropriate by the APCO. The following shall be conducted as a part of this mitigation measure:</p> <ul style="list-style-type: none"> • Initiate consultation with the District APCO by calling (707) 443-3093 (or the current phone number) to determine if the following would be required for the site specific project: <ul style="list-style-type: none"> ○ Burn authorization number, 	Coordinating Entity Project Manager	Coordinating Entity Project Manager	At least one month before initiating burns

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
<ul style="list-style-type: none"> ○ Burn permit, and/or ○ Smoke management plan, as well as ○ Consultation with additional agencies such as the local fire agency and/or department. <ul style="list-style-type: none"> ● If the treatment is occurring within the jurisdiction of a local fire agency and/or department, initiate consultation well in advance, prior to the initiating the burn. 			
<p>MITIGATION BIO-1: Minimize Effects of Mechanical Spartina Removal Methods to Special Status Fish Species. On a project specific basis, a habitat analysis shall be done to determine if special status fish species have the potential to occur. If they could occur, then surveys may be done to establish that these species are absent, using protocols approved by USFWS or NMFS. If such surveys are not conducted, then the species will be assumed present. If special status fish species are present, then <i>Spartina</i> control methods will be selected that minimize potential impacts. To minimize erosion effects, control methods that are most likely to cause erosion (i.e., grinding, tilling, disking and digging/excavating) will not occur within 15 ft of any aquatic habitat containing special status fish species, but this distance could be increased depending on site specific conditions, such as soil stability and bank slopes. Additionally, amphibious vehicles will not contact the channel substrate where special status fish species are present and the vehicles will be operated in such a manner that they avoid causing erosion into the channels. Furthermore, no flooding will be conducted in areas where special status fish species are present. Treatments that do not involve ground disturbance, such as top mowing, crushing, chemical treatment and covering will be the only methods used in close proximity (e.g., within 15 ft) to special status fish species. This mitigation measure is intended to avoid take as defined by the ESA and California ESA.</p>	<p>Coordinating Entity Project Manager and Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Habitat analysis to be conducted at least one month before treatment</p>

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
<p>MITIGATION BIO-2: Minimize Noise Effects. Breeding special status birds could be present based on habitat and time of year. The breeding season is generally October through mid-August. On a project specific basis, a habitat analysis shall be done to determine if special status bird species have the potential to occur. If the habitat would support special status birds, and if eradication is planned to occur when these birds may be breeding, then surveys will be done to establish that these species are absent, using protocols approved by USFWS. If such surveys are not conducted, then the species will be assumed present. Response of birds to noise varies by species as well as site specific factors including ambient noise levels, topography and vegetation. A limit of 60 dB reaching breeding songbirds has recently been advocated for the by the California Department of Fish and Wildlife (see ICF Jones and Stokes 2009). For the purpose of this PEIR, if breeding birds are known or assumed present within close proximity to <i>Spartina</i> control activities than actions will be taken to ensure that ≤60 dB reaches the breeding area. Actions may include the use of sound measuring devices to determine the range of noise production and limit <i>Spartina</i> control methods accordingly (i.e., use quieter methods near breeding special-status birds).</p>	<p>Coordinating Entity Project Manager and <i>Spartina</i> control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Habitat analysis to be conducted at least 1 month before treatment. Breeding bird survey to be conducted no more than one week prior to treatment. Delineation of exclusion zones prior to treatment.</p>
<p>MITIGATION BIO-3: Avoid Northern Harrier and Short-Eared Owl Nests. The breeding season is March-August for northern harriers (Loughman and McLandress 1994) and March-July for short-eared owls (Gill 1977). If <i>Spartina</i> control activities are planned to occur during these periods (i.e., between March-August) then a qualified biologist will assess whether there is potential nesting habitat for northern harrier or short-eared owls. If there is potential habitat, it will be avoided or a qualified biologist will survey the potential habitat immediately prior to <i>Spartina</i> control work and if nests are found then a minimum 300 ft buffer zone will be delineated. The buffer zone will be avoided by <i>Spartina</i> control workers and equipment.</p>	<p>Coordinating Entity Project Manager and <i>Spartina</i> control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Habitat analysis to be conducted at least 1 month before treatment. Breeding bird survey to be conducted no more than one week prior to treatment. Delineation of exclusion zones prior to treatment.</p>
