

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

DATE: May 25, 2011

TIME: 6:00 PM Executive Closed Session
7:00 p.m. Regular Session

PLACE: Woodley Island Marina Meeting Room

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 443-0801 five (5) working days in advance of the meeting.

1. **Call Executive Closed Session to Order.**
 - a. **Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54956.8 (Conference with Real Property Negotiator)**
 - Conference with Real Property Negotiator
Negotiating parties: David Hull, Chief Executive Officer; Paul Brisso, District Counsel

Under Negotiation:
 1. Potential lease terms of District property to TJS Holding and Leasing Company, Inc.
 2. Potential lease terms of District property to Timber Heritage Association
2. **Adjourn Executive Closed Session**
3. **Call to Order Regular Session at 7:00 p.m. and Roll Call**
4. **Pledge of Allegiance**
5. **Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on 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 an 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 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. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

6. Consent Calendar

Note: All matters listed under the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion. There will be no separate discussion of these items. If discussion is required, that item will be removed from the Consent Calendar and considered separately.

- a. Consideration of approval of minutes from April 14, 2011 Board of Commissioners meeting.
- b. Consideration of approval of minutes from April 28, 2011 Board of Commissioners meeting.
- c. Consideration of approval of travel expenses for CEO to attend AAPA meeting in Savannah, GA.
- d. Consideration of amendment No. 1 to agreement with Oscar Larson and Associates to include engineering services related to the demolition of Redwood Marine Terminal Building #14 due to storm and earthquake damage.
- e. Consideration of approval of one-year extension to Permit No. 07-05 to the Wiyot Tribe for the Tuluwat Village Restoration Project.
- f. Consideration of approval of one-year extension to Permit No. 07-01 to the City of Arcata for the McDaniel Slough Wetland Restoration Project.

7. Communications and Reports

- a. Chief Executive Officer's Report
- b. District Counsel's Report
- c. Staff Reports
- d. Commissioner Reports
- e. Advisory Committee Reports
- f. Other
 - 1. Potential Implications of Sea Level Rise for North Humboldt Bay – An HSU Student Presentation

8. Non Agenda

9. Unfinished Business

- a. Public Hearing on proposed FY2011/12 Budget
- b. Consideration of approval of a General Plan Update comment letter to the County of Humboldt.
- c. Consideration of Resolution 2011-06 making findings relative to Permit Application No. 11-04 to Jerome Simone, President, Humboldt Bay Rowing Association for a permanent non-seasonal dock and gangway.
- d. Consideration of Permit No. 11-04 to Jerome Simone, President, Humboldt Bay Rowing Association for a permanent non-seasonal dock and gangway.

10. New Business

- a. Consideration of rescission of application for Permit No. 11-05 and accepting for filing application for Permit No. 11-07 to the California Coastal Conservancy for the study of mechanical and chemical control methods of *Spartina densiflora* in muted and unmuted tidal marsh.
- b. Consideration of approval of Resolution 2011-07 Commemorating the 100th Anniversary of the Port of Long Beach.
- c. Consideration of approval of Resolution 2011-08 to enter into a contract and accept funds from the California Department of Fish and Game for Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area.
- d. Consideration of approval of Resolution 2011-09 Authorizing Designation of Applicant's Agent for Non-State Agencies.

Agenda for May 25, 2011 Regular Board Meeting

- e. Consideration of appointing two Board members to work on lease negotiations with Timber Heritage Association.
- f. Consideration of approval of a mechanism to collect and reserve sufficient funds for future mariculture permitting expenses as related to the District's Aquaculture Expansion Project.
- g. Consideration of approval of a \$200 scholarship to HSU student Leah Healy to speak at the Environmental Management of Enclosed Coastal Seas Global Summit, August 28-31, 2011, Baltimore Maryland.

11. Administrative and Emergency Permits

12. Adjournment

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

May 25, 2011

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Higgins
Commissioner Marks

President Wilson called the Executive Session to order at 6:00 p.m.

