

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

**DATE:** January 14, 2010

**TIME:** 6:00 p.m. 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 to Order at 6:00 p.m.**
2. **Adjourn Executive Closed Session**
3. **Call to Order Regular Session at 7:00 p.m. and Roll Call**
4. **Pledge of Allegiance**
5. **Report on Executive Closed Session**
6. **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.*

**7. 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 Agreement with the Resource Legacy Fund Foundation for \$50,000 grant for North Coast MPA Array Coordination.
- b. Consideration of approval of Agreement with the Resource Legacy Fund Foundation for \$198,490 grant for development of a collaborative fisheries research program to inform fisheries management and adaptive management of marine protected areas.
- c. Consideration of approval of purchase of replacement radiator for the Marine Travelift from A-1 Radiator. \$1,582.50
- d. Consideration of approval of agreement with H.T. Harvey and Associates to provide scientific review services related to North Coast MPA Array Coordination. \$10,000.00
- e. Consideration of approval of Memorandum of Understanding to Encourage and Formalize the Cooperative Relationship Necessary for Effective Management, Coordination and Implementation of Invasive Plant Species Programs.
- f. Consideration of One-Year Extension to Permit No. 08-01 to Redwood Community Action Agency for the Wood Creek Restoration Project.
- g. Consideration of accepting for filing Permit Application No. 09-08 to Chevron Products Company for Chevron Eureka Terminal Maintenance Dredging.

**8. 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
  - a. Presentation on 2009 District Year in Review

**9. Non Agenda**

**10. Unfinished Business**

**11. New Business**

- a. Consideration of Receiving and Filing the annual audit for the year ending June 30, 2009.
- b. Consideration of approval of Resolution 2010-01 Requesting a Grant in the Amount of \$199,795.00 from the County of Humboldt/Headwaters Community Investment Fund for a Humboldt County Pre-MLPA Community-Based Socioeconomic Characterization and Risk Assessment.

***Agenda for January 14, 2010 Board Meeting***

- c. Consideration of Resolution 2010-02 Establishing Findings Relative to Application by James Roberts, Sr. for the King Salmon Dock Replacement Project.
- d. Consideration of issuing Permit No. 09-07 to James Roberts, Sr. for King Salmon Dock Replacement Project.
- e. Consideration of Resolution 2010-03 Establishing Federal and State Legislative Priorities for the Humboldt Bay Harbor, Recreation and Conservation District During the 2010 Legislative Session.

**12. Administrative and Emergency Permits**

**13. ADJOURNMENT**

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

**January 14, 2010**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Wilson  
Commissioner Higgins  
Commissioner Marks

**ABSENT:**

None

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

Commissioner Marks led those present in the Pledge of Allegiance.

Vice President Curless announced there was no Closed Session.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

District Counsel requested Item 7(c) be pulled for further discussion.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF ITEMS A, B, D, E, F & G OF THE CONSENT CALENDAR. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Item 7(c): District Counsel asked if staff is requesting a new or rebuilt radiator for the Marine Travelift. CEO stated staff's recommendation is the rebuilt one.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ITEM 7 (C) OF THE CONSENT CALENDAR. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**CEO REPORT**

- ❖ 1/9: Eureka sustained a 6.5 earthquake. CEO reported not much damage to Harbor District facilities, other than Building 14 at the Redwood Dock Marine Terminal facility. Building 14 sustained damage to the roof; staff is assessing the amount of damage.
- ❖ The North Coast Local Agency MOA for the MLPA was sent to 16 agencies. CEO reported some of the agencies have already taken action to approve. A kick-off meeting for the group is planned for late February.
- ❖ 1/7: A conference call was held to discuss the 2010 Humboldt Bay Symposium, which will be held April 22-24, 2010.
- ❖ Director of Conservation has been working diligently with the MPA array group to meet the February 1<sup>st</sup> deadline to submit external arrays.
- ❖ CEO has been working with landowners in Fields Landing to coordinate the movement of the PG&E engines.
- ❖ The Fields Landing Boat Yard is closed for a month for annual maintenance. Any emergency services will be taken by Eureka Boat Yard.
- ❖ 1/13: The Humboldt Bay Management Plan Advisory Committee met. Their efforts now focus on implementing the highest ranked policies.

