

HUMBOLDT BAY HARBOR,  
RECREATION, AND CONSERVATION DISTRICT

ORDINANCE NO. 14

ORDINANCE ESTABLISHING PROCEDURES FOR THE EVALUATION  
OF APPLICATIONS FOR GRANTS, FRANCHISES, LEASES, PERMITS,  
RIGHTS, OR PRIVILEGES, AFFECTING OR INVOLVING AREAS OR  
ACTIVITIES WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR,  
RECREATION, AND CONSERVATION DISTRICT, AND ESTABLISHING  
RULES AND REGULATIONS PERTAINING THERETO

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

SECTION 1.01 VIOLATIONS AND PENALTIES

A. It shall be unlawful for any person, agency, asso-  
ciation, or corporation to erect, construct, enlarge, alter,  
repair, move, improve, remove, convert, demolish, equip, use,  
occupy, maintain any building, structure, piling, dock, pipeline,  
or to dredge, fill, or alter, or cause, or permit the same to  
be done in, or upon Humboldt Bay, Humboldt County, California,  
within the jurisdiction of the HUMBOLDT BAY HARBOR, RECREATION,  
AND CONSERVATION DISTRICT, as defined in Appendix 2 of the Cali-  
fornia Harbors and Navigation Code, without first obtaining a  
permit, grant, franchise, lease, right, or privilege from the  
HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT.

B. Any person, agency, association, or corporation,  
who violates any provision of this Ordinance Number 14, or who

violates the provisions of Ordinance Number 4, pertaining to "Emergency and Administrative Permits" adopted by the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT on March 13, 1975, shall be deemed guilty of a misdemeanor and upon conviction of any such violation, such person, agency, association, or corporation shall be punishable by imprisonment in the County jail, for a period of not more than six (6) months, or by fine not exceeding ONE THOUSAND DOLLARS (\$1,000.00), or by both such fine and imprisonment.

SECTION 1.02 APPLICATION

A. Every person, agency, association, or corporation desiring to obtain any grant, franchise, permit, lease, right, or privilege from the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT, shall file an original and complete Application with the Board of Commissioners.

B. All applications for a grant, franchise, permit, lease, right, or privilege within the jurisdiction of the HUMBOLDT BAY, HARBOR, RECREATION, AND CONSERVATION DISTRICT, which have been completed in accordance with the application procedures set forth by resolution, or ordinance, of the Board of Commissioners, shall be accepted for filing by the Board. The date an application is accepted for filing by the Board of Commissioners shall be defined as the date of filing for the purposes of processing that application.

C. The Board of Commissioners shall give Notice of

the filing of each Application in accordance with subdivision (e) of Section 24 of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT ACT.

SECTION 1.03 CONTENTS OF APPLICATION

Every Application for a grant, franchise, permit, lease, right, or privilege shall contain the following information:

(a) Name and address of Applicant.

(b) Description of the kind and extent of the grant, franchise, lease, permit, right, or privilege.

(c) Purpose of the requested grant, permit, lease, franchise, right, or privilege.

(d) How the proposed use or activity will promote the public health, safety, comfort, and convenience.

(e) How the requested grant, permit, franchise, lease right, or privilege is required by the public convenience and necessity.

(f) A detailed statement explaining how the proposed use or activity for which the grant, franchise, permit, lease, right, or privilege as requested, will promote area growth and meet the demands of the area, and will not adversely affect the environment or the ecology of the area within the jurisdiction of this District to any substantial degree.

(g) A statement confirming that the proposed use or activity will not produce an unreasonable burden on the natural resources and aesthetics of the area within the jurisdiction

of the District, or on the public health and safety, and air and water quality in the vicinity, or on parks, recreational, and scenic areas, historic sites and buildings, or archaeological sites in the area within the jurisdiction of the District.

(h) A map of the area that will directly be affected by the proposed use or activity for which the grant, permit, franchise, lease, right, or privilege is requested.

(i) A legal metes and bounds description of the area that will be affected by the proposed use or activity for which the grant, permit, franchise, lease, right, or privilege is requested.

(j) A detailed explanation and description of any planned development, construction, improvement, or activity.

(k) A general description of the proposed method of financing the development, construction, improvement, or activity, including an estimate of the total cost.