<p>MITIGATION BIO-4: Minimize Impacts to Special Status Plant Species. On a site specific basis, a habitat analysis shall be done to determine if special status plant species have the potential to occur. If they could occur, then surveys may be done to establish that these species are absent, using protocols approved by CDFW. If such surveys are not conducted, then the species will be assumed present. If special status plant species are present, then <i>Spartina</i> control methods will be selected that avoid or minimize</p>	<p>Coordinating Entity Project Manager and <i>Spartina</i> control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Surveys for annuals in the spring immediately prior to treatment. For perennials, surveys may occur in the prior year. Delineation of exclusion areas and worker training prior to treatment.</p>

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
<p>potential impacts. Staked locations of special status plant populations or special status plant habitat shall be recorded, and field crews on foot or in vehicles shall be instructed to avoid and protect special status plant populations or plant habitat. Impact to the endangered dune plants beach layia and Humboldt Bay wallflower will be avoided by selecting access routes that do not contain these plants. For Humboldt Bay owl's clover and Point Reyes bird's beak, avoidance is determined not to be necessary because temporary effects during <i>Spartina</i> control are mitigated by the explosive increase in population that has been demonstrated after <i>Spartina</i> control (Pickart 2012). For other annual special status plants such as Western sand spurrey, avoidance shall occur by using only treatment methods that are highly selective; for example heavy equipment will not be operated where these plants or their habitat occur. For perennial plants such as Lyngbye's sedge, a qualified botanist shall stake out locations of special status plants and provide training to control crews to ensure that they minimize impacts to these plants. If special status plant populations or habitat occur near the high tide line, wrack and large deposits of mown <i>Spartina</i> shall be removed during the growing season. Special status plant populations shall be covered with fabric adjacent to areas sprayed with herbicide, or spray-drift barriers made of plastic or geo textile (aprons or tall silt fences) shall be installed. If accidental exposure to spray drift occurs, affected plants shall be thoroughly washed with silt-clay suspensions. To avoid trampling of special status plant species, in areas where frequent access will occur, paths shall be marked and used that avoid special status plant species to the maximum extent possible.</p>			
<p>MITIGATION BIO-5: Avoid Impacts to Eelgrass. Workers removing <i>Spartina</i> in areas with the potential for eelgrass shall be trained to recognize eelgrass and the mudflats that are habitat for eelgrass. Training shall be conducted by a qualified biologist. Only methods that avoid physical disturbance to eelgrass plants shall be used in close proximity to eelgrass, such as top mowing and excavation. With this mitigation measure, there will be no impact to eelgrass.</p>	<p>Coordinating Entity Project Manager and <i>Spartina</i> control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Training prior to treatment. Exclusion during treatment.</p>
<p>MITIGATION BIO-6: Reduce Noise near Marine Mammals. If marine mammals are present within 200 ft of <i>Spartina</i> control operations, then methods which cause relatively high levels of noise (i.e., brushcutters, the Marsh Master and airboats) shall not be used. Other methods which do not generate a relatively high level of noise can be used.</p>	<p><i>Spartina</i> control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>During treatment</p>

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
<p>MITIGATION CR-1: Worker Awareness. Workers shall be made aware of the potential of uncovering artifacts or human remains, and instructed to cease work should any artifacts or human remains be found, and to contact the California Native American Heritage Commission (CNAHC), National Crime Information Center and/or County Coroner as appropriate. When treatment is allowed to begin again, areas identified as potentially having artifacts will be treated with methods that do not disturb the soil, such as top mowing, crushing and chemical treatment.</p>	<p>Coordinating Entity Project Manager and Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Training prior to treatment. Response to artifacts or remains during treatment</p>
