

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

**DATE:** December 9, 2021

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

**PLACE:** Join Zoom Meeting  
<https://us02web.zoom.us/j/3432860852>  
Meeting ID: 343 286 0852  
One tap mobile  
(669) 900-9128, 343 286 0852# US

*Consistent with Executive Orders N-25-20 and N-29-20, the Board of Commissioners meeting location will not be physically open to the public. Members of the public may observe and participate in the meeting via Zoom or teleconference using the information set forth above.*

**1. Call to Order Closed Session at 5:00 P.M.**

**2. Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on the closed session items. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Closed Session Agenda. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners.*

**3. Swearing in of Appointed Commissioner for District 1 pursuant to California Elections Code Section 10265**

**4. Move to Closed Session**

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: 930 Vance Avenue, Samoa, CA (APN 401-031-077-000). Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Larry Henderson and David Nims. Under negotiation: price and terms of payment.
- b) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of lease of real property in Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-031-055-

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000, 401-031-070-000, 401-031-054-000, 401-031-061-000, 401-112-013-000, 401-031-071-000, and 401-112-029-000, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Town of Samoa, Green Diamond, Sniper Properties. Under negotiation: price and payment terms.

### **5. Call to Order Regular Session at 6:00 P.M. and Roll Call**

### **6. Pledge of Allegiance**

### **7. Report on Closed Session**

### **8. Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on the **various issues NOT itemized on this Agenda.** A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public NOT appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. Callers can “raise their hand” by pressing \*9 and unmute themselves by pressing \*6.*

### **9. Consent Calendar**

- a) Receive District Financial Reports for October 2021
- b) Adopt Minutes for October 14, 2021 Regular Board Meeting
- c) Adopt Minutes for November 4, 2021 Special Board Meeting
- d) Adopt Updated Management Salary Schedule
- e) Approval of First Amendment to Employment Agreement with Executive Director, Larry Oetker
- f) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings

### **10. Communications, Reports and Correspondence Received**

- a) Executive Director’s Report
- b) Staff Reports
- c) District Counsel and District Treasurer Reports
- d) Recognize Commissioner Richard Marks as being named 2021 Democrat of the Year by Humboldt County Democrats
- e) Commissioner and Committee Reports

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f) Correspondence Received

**11. Unfinished Business - NONE**

**12. New Business**

**a) Consider Approval of a Contract with Tenera Environmental in the Amount of \$414,044 for Larvae Sampling for Longfin Smelt and Other Fish Species Associated With the Harbor District’s Master Bay Water Intake Project at Redwood Marine Terminal II and Red Tank Dock**

*Recommendation:* Staff Recommends that the Board: Approve the Contract with Tenera Environmental for \$414,014 and appropriate an additional \$15,000 for Agency Consultation Services Associated with the Intake Permitting.

*Summary:* The District has submitted permit applications to withdraw approximately 12 million gallons of bay water from interconnected intake systems through existing “sea chests” at Redwood Marine Terminal II and Red Tank Dock. The intakes will service the Harbor District aquaculture and coastal dependent tenants including Nordic Aquafarms. The County of Humboldt has prepared an Environmental Impact Report (EIR) for the proposed Nordic Aquafarms upland aquaculture project, as well as the ocean outfall discharge and master bay water intake systems; that document is anticipated to be released to the public soon. As part of the review of the EIR, the regulatory agencies are requiring that the 12-month sampling be a condition of approval of the project. The sampling is intended to confirm the results of the Empirical Transport Modeling that has been completed.

**b) Consider Authorizing the Executive Director to Execute a Funding Agreement with the State Lands Commission for \$571,191 of Federal American Rescue Plan Act Funds to Assist with the Development of a New Heavy Lift Terminal**

*Recommendation:* Staff Recommends that the Board: receive a status report on the new heavy lift terminal project and authorize the Executive Director to execute the funding agreement with the State Lands Commission.

*Summary:* Staff submitted a \$591,191 funding request to the State Lands Commission. The District’s application was to utilize 100% of the funds to help with the projected \$5,947,900 soft costs associated with the planning, engineering, permitting, and mitigation of a new Humboldt Bay Offshore Wind and Heavy Lift Marine Terminal.

**c) Consider Authorizing Staff to Initiate the Process Recruit a New Bar Pilot(s) and Review of and Provide Direction Regarding Potentially Amending Existing Ordinance 16, Establishing Standards, Policies and Practices for Pilot Competency Qualification, Professional Growth and Enforcement**

*Recommendation:* Staff Recommends that the Board:

1. Authorize the recruitment of Bar Pilot(s), and
2. Form a Pilotage Advisory Subcommittee.

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*Summary:* Bar Pilots operating in Humboldt Bay are regulated through Ordinance 16. As per Section 2.1, Pilots must possess both a federal Pilot's license and a HBHRCD Pilots License. There are currently two (2) Bar Pilots licensed by the HBHRCD and one of the Pilots is nearing retirement. Section 3.1a. specifies that "the process used to select Pilot Trainee candidates follows general Harbor District hiring procedures...."

**13. Future Agenda Items**

- a) Green Diamond Shared Services Agreement

**14. Adjournment**