

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

December 4, 2008

PRESENT:

Commissioner Higgins
Commissioner Wilson
Commissioner Pellegrini
Commissioner Curless

ABSENT:

Commissioner Hunter

Vice President Pellegrini called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

District Counsel led those present in the Pledge of Allegiance.

District Counsel reported there was no Closed Session.

PUBLIC COMMENT

Jennifer Savage reported the Surfriders Foundation is putting on a wave energy forum at the end of February 2009 and asked if the Harbor District could be a co-sponsor.

Stephen Pepper, Humboldt Maritime Logistics, reported he has been working on developing short sea shipping service in Humboldt Bay. He said he is making his presentation to the Headwaters Fund Board this month and asked the Board of Commissioners if they could provide a letter of support to aid him in applying for financial assistance. CEO said the Harbor District supports Mr. Peppers project and suggested when Mr. Pepper is ready to apply for funding, his request should be agendized for Board discussion.

Sid Berg, President of the Humboldt-Del Norte Builders and Construction Trades Council, said outside sources are coming into the community to lowball projects and it is hurting local workers. Del Norte High School is looking into adding a construction trades academy and incorporate an apprenticeship program. He said CEO did an excellent job with his presentations to the Del Norte County Board of Supervisors and at the Tri-Agency meeting regarding the Northern trade corridor. He said it generated excitement and thought. Mr. Berg congratulated CEO.

Penny Elsebusch said the Headwaters Fund maximum annual funding is \$300,000. She mentioned the City of Eureka's cranes at the Fisherman's Terminal and wondered if they had been used. She suggested using them to lift containerized products.

CONSENT CALENDAR

Commissioner Wilson asked for item B of the Consent Calendar to be removed for discussion.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF THE REMAINDER OF THE CONSENT CALENDAR. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson asked about the purchase of a laptop for the Humboldt Bay Management Plan Advisory Committee. Director of Conservation reported the laptop will be used mainly for HBMP and related GIS purposes and the information will give spatial visualization which will be helpful to various groups when making recommendations.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF THE ITEM B OF THE CONSENT CALENDAR. COMMISSIONER CURLESS SECONDED.

Commissioner Higgins said it is important for the Director of Conservation to have a dependable equipment.

Sid Berg said he purchased a Sony Vaio desktop and was not satisfied. He suggested a Dell or HP product.

COMMISSIONER WILSON AMENDED THE MOTION AS FOLLOWS: MOVE FOR THE APPROVAL OF THE PURCHASE OF A LAPTOP COMPUTER NOT TO EXCEED \$1,700. COMMISSIONER HIGGINS ACCEPTED THE AMENDMENT.

David Elsebusch said the Board of Commissioners should specify the laptop is for the Director of Conservation's use only.

MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- ❖ City of Eureka has replaced two of the cranes at the Fisherman's Terminal. CEO stated while the cranes were put to good use at the opening of crab season, they are not the appropriate cranes for short sea shipping purposes.
Commissioner Pellegrini thanked the City of Eureka for the new cranes saying they are good for the fishing community.
- ❖ Traveled to Washington DC for CMANC. The group participated in 14 meetings, discussing the America's Maritime Highway program, Harbor Maintenance Tax, economic stimulus, and O&M and appropriations requests, among others. CEO stated that even though many of the agencies visited are in transition, the meetings were informative and beneficial.
- ❖ CEO and Director of Maritime Commerce are developing comments to the MARAD Marine Highway program, a marine highway corridor from Ensenada to Vancouver BC.
- ❖ CEO spoke at the Del Norte Board of Supervisors meeting and the Tri-Agency (Crescent City Harbor District, Del Norte County and Crescent City) Committee meeting regarding economic development for the area.
- ❖ CEO and Director of Maritime Commerce working on updating the economic stimulus list, which includes some Strategic Plan projects.
- ❖ 12/18: CEO will give the first annual report to the Board of Commissioners on the progress of the 2007-2011 Strategic Plan.
- ❖ 12/10: The first Humboldt Bay Management Plan Advisory Committee meeting will be held. The meetings are being scheduled for the 2nd Wednesday of each month.
- ❖ Letters included in the Board's packets: A letter from SeaGrant giving kudos to Director of Conservation for his involvement on the Humboldt Ecosystem Program Advisory Team; a letter from Mike Chrisman, Secretary of Resources for the State of California, thanking the Harbor District for the letter of support of Proposition 84 funding for the Elk River Access Project; and a letter of thanks from the City of Eureka for the letter of support for their pre-application to the Headwaters Fund Board for the purchase of a flake ice machine.
- ❖ The Marina Center EIR is available for review. The public comment period will end January 31, 2009. Commissioner Higgins asked if the Harbor District should be involved with this project. CEO stated if the Board of Commissioners wanted to submit comments regarding the EIR, they should do so.

DISTRICT COUNSEL REPORT: None

STAFF REPORT: None

COMMISSIONERS REPORTS

Commissioner Higgins

- ❖ Reported the collaborative fisheries venture is progressing, moving forward to engage the Ocean Protection Council and others.
- ❖ Said he is working with Commissioner Wilson on the Economic Development Committee.
- ❖ Stated he is interested in the wave energy forum and suggested the Harbor District co-sponsor the event.

Commissioner Wilson:

- ❖ Said he continues to have concerns with the floating docks ending up on local beaches. He would like to know who is responsible for the clean-up of these docks when they disintegrate on the beaches. CEO reported he is working with the Coast Guard, Sheriff's Department and the City of Eureka to develop a program to take care of these problems when they emerge.
- ❖ Stated he appreciated staff's listing of some local projects to the proposed economic stimulus package.
- ❖ Attended an interagency trails meeting yesterday.
- ❖ Is concerned with grumblings from constituents regarding the employment of the bar pilots when the shipping business has decreased. Commissioner Higgins said he did not think the Board should be concerned with perceptions; but if the situation continues, adjustments would need to be considered and decisions made for fiscal reasons.
At this point, District Counsel cautioned the Board to not get into a non-agendized discussion.

