

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

**DATE:** April 14, 2011  
**TIME:** 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 Regular Session at 7:00 p.m. and Roll Call**
- 2. Pledge of Allegiance**
- 3. 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.*

**4. 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 travel expenses for CEO to attend Secretary of Transportation Ray LaHood's 2<sup>nd</sup> Annual National Port Summit, April 21, 2011, Chicago, IL.
- b. Consideration of purchase of replacement furnace for Woodley island Marina Office from O&M Industries. \$1,814.00

**5. 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

**Agenda for April 14, 2011 Regular Board Meeting**

**6. Non Agenda**

**7. Unfinished Business**

a. Consideration of Adoption of FY2011/12 Preliminary Budget

**8. New Business**

a. Consideration of accepting for filing permit application No. 11-05 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 Exclusive Right to Negotiate with TJS Leasing and Holding Company, Inc. for Redwood Marine Terminal, Berth 1.

c. Consideration of adoption of Resolution 2011-05 A Resolution Adopting the Disadvantaged Business Enterprise (DBE) Program.

d. Consideration of adoption of Resolution 2011-04 Concurring in the Nomination of J. Bruce Rupp to the Board of Directors of the Association of California Water Agencies Health Benefits Authority.

e. Consideration of submitting a letter of concern to the County of Humboldt regarding the General Plan Update.

**9. Administrative and Emergency Permits**

**10. Adjournment**

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

**April 14, 2011**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Wilson  
Commissioner Higgins  
Commissioner Marks

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 the Pledge of Allegiance.

President Wilson reported there was no Closed Session.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

President Wilson pulled Item (a) for further discussion.

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

Item (a): CEO said Transportation Secretary LaHood felt the importance of bringing the ports together and organized a conference last year; this conference in Chicago on April 21 is the next step in the outreach program to the maritime industry. CEO has been in discussions with Washington DC lobbyist, Stephen Pepper of Humboldt Maritime Logistics and representatives from Mike Thompson's office about what the Harbor District is requesting from the Reauthorization Bill and the timing is good for CEO to present the proposal in person.

Commissioner Pellegrini asked about the cost of the travel to the conference. Director of Administrative Services said the cost would be approximately \$1,500.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ITEM (A) OF THE CONSENT CALENDAR. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITH COMMISSIONER PELLEGRINI DISSENTING.

**CEO REPORT**

- ❖ 3/21-14: CEO travelled to Washington DC to attend both the AAPA Spring Conference and CMANC Washington Week events.
- ❖ 4/1: Commissioner Pellegrini and CEO met with PG&E representatives on the King Salmon Canal.
- ❖ 4/6: District Director of Maritime Commerce Wilson Lacy retired.
- ❖ 4/12: CEO met with local ranchers and engineers on the Reclamation District 768 levee.
- ❖ 4/13: Commissioner Wilson and CEO submitted a \$200,000 grant application to Headwaters CIF program for the aquaculture expansion project.
- ❖ 4/13-14: Commissioners Marks and Wilson and CEO interviewed three potential Strategic Plan consultants.
- ❖ 4/14: CEO participated in the North Coast Local Agency Coastal Coordination Committee meeting.
- ❖ This week the District maintenance crew completed the Fields Landing shoreline repair of the tsunami erosion and worked with the Ship Shop and Café Marina on carpet replacement.

- ❖ The dredge Yaquina will be working in Humboldt Bay until next week and the Essayons through the month.

Tim Petrusha, District Bar Pilot, reported two ships have come to Humboldt Bay since the middle of last month and another is expected in the next couple of weeks. Also the Bar Pilots participated in the Coast Guard's mass casualty drill.

**DISTRICT COUNSEL REPORT:** None

**STAFF REPORT:** None

**COMMISSIONERS AND ADVISORY COMMITTEE REPORTS**

Commissioner Pellegrini:

- ❖ Reported she missed the March Board meeting – she was vacationing in Hawaii during the tsunami.
- ❖ Met with PG&E representatives, Supervisor Smith and CEO regarding the King Salmon canal.
- ❖ Attended Wilson Lacy's retirement.
- ❖ Attended the NCLACCC meeting. Monitoring the MPA boundaries is a high priority to the committee.
- ❖ Attended the April 12 County Board of Supervisors meeting to hear the discussion about the General Plan Update.

Commissioner Curless:

- ❖ Attended Wilson Lacy's retirement.
- ❖ Reported the Shelter Cove Breakwater is working well.
- ❖ Stated there have been many road slides during the last week that make travel to and from Humboldt County difficult.

Commissioner Wilson:

- ❖ Attended Wilson Lacy's retirement.
- ❖ Interviewed with CEO the applicants for Strategic Plan consultant.
- ❖ Submitted the grant application to Headwaters.

Commissioner Higgins:

- ❖ Attended Wilson Lacy's retirement.
- ❖ Said there are some excellent candidates for the Director of Conservation Division.
- ❖ Reported the City of Arcata has approached NCRA regarding rail banking. Commissioner Higgins feels the District should be one of the candidates to manage the rail banking or at least have staff review the project for feasibility.
- ❖ Participated in the North Coast Local Agency Coastal Coordination Committee meeting today. The group discussed several monitoring grant-funded projects to develop a co-management strategy of the MLPA.

Commissioner Marks:

- ❖ Attended Wilson Lacy's retirement.
- ❖ Attended the April 12 County Board of Supervisors meeting.
- ❖ Participated in the interviews for the Strategic Plan consultant.
- ❖ Participated in discussions on the Samoa Peninsula Fire Department formation of a Community Services District.