Bob Figas, owner of Figas Construction, told the Board of Commissioners he sent a letter to the Board in January to request use of the Redwood Dock and a warehouse. He said he decided not to use the warehouse, but was still interested in the dock on a ship-by-ship basis. Logs are being decked currently on Danco property adjacent to the Redwood Marine Terminal property. Recently the Board entered into an Exclusive Right to Negotiate (ERTN) with another customer. Mr. Figas said he currently has 5-6 ships in line to come to Humboldt Bay and asked the Board to appoint two Commissioners to review dock usage and the potential for multiple users.

District Counsel stated included in the ERTN is the Board's right to lease the dock as long as it does not interfere with the rights of the holder of the exclusive right.

The Board of Commissioners then adjourned to Executive Closed Session.

President Wilson adjourned the Executive Closed Session at 6:51 p.m.

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

President Wilson asked Andy Colonna to lead those present in the Pledge of Allegiance.

District Counsel reported on the items discussed during Closed Session: Conference with Real Property Negotiator on potential lease terms of District Property to TJS Holding and Leasing Company, Inc. and potential lease terms of District property to Timber Heritage Association - no action was taken.

PUBLIC COMMENT: None

CONSENT CALENDAR

Commissioner Pellegrini asked to have Item (d) pulled from the Consent Calendar for further discussion.

COMMISSIONER PELLEGRINI MOVED FOR APPROVAL OF THE REMAINDER OF THE CONSENT CALENDAR.COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Item (d): Commissioner Pellegrini asked if there was potential for reclaimed lumber in the demolition of Building 14 at the Redwood Marine Terminal. CEO replied that Building 14 was built in the 1920's and was originally 1100'. Louisiana-Pacific started to dismantle the building in the 1980's and it is currently 200'. The building has sustained major storm and earthquake damage over the years and has significant structural issues; therefore, CAL-EMA will award disaster funds for the demolition. CEO stated staff tried to find people to salvage the building; but it is made of fir, not redwood; and due to the building's construction, the demolition will diminish the value of the lumber. CEO said the engineers would inspect the building for hazardous materials.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ITEM (D) OF THE CONSENT CALENDAR. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- ❖ 5/5: CEO and Commissioner Pellegrini met with PG&E representatives on the King Salmon Canal dredging project.
- ❖ 5/6: CEO attended a Strategic Plan organizational meeting with Commissioners Wilson and Marks and consultants Gelinias*James. Preceding the next Board meeting on June 8 will be the kick-off meeting for the District's Strategic Plan process.
- ❖ 5/11-12: CEO, Commissioners Wilson and Marks attended the 11th California Maritime Leadership Symposium in Sacramento.
- ❖ 5/17: CEO and Adam Wagschal made a presentation to the Headwaters Fund Board on the aquaculture expansion project. CEO said the Board approved the \$200,000 grant with conditions.
- ❖ 5/19: CEO attended a meeting set up by Congressman Mike Thompson for transportation people within the Congressman's district to meet with US DOT Secretary LaHood.
- ❖ 5/24: CEO made a day trip to San Francisco to attend the West Coast Marketing Analysis Study Management Committee meeting with their consultant, TEC.
- ❖ CEO reported most of the floats needed for the HSU Aquatic Center docks are in place.

DISTRICT COUNSEL REPORT

District Counsel reported he has been working on the two Closed Session items, the potential leases for TJS Holding Company, Inc. and Timber Heritage Association.

STAFF REPORT: None

COMMISSIONERS AND ADVISORY COMMITTEE REPORTS

Commissioner Pellegrini:

- ❖ Met with PG&E representatives on the King Salmon Canal dredging issue. Commissioner Pellegrini hopes there will be a resolution soon.
- ❖ Attended the Headwaters Fund Board meeting along with Commissioner Wilson, CEO, Adam Wagschal and the whole Humboldt Bay mariculture industry. She said the mariculture industry people are a pleasure to work with because they are solution oriented.
- ❖ Was proud to announce her daughter Michaela was awarded the 1st Roger Rodoni Memorial scholarship.