(l) An Environmental Impact Statement or Report prepared in compliance with the California Environmental Quality Act of 1970, including amendments thereto, and in accordance with the "Guidelines for Implementation of the California Environmental Quality Act of 1970", including amendments thereto, as developed and circulated by the Resources Agency of the State of California.

(m) A statement certifying that the proposed development, construction, improvement, or activity conforms to the

Master Plan of the District if such plan has been adopted by the Board of Commissioners, or to the Local Coastal Plans adopted pursuant to the California Coastal Zone Act if a Master Plan has not been adopted at the time such Application is filed.

SECTION 1.04 RATES AND CHARGES

A. A filing fee of \$50.00 shall be charged for, and must accompany each Application submitted to the Board of Commissioners in accordance with Section 1.02 and Section 1.03 of this Ordinance. Said filing fee shall not include the costs of legal publication of the Notice of Application and postage. The Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT shall be empowered at any time to change the filing fee set forth herein by Resolution.

B. Any additional costs incurred by the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT, other than for the filing fee set forth in A. above, for publication costs, postage, staff time and expense in connection with the review and process of the Application shall be paid by the Applicant as hereinafter set forth. At least ten (10) days prior to the action by the Board of Commissioners on the Application, the District shall notify the Applicant of the balance of the costs to be paid. At least five (5) days prior to the action by the Board of Commissioners, Applicant shall pay to District all such additional costs.

C. An action by the Board of Commissioners to approve an Application shall include the determination and fixing of

the rates and charges to be paid by the Applicant for the grant, franchise, permit, license, right, or privilege and the schedule of payments.

SECTION 1.05 NOTICE OF FILING OF APPLICATION

A. Notice of the filing of each Application for a grant, franchise, permit, lease, right, or privilege, shall be given by the Secretary of the Board of Commissioners by Certified Mail not less than ten (10), nor more than twenty (20) days after the filing of each such application to all persons, departments, and agencies as required by subdivision (e) of Section 24 of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT ACT, (California Harbors and Navigation Code, Appendix 2).

B. Notice of the filing of each such application shall also be given to the general public by advertisement, not less than once in a newspaper of general circulation in the district. Such publication shall be no later than ten (10) days after the filing of each such Application.

SECTION 1.06 HEARING ON APPLICATION

A. The Board of Commissioners, before the approval, or denial, or rejection of an Application for a grant, franchise, lease, permit, right, or privilege, shall expressly find and determine that such a public hearing is or is not required.

B. Requests for a public hearing on an Application as permitted under Section 24 (f) of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT ACT, shall be filed with

the Board of Commissioners within thirty (30) days after notices of the filing have been mailed and published and such requests include a statement of the reasons justifying a public hearing.

C. In the event the Board of Commissioners determines to hold a public hearing on the Application or if a request for such hearing is made by any of those to whom Notice of the filing of the Application has been sent under subdivision (e) of Section 24 of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT ACT, the Board shall fix the date for, and hold such hearing within ninety (90) days after the Notice of the filing of the Application has been mailed and published and, further, the Board of Commissioners shall mail Notice of the hearing pursuant to subdivision (f) of Section 24 of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT ACT.

SECTION 1.07 ACTION ON THE APPLICATION

A. The Chief Executive Officer of the District, shall commence the procedures as required by the California Environmental Quality Act of 1970, as amended, with the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT as LEAD or RESPONSIBLE Agency as applicable in accordance with the California Public Resources Code, as amended.

B. Upon the completion of the response time under the California Public Resources Code, as amended, for a Notice of Preparation, if applicable, and upon the completion of the public notice time as called for by subdivision (e) of Section 24 of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION

DISTRICT ACT, the Chief Executive Officer shall inform the Board of Commissioners of any comments received concerning the project. The Board of Commissioners then determine that a public hearing is or is not required.

C. If no public hearing is necessitated on the Application, the Board of Commissioners shall act on the Application within sixty (60) days of the filing of the Application.

D. If a public hearing is conducted on the Application, the Board of Commissioners shall act on the Application within thirty (30) days of the public hearing.

E. Action by the Board of Commissioners on the Application may include, but shall not be limited to, the following:

- 1) Approval of the environmental checklist as completed by the Chief Executive Officer.

- 2) A finding of adequacy, or approval, on the environmental document.

- 3) Approval of a Resolution establishing findings relative to the Application.

- 4) Approval of the Application as filed.

- 5) Approval of the Application subject to certain restriction or conditions. Restrictions and conditions may include, but not be limited to, time limitations for activities to be started



and completed, revocability, requirements for renewal, performance bond requirements, and fees.

