

**Humboldt Bay Municipal Water  
District 828 7<sup>th</sup> Street, Eureka**



**Minutes for Regular Meeting of the Board of Directors**

**December 14, 2023**

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**1. ROLL CALL**

President Latt called the meeting to order at 9:01 am. Director Rupp conducted the roll call. Directors Fuller, Latt, Lindberg, Rupp, and Woo were present. General Manager John Friedenbach, Superintendent Dale Davidsen, Business Manager Chris Harris, and Board Secretary Contessa Dickson were present. District Engineer Nate Stevens was present for a portion of the meeting.

**2. FLAG SALUTE**

President Latt led the flag salute.

**3. ACCEPT AGENDA**

On motion by Director Rupp, seconded by Director Lindberg, the Board voted 5-0 to accept the agenda.

**4. PUBLIC COMMENT**

No public comment was received.

**5. MINUTES**

November 7th, 2023, Regular Board Meeting Minutes

On motion by Director Lindberg, seconded by Director Rupp, the Board voted 5-0 to approve the November 7<sup>th</sup>, 2023 minutes.

**6. CONSENT AGENDA**

On motion by Director Rupp and seconded by Director Woo, the Board voted 5-0 to approve the Consent Agenda.

**7. CORRESPONDENCE**

a. HBMWD letters to Wiyot Tribe, Bear River Band of Rohnerville Rancheria, and Blue Lake Rancheria RE: Samoa Peninsula Waterline Right-of-Way Maintenance Project:

HBMWD sent these letters under AB52 which is required communication with local Tribes when a construction project may affect Tribal lands. A response was received from the Wiyot tribe and a consultation meeting is scheduled with them next week.

b. Letter from CalOES to HBMWD re Notice of Desk Compliance Assessment:

Mr. Friedenbach shared a letter received from CalOES. This compliance assessment is for the TRF Redundant Pipeline project, which required a change of scope of work and extension. The District was asked to submit 3 pages of compliance items that were promptly submitted by Ms. Harris. In CalOES's response, they did not identify any instances of non-compliance. Mr. Friedenbach commented that because of Ms. Harris's complete and immediate response with the information, they quickly made this determination within 3 weeks of this notice.

c. HBMWD letter to National Marine Fisheries Services (NMFS):

The District sent this as a response to a letter received in September from NMFS that provided comments on the District's Instream Flow dedication that were not based on factual information. The District responded to clarify information regarding our instream flow dedication. Director Fuller stated an email response was received in the last 2 days from NMFS however, there was not enough time to add it to the Board packet. NMFS is requesting a meeting. Director Rupp stated a good job on the contents of the response letter.

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d. HBMWD letters RE: Request for Exclusion from Settlement agreement:

Mr. Friedenbach sent this letter requesting to be excluded from the Settlement Agreement between Public Water Systems and the E.I. DuPont De Nemours and 3M Company, regarding PFAS contamination. This topic came up at the ACWA conference that Mr. Friedenbach and Director Rupp attended. It was discussed that participation in the settlement forfeits any right to sue in the future. The District has done testing for PFAS, with none detected, but wants to preserve the future right to sue should PFAS be detected in our water source.

**8. CONTINUING BUSINESS**

**8.1 Water Resource Planning:**

a. Local Sales:

i. Nordic Aquafarms:

The Coastal Commission approved a coastal development permit, with special conditions, for wastewater discharge for the Nordic Aquafarms proposed project.

ii. Trinidad Rancheria Mainline Extension:

No update was reported.

iii. Blue Lake Rancheria Mainline Extension

Counsel is preparing the Mainline Extension Agreement.

iv. Offshore Wind Heavy Lift Multipurpose Marine Terminal Project

The previous Harbor District Executive Director has retired. There is a staff-level meeting with the new District Executive Director and senior staff set for next week to discuss the project.

b. Transport

No update was reported.

c. Instream Flow

The District is still awaiting the draft review response from the Water Board staff on the HBMWD's draft 1707 Petition for Change application. The next step will be to evaluate the comments by the Water Board Staff for incorporation into the petition for change submittal to the Water Board. Mr. Friedenbach made a public outreach presentation on December 5, 2023, to the Old Town Rotary about the Petition for Change. A special Board Meeting Study session has been scheduled for Jan 24, 2024, at the Eureka Wharfinger Building from 5:30-7:30 PM. Mr. Friedenbach and the Board discussed the room setup, agenda, and goals for this meeting. Director Woo said Mary Gelinas is available to be the meeting facilitator. A discussion among the Directors followed highlighting the importance of hearing from and educating the public on this topic. They also discussed the best methods for community outreach, including a press release to announce the meeting.