Commissioner Curless:

- ❖ Met with ranchers and Supervisor Clendenon at Eel Rock regarding rail banking.

Commissioner Higgins:

- ❖ Participated with Chad Roberts and Adam Wagschal in the interviews for the Director of Conservation Division.
- ❖ Was interviewed by Roger James of Gelinias*James for the Strategic Plan.
- ❖ Was interviewed on KMUD and wrote an editorial for the McKinleyville Press.

Commissioner Marks:

- ❖ Attended the CMLS in Sacramento. He said one of the interesting discussions at that meeting was about the stringent regulations in California that are causing competitive issues.
- ❖ Stated the Samoa Peninsula Fire District is taking steps to create a Community Services District.
- ❖ Was also interviewed by Roger James for the Strategic Plan.

Commissioner Wilson:

- ❖ Said he was pleased the Headwaters Fund Board approved the aquaculture expansion project grant.
- ❖ Attended a RREDC Board meeting and discussed the positive and negative impacts of log exports.
- ❖ Stated prior to tonight's Closed Session, Bob Figas expressed interest to him in using the Redwood Dock Berth1.
- ❖ Was pleased the Strategic Plan is moving forward.
- ❖ Attended the CMLS and met with representatives from the Ports of Richmond and Redwood City.
- ❖ Was interviewed on KMUD for Coastal Currents and spoke about the aquaculture expansion project.
- ❖ Spoke with Supervisor Lovelace about the redistricting issues.
- ❖ Attended an air quality meeting where they discussed recommendations for changes to the CARB regulations, which were revised from regulations for the Ports of Oakland and Long Beach.
- ❖ Attended the opening of the Humboldt Cultural Center in Manila.

OTHER

Potential Implications of Sea Level Rise for North Humboldt Bay – An HSU Student Presentation.

Leah Healey and Sophie Scully from the HSU Department of Environmental Science and Management presented their semester project *Implications of Sea Level Rise on North Humboldt Bay*.

Chad Roberts stated this is a good baseline document for future discussion. He said currently there is a workgroup implementing issues from the Humboldt Bay Management Plan, of which sea level rise is one; and the Humboldt Bay Management Plan Advisory Committee will resume meeting when the new Director of Conservation is hired.

NON-AGENDA: None

UNFINISHED BUSINESS

A. PUBLIC HEARING ON PROPOSED FY 2011/12 BUDGET.

District Treasurer stated there have been no changes to the budget since it was first presented to the Board on April 14. He read the summary as follows: Revenue \$2,178,509; Operating Expenses \$1,918,781; Non-Operating Expenses \$259,623; Excess Revenues Under Expenses \$105.

CEO stated there have been recurring requests for the Fields Landing Boat Yard to stay open longer hours during summer in order for the boat owners to be able to work on their boats. CEO suggested as a pilot project for the month of June a fee of \$40 per day will be charged for people wanting to work on their boat for extended hours from 5 p.m. – 8 p.m. and this fee will be included in the FY 2011/12 Budget. It was agreed the hours would be extended from May 1 – September 30.

CEO said the next Board meeting will be on June 8 and the Board will consider the 1st Reading of the FY 2011/12 Budget. The 2nd Reading and Adoption of the FY 2011/12 Budget will be at the June 23rd Board meeting.

B. CONSIDERATION OF APPROVAL OF A GENERAL PLAN UPDATE COMMENT LETTER TO THE COUNTY OF HUMBOLDT.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF A GENERAL PLAN UPDATE COMMENT LETTER TO THE COUNTY OF HUMBOLDT. COMMISSIONER MARKS SECONDED.

COMMISSIONER WILSON OFFERED A FRIENDLY AMENDMENT TO REMOVE THE HARBOR ELEMENT FROM THE GENERAL PLAN UPDATE LETTER. COMMISSIONERS HIGGINS AND MARKS ACCEPTED THE FRIENDLY AMENDMENT.