## DISTRICT COUNSEL REPORT

District Counsel reported there is a tentative agreement with NCRA to pay their loan in two payments – one-half now and one-half by July 1, 2010. The amendment to NCRA's promissory note to the Harbor District was an item for consideration on NCRA's agenda yesterday.

**STAFF REPORT:** None

## COMMISSIONERS REPORTS

Commissioner Pellegrini:

- ❖ Reported Director of Conservation is doing a phenomenal job on the tri-county MLPA group. She said she is impressed with the level of commitment and expertise by members of the group.
- ❖ Asked about the pilings seen floating in the bay. CEO stated there is no one agency responsible for removal of debris in the bay. He said he continues to meet with OSPR on who is responsible and where the funding would come from. District Bar Pilots have been largely responsible for removal of logs, pilings, floats etc. Most debris is taken to Fields Landing Boat Yard to be removed with the Travelift and disposed of at District expense.
- ❖ Said progress is being made on the remodeling of the Fields Landing Boat Ramp. District partnered with the County on this project and Department of Boating and Waterways issued a grant.
- ❖ Reported fishermen in the ocean did feel the earthquake.

Commissioner Wilson:

- ❖ Reported he and Director of Conservation met with local mariculture growers on how to enhance mariculture in Humboldt Bay. He said he will be asking HSU students if there is interest in conducting a feasibility study on mariculture enhancement.
- ❖ Congratulated Commissioners Pellegrini and Higgins for their work on the MLPA. Director of Conservation is doing a great job crossing the political and cultural lines to bring everyone together on this important issue.

Commissioner Higgins:

- ❖ Said he is looking forward to a productive year in Humboldt County: the pulp mill re-opening, the pilot project for wave energy, an aquaculture park, etc. He said it is good to see private interests around the bay speaking to each other.
- ❖ Reported there are still substantial differences among those involved with the MLPA.
- ❖ Announced he is running for 5<sup>th</sup> District Supervisor.

Commissioner Marks:

- ❖ Reported the earthquake did quite a bit of damage to his house. He said there was general confusion in Manila about where to go and what to do during and after the earthquake. There were no tsunami sirens, but found out later NOAA reported the earthquake was not the type to create a tsunami.
- ❖ Spoke to Bob Simpson, Freshwater Pulp, regarding the pulp mill. Mr. Simpson said in the near future there will be a tentative agreement with the Regional Water Quality Control Board and he has funding for a secondary water treatment plant. Currently Mr. Simpson is taking care of some earthquake damage to the facility, but is expecting start-up by the end of the year.

Commissioner Curless:

- ❖ Reported CalTrans is preparing the southbound lanes of Highway 101 for the movement of the PG&E engines.

## ADVISORY COMMITTEE REPORTS

Commissioner Wilson:

- ❖ Reported the Humboldt Bay Management Plan Advisory Committee meetings have now moved to a quarterly calendar. He recommended one of the other Commissioners to join the committee, since Commissioner Pellegrini recently resigned from the committee.

Commissioner Higgins:

- ❖ Stated the MPA array deadline is February 1<sup>st</sup> and the deadline will be met. He said it is hopeful the arrays meet the criteria.
- ❖ Reported the Economic Development Committee meetings will start up again on the last Wednesday of January. He said the January meeting will focus on his report to the committee containing the information from the stakeholder meetings.
- ❖ The committee on wave energy met. He said this project is a long endeavor and suggested the bar pilots attend the meetings.

## OTHER

### Presentation on 2009 District Year in Review

CEO gave a PowerPoint presentation on District accomplishments in 2009. The Board thanked him for his in-depth presentation.

**NON-AGENDA:** None

**UNFINISHED BUSINESS:** None

## NEW BUSINESS

### A. CONSIDERATION OF RECEIVING AND FILING THE ANNUAL AUDIT FOR THE YEAR ENDING JUNE 30, 2010.

Kim McReynolds presented the 2008/09 audit to the Board. She said there were a few suggestions, such as develop an equipment inventory; but otherwise she presented the audit with a clean opinion, which means there is nothing materially wrong with the District's financials. Ms. McReynolds stated in the future, post-employment benefits must be recorded in the financials. This is a requirement for all state agencies. District Treasurer is looking into the requirements.