**8.2 McNamara & Peepe**

a. DTSC Monthly Summary Report, November:

Director Woo recused herself due to a conflict of interest and left the Board room. Mr. Friedenbach summarized the monthly email report provided by DTSC. DTSC renewed its

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contract with SHN for the environmental investigative work at the site. There were a couple of monitoring reports conducted in 2023, DTSC is still reviewing those reports. The District is hoping to get results of the first semiannual groundwater sampling results sometime this month. The 2023 site investigations report and findings are expected to be posted in January 2024. There was no date given on when the second annual 2023 groundwater sampling report will be posted. There is much interest to see what those reports say and to see how any contamination may be migrating. No date or agenda for the Quarterly meeting has been received yet.

**9. NEW BUSINESS**

a. New employee presentation:

Ethan Schillinger, new Operations and Maintenance Technician was presented with a District jacket, as is the custom in celebrating new employment with Humboldt Bay Municipal Water District.

b. Compensation & Benefit Study RFP/RFQ:

On April 28, 2023, the District released an RFP/RFQ for a Compensation and Benefit Study to assist the District in understanding how the District compensation and benefits package compares to similar agencies. Based on limited response to the RFP the Directors voted to reject all bids and requested staff reissue the RFP at a later date. Staff reissued the RFP on October 23, 2023. The District received three responses. Staff has reviewed the three RFP responses. While all the submittals exceed budgeted funds of \$25,000, staff found them all to be complete and responsive. If the Board chooses a RFQ that exceeds the budget, the difference can be temporarily funded through General Reserves. Once the Project Budget Reallocation is completed, the reserves may be replenished. Ms. Harris defined the 3 responses from the three bids. Staff recommends accepting RGS's bid. Clarifying questions were asked by the Board. On motion by Director Lindberg, seconded by Director Rupp, the Board voted 5-0 to accept RGS as the firm to conduct the Compensation and Benefit Study.

c. Director compensation:

Staff provided requested information regarding Director compensation. Director compensation is a part of the District Board Policy Handbook, which was last revised in 2020 and is regulated by multiple sections of the California Water Code. California Water Code regulates the amount of compensation a Board member can receive. This amount is set at an initial maximum of \$100, with a 5% increase allowable each calendar year. Director compensation was last reviewed and adjusted in 2001. Director Rupp asked for total compensation including benefits to be presented. For an increase in director compensation, the next step would be to have a draft ordinance brought to the Board. An in-depth discussion ensued. President Latt thanked Ms. Harris for her thorough work.

d. TRF Generator project:

After consultation with the District Engineer, it was determined that the project qualifies for a Categorical Exemption: Small Structure 15303. On motion by Director Fuller, seconded by Director Lindberg, the Board voted 5-0 to find that the project qualifies for the Categorical Exemption and directed staff to file the necessary CEQA paperwork for the TRF Power Resiliency Generator Project.