<p>MITIGATION CR-2: Site Specific Planning for Artifacts. Site specific planning will include a consultation with the Wiyot Tribe to determine the likelihood that artifacts are present. If there are indications that artifacts are likely to be found, soil disturbing methods shall be avoided.</p>	<p>Coordinating Entity Project Manager</p>	<p>Coordinating Entity Project Manager</p>	<p>Planning at least one month prior to treatment</p>
<p>MITIGATION CR-3: Site Specific Planning for Human Remains. If, during site specific planning, indications are that human remains are likely to be found (e.g., based on literature or communications with representatives from a Tribe), soil disturbing methods shall not be used until the remains are located and properly removed. If the coroner determines that the remains may be Native American, the coroner will contact CNAHC. CNAHC staff will notify the most likely descendants of the deceased. The descendants may, with permission of the land owner or representative, "inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods" (Public Resources Code Section 5097.98). The descendants must make their recommendations within 48 h of being contacted by CNAHC. The land owner will insure that the area within the immediate vicinity of the remains is not further disturbed or damaged until the land owner and the most likely descendants have "discussed and conferred" reasonable options.</p>	<p>Coordinating Entity Project Manager</p>	<p>Coordinating Entity Project Manager</p>	<p>Planning at least one month prior to treatment</p>
<p>MITIGATION GS-1/WQ-5: Erosion Control. Spartina control methods which directly impact the soil (i.e., grinding, tilling, disking, digging and excavation) shall not be conducted on salt marsh areas that are within 15 ft of a salt marsh edge that is directly exposed to wave action. Other control methods can be used in these areas. This mitigation measure only applies to salt marsh edges along Humboldt Bay proper where wave action is relatively</p>	<p>Coordinating Entity Project Manager and Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>During treatment</p>

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
<p>high, not attached sloughs/channels nor the Eel River or Mad River estuaries. Future research may reveal that control methods that directly impact the soil do not result in a significant level of erosion and that this mitigation is not necessary.</p>			
<p>MITIGATION HHM-1: Worker Injury from Accidents Associated with Manual and Mechanical Non-native Spartina Treatment. A health and safety plan shall be developed to identify and educate workers engaged in <i>Spartina</i> removal activities. Appropriate safety procedures and equipment, including hearing, eye, hand and foot protection, and proper attire, shall be used by workers to minimize risks associated with manual and mechanical treatment methods. Workers shall receive safety training appropriate to their responsibilities prior to engaging in treatment activities.</p>	<p>Coordinating Entity Project Manager and Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Planning at least one month prior to treatment. Training prior to treatment.</p>
<p>MITIGATION HHM-2: Accidents Associated with Release of Chemicals and Motor Fuel. Contractors and equipment operators on site during treatment activities will be required to have emergency spill cleanup kits immediately accessible. If fuel storage containers are utilized exceeding a single tank capacity of 660 gallons or cumulative storage greater than 1,320 gallons, a Hazardous Materials Spill Prevention Control and Countermeasure Plan (HMSPCCP) would be required and approved by the NCRWQCD. The HMSPCCP regulations are not applicable for chemicals other than petroleum products; therefore, the contractor shall prepare a spill prevention and response plan for the specific chemicals utilized during treatment activities. This mitigation is intended to be carried-out in conjunction with Mitigation WQ-2.</p>	<p>Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Planning at least one month prior to treatment. Implementation during treatment.</p>
<p>Mitigation HHM-3: Worker Health Effects from Herbicide Application. Appropriate health and safety procedures and equipment, as described on the herbicide or surfactant label, including PPE as required, shall be used by workers to minimize risks associated with chemical treatment methods. Mixing and applying herbicides shall be restricted to certified or licensed herbicide applicators</p>	<p>Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>During treatment</p>
<p>MITIGATION HHM-4: Avoid Health Effects to the Public and Environment from Herbicide Application. For areas targeted for application of herbicides that are within 500 ft of human sensitive receptors (i.e., houses, schools, hospitals), prepare and implement an herbicide drift management plan to reduce the</p>	<p>Coordinating Entity Project Manager and Spartina control</p>	<p>Coordinating Entity Project Manager</p>	<p>Planning at least one month prior to treatment. Implementation during treatment.</p>

