

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

**DATE:** July 11, 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 July 11, 2013 Regular Board Meeting**

**7. Consent Calendar: None**

*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.*

**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 adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the application by Hog Island Oyster Company for the Arcata Bay Shellfish Mariculture Facility.
- b. Consideration of adoption of Resolution 2013-08 which establishes findings relative to the application by Hog Island Oyster Company for the Arcata Bay Shellfish Mariculture Facility.
- c. Consideration of granting Permit 13-02 to Hog Island Oyster Company for the Arcata Bay Shellfish Mariculture Facility.
- d. Second Reading and Adoption of the FY 2013/14 Budget.

**11. New Business**

- a. Consideration of Resolution 2013-07, A Resolution Establishing Various Fees for Services.
- b. Consideration of extension of contract with Planwest Partners, Inc. for services relative to the Samoa Industrial Waterfront Transportation Access Plan.
- c. Consideration of approval of amendment to Permit No. 10-02 to the US Fish and Wildlife Service for the eradication of *Spartina densiflora*. at the Humboldt Bay National Wildlife Refuge.

**12. Administrative and Emergency Permits**

**13. Adjournment**

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

**July 11, 2013**

**PRESENT**

Commissioner Newman  
Commissioner Dale  
Commissioner Wilson  
Commissioner Marks  
Commissioner Higgins

President Wilson called the Executive Closed Session to order at 6:00 P.M.

President Wilson adjourned the Executive Closed Session at 6:55 P.M.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:01 P.M.

President Wilson asked John Finger to lead those present in the Pledge of Allegiance.

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

**PUBLIC COMMENT**

Sebastian Elrite of Aqua-Rodeo Farms stated the new dock electrical meters only have one 50-amp plug each and all slips used to have 50-amp. Mr. Elrite said he just booked his third oyster tour.

Director of Facility Maintenance reported the installation of the dock electrical meters has just been completed, so the plugs will be assessed to ensure tenants are accommodated.

Ken Bates of the Humboldt Fishermen's Marketing Association stated the Coast Guard wants to remove two buoys, one in Mendocino County and one in Trinidad; asked the Board to write a letter of support requesting the Coast Guard not remove them. Mr. Bates said he believes the reason is budget-related.

Commissioner Newman reported he has anchored there before and there were always other boats in the area transiting in the dark; the buoys are essential.

Linda Hildebrand reported she has the contact information on the buoy removal.

**CONSENT CALENDAR:** None

**COMMUNICATIONS AND REPORTS**

**CHIEF EXECUTIVE OFFICER REPORT**

- ❖ Stated the Marina currently has 24 vacant slips with 14 of them being occupied by transients; there are mostly 30 to 40 foot boats on the waiting list that do not want to pay for a 50-foot slip. Said boats that have slips in the Marina will be moved to maximize space shortly.
- ❖ Gave an update on Shelter Cove issues and solutions the District is working on.

## **STAFF REPORTS**

### Director of Facility Maintenance

- ❖ Said the greenhouse for aquaponics pilot facility project is built; Erika Blackwell is the Project Manager.
- ❖ Reported the power pedestals are installed on the docks and Staff has started meter readings; there are a few minor problems that need to be worked out to ensure everyone has their power needs met. Is happy maintenance is low on the new pedestals.

### Bar Pilot John Powell

- ❖ Stated there was a fire recently when the fire boat deployed and assisted Humboldt Bay Fire.
- ❖ Said the log ship that has been in the Bay is leaving Saturday with half a load below deck.

### **DISTRICT COUNSEL REPORT: None**

### **DISTRICT TREASURER REPORT: None**

## **COMMISSIONER AND COMMITTEE REPORTS**

### Commissioner Dale

- ❖ Presented a well-received California Shellfish Initiative to Fish and Wildlife.

### Commissioner Wilson

- ❖ Attended a meeting with California Fish and Wildlife, NOAA, Coastal Commission, City of Eureka, Regional Water Board and USACE to discuss dredging options.

### Commissioner Marks

- ❖ Is happy softball season is here.
- ❖ Attended an NCRA meeting.

### Commissioner Higgins

- ❖ Went salmon fishing.
- ❖ Has been working on Eel River monitoring in a very dry year; there may be problems with water quality and toxic algae.
- ❖ Reported there will be a Pacific Halibut meeting next week.
- ❖ Stated MPA will undergo assessment under the Monitoring Enterprise.

