

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

**January 12, 2023**

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date, Closed Session met at 5:00 P.M., Regular Session met at 6:00 P.M. at the Woodley Island Marina meeting room, 601 Startare Drive, Eureka, CA 95501.

**CLOSED SESSION – 5:00 P.M.**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: No one.

**SWEARING IN OF ELECTED COMMISSIONERS FOR DIVISION 3 AND DIVISION 4 PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10265**

**BUSINESS**

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-054-000, 401-031-061-000, 401-112-013-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: California Redwood Company. Under negotiation: price and terms of payment.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: All or Portions of Humboldt County Assessor Parcel Nos.: 401-112-024-000, 401-031-040-000, 401-031-078-000, and 401-031-083-000, and portions of the tidelands along the Samoa Peninsula adjacent to Redwood Marine Terminal I. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Crowley Wind Services, Inc. Under negotiation: price and terms of payment.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APN: 401-031-083-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Samoa Pacific Group, LLC. Under negotiation: price and terms of payment.
- e) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-054-000, 401-031-061-000, 401-112-013-000. Agency negotiator: Larry Oetker, Executive

**Adopted Minutes for January 12, 2023 Regular Board Meeting**

Director; Ryan Plotz, District Counsel. Negotiating parties: California Redwood Company.  
Under negotiation: price and terms of payment.

- f) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-071-000 and 401-112-029-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Sniper Enterprises, LLC. Under negotiation: price and terms of payment.

**REGULAR SESSION – 6:00 P.M.**

**ROLL CALL**

PRESENT: BENSON  
DALE  
KULLMANN  
HIGGINS  
NEWMAN

ABSENT: NONE

QUORUM: YES

**PLEDGE OF ALLEGIENCE**

**ELECTION OF BOARD PRESIDENT, VICE PRESIDENT AND SECRETARY**

COMMISSIONER HIGGINS NOMINATED INCUMBENTS TO SERVE ANOTHER TERM.

COMMISSIONER BENSON SECONDED.

COMMISSIONER HIGGINS AMENDED HIS MOTION AS FOLLOWS: GREG DALE AS BOARD CHAIR, STEPHEN KULLMANN AS VICE CHAIR AND AARON NEWMAN AS SECRETARY.

COMMISSIONER BENSON SECONDED THE AMENDMENT.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

**REPORT ON SPECIAL CLOSED SESSION:** No reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on the regular session meeting agenda: Melanie McCavour of Bear River Rancheria commented on the correspondence received.

**CONSENT CALENDAR**

- a) Adopt Minutes for December 8, 2022 Regular Board Meeting

- b) Receive District Financial Reports for October 2022

COMMISSIONER KULLMANN MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-B.

COMMISSIONER NEWMAN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

**Adopted Minutes for January 12, 2023 Regular Board Meeting**

Ayes: DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: BENSON

**COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's report.
- b) Staff Reports
  - I. Staff presented on recent District activities.
- c) District Counsel and District Treasurer Reports
  - I. No Report.
- d) Commissioner and Committee Reports
  - I. Commissioners reported on recent activities and subcommittees.
- e) Correspondence Received
  - 1. Wiyot Tribal Council Resolution NO 22-28 Affirming the ancestral territory and jurisdiction of the Wiyot Tribe and Duly Enrolled Citizens of the Tribe.
  - 2. Letter from the Humboldt Bay Municipal Water District regarding water supply needs for the Heavy Lift Marine Terminal project.

**UNFINISHED BUSINESS - NONE**

**NEW BUSINESS**

- a) **Consider Adopting Resolution 2023-01, A Resolution Declaring that Governing Body and Volunteers Shall Be Deemed Employees of the District for the Purpose of Providing Workers' Compensation Coverage**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2023-01, A RESOLUTION DECLARING THAT GOVERNING BODY AND VOLUNTEERS SHALL BE DEEMED EMPLOYEES OF THE DISTRICT FOR THE PURPOSE OF PROVIDING WORKERS' COMPENSATION COVERAGE. COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

- b) **Consider Adopting Resolution 2023-02, A Resolution Accepting Funds from the California Department of Fish and Wildlife, Office of Spill Prevention and Response for Oil Spill Prevention and Response Equipment, and to Authorize the Executive Director to execute the Grant Agreement**

- I. District Staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2023-02, A RESOLUTION ACCEPTING FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, OFFICE OF SPILL PREVENTION AND RESPONSE FOR OIL SPILL PREVENTION AND RESPONSE EQUIPMENT, AND TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE GRANT AGREEMENT.

COMMISSIONER BENSON SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

**c) Consider Appointing Board Member as the Harbor District Representative on the Humboldt Bay Development Association to Replace Richard Marks.**

- I. Chair Dale presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO APPOINT AARON NEWMAN TO THE HUMBOLDT BAY DEVELOPMENT ASSOCIATION.

COMMISSIONER KULLMANN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

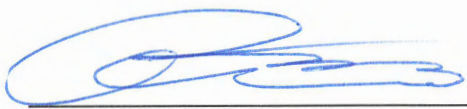
Absent: NONE

Abstain: NONE

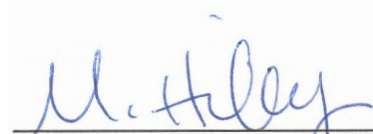
**ADJOURNMENT – 7:23 P.M.**

APPROVED BY:

RECORDED BY:



Aaron Newman  
Secretary of the Board of Commissioners



Mindy Hiley  
Director of Administrative Services