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**10. REPORTS (from STAFF)**

**10.1 Engineering – (Time set 11:00 am)**

**a. Samoa Peninsula Waterline Right-of-Way Maintenance Project EIR:**

**i. Notice of Preparation comment letters:**

Ms. McNamee of GHD reported out on the Notice of Preparation (NOP) Comment letters. The NOP was published on October 20, 2023, per SEQA section 15082. On November 9, 2023, a public scoping meeting was held during the HBMWD regular Board meeting. On November 14, 2023, the NOP was sent via mail to additional recipients including environmental advocacy groups to garner additional public comment, which was extended through December 4, 2023. At the November 9 Regular Board meeting the District received one oral comment from the Coastal Commission and received 5 written comments from the Native American Heritage Commission (NAHC), the California Department of Fish and Wildlife (CDFW), Friends of the Dunes (FOD), The Bureau of Land Management (BLM), and a joint letter from Humboldt Waterkeeper, Environmental Protection Information Center (EPIC), and Northcoast Environmental Center (NEC). Mr. Friedenbach and Ms. McNamee have begun addressing comments with FOD, Humboldt Waterkeeper, and CDFW. All comments will be addressed and considered in the Environmental Impact Report (EIR).

**ii. AB52 inquiry from Wiyot tribe:**

Per AB 52 tribal consultation, a tribe must request, in writing, to be notified by lead agencies through formal notification of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated. The District received one request for formal consultation from the Wiyot Tribe. A meeting to discuss the project is scheduled between GHD, the District, and the Wiyot Tribe for Monday, December 18, 2023, at 1:00 pm. The Board asked some clarifying questions. The NAHC comment letter included recommendations for cultural resource assessment. The cultural resource sub-consultant on this project, Jamie Roscoe and Associates, has been conducting archeological investigations locally for many years and is well-versed in required best practices.

**iii. Debrief meetings with NGOs and CDFW:**

CDFW recommends including a full impact analysis of the Endangered Species Act listed species in the EIR, which is planned, as well as recommends completing biological surveys throughout the entirety of the project footprint before the circulation of the EIR, which is also planned. FOD recognizes and appreciates the longstanding positive, collaborative relationship with the District, and seeks to continue a dialogue through this CEQA planning process that allows the District to meet its maintenance needs while prioritizing conservation. FOD acknowledges that the project is proposed on and across land that FOD owns or manages for habitat conservation, native dune ecosystem restoration, and public access. They

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are concerned that the project could pursue an extreme and environmentally damaging alternative of wholesale and repeated removal of vegetation from the entirety of the right-of-way without exploring reasonable and viable alternatives seeking to avoid impacts.

The BLM is looking forward to this project as an opportunity to continue collaborating and building upon its decades-long and constructive partnership with the District. They had many requests and concerns including requesting all identified lands affected by this project. They want to see project alternatives in the EIR that address minimizing impact to federally listed vegetation species where impacts are unavoidable. The BLM is requesting the District include them in consultation efforts with the US Fish and Wildlife Service regarding federally listed plants. BLM provides some proposed approaches to establishing funds or cost recovery and requests additional conversations with key staff.

The joint letter from Humboldt Waterkeeper, Northern Environment Center, and EPIC stated they are concerned this EIR could pursue an extreme and repeated removal of vegetation from the entirety of the right-of-way without exploring reasonable and viable alternatives that seek to avoid impacts, rather than mitigate for them. They state that all areas proposed for ground disturbance should be carefully scrutinized for known or potential contamination.

Mr. Friedenbach stated there were many positive comments from various agencies and entities. There are suggestions for variations on mitigation that can be incorporated into the process and analyzed to come up with some creative solutions. Staff and consultants have had some initial meetings with some of these commenters which were very productive and collaborative. The Board thanked Kerry for all of her work.

**Public comments:**

**Mike Cipra, Executive Director for FOD commented:** Mike thanked Mr. Friedenbach and Ms. McNamee for meeting with him. His comment was focused on exploring alternatives for this project. FOD looks forward to working with the District in the future. Additionally, there has always been a spirit of cooperation from the District with FOD. Mike also added Jen Kalt offered a tour of the wetlands. FOD currently owns those wetlands and asked if any Directors interested. President Latt and Director Rupp were interested.

**Katie Rian with the Department of Fish and Wildlife:** Katie was the author of the comment letter presented above. She is interested in the District looking into alternatives and working with the District as they consider different mitigation options.