### **NON AGENDA: None**

## **UNFINISHED BUSINESS**

### **A. CONSIDERATION OF ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPLICATION BY HOG ISLAND OYSTER COMPANY FOR THE ARCATA BAY SHELLFISH MARICULTURE FACILITY.**

COMMISSIONER DALE MOVED FOR ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE

APPLICATION BY HOG ISLAND OYSTER COMPANY FOR THE ARCATA BAY SHELLFISH MARICULTURE FACILITY. COMMISSIONER MARKS SECONDED.

Director of Conservation said Items 10 a, b, and c are related to this project; the location is in Samoa. Mr. Berman reported the District produced the environmental documents and while this area is designated harbor, aquaculture is included in the Management Plan. Mr. Berman stated while there is eelgrass in the location, the project has been designed to work around it; there were three comments received. Mr. Berman said recently California Fish and Wildlife contacted him although it was past the public comment period and still has not received anything written. Mr. Berman reported the agency requested Hog Island Oyster Company install in a certain size screen as part of the project.

Commissioner Higgins reported there is more maintenance on certain size screens; this area invited aquaculture to the Bay and they are coming.

Commissioner Wilson stated he is curious how the District would change the wording of the Permit to satisfy Fish and Wildlife; does not want to slow down the Permit process.

CEO said Fish and Wildlife seemed okay with the District granting the Permit since other permitting agencies will be addressing their concerns.

Director of Conservation reported if the Board wanted to add the language now, the most efficient way would be to add a phrase for the applicant to work with the Agency requesting the change.

Commissioner Wilson stated he is satisfied with the District's Permit the way it is due to Hog Island most likely having to work with Fish and Wildlife through other agencies' permitting processes.

John Finger of Hog Island Oyster Company said he has never been able to meet demand in 30 years of business and sees the Company bringing about 28 jobs to the area.

Monte Provolt reported the area Hog Island will be in has historically been industrially active; what would happen if the terminals nearby became active again.

Commissioner Dale said the oyster industry has existed in the Bay over 100 years and has co-existed with industry.

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF ADOPTION OF RESOLUTION 2013-08 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY HOG ISLAND OYSTER COMPANY FOR THE ARCATA BAY SHELLFISH MARICULTURE FACILITY.**

COMMISSIONER MARKS MOVED FOR ADOPTION OF RESOLUTION 2013-08 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY HOG ISLAND OYSTER COMPANY FOR THE ARCATA BAY SHELLFISH MARICULTURE FACILITY. COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF GRANTING PERMIT 13-02 TO HOG ISLAND OYSTER COMPANY FOR THE ARCATA BAY SHELLFISH MARICULTURE FACILITY.**

COMMISSIONER MARKS MOVED FOR GRANTING PERMIT 13-02 TO HOG ISLAND OYSTER COMPANY FOR THE ARCATA BAY SHELLFISH MARICULTURE FACILITY. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**D. SECOND READING AND ADOPTION OF THE FY 2013/14 BUDGET.**

Director of Administrative Services reported this is the third time this Budget has been on the Agenda.

Since the dock electrical meters have been installed, the Board suggested eliminating liveaboard fees which were put in place to help pay for the tenants' electrical use.

COMMISSIONER MARKS MOVED FOR SECOND READING AND ADOPTION OF THE FY 2013/14 BUDGET. COMMISSIONER HIGGINS SECONDED.

Commissioner Newman stated while the Budget is a compromise, it is still a significant increase and that the float replacement surcharge will help the District if they can find matching funds.

Commissioner Dale said it is nice to have the Budget in the black.

Commissioner Wilson reported he would like to see Conferences and Meetings increased by \$2,000 to ensure the District's commitment to the Economic Development Committee meetings. Commissioner Higgins stated there would also be additional Access Humboldt costs due to Economic Development meetings.

COMMISSIONERS MARKS AND HIGGINS ACCEPT THE FRIENDLY AMENDMENT.

Commissioner Higgins said the Budget reflects hard work.

Ken Bates reported he specifically wants to address the float replacement surcharge. Mr. Bates asked the Board not to raise the rates until the Marina was full, so the deficit is a buildup; requested the Board organize itself to put together a public meeting to make sure the Marina stays full. Mr. Bates stated there has been too much vacancy and most other marinas the fishing fleet deals with have much higher occupancy rates; asked the Board not to add a dock surcharge until the District attempts to increase the revenue stream off the Marina.