**OTHER:** None

**NON-AGENDA:** None

**UNFINISHED BUSINESS**

**A. CONSIDERATION OF ADOPTION OF FY2011/12 PRELIMINARY BUDGET.**

CEO stated that other than a few minor word changes, the budget presented at this meeting is the same as the one presented at the Board's Budget Workshop on March 17. Approval by the Board will begin the 30-day public comment period. CEO went over the minor changes.

COMMISSIONER MARKS MOVED FOR THE ADOPTION OF THE FY2011/12 PRELIMINARY BUDGET. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

**NEW BUSINESS**

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

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

**B. CONSIDERATION OF APPROVAL OF EXCLUSIVE RIGHT TO NEGOTIATE WITH TJS LEASING AND HOLDING COMPANY, INC. FOR REDWOOD MARINE TERMINAL, BERTH 1.**

CEO reported this is the first step to a potential long-term lease. The approval of an Exclusive Right to Negotiate is the legal instrument that allows the TJS Leasing and Holding Company, Inc. to start the due diligence on project feasibility.

Jeff Cyphers, President of TJS Leasing and Holding Company, Inc., told the Board his company plans on partnering with Westerlund Log Handlers and has every intention to make a long-term investment that will be beneficial to Humboldt County.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF EXCLUSIVE RIGHT TO NEGOTIATE WITH TJS LEASING AND HOLDING COMPANY, INC. FOR REDWOOD MARINE TERMINAL, BERTH 1. COMMISSIONER PELLEGRINI SECONDED.

Roger Nance, Westerlund Log Handlers, gave the Board a presentation on his company's operations.

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF ADOPTION OF RESOLUTION 2011-05 A RESOLUTION ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM.**

CEO reported this program is required to access federal grant funds.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2011-05 A RESOLUTION ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM. COMMISSIONER CURLESS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRIN – AYE  
COMMISSIONER CURLESS – AYE  
COMMISSIONER WILSON – AYE  
COMMISSIONER HIGGINS – AYE  
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF ADOPTION OF RESOLUTION 2011-04 CONCURRING IN THE NOMINATION OF J. BRUCE RUPP TO THE BOARD OF DIRECTORS OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES HEALTH BENEFITS AUTHORITY.**

COMMISSIONER PELLEGRINI MOVED FOR THE ADOPTION OF RESOLUTION 2011-04 CONCURRING IN THE NOMINATION OF J. BRUCE RUPP TO THE BOARD OF DIRECTORS OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES HEALTH BENEFITS AUTHORITY. 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.

**E. CONSIDERATION OF SUBMITTING A LETTER OF CONCERN TO THE COUNTY OF HUMBOLDT REGARDING THE GENERAL PLAN UPDATE.**

Commissioner Pellegrini stated that her constituents had asked that the Board of Commissioners review and comment on the County's General Plan Update (GPU). She said there is information that needs updating and the Board of Supervisors needs to be educated on the District's role. Commissioner Pellegrini noted many changes to be made to the GPU. She also suggested CEO should make a presentation to the Planning Commission and/or the Board of Supervisors about the District's role. The Board of Supervisors has moved forward with a Citizens Advisory Committee and Commissioner Pellegrini said CEO should have a seat on that committee.

John Miller from the County stated they welcome updates to the narrative. He also said the Citizens Advisory Committee suggested by the Board of Supervisors is specific to McKinleyville and the Greater Eureka Plans. The Board of Supervisors approved an outreach plan to meet with the districts.

Tina Christensen said Supervisor Smith said he would put together a special advisory committee.

President Wilson suggested each Commissioner forward their comments to CEO.

Mr. Miller said he would forward to CEO the Planning Commission's markup of the GPU.

Tina Christensen said she understands there are wide-open policies until the Board of Supervisors votes to adopt. This harbor is the County's biggest asset besides timber and it deserves its own section of the GPU. She said she feels the harbor is not being acknowledged by the County's Economic Development Department and the GPU might be a source for grant funding for harbor projects.

Lee Ulansey recommended the Board of Commissioners formally ask for a seat on the Citizens Advisory Committee. Presentations are helpful, but being a part of the formal process is more beneficial.

President Wilson said he spoke with Supervisor Lovelace who promised the Harbor District would be included in the process.

Commissioner Marks said Supervisor Smith wants to put together a "select" committee to include all service districts and county-wide representatives.

Commissioner Pellegrini requested CEO send a letter to the Board of Supervisors formally asking for a seat at the table and the opportunity to give a presentation to the Planning Commission and to draft language for changes to the GPU.

COMMISSIONER PELLEGRINI MOVED FOR THE CONSIDERATION OF THE BOARD OF COMMISSIONERS TO AUTHORIZE CEO TO SEND A LETTER TO THE BOARD OF SUPERVISORS REQUESTING HARBOR DISTRICT REPRESENTATION AT THE CITIZEN/COMMUNITY/SELECT COMMITTEE AND FOR CEO TO REQUEST A PRESENTATION TIME TO THE PLANNING COMMISSION. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Tina Christensen said the majority of the property along the Fields Landing channel is Coastal Industrial Dependent and cannot be used without getting boats through there. Commissioner Pellegrini said currently the north side of the bay entrance is not being used to the full potential and there is only one private user of South Bay. There needs to be more than one user for Corps maintenance. Ms. Christensen said that should be reflected in the zoning.

CEO stated the Fields Landing Channel is a deepwater channel maintained by the Corps of Engineers and is still functional. If the zoning changes, the Corps may lose interest in maintaining the channel.

#### ADMINISTRATIVE AND EMERGENCY PERMITS

CEO reported there were two Administrative Permits approved since the last Board meeting.

The Regular Meeting of the Board of Commissioners adjourned at 8:32 p.m.

APPROVED BY:

  
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Ronnie Pellegrini  
Secretary

RECORDED BY:

  
\_\_\_\_\_  
Patricia L. Tyson  
Director of Administrative Services