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
<p>possibility of chemical drift into populated areas. The Plan shall include the elements listed below. To minimize risks to the public, mitigation measures for chemical treatment methods related to timing of herbicide use, area of treatment, and public notification, shall be implemented by entities engaging in treatment activities as identified below:</p> <ul style="list-style-type: none"> • Coordinate herbicide applications with the County Agricultural Commissioner. Identify nearby sensitive areas (e.g., houses, schools, hospitals) and/or areas that have non-target vegetation that could be affected by the herbicide and provide advanced notification. • Establish buffer zones to avoid affecting sensitive receptors. • Identify the type of equipment and application techniques to be used in order to reduce the amount of small droplets that could drift into adjacent areas. Consult with herbicide manufacturer for proper application instructions and warnings. • Herbicide shall not be applied when winds are below 3 mile per hour or in excess of 10 mi per hour or when inversion conditions exist (consistent with Supplemental California Manufacturer Labeling), or when wind could carry spray drift into inhabited areas. This condition shall be strictly enforced by the implementing entity. Herbicide applications should not be conducted when surface-based inversions are present. Refer to Section 4.7, Air Quality, for discussion on inversions. The site-specific work plan should identify how meteorological conditions would be obtained. • Signs shall be posted at and/or near any public trails, boat launches, or other potential points of access to herbicide application sites a minimum of one week prior to treatment. • Application of herbicides shall be avoided near areas where the public is likely to contact water or vegetation. • At least one week prior to application, signs informing the public of impending herbicide treatment shall be posted at prominent locations within a conservative 500-foot radius of treatment sites where sensitive receptors could be affected. Schools and hospitals within 500 ft of any treatment site shall be separately noticed at least one week prior to the application. • No surfactants containing nonylphenol ethoxylate will be used. 	contractor		
<p>MITIGATION HHM-5: Health Effects to Workers, the Public and the Environment Due to Accidents Associated with Chemical Spartina Treatment. Appropriate health and safety procedures and equipment shall be used to minimize risks</p>	Coordinating Entity Project Manager and	Coordinating Entity Project Manager	Planning at least one month prior to treatment. Implementation during

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
associated with <i>Spartina</i> treatment methods, including exposure to or spills of fuels, petroleum products, and lubricants. These shall include the preparation of a health and safety plan, a spill contingency plan, and if threshold onsite storage values are exceeded, an HMSPCCP.	Spartina control contractor		treatment.
MITIGATION HHM-6/WQ-4: Assess existing contamination. For projects where ground disturbance methods (such as digging or excavation) or imazapyr application are considered, a preliminary assessment shall be performed to determine the potential for contamination in sediments prior to initiating treatment. The preliminary assessment shall include (1) review of existing site data and (2) evaluation of historical site use and/or proximity to possible contaminant sources. If the preliminary assessment finds a potential for historic sediment contamination, an appropriate sediment sampling and analysis guide shall be followed and implemented, or soil contamination shall be assumed to be present. If contaminants with a known potential for synergistic effects with imazapyr are present or assumed to be present at levels higher than background levels that would result in synergistic effects, an alternative treatment method (that shall not disturb sediment or apply imazapyr) will be implemented, such as repeated top-mowing, or the project shall apply to the Regional Water Board for site-specific Waste Discharge Requirements (WDRs). If contaminants are present or assumed to be present at levels higher than background levels (but below levels that might trigger site cleanup), and these contaminants raise concerns for potential impacts from ground disturbance but not from synergistic effects due to imazapyr application, treatment methods that shall not disturb sediment (e.g., top mowing or imazapyr application) shall be used, or the specific project shall apply to the Regional Water Board for site-specific WDR. If significant contamination that warrants site cleanup is identified, sampling information shall be provided to the U.S. Environmental Protection Agency or other appropriate authority.	Coordinating Entity Project Manager and Spartina control contractor	Coordinating Entity Project Manager	Planning at least one month prior to treatment. Implementation during treatment.