**Jen Kalt VIA Zoom from Humboldt Waterkeeper:** apologized for missing the scoping meeting last month and thanked Mr. Friedenbach for setting up a meeting with

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him, Jen, and Kerry. Encouraged the Board if they have not been out to the dunes to visit the area. A lot of the pipelines go through wetlands, a lot of culturally sensitive habitat. It is very premature to talk about options before speaking with the Wiyot Tribe. She appreciates how flexible the staff has been talking about different ideas as well as the open dialogue and amount of attention the Board pays to this issue.

Caroline Griffith Director of the Northcoast Environmental Center commented via Zoom: She was present today due to missing the scoping meeting. She appreciated the discussions being had. She agreed with Jen Kalt's suggestions. Also appreciates Mr. Friedenbach sitting down with her colleagues to discuss their concerns.

**b. Collector 2 Rehabilitation Project:**

**i. Layne Pay Request #8:**

A pay request from Layne was in the amount of \$17,3897.50. This covers the remainder of the contract work that has not been previously paid, with the exception of Change Order 3. The District is waiting to receive Layne's final report which will include as-built drawings and their analysis on the pre- and post-well production testing that was performed.

**ii. Change Order #3:**

Layne provided rates that will be re-evaluated at the end of the project, including a credit for a stainless-steel valve the District already had in its possession. This included a credit for that valve. With a final cost of \$1,933.22. On motion by Director Lindberg, seconded by Director Rupp, the Board voted 5-0 to approve Change Order #3 in the amount of \$1,933.22.

**iii. Notice of Completion:**

This serves as a public notice stating construction is complete. The District will hold retainage for 35 days. After 35 days the retainage is released after receiving the final report.

**c. Essex Onsite Sodium Hypochlorite Generation (OSG) Project:**

**i. PSI change order proposal:**

This is a change order request from PSI, who is the manufacturer of the OSG equipment, including the installation of 3 chlorine dosing pumps that will pump manufactured chlorine into the District's system. Those pumps will meter the amount of chlorine dosing based on the flow at the time. The Board asked a few clarifying questions. On motion by Director Rupp, seconded by Director Woo, the Board voted 5-0 to approve PSI Change Order # in the amount of \$62,825.00.

**d. TRF Generator Project:**

PACE has submitted their 60% design plans.

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e. Collector Mainline Redundancy Project:

1. Grant extension approval:

The District received notification from CalOES that they updated their grant sub-award information sheet extending Phase 1 completion date from December 4, 2023 to December 4, 2024.

2. Updated and revised match letter:

Last month a revised match letter was presented for this project based on the increased cost for the change of scope of work that GEI proposed for the project to do additional Geotech. There was a \$27,070.00 budget match increase.

This is an update to last month's letter. On motion by Director Rupp, seconded by Director Lindberg the Board voted 5-0 to send the revised match letter.

ii. Reservoirs Seismic Retrofit Project:

The project is underway and under contract, pushing forward on the final design.

iii. Status report re: other engineering work in progress:

Nothing to report.

b. Financial

i. November 2023 Financial Statement & Vendor Detail Report:

Ms. Harris presented the November 2023 Financial report. The General Account balance is \$1.7 million. The various investments balance is \$10.2 million. Ms. Fuller reviewed the monthly bills with no questions. The Hydro plant is back online as of Tuesday, December 12, 2023, and is once again able to produce revenue. The County has made progress with getting current property tax data. The District can report a balance in the 1% property tax account. The Board asked a few questions. On motion by Director Rupp, seconded by Director Fuller the Board voted 5-0 to approve the November financial report and vendor detail in the amount of \$322,512.70.

ii. November 2023 Fieldbrook-Glendale contract revenue and Expense Summary:

This section of the report has been broken out for transparency. It used to be included in the main financial report, but this means of presentation is much easier to review at a glance.

iii. Ruth Area Fire Fuel Reduction Part III contract:

On November 20, 2023, the District released an RFP/RFQ for part III of the Fire Fuel & Defensible Space Project. Part I and Part II were completed last year and the beginning of this year, which was focused on unburnt property owned by the District. Part III of this project focuses on burnt property owned by the District. This project is funded by a contract between HBMWD and CalFire. District staff received feedback from multiple firms that were either not feasible or extremely costly. District staff received several formal inquiries related to the situation which prompted a response by District staff to any firms wishing to offer an alternative treatment. The Board asked some clarifying questions regarding the location,

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weather, and length of the contract. Staff recommends approving entering into a contract with Simmons Timber Falling. On motion by Director Fuller, seconded by Director Lindberg the Board voted 5-0 to enter into contract with Simmons Timber Falling.