Tom Hofweber from the County of Humboldt stated the Harbor Elements is a part of the Coastal Plan. Currently the County is in the first step of updating the overall General Plan. The Coastal Plan will be amended if needed.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF RESOLUTION 2011-06 MAKING FINDINGS RELATIVE TO PERMIT APPLICATION NO. 11-04 TO JEROME SIMONE, PRESIDENT, HUMBOLDT BAY ROWING ASSOCIATION FOR A PERMANENT NON-SEASONAL DOCK AND GANGWAY.

COMMISSIONER PELLEGRING MOVED FOR APPROVAL OF RESOLUTION 2011-06 MAKING FINDINGS RELATIVE TO PERMIT APPLICATION NO. 11-04 TO JEROME SIMONE, PRESIDENT, HUMBOLDT BAY ROWING ASSOCIATION FOR A PERMANENT NON-SEASONAL DOCK AND GANGWAY. COMMISSIONER HIGGINS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF PERMIT NO. 11-04 TO JEROME SIMONE, PRESIDENT, HUMBOLDT BAY ROWING ASSOCIATION FOR A PERMANENT NON-SEASONAL DOCK AND GANGWAY.

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF PERMIT NO. 11-04 TO JEROME SIMONE, PRESIDENT, HUMBOLDT BAY ROWING ASSOCIATION FOR A PERMANENT NON-SEASONAL DOCK AND GANGWAY. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF RESCISSION OF APPLICATION FOR PERMIT NO. 11-05 AND ACCEPTING FOR FILING APPLICATION FOR PERMIT NO. 11-07 TO THE CALIFORNIA COASTAL CONSERVANCY FOR THE STUDY OF MECHANICAL AND CHEMICAL CONTROL METHODS OF *SPARTINA DENSIFLORA* IN MUTED AND UNMUTED TIDAL MARSH.

CEO reported the Coastal Conservancy is the lead agency for this permit. Chemical methods for controlling *Spartina densiflora* are being tested. In the application for Permit 11-05 they were going to test in Palco Marsh, but then decided against using that site. In this application, testing will be done at Bracut Marsh, as well as on Woodley Island.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF RESCISSION OF APPLICATION FOR PERMIT NO. 11-05 AND ACCEPTING FOR FILING APPLICATION FOR PERMIT NO. 11-07 TO THE CALIFORNIA COASTAL CONSERVANCY FOR THE STUDY OF MECHANICAL AND CHEMICAL CONTROL METHODS OF *SPARTINA DENSIFLORA* IN MUTED AND UNMUTED TIDAL MARSH. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF RESOLUTION 2011-07 COMMEMORATING THE 100TH ANNIVERSARY OF THE PORT OF LONG BEACH.

CEO stated the Port of Humboldt Bay has a piece of history of the 100th anniversary of the Port of Long Beach. The first ship that called at the Port of Long Beach, the S.S. *laqua*, was built in Humboldt Bay and carried a load of redwood lumber from Humboldt Bay.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF RESOLUTION 2011-07 COMMEMORATING THE 100TH ANNIVERSARY OF THE PORT OF LONG BEACH.
COMMISSIONER MARKS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL OF RESOLUTION 2011-08 TO ENTER INTO A CONTRACT AND ACCEPT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR SECRETARIAT SERVICES FOR THE HARBOR SAFETY COMMITTEE OF THE HUMBOLDT BAY AREA.

COMMISSIONER PELLEGRINI MOVED FOR APPROVAL OF RESOLUTION 2011-08 TO ENTER INTO A CONTRACT AND ACCEPT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR SECRETARIAT SERVICES FOR THE HARBOR SAFETY COMMITTEE OF THE HUMBOLDT BAY AREA. COMMISSIONER CURLESS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROVAL OF RESOLUTION 2011-09 AUTHORIZING DESIGNATION OF APPLICANT'S AGENT FOR NON-STATE AGENCIES.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF RESOLUTION 2011-09 AUTHORIZING DESIGNATION OF APPLICANT'S AGENT FOR NON-STATE AGENCIES.
COMMISSIONER CURLESS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF APPOINTING TWO BOARD MEMBERS TO WORK ON LEASE NEGOTIATIONS WITH TIMBER HERITAGE ASSOCIATION.