MITIGATION WQ-1: Managed Herbicide Control. Herbicides shall be applied directly to plants and at low or receding tide to minimize the potential application of herbicide directly on the water surface, as well as to ensure proper dry times before tidal inundation. Herbicides shall be applied by a certified applicator and in accordance with application guidelines and the manufacturer label. The Control Program shall obtain coverage under the statewide General NPDES Permit for the Discharge of Aquatic Pesticides for	Coordinating Entity Project Manager and Spartina control contractor	Coordinating Entity Project Manager	Obtain permit coverage prior to treatment. Implementation during treatment.

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
Aquatic Weed Control in Waters of the United States (SWRCB 2004). The specific measures that will be required are not known at this time.			
MITIGATION WQ-2: Minimize Herbicide Spill Risks. Herbicides shall be applied by or under the direct supervision of trained, certified or licensed applicators. Herbicide mixtures shall be prepared by, or under the direct supervision of trained, certified or licensed applicators. Storage of herbicides and surfactants on or near project sites shall be allowed only in accordance with a spill prevention and containment plan approved by the NCRWQCD; on-site mixing and filling operations shall be confined to areas appropriately bermed or otherwise protected to minimize spread or dispersion of spilled herbicide or surfactants into surface waters. This mitigation is intended to be carried out in conjunction with Mitigation HMM-2.	Coordinating Entity Project Manager and Spartina control contractor	Coordinating Entity Project Manager	Planning at least one month prior to treatment. Implementation during treatment.
MITIGATION WQ-3: Minimize Fuel and Petroleum Spill Risks. Fueling operations or storage of petroleum products shall be maintained off-site, and a spill prevention and management plan shall be developed and implemented to contain and clean up spills. Transport vessels and vehicles, and other equipment (e.g., mowers) shall not be serviced or fueled in the field except under emergency conditions; hand-held gas-powered equipment shall be fueled in the field using precautions to minimize or avoid fuel spills within the marsh. For example, gas cans will be placed on an oil drip pan with a PIG® Oil-Only Mat Pad placed on top to prevent oil/gas contamination. Only vegetable oil-based hydraulic fluid will be used in heavy equipment and vehicles during <i>Spartina</i> control efforts. When feasible, biodiesel will be used instead of petroleum diesel in heavy equipment and vehicles during <i>Spartina</i> control efforts. Other, specific BMPs shall be specified as appropriate to comply with the Basin Plan and the other applicable Water Quality Certifications and/or NPDES requirements. This mitigation is intended to be carried out in conjunction with Mitigation HMM-2 in order to reduce potential impacts to less than significant level.	Coordinating Entity Project Manager and Spartina control contractor	Coordinating Entity Project Manager	Planning at least one month prior to treatment. Implementation during treatment.
MITIGATION WQ-6: Designate Ingress/Egress Routes. Designated ingress/egress routes shall be established at control sites to minimize temporarily disturbed areas. Where areas adjacent to staging and stockpile areas are erosion prone, the extent of staging and stockpile areas shall be minimized by flagging their boundaries. An erosion/sediment control plan (ESCP) shall be developed for erosion prone areas outside the treatment	Coordinating Entity Project Manager and Spartina control contractor	Coordinating Entity Project Manager	Routes shall be established during planning, at least one month prior to treatment. Implementation during treatment.

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
area where greater than ¼ acre of ground disturbance may occur as a result of ingress/egress, access roads, staging and stockpile areas. The ESCP shall be developed by a qualified professional and identify BMPs for controlling soil erosion and discharge of treatment-related contaminants. The ESCP shall be prepared prior to any treatment activities, and implemented during construction.			