6) Disapproval or rejection of the Application.

7) Deferral of action until additional or supplemental information or more specific details pertaining to the Application are filed with the Board.

F. The effective date of Board action on the Application shall be the date of the action of the Board of Commissioners, unless a different time is fixed in the Resolution of the Board pertaining to the Application in which event that date shall be the effective date, or unless appeal action is initiated by the Applicant and in that event the effective date shall be the date of the Board's action on the Applicant's appeal.

#### SECTION 1.08 APPEALS

A. An appeal of the action of the Board of Commissioners on the Application must be in writing and filed by, or on behalf of, the Applicant within ten (10) days after the action of the Board on the Application.

B. The appeal shall set forth, in detail, the factual and legal basis of the appeal.

C. The Board of Commissioners shall consider and act

on the appeal within thirty (30) days after the appeal is filed. The Applicant shall be entitled to submit oral or written evidence to the Board in support of the Appeal. Action of the Board on the Appeal shall be final.

SECTION 1.09 LIMITATION OF PERMITS

A. Permits provided for and granted herein, and Emergency permits and Administrative permits provided for, and granted, pursuant to Ordinance Number 4, as amended, adopted by the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT on March 13, 1975, shall be granted for a period of one (1) year from the effective date of the original permit.

B. Permits provided for and granted herein, other than for dredging, may be extended by the Board of Commissioners for successive periods of one (1) year each, not exceeding five (5) years from the effective date of the original permit.

C. Dredging permits shall be completed within one (1) year of the effective date. Extensions of dredging permits may be granted by the Board of Commissioners for the following reasons:

- 1) Conditions existing beyond the control of the Applicant;
- 2) Delay in the permitting process of other governmental agencies;
- 3) Special circumstances involving the volume of necessary dredging.

D. Emergency and Administrative Permits as established in Ordinance Number 4, as amended, adopted by the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT on March 13, 1975, shall not be granted when dredging occurs or where there may significant adverse environmental impact.

SECTION 1.10

The procedures set forth herein are intended to supplement those procedures published by the California Resources Agency, implementing the California Environmental Quality Act of 1970, as amended. In all matters not provided for by these procedures, those procedures adopted by the California Resources Agency as required by the California Environmental Quality Act of 1970, as amended, shall govern the proceedings of the District.

SECTION 1.11


This Ordinance shall become effective thirty (30) days after the date of its Publication in the Times Standard Newspaper, Eureka, California, pursuant to the provisions of Section 22, Appendix 2, of the California Harbors and Navigation Code.

THIS ORDINANCE PASSED AND ADOPTED THIS 26th DAY OF JUNE, 1986,  
BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREA-  
TION, AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

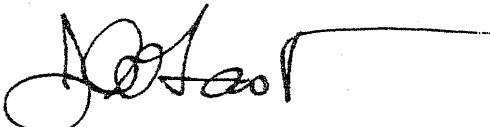
AYES: COMMISSIONER DAVENPORT, COMMISSIONER STORRE, COMMISSIONER GAST,  
COMMISSIONER BLUMER, COMMISSIONER HARDISON

NOES:

ABSENT:

  
\_\_\_\_\_  
ROGER B. HARDISON, SR.  
President, of the Board  
of Commissioners

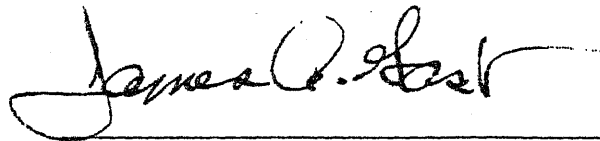
ATTEST:

  
\_\_\_\_\_  
JAMES A. GAST  
Secretary of the 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 Ordinance is a true and correct copy of Ordinance No. 14, entitled: ORDINANCE ESTABLISHING PROCEDURES FOR THE EVALUATION OF APPLICATIONS FOR GRANTS, FRANCHISES, LEASES, PERMITS, RIGHTS, OR PRIVILEGES, AFFECTING OR INVOLVING AREAS OR ACTIVITIES WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT, AND ESTABLISHING RULES AND REGULATIONS PERTAINING THERETO, 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 26th day of June, 1986; 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 26th day of June, 1986.



JAMES A. GAST, Secretary  
Board of Commissioners

(SEAL)