

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

DATE: April 25, 2013

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 24 hours in advance of the meeting.

1. **Call to Order at 6:00 p.m.**
 - a. Move to Executive Closed Session pursuant to the provisions of the California Government Code Sections 54956.8 (Conference with Real Property Negotiator) and 54957.6 (Negotiations with Represented Employees)
 1. Conference with Real Property Negotiator
Negotiating Parties: Paul Brisso, District Counsel; Mike Wilson, Board President; Richard Marks, Vice President; Jack Crider, Chief Executive Officer

Under Negotiation:
Freshwater Tissue Company property purchase negotiations
 2. Conference with Labor Negotiator
Agency Negotiators: Chief Executive Officer, District Counsel, Two (2) or less of the members of the Board of Commissioners
Employee Organization: As recognized by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District, including International Longshore and Warehouse Union, Local 14A.
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 Session**
6. **Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on the 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 any 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 for each speaker 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.

Agenda for April 25, 2013 Regular Board Meeting

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 minutes from the February 4, 2013 Special Board Meeting.

8. Communications and Reports

- a. Chief Executive Officers Report
- b. Staff Reports
- c. District Counsel's and District Treasurer's Reports
- d. Commissioner and Committee Reports
- e. Other

9. Non Agenda

10. Unfinished Business

- a. Consideration of 2013 Permit Fees to operate a Charter Service at Woodley Island Marina.

11. New Business

- a. Consideration of Permit and Agreement to Operate a Charter Service with Tony Sepulveda dba *Shellback Sport Fishing*.
- b. Consideration of Permit and Agreement to Operate a Charter Service with Gary Blasi dba *Full Throttle Sportfishing*.
- c. Consideration of Permit and Agreement to Operate a Charter Service with Matt Dallam dba *Northwind Charters*.
- d. Consideration of Permit and Agreement to Operate a Charter Service with Tim Klassen and Sherry Klassen dba *Reel Steel Sportfishing*.
- e. Consideration of approval of Application and Permit for Use of Woodley Island to Commercial Fishermen's Wives of Humboldt to hold a Memorial Service on May 27, 2013 at 9:30 a.m.
- f. Consideration of extension of Permit 2007-01 to the City of Arcata for the McDaniel Slough Wetland Enhancement Project.
- g. Consideration of a Memorandum of Understanding to become a member of the UpState RailConnect Committee.
- h. Consideration of amendment 2013-01 to Coast Seafoods' use permit 04-03.
- i. Consideration of adoption of Resolution 2013-04, which establishes findings regarding the Final Programmatic Environmental Impact Report for the Humboldt Bay Regional *Spartina* Eradication Plan (FEIR, Exhibit B), and the associated Mitigation Monitoring and Reporting Program (included as part of Exhibit B).
- j. Consideration of adopting the Humboldt Bay Regional Invasive *Spartina* Eradication Plan (Exhibit C), with FEIR mitigation measures fully incorporated, and accepting the Harbor District's "Coordinator" role as outlined in the Plan.
- k. Consideration of authorizing acceptance of a \$500,000 grant from the Coastal Conservancy for implementation of the Humboldt Bay Regional Invasive *Spartina* Eradication Plan.

12. Administrative and Emergency Permits

13. Adjournment

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

April 25, 2013

PRESENT

Commissioner Newman
Commissioner Wilson
Commissioner Marks
Commissioner Higgins

ABSENT

Commissioner Dale

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

President Wilson adjourned the Executive Closed Session at 7:00 p.m.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:03 p.m.

President Wilson asked Monte Provolt to lead those present in the Pledge of Allegiance.

District Counsel reported out of the Executive Closed Session as follows: Freshwater Tissue Company property purchase negotiations ; Conference with Labor Negotiator – no action to report.

PUBLIC COMMENT

Pete Oringer thanked the District for participating at the Timber Heritage fundraiser.

CONSENT CALENDAR

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

COMMUNICATIONS AND REPORTS

CHIEF EXECUTIVE OFFICER REPORT

- ❖ Flew with Bar Pilot Tim Petrusha and a consultant with BST Associates to look at the different railroad routes for the pre-feasibility study; the terrain is beautiful and was a great exercise in getting to know the land layout. Stated layout designs should be available in about 30 days.
- ❖ Has been working hard on the Budget.
- ❖ Reported wifi is running for the Marina with free usage at this time.
- ❖ Said he and Commissioner Wilson are one session away from graduating Leadership Training.