MITIGATION WQ-7: Removal of Wrack. During site specific planning, tidal circulation will be visually assessed. In areas with relatively low tidal circulation, it will either be assumed that DO levels are depressed or monitoring will be conducted to determine if DO levels are depressed. In treatment areas located within or adjacent to waters known or expected to have depressed DO, if wrack is generated during the treatment process, the wrack shall be removed from the treatment area subject to tidal inundation or mulched finely and left in place.	Coordinating Entity Project Manager and Spartina control contractor	Coordinating Entity Project Manager	Identification of areas of concern during planning, at least one month prior to treatment. Implementation during treatment.
MITIGATION WQ-8: Approval of Structures in Floodplains. Temporary structures used to impound water for submerging <i>Spartina</i> including but not limited to earthen dikes, cofferdams, inflatable dams, geotextile tubes or concrete ecology blocks that are proposed for placement in a regulatory FEMA flood zone shall be reviewed and approved by the local floodplain administrator prior to placement.	Coordinating Entity Project Manager	Coordinating Entity Project Manager	Approval prior to treatment
MITIGATION LU-1: Use Certified Herbicide Applicators. Herbicides will only be applied by certified applicators.	Spartina control contractor	Coordinating Entity Project Manager	During treatment
MITIGATION LU-2: Compliance Monitors. Applicators shall be assigned a compliance monitor who observes that spray does not reach agricultural fields.	Coordinating Entity Project Manager and Spartina control contractor	Coordinating Entity Project Manager	During treatment
MITIGATION LU-3: Mechanical Methods near Agriculture. If crops (including aquaculture crops such as oysters and clams) are growing in the vicinity of spraying, such that these crops would be more difficult to sell even if herbicides are undetectable, mechanical methods of treatment shall be selected.	Coordinating Entity Project Manager	Coordinating Entity Project Manager	During planning, at least one month prior to treatment

Mitigation	Implementing Responsibility	Monitoring Responsibility	Timing
<p>MITIGATION LU-4: Posting Notices and Limiting Access. Public safety shall be ensured by posting notices and limiting access during treatment periods. Public notice shall be posted at the entrances of public lands, at trailheads, and on the websites of agencies responsible for the public lands, such as HBNWR. If members of the public access lands during treatment, the field supervisor shall have the authority to ask them to leave for their safety.</p>	<p>Coordinating Entity Project Manager and Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>Post notices one week prior to treatment. Monitor public access during treatment.</p>
<p>MITIGATION LU-5: Do not treat Spartina during peak public use periods: Although public use is minimal in the salt marshes where Spartina primarily occurs, there is some use, particularly by waterfowl hunters. Spartina treatment will not occur in waterfowl hunting areas during periods of time when hunters are active. If other peak periods of public use are identified in Spartina infested areas then control efforts will also avoid these time periods.</p>	<p>Coordinating Entity Project Manager</p>	<p>Coordinating Entity Project Manager</p>	<p>During treatment</p>
<p>MITIGATION N-1: Use Relatively Quiet Brushcutters. All brushcutters shall be new and quieter models, with noise not exceeding 90 dB.</p>	<p>Coordinating Entity Project Manager and Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>During treatment</p>
<p>MITIGATION N-2: Selective Use of the Marsh Master. Avoid treatment that uses the Marsh Master, if residential receptors are within 800 ft.</p>	<p>Coordinating Entity Project Manager</p>	<p>Coordinating Entity Project Manager</p>	<p>During planning, at least one month prior to treatment</p>
<p>MITIGATION N-3: Limit Hours of Operation. Within 3,200 ft of homes, hours of operation shall be within times that residents would be the least disturbed, as in during work and school hours, and avoiding early morning or early evening.</p>	<p>Coordinating Entity Project Manager and Spartina control contractor</p>	<p>Coordinating Entity Project Manager</p>	<p>During treatment</p>