**c. Operations**

**i. November Operations Report:**

Ruth Lake Headquarters recorded 4.08 inches of rainfall for November. HBMWD was notified by PG&E on Monday, December 11, at 10:30 PM that the plant could be put back online. The next day, Tuesday, December 12, the plant went back online. Safety meeting topics for November included trench and excavation safety, ladder safety, Fire Prevention, and SCBAs. Mr. Palmero, the Operations supervisor, attended a Cross Connection Control training in San Jose.

**d. Management**

**i. Resolution 2023-11 Recognizing and Honoring Steve Marshall:**

After 34 years of exceptional tenure with the District, Steve Marshall is retiring on December 30, 2023. Director Rupp read Resolution 2023-11 Recognizing and Honoring Steve Marshall. On a motion by Director Rupp, seconded by Director Woo, the Board voted 5-0 to accept Resolution 2023-11.

**ii. US Fire Service Silviculture Symposium:**

Mr. Friedenbach reported out on the US Fire Service Silviculture Symposium he attended.

**iii. ACWA and ACWA JPIA Fall Conferences:**

Mr. Friedenbach reported out on his attendance of the ACWA/JPIA fall conference. There were a lot of good takeaways including a Cyber Security speaker which Mr. Friedenbach shared highlights with the Board.

**iv. R.W. Matthews Dam historical records at DSOD:**

While attending the USFS Silviculture Symposium Mr. Friedenbach visited the DSOD headquarters. Looking through records, searching for original Matthews Dam construction plans relating to the plunge pool and spillway face reinforcement. The hard copies of design plans were not in the records. In the future, the District may reach out to the original designer Bechtel for those construction design plans. There were many useful photographs and inspection records obtained.

**v. Taxpayer Protection and Government Accountability Act:**

Mr. Friedenbach advised that the State submitted this act to the State Supreme Court that since this initiative may be unconstitutional because it takes away the power of their legislative authority in certain areas. There is interest to see if this makes it onto the next ballot. The Board made a few comments.

**f. DIRECTOR REPORTS & DISCUSSION**

**a. General – comments or reports from Directors**

Director Rupp suggested looking at the District's planning horizons, and long-range planning as we head into the next calendar year. Where the District is in its 5-year capital projects plan? Mr. Friedenbach responded there is an update to the CIP that is in process.



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b. ACWA

i. Greetings, and farewell, from your nation's capital:

Dave Reynolds, a long-standing Federal Representative of ACWA has retired. They are in the process of hiring a replacement.

ii. ACWA Fall Conference:

Director Rupp attended the ACWA-JPIA Fall Conference. He shared the different presentations he attended throughout the conference. In addition, he attended a finance committee meeting and a membership committee meeting.

c. ACWA – JPIA

i. President's Special Recognition Award to HBMWD:

This award was sent to HBMWD for achieving a low ratio of "Paid Claims and Case Reserves" to "Deposit Premiums" in the Liability Program for the period from October 1, 2019 through September 9, 2022.

ii. JPIA Fall Conference:

Director Rupp attended the ACWA-JPIA executive and Board meeting held at the ACWA-JPIA fall conference, it was well attended.

d. Organizations on which HBMWD Serves

i. RCEA:

Director Woo reported out on the November 16, 2023 meeting.

ii. RREDC:

President Latt attended the November 27, 2023 meeting. Elizabeth Connor was the speaker who spoke on the benefits and challenges of Regional housing trust funds. President Latt asked if Director Lindberg was interested in being the regional representative for future RREDC meetings, Director Lindberg said he might be.

ADJOURNMENT

The meeting adjourned at 2:58 pm.

Attest:

  
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Neal Latt, President

  
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J. Bruce Rupp, Secretary/Treasurer