STAFF REPORTS

Director of Conservation

- ❖ Attended a Sea Level Rise Working Group meeting.
- ❖ Stated CalTrans has recently received additional funding for climate change impacts.
- ❖ Reported the Surfrider Foundation has been renewing its efforts to clean up Samoa and Manila beach dumping; focusing on education and public awareness.
- ❖ Said HASA has an upcoming public meeting regarding the Artificial Reef project; hired a local planner to help them with permitting challenges.

- ❖ Will be meeting with the Wiyot Tribal Council due to some of the aquaculture permitting sites being in the immediate vicinity of Indian Island.

Director of Facility Maintenance

- ❖ Will be installing the first shipment of power pedestals on the docks at Woodley Island Marina.
- ❖ Has been working on summer maintenance.
- ❖ Is going to Shelter Cove on Monday to take care of the fish cleaning station pipe extension in preparation for a busy fishing season.

Bar Pilot Tim Petrusha

- ❖ Stated the dredge Essayons will be dredging in the Bay for a few weeks
- ❖ Assisted in hauling the boat that was stuck in the mud in North Bay, which is now at Woodley Island.

DISTRICT COUNSEL REPORT

- ❖ No report.

COMMISSIONER AND COMMITTEE REPORTS

Commissioner Wilson

- ❖ Would like to see a tour arranged for the public to experience being on the dredge Essayons.
- ❖ Reported District Staff has been working on solutions regarding the challenges with fish carcasses and pelicans in Shelter Cove.
- ❖ Said his interview with KEET TV aired last night.
- ❖ Stated there were beach cleanup efforts on Earth Day.
- ❖ Attended a Coastal Nature Center party.
- ❖ Reported HSU students will be presenting their ideas for Fields Landing at an upcoming meeting.
- ❖ Said he and Commissioner Marks will be working with the Humboldt Harbor Working Group on a draft Resolution for possible Board adoption.
- ❖ Attended a Working Waterfronts Symposium; saw a representative from the North Coast Journal in attendance and commends them for being there.

Commissioner Marks

- ❖ Has been working with the Budget Committee.
- ❖ Attended a Humboldt Harbor Working Group meeting, where Casey Allen made a presentation on the Artificial Reef project.
- ❖ Attended a Timber Heritage Association event.

Commissioner Higgins

- ❖ Attended a Timber Heritage Association event.
- ❖ Met with Bill Burgel from BST Associates regarding the railroad; said his knowledge was impressive and he is looking forward to the report.
- ❖ Has been working with Susan Penn regarding wildlife enhancement; said the current wildlife area on Woodley Island is not at full potential.
- ❖ Is happy that Halibut season will begin soon; stated HASA and Sea Grant are funding a graduate student to gather data regarding recreational Halibut fishing.
- ❖ Would like to reconvene the Economic Development Committee.
- ❖

NON AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF 2013 PERMIT FEES TO OPERATE A CHARTER SERVICE AT WOODLEY ISLAND MARINA.

CEO stated this is the third time this Item has been on the Agenda for discussion; asked other marinas what they charged charter boats. CEO recommended a \$500.00 annual fee.

Tim Klassen of Reel Steel Sportfishing made many points regarding the fee proposal: said Sonoma's average income is about 50 percent more than Humboldt County's and they have a longer fishing season; Charleston Marina has a longer fishing season and bigger charter boats that fit 20 or 25 people. Mr. Klassen stated he empathizes with the District's difficult financial decisions, but pointed out that \$500 per year is over 300 percent the current charge; reported the charter boat operators are trying to keep costs down to keep the boats as accessible to the public as possible. Mr. Klassen said if there must be an increase, \$250 seemed more feasible.

Monte Provolt stated his hope is that the Board will consider assisting small businesses such as the charter operators and not increasing their fees; they bring in business and it is a well-received service.

Gary Blasi of Full Throttle Sportfishing reported he agreed with Mr. Klassen; boats spend more in advertising due to the area not getting the tourist volumes other areas might.

Pete Oringer said Humboldt County is not the size of Los Angeles and the District's rates should not be based on an area that large; the charter boat operators bring other business to this area.