Commissioner Curless:

- ❖ Received a phone call from Ken Wahlund in Garberville, who has applied for permits to remove some big rocks from his quarry in Southern Humboldt and is hoping to use them for the Shelter Cove breakwater next summer
- ❖ Suggested spreading native grass seed around Woodley Island to provide more food for the herd of deer.

Commissioner Pellegrini:

- ❖ Reported crab season started December 1st; and unfortunately the crabs are not in abundance this year.

ADVISORY COMMITTEE REPORTS

Commissioner Wilson reported he and Commissioner Higgins met regarding the Economic Development Advisory Committee. He said they are trying to move forward with the format for the committee, but is proving to be more difficult than either thought it would be. Commissioner Higgins said they want to look globally at prospects for the bay and are still exploring if they can get key players from the private sector to be on the committee.

OTHER: None

NON-AGENDA

Commissioner Higgins asked if support for the wave energy forum could fall under Non-Agenda at this meeting. District Counsel stated the Non-Agenda parameters are very limited; and even though the item came to the Board's attention after the agenda had been prepared, the issue is not an emergent one and thus could wait for a future agenda.

NEW BUSINESS

A. CONSIDERATION OF RENEWAL OF PERMIT NO. 05-06 TO KUIPER MARICULTURE, INC. FOR AQUACULTURE TERMINAL PROJECT.

CEO explained this is the annual renewal of Kuiper Mariculture's permit.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF PERMIT NO. 05-06 TO KUIPER MARICULTURE, INC. FOR AQUACULTURE TERMINAL PROJECT. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF TIDELAND LEASE TO KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF TIDELAND LEASE TO KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF SAMOA SHOPS LEASE EXTENSION AGREEMENT WITH THE TIMBER HERITAGE ASSOCIATION.

CEO reported the Timber Heritage Association (THA) long-term use of the Samoa Shops Complex for Museum purposes is a part of the Redwood Marine Terminal project; but until CEQA has been completed on the RMT project, only short-term leasing of the Shops can take place. Therefore, the lease extension proposed is the appropriate action. The THA has acquired a new locomotive, which is required to be stored indoors. This lease extension also includes a portion of the machine shop for the storage of the locomotive. The lease is for a term of 12 months, ending in December 2009. If at that time, the property is not ready for a long-term lease, the agreement will continue on a month to month basis.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF SAMOA SHOPS LEASE EXTENSION AGREEMENT WITH THE TIMBER HERITAGE ASSOCIATION. COMMISSIONER CURLESS SECONDED.

Commissioner Wilson asked about the merits of separating the Timber Heritage Association's project from the Redwood Marine Terminal project in regards to CEQA requirements. CEO stated he will ask District Planner about the pros and cons of segregating the two projects, but that the proposed action has been previously reviewed and recommended by District staff.

Commissioner Higgins said before he considers a long-term lease, he would like some information on THA's funding and a Business Plan.

Commissioner Wilson said he has not had a chance to inspect the improvements made by THA to the property, but asked if the District would assume the liability of the work. District Counsel stated under the initial lease, THA's liability continues until the end of the lease when the work is accepted by the Harbor District.

Mike Kellogg thanked the Board of Commissioners for working with THA on this project. He said the storage of the artifacts and stabilization of the historic buildings are important to the community. He said there have been many volunteer hours used to make the repairs to the buildings; and before the property is turned into a museum, a long-term lease will be necessary. Mr. Kellogg said it would be advantageous to begin work on a more permanent arrangement and at a rate that will allow THA to work on a project beneficial to the whole community.

District Counsel reported as of October 31st, the contributions to time and materials to meet THA's lease obligations have resulted in a \$12,500 credit for this next year's lease.

Commissioner Higgins asked Mr. Kellogg if THA can meet the terms of the lease. Mr. Kellogg responded it will be a stretch since donations are down and costs are up.

Marcus Brown thanked the Board of Commissioners for their support and said historical items would have been lost if not stored at this site. He said initially they were concerned they would be in the way of port development, but it has taken longer than expected. Mr. Brown said a long-term lease is needed in order to apply for grant funding. He also said he would like to get some relief from the many hours it takes to meet the lease requirements and said if the Harbor District continued to support THA's project, it would demonstrate to the District's skeptics that the District meets its harbor, recreation and conservation goals.

Commissioner Pellegrini asked what more the Harbor District can do for THA. Mr. Brown responded the terms of the lease could be modified because \$40,000 per year in time and materials keeps them from focusing on planning, business plans and strategic plans.

Mr. Kellogg asked if at some point prior to the end of the lease the required \$40,000 has been met, can the lease be revised. District Counsel stated the parties can always discuss revisions or rescinding the lease.

Commissioner Wilson suggested to move forward with the lease agreement as is, but put together an ad hoc committee to discuss potential changes. Commissioner Pellegrini said she and Commissioner Higgins will work with THA.

Sid Berg commended THA for the work they have put into making viable this historic resource for the community.

Commissioner Wilson suggested clarification of permit responsibility be part of discussion with THA. He said he would like to divide out the administrative costs of applying for the permits and have THA match funds for their environmental process.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:35 p.m.

APPROVED BY:

RECORDED BY:

____Signature on File_____
Roy Curless
Secretary

____Signature on File_____
Patricia L. Tyson
Director of Administrative Services