

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

**October 13, 2022**

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. both via video conference with a teleconference option.

**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.

**BUSINESS**

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential Acquisition of Mario’s Marina LLC commonly known as Mario’s Marina in Shelter Cove (APN: 108-171-023-000), Humboldt County, California pursuant to California Government Code §54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Mario’s Marina, Shelter Cove Resort Improvement District, and Shelter Cove Fisherman’s Preservation, Inc. Under negotiation: price and payment terms.
- b) 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.
- c) 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.
- d) 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.
- e) 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.

**REGULAR SESSION – 6:00 P.M.**

**ROLL CALL**

**PRESENT:** HIGGINS  
KULLMANN  
MARKS  
NEWMAN

**ABSENT:** DALE

**QUORUM:** YES

**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: Patrick Hooven, Chelsey Rios, Randy Sundberg and Lori DeVoist.

**PLEDGE OF ALLEGIANCE**

**CONSENT CALENDAR**

- a) Adopt Minutes for September 8, 2022 Regular Board Meeting
- b) Adopt Minutes for September 28, 2022 Special Board Meeting
- c) Receive District Financial Reports for July 2022
- d) Approve Purchase Order No. for Express Personnel Temporary Maintenance Worker
- e) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings
- f) Consider Accepting for Filing District Permit 2022-06: Mad River Slough Shellfish Nursery
- g) Maintenance Manager Contract

COMMISSIONER MARKS MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-G.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: HIGGINS, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: DALE

Abstain: NONE

**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
  - I. Two Public Records Requests regarding Nordic Aquafarms.

**UNFINISHED BUSINESS**

- a) **Consider Adopting Amendment No. 4 to Ordinance No. 5: An Amendment to the Ordinance Establishing Fees for Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District**

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

COMMISSIONER MARKS MOVED TO ADOPT AMENDMENT NO. 4 TO ORDINANCE NO. 5: AN AMENDMENT TO THE ORDINANCE ESTABLISHING FEES FOR COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: HIGGINS, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: DALE

Abstain: NONE

**NEW BUSINESS**

- a) **Humboldt Bay Natural Shoreline Infrastructure Project**

- I. District Staff introduced Hank Seemann, who presented the item.
- II. The Commission discussed the item.
- III. Vice Chair Newman opened the item to public comment. No one commented.
- IV. Vice Chair Newman moved the discussion back to the Commission.
- V. Presentation only, no formal action was taken.

- b) **Consider Adopting Resolution 2022-12 Establishing Findings Relative to and Approving Harbor District Permit 2022-04 with Conditions for the Humboldt Bay Trail South**

- I. District Staff presented the item.
- II. The Commission discussed the item.
- III. Vice Chair Newman opened the item to public comment. Hank Seemann commented.
- IV. Vice Chair Newman moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2022-12 ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2022-04 WITH CONDITIONS FOR THE HUMBOLDT BAY TRAIL SOUTH.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: HIGGINS, MARKS, NEWMAN

Noes: NONE

Absent: DALE, KULLMANN

Abstain: NONE

**c) Consider Adopting Resolution 2022-13 Establishing Findings Relative to and Approving Harbor District Permit 2022-05 with Conditions for the City of Eureka Samoa Boat Launch Improvements**

- I. District Staff presented the item.
- II. The Commission discussed the item.
- III. Vice Chair Newman opened the item to public comment. No one commented.
- IV. Vice Chair Newman moved the discussion back to the Commission.  
COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2022-13 ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2022-05 WITH CONDITIONS FOR THE CITY OF EUREKA SAMOA BOAT LAUNCH IMPROVEMENTS.  
COMMISSIONER MARKS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: HIGGINS, MARKS, NEWMAN  
Noes: NONE  
Absent: DALE, KULLMANN  
Abstain: NONE

**d) Notification for the Removal and Relocation of Military Vessel 1091 Temporarily Stored on District Property APN 401-031-040**

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Vice Chair Newman opened the item to public comment. No one commented.
- IV. Vice Chair Newman moved the discussion back to the Commission.  
COMMISSIONER HIGGINS MOVED TO APPROVE NOTIFICATION FOR THE REMOVAL AND RELOCATION OF MILITARY VESSEL 1091 TEMPORARILY STORED ON DISTRICT PROPERTY APN 401-031-040  
COMMISSIONER MARKS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: HIGGINS, MARKS, NEWMAN  
Noes: NONE  
Absent: DALE, KULLMANN  
Abstain: NONE

**e) Consider Appointing Bar Pilot Apprentice Interviewed by the Pilotage Advisory Subcommittee**

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Vice Chair Newman opened the item to public comment. Andrew Manning commented.
- IV. Vice Chair Newman moved the discussion back to the Commission.  
COMMISSIONER MARKS MOVED TO APPOINT ANDREW MANNING AS A BAR PILOT APPRENTICE.  
COMMISSIONER HIGGINS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: HIGGINS, MARKS, NEWMAN  
Noes: NONE

**Adopted Minutes for October 13, 2022 Regular Board Meeting**

Absent: DALE, KULLMANN

Abstain: NONE

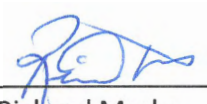
**FUTURE AGENDA ITEMS**

- a) Labor Negotiations for Multipurpose Dock

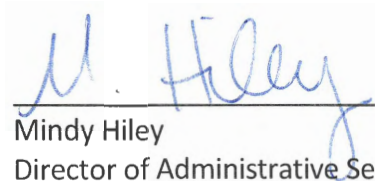
**ADJOURNMENT – 7:00 P.M.**

APPROVED BY:

RECORDED BY:



Richard Marks  
Secretary of the Board of Commissioners



Mindy Hiley  
Director of Administrative Services