Matt Dallam of Northwind Charters stated with the economy being down, the charter boat operators must keep their fees as low as they can to generate revenue. Mr. Dallam reported they cannot afford to increase their rates, so an increase in fees means less income for them; many people that used to go to Alaska cannot do so at this time so they come here to fish. Mr. Dallam said the reason he is moored at Woodley Island is due to Trinidad harbor getting too expensive; commercial fishermen are making more than the charter boat operators. Mr. Dallam stated the charter boats bring business to the Ship Shop and the Café Marina; if they cannot make their rent, it will hurt the District financially.

COMMISSIONER MARKS MOVED TO INCREASE THE CHARTER BOAT FEES TO \$250.00 PER YEAR. COMMISSIONER HIGGINS SECONDED.

Commissioner Higgins asked about raising the rate to certain percentage of sales.

Commissioner Newman reported he agreed that fishing opportunities are more limited due to Humboldt County being within the Klamath Management Zone; considers \$250 to be a good compromise.

Bill McBroome, Woodley Island Marina tenant, said he thought incremental increases would be better for charter boat operators than big increases.

Commissioner Wilson asked how long the current fee had been the going rate.

CEO stated it had been \$25 for close to 20 years.

Commissioner Higgins reported if Halibut fishing were still open next year, it should bring in increased revenue for the charter boat operators; since the charter boat fee has not been raised in so long, recommends a higher rate.

Commissioner Wilson stated the Marina runs at a yearly loss that is currently subsidized by Humboldt County taxpayers, the District has a responsibility to be fiscally responsible.

MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH TONY SEPULVEDA DBA *SHELLBACK SPORT FISHING*.

CEO said he would fill in the correct amount agreed on by the Commission tonight.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH TONY SEPULVEDA DBA *SHELLBACK SPORT FISHING*. COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

B. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH GARY BLASI DBA *FULL THROTTLE SPORTFISHING*.

COMMISSIONER MARKS MOVED FOR APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH GARY BLASI DBA *FULL THROTTLE SPORTFISHING*. COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

C. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH MATT DALLAM DBA *NORTHWIND CHARTERS*.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH MATT DALLAM DBA *NORTHWIND CHARTERS*. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

D. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH TIM KLASSEN AND SHERRY KLASSEN DBA *REEL STEEL SPORTFISHING*.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH TIM KLASSEN AND SHERRY KLASSEN DBA *REEL STEEL SPORTFISHING*. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT..

E. CONSIDERATION OF APPROVAL OF APPLICATION AND PERMIT FOR USE OF WOODLEY ISLAND TO COMMERCIAL FISHERMEN'S WIVES OF HUMBOLDT TO HOLD A MEMORIAL SERVICE ON MAY 27, 2013 AT 9:30 A.M.

COMMISSIONER MARKS MOVED FOR APPROVAL OF APPLICATION AND PERMIT FOR USE OF WOODLEY ISLAND TO COMMERCIAL FISHERMEN'S WIVES OF HUMBOLDT TO HOLD A MEMORIAL SERVICE ON MAY 27, 2013 AT 9:30 A.M. COMMISSIONER NEWMAN SECONDED.

CEO reported this is an annual event.

MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

F. CONSIDERATION OF EXTENSION OF PERMIT 2007-01 TO THE CITY OF ARCATA FOR THE MCDANIEL SLOUGH WETLAND ENHANCEMENT PROJECT.

COMMISSIONER MARKS MOVED FOR APPROVAL OF EXTENSION OF PERMIT 2007-01 TO THE CITY OF ARCATA FOR THE MCDANIEL SLOUGH WETLAND ENHANCEMENT PROJECT. COMMISSIONER HIGGINS SECONDED.

Commissioner Wilson stated there is a good explanation of the reason of the request in the letter asking for the extension.

MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

G. CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING TO BECOME A MEMBER OF THE UPSTATE RAILCONNECT COMMITTEE.

COMMISSIONER NEWMAN MOVED FOR APPROVAL OF A MEMORANDUM OF UNDERSTANDING TO BECOME A MEMBER OF THE UPSTATE RAILCONNECT COMMITTEE. COMMISSIONER MARKS SECONDED.

Commissioner Wilson said the District would like to be updated on the conversations taking place on this topic.

Commissioner Higgins requested he not be assigned to the Committee.

MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

H. CONSIDERATION OF AMENDMENT 2013-01 TO COAST SEAFOODS' USE PERMIT 04-03.

Director of Conservation reported Coast Seafoods has requested an amendment to their original Permit to change the method of harvesting with baskets; seems to have less environmental effect due to less shading.

CEO stated there should be more production and lower cost.

COMMISSIONER NEWMAN MOVED FOR APPROVAL OF AMENDMENT 2013-01 TO COAST SEAFOODS' USE PERMIT 04-03. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

I. CONSIDERATION OF ADOPTION OF RESOLUTION 2013-04, WHICH ESTABLISHES FINDINGS REGARDING THE FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT FOR THE HUMBOLDT BAY REGIONAL *SPARTINA* ERADICATION PLAN (FEIR, EXHIBIT B), AND THE ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM (INCLUDED AS PART OF EXHIBIT B).

COMMISSIONER HIGGINS MOVED FOR ADOPTION OF RESOLUTION 2013-04, WHICH ESTABLISHES FINDINGS REGARDING THE FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT FOR THE HUMBOLDT BAY REGIONAL *SPARTINA* ERADICATION PLAN (FEIR, EXHIBIT B), AND THE ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM (INCLUDED AS PART OF EXHIBIT B). COMMISSIONER MARKS SECONDED.

Joel Gerwein of the State Coastal Conservancy said he thanked the District for taking on such a significant role with the *Spartina* project; the FEIR prefers all methods to herbicide.

Bill McBroome asked how long the project had been going.

Mr. Gerwein stated on the Refuge different methods of *Spartina* eradication were started in 2006.

Commissioner Wilson reported there were people commenting on the use of herbicides for control, but the changes that were made to the FEIR seemed to satisfy most of them.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN – AYE
COMMISSIONER DALE – ABSENT
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS – AYE
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

J. CONSIDERATION OF ADOPTING THE HUMBOLDT BAY REGIONAL INVASIVE *SPARTINA* ERADICATION PLAN (EXHIBIT C), WITH FEIR MITIGATION MEASURES FULLY INCORPORATED, AND ACCEPTING THE HARBOR DISTRICT'S "COORDINATOR" ROLE AS OUTLINED IN THE PLAN.

COMMISSIONER MARKS MOVED FOR ADOPTING THE HUMBOLDT BAY REGIONAL INVASIVE *SPARTINA* ERADICATION PLAN (EXHIBIT C), WITH FEIR MITIGATION MEASURES FULLY INCORPORATED, AND ACCEPTING THE HARBOR DISTRICT'S "COORDINATOR" ROLE AS OUTLINED IN THE PLAN. COMMISSIONER HIGGINS SECONDED.

Director of Conservation said the District is the primary applicant for the project's grants, coordinating permits; there will need to be more permits applied for, such as from the Coastal Commission. Mr. Berman stated the work being done will need to proceed on the Refuge for the time being due to Permits already being in place; additional permitting may require significant Staff time and may need a Project Manager.

MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

K. CONSIDERATION OF AUTHORIZING ACCEPTANCE OF A \$500,000 GRANT FROM THE COASTAL CONSERVANCY FOR IMPLEMENTATION OF THE HUMBOLDT BAY REGIONAL INVASIVE *SPARTINA* ERADICATION PLAN.

COMMISSIONER MARKS MOVED FOR ACCEPTANCE OF A \$500,000 GRANT FROM THE COASTAL CONSERVANCY FOR THE IMPLEMENTATION OF THE HUMBOLDT BAY REGIONAL INVASIVE *SPARTINA* ERADICATION PLAN. COMMISSIONER NEWMAN SECONDED.

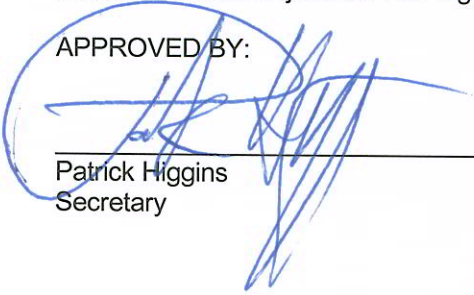
Commissioner Wilson thanked Mr. Gerwein for his role in this Project and for being at the meeting.

MOTION CARRIED WITHOUT DISSENT, COMMISSIONER DALE ABSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 8:18 P.M.

APPROVED BY:



Patrick Higgins
Secretary

RECORDED BY:



Kim Farrell
Clerk