Debbie Provolt stated she wanted to know what the security is for the equity line loan and how there is revenue from Freshwater Tissue when the District does not own it yet.

Director of Administrative Services said although the District does not have the equity line loan, the security would most likely be the Fire Boat.

Commissioner Higgins reported the Board cannot disclose Freshwater information since it is still being discussed in Closed Session; stated some of the numbers from the Budget are projections.

Bill McBroome stated he would like to know if there will be Staff on Woodley Island during the times there are no security guards available.

Director of Facility Maintenance said the Staff is looking at different options such as hiring an additional Maintenance worker.

Sebastian Elrite reported he is glad the annual discount will still be in place, but would like it to be increased.

CEO stated the District has considered a part-time Marina Assistant for the weekends to help reduce the amount of time there is no Staff on the Island.

Commissioner Dale said he thanks Director of Administrative Services and Staff for their work on the Budget; reported security on the Island is a high priority to the District, but 37 surveillance cameras should help.

MOTION CARRIED WITHOUT DISSENT.

## **NEW BUSINESS**

### **A. CONSIDERATION OF RESOLUTION 2013-07, A RESOLUTION ESTABLISHING VARIOUS FEES FOR SERVICES.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF RESOLUTION 2013-07, A RESOLUTION ESTABLISHING VARIOUS FEES FOR SERVICES. COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

### **B. CONSIDERATION OF EXTENSION OF CONTRACT WITH PLANWEST PARTNERS, INC. FOR SERVICES RELATIVE TO THE SAMOA INDUSTRIAL WATERFRONT TRANSPORTATION ACCESS PLAN.**

COMMISSIONER MARKS MOVED FOR EXTENSION OF CONTRACT WITH PLANWEST PARTNERS, INC. FOR SERVICES RELATIVE TO THE SAMOA INDUSTRIAL WATERFRONT TRANSPORTATION ACCESS PLAN. COMMISSIONER HIGGINS SECONDED.

CEO reported this will hopefully be the last extension and that it contains no additional cost.

MOTION CARRIED WITHOUT DISSENT.

### **C. CONSIDERATION OF APPROVAL OF AMENDMENT TO PERMIT NO. 10-02 TO THE US FISH AND WILDLIFE SERVICE FOR THE ERADICATION OF *SPARTINA DENSIFLORA* AT THE HUMBOLDT BAY NATIONAL WILDLIFE REFUGE.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF AMENDMENT NO. 10-02 TO THE US FISH AND WILDLIFE SERVICE FOR THE ERADICATION OF *SPARTINA DENSIFLORA* AT THE HUMBOLDT BAY NATIONAL WILDLIFE REFUGE. COMMISSIONER MARKS SECONDED.

Director of Conservation stated the Board approved the Amendment about one year ago to include the use of the MarshMaster and now USFWS wants to use it more extensively due to crew success with it; contains a steel-bladed utensil below the surface that destroys root mass.

Sebastian Elrite asked if there had been turbidity issues.

Director of Conservation said the environmental documents looked at that issue quite extensively and most areas are only submerged at very high tides.

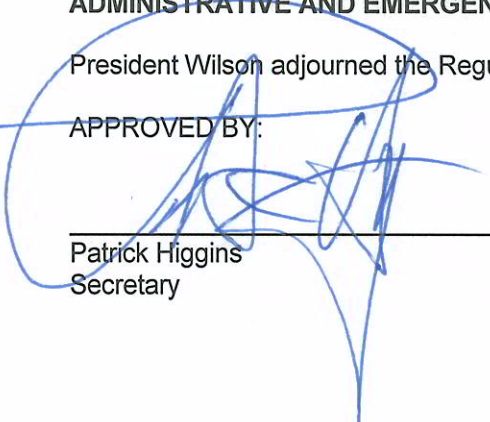
MOTION CARRIED WITHOUT DISSENT.

Monte Provolt asked to make public comment due to being late for the beginning of the Meeting. Mr. Provolt reported he knows of at least two private studies being done on the East-West Rail, which the rail could be a huge boost to the Freshwater purchase. Mr. Provolt stated it would be a great time to reconvene the Economic Development Committee and asked the Board to make a Resolution to bring forth the East-West Rail.


**ADMINISTRATIVE AND EMERGENCY PERMITS:** None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 8:41 P.M.

APPROVED BY:

  
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Patrick Higgins  
Secretary

RECORDED BY:

  
\_\_\_\_\_  
Kim Farrell  
Clerk