COMMISSIONER HIGGINS MOVED FOR RECEIVING AND FILING THE ANNUAL AUDIT FOR THE YEAR ENDING JUNE 30, 2009. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

### B. CONSIDERATION OF APPROVAL OF RESOLUTION 2010-01 REQUESTING A GRANT IN THE AMOUNT OF \$199,795.00 FROM THE COUNTY OF HUMBOLDT/HEADWATERS COMMUNITY INVESTMENT FUND FOR A HUMBOLDT COUNTY PRE-MLPA COMMUNITY-BASED SOCIOECONOMIC CHARACTERIZATION AND RISK ASSESSMENT.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF RESOLUTION 2010-01 REQUESTING A GRANT IN THE AMOUNT OF \$199,795.00 FROM THE COUNTY OF HUMBOLDT/HEADWATERS COMMUNITY INVESTMENT FUND FOR A HUMBOLDT COUNTY PRE-MLPA COMMUNITY-BASED SOCIOECONOMIC CHARACTERIZATION AND RISK ASSESSMENT. COMMISSIONER HIGGINS SECONDED.

David Elsebusch said this study attempts to address various scenarios of what might occur and it is too vague.

Commissioner Higgins said the Headwaters Fund Board took emergency action to approve this item. If the MPA's are imposed, in order to compel the judge to reverse the decision of the State, it is imperative to have as much information as possible on record.

CEO stated the \$50,000 is for the first phase of the project. It is expected that Headwaters Fund Board will request the remainder to be approved by the Board of Supervisors.

Andy Colonna said the Act does not consider the socioeconomic issues as a tactical ploy; otherwise the inclusion could neutralize the CEQA requirements.

Commissioner Wilson said he is in favor of the study, but cautioned neutrality is important.

Casey Allen, Humboldt Saltwater Anglers Association, said the study could be helpful in determining new opportunities for fisheries.

ROLL CALL VOTE WAS TAKEN:

Commissioner Curless – Aye  
Commissioner Pellegrini – Aye  
Commissioner Wilson – Aye  
Commissioner Higgins – Aye  
Commissioner Marks – Aye

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF RESOLUTION 2010-02 ESTABLISHING FINDINGS RELATIVE TO APPLICATION BY JAMES ROBERTS, SR. FOR THE KING SALMON DOCK REPLACEMENT PROJECT.**

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF RESOLUTION 2010-02 ESTABLISHING FINDINGS RELATIVE TO APPLICATION BY JAMES ROBERTS, SR. FOR THE KING SALMON DOCK REPLACEMENT PROJECT. COMMISSIONER WILSON SECONDED.

ROLL CALL VOTE WAS TAKEN:

Commissioner Curless – Aye  
Commissioner Pellegrini – Aye  
Commissioner Wilson – Aye  
Commissioner Higgins – Aye  
Commissioner Marks - Aye

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF ISSUING PERMIT NO. 09-07 TO JAMES ROBERTS, SR. FOR KING SALMON DOCK REPLACEMENT PROJECT.**

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF ISSUING PERMIT NO. 09-07 TO JAMES ROBERTS, SR. FOR KING SALMON DOCK REPLACEMENT PROJECT. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**E. CONSIDERATION OF RESOLUTION 2010-03 ESTABLISHING FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DURING THE 2010 LEGISLATIVE SESSION.**

CEO stated the majority of the priorities have been carried over from previous years.

Commissioner Higgins stated the resolution gives the CEO and the Board the latitude to pursue issues with the District's legislative representatives.

Commissioner Wilson stated the resolution can be amended during the year if the Board sees a need.

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF RESOLUTION 2010-03 ESTABLISHING FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DURING THE 2010 LEGISLATIVE SESSION. COMMISSIONER PELLEGRINI SECONDED.

ROLL CALL VOTE WAS TAKEN:

Commissioner Curless – Aye  
Commissioner Pellegrini – Aye  
Commissioner Wilson – Aye  
Commissioner Higgins – Aye  
Commissioner Marks – Aye

MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS:** None

The Regular Meeting of the Board of Commissioners adjourned at 8:50 p.m.

APPROVED BY:

RECORDED BY:

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Mike Wilson  
Secretary

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Patricia L. Tyson  
Director of Administrative Services