Dan Hauser, member of the Timber Heritage Association, said he and Mike Kellogg would be happy to work with a committee of the Board and asked if the negotiations would be for a lease only or transfer in fee title. District Counsel responded the discussions could be as broad as they would like.

President Wilson appointed Commissioner Higgins and himself to work with CEO, District Counsel, Dan Hauser and Mike Kellogg on negotiations for long-term disposition of the property at Redwood Marine Terminal for the Timber Heritage Association.

F. CONSIDERATION OF APPROVAL OF A MECHANISM TO COLLECT AND RESERVE SUFFICIENT FUNDS FOR FUTURE MARICULTURE PERMITTING EXPENSES AS RELATED TO THE DISTRICT'S AQUACULTURE EXPANSION PROJECT.

CEO reported the Headwaters Fund Board unanimously approved a \$200,000 grant for pre-permitting for the aquaculture expansion project with one condition: the Harbor District not return requesting more money when it is time to renew the permits. The Harbor District Board of Commissioners will need to approve a mechanism to collect and reserve sufficient funds for these needs. CEO stated the staff recommendation as follows: Staff recommends the District establish a "Mariculture Management Fund Reservation" that will be defined as follows: *Each year, the District shall reserve 25% of the tideland revenue from mariculture operations on tidelands leased as a part of the District's mariculture expansion project. These funds are reserved for future expenses related to permitting and environmental compliance for mariculture activities on District tidelands.*

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF A MECHANISM TO COLLECT AND RESERVE SUFFICIENT FUNDS FOR FUTURE MARICULTURE PERMITTING EXPENSES AS RELATED TO THE DISTRICT'S AQUACULTURE EXPANSION PROJECT.
COMMISSIONER MARKS SECONDED.

Todd Van Herpe thanked the Board of Commissioners and congratulated them on the Headwaters Fund Grant stating this is an important step in bringing in new business.

MOTION CARRIED WITHOUT DISSENT.

G. CONSIDERATION OF APPROVAL OF A \$200 SCHOLARSHIP TO HSU STUDENT LEAH HEALY TO SPEAK AT THE ENVIRONMENTAL MANAGEMENT OF ENCLOSED COASTAL SEAS GLOBAL SUMMIT, AUGUST 28-31, 2011, BALTIMORE, MARYLAND.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF A \$200 SCHOLARSHIP TO HSU STUDENT LEAH HEALY TO SPEAK AT THE ENVIRONMENTAL MANAGEMENT OF ENCLOSED COASTAL SEAS GLOBAL SUMMIT, AUGUST 28-31, 2011, BALTIMORE, MARYLAND.
COMMISSIONER MARKS SECONDED.

Commissioner Marks stated Ms. Healy would be a bright spot to represent Humboldt Bay. She speaks well as was just evident in her presentation to the Board of Commissioners.

Commissioner Curless suggested not calling the \$200 a scholarship as it implies it might be ongoing. Commissioner Marks agreed.

Commissioner Pellegrini said she does not like the precedence this might set and does not agree with this use of public funds.

Commissioner Marks said these situations should be taken on a case-by-case basis; but if Ms. Healy is agreeable to represent Humboldt Bay, he thinks this is a just expense.

MOTION CARRIED WITH COMMISSIONERS PELLEGRINI AND CURLESS DISSENTING.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

Ron Fritzsche reported Dr. George Allen recently passed away. He was instrumental in the Arcata Marsh project and other important projects concerning fish and fauna in Humboldt Bay. His memorial service will be in July. Dr. Fritzsche said it would be a kind gesture to pass a resolution from the Harbor District that recognizes Dr. Allen's great contribution to Humboldt Bay and surrounding area.

The Regular Meeting of the Board of Commissioners adjourned at 8:26 p.m.

APPROVED BY:



Ronnie Pellegrini
Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services