

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

DATE: July 28, 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 for Captain John Powell and Captain Tim Petrusha to attend the Maritime Homeland Security Information Sharing Seminar August 11, 2011 in San Francisco, CA.
- b. Consideration of Amendment 1 to Agreement with the North Coast Resource Center for services related to the eradication of *Spartina densiflora*.
- c. Consideration of approval of Task Order #7 to Oscar Larson and Associates for environmental document and permit preparation services related to the demolition of Building #14.

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

6. Non Agenda

7. Unfinished Business

- a. Consideration of approval of Resolution 2011-11 Establishing Findings Relative to the Application By Ilan Kinori for the Construction of a Floating Dock for a Single Family Residence at King Salmon.
- b. Consideration of approval of Permit 11-02 to Ilan Kinori for the Construction of a Floating Dock for a Single Family Residence at King Salmon.
- c. Consideration of approval of Resolution 2011-12 Establishing Findings Relative to the Application By State Coastal Conservancy for the Study and Control of *Spartina densiflora* with Mechanical and Chemical Methods in Muted and Unmuted Tidal Marsh.
- d. Consideration of approval of Permit 11-07 to the State Coastal Conservancy for the Study and Control of *Spartina densiflora* with Mechanical and Chemical Methods in Muted and Unmuted Tidal Marsh.

8. New Business

- a. Consideration of approval of Exclusive Right to Negotiate with Freshwater Tissue Company for Redwood Marine Terminal Berth 2B.
- b. Consideration of Permit Application for use of Redwood Marine Terminal, Samoa Shops Complex by Clarke Historical Museum/Timber Heritage Association for a fund raising event.
- c. Consideration of directing District's Chief Executive Officer to submit a letter supporting the trust application for the gaming project proposed by the North Fork Rancheria of Mono Indians in Madera County, California as per the Wiyot Tribe's request.
- d. Consideration of approval of Charter Agreement with Northwind Charters for services related to the Collaborative Fisheries Research Project.
- e. Consideration of approval of Permit and Agreement to Operate a Charter Service at Woodley Island Marina by John P. Collins, dba Patricks Point Charters.

9. Administrative and Emergency Permits

10. Adjournment

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

July 28, 2011

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Higgins

ABSENT:

Commissioner Marks

President Wilson called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

President Wilson asked Sid Berg to lead those present in the Pledge of Allegiance.

PUBLIC COMMENT

Sid Berg said the resurrection of the railroad is paramount to the long economic activity of the port and it is imperative to make sure the corridor stays open. Mr. Berg said he attended a RREDC meeting where they discussed sending a letter to the NCRA asking them to consider railbanking. Mr. Berg said only three trails have ever been put back in to service after railbanking and he asked the RREDC Board to not send the letter. He said he then felt verbally attacked by Commissioner Wilson, who represents the Harbor District on the RREDC Board. Mr. Berg said the public should not be attacked for presenting their views; it is not conducive to good relationships and the public deserves more consideration than to be verbally attacked.

CONSENT CALENDAR

President Wilson pulled Items (a) and (c) for further discussion.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ITEM (B) OF THE CONSENT CALENDAR. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

Item (a): CEO stated that the Bar Pilots are two of the four District Facility Security Officers. Participation in the Maritime Homeland Security Information Sharing Seminar on August 11 is an opportunity to interact with the Coast Guard on facility security. Commissioner Higgins asked if the travel is grant-funded; CEO replied it is not.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF TRAVEL FOR CAPTAIN JOHN POWELL AND CAPTAIN TIM PETRUSHA TO ATTEND THE MARITIME HOMELAND SECURITY INFORMATION SHARING SEMINAR AUGUST 11, 2011 IN SAN FRANCISCO, CA. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Item (c): President Wilson asked if CEQA documentation was required prior to the demolition of Building #14 and if it was a historic building. CEO responded it is a historic building as it was swept into a historic building survey for the Samoa township complex. The mitigation is to provide a history of the building to be written by a consultant. Oscar Larson and Associates will do the permitting work and subcontract the historic documentation. The cost is covered by CalEMA as part of the demolition costs resulting from extensive storm and earthquake damage.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF TASK ORDER #7 TO OSCAR LARSON AND ASSOCIATES FOR ENVIRONMENTAL DOCUMENT AND PERMIT PREPARATION SERVICES RELATED TO THE DEMOLITION OF BUILDING #14. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- ❖ 7/26: Humboldt County Board of Supervisors unanimously approved the \$200,000 grant to begin the permitting and CEQA process for the aquaculture expansion project .
- ❖ 7/27: Harbor District and Timber Heritage Association representatives met to discuss a lease amendment, draft ERTN and THAs upcoming event.
- ❖ CEO reported PG&E will pay for a consultant and start the permitting process to dredge the King Salmon canal. He said this does not preclude a future land transfer to the District.
- ❖ Director of Conservation met with the crews for the *Spartina* eradication and the collaborative fisheries projects. He is also working on completing some permit processing.
- ❖ Paddlefest will take place on September 10. HSU Center Activities has asked for a donation of \$250.

Commissioner Higgins asked about the dues to PNWA for \$5,850. CEO stated PNWA is a collaboration of Oregon and Washington ports and the District is the only California port member. The District has been working with PNWA members on the short sea shipping project and other issues specific to Humboldt Bay and the Pacific Northwest.

Commissioner Pellegrini asked why there were two checks written to Eureka Brake and Front End in June. CEO said he would get an answer for her. She also asked why a check was written in June to the County of Humboldt for the Upland Dredge Disposal site when she thought that piece of the permitting had been done already. CEO said he would research that as well, since the only piece left he knew of is the permit from the Regional Water Quality Control Board. He said because Noyo and Crescent City Harbor Districts are having similar issues, representatives from the three Districts are going to meet on August 10 to compare notes and strategize and approach to getting those sites permitted.

DISTRICT COUNSEL REPORT: None

STAFF REPORT: None

COMMISSIONERS AND ADVISORY COMMITTEE REPORTS

Commissioner Pellegrini:

- ❖ 7/18: Commercial salmon season started with a 15-fish limit; she went sport fishing on July 20.

Commissioner Curless:

- ❖ Reported the Fortuna Rodeo was a success with record crowds. Commissioner Pellegrini told Commissioner Curless he did a fine job as Parade Grand Marshall.

Commissioner Wilson:

- ❖ Attended the RREDC Board meeting. He said Carl Schoenhofer from California Redwood Company made a presentation to the Board. Also, the RREDC Board was asked to vote on approving a letter to NCRA regarding railbanking. Commissioner Wilson said he was not going to vote on the letter without prior approval by the District Board and the item was tabled after all. He said he appreciates Sid Berg's involvement, but he was offended by a comment made that insinuated he was anti-development. He said there is obviously some differing opinions on the issue. He said he was certain he and Mr. Berg could work together. Commissioner Curless asked if Commissioner Wilson would be bringing this item to the Board for consideration. Commissioner Wilson said he will not bring the current language of the letter to the Board for consideration.

Commissioner Higgins:

- ❖ Said he is encouraged that the team consisting of the District's Director of Conservation, Drew Barrett and Adam Wagschal will put a co-management strategy together for the Coast, which will protect the fish stock.
- ❖ Happily reported he caught his limit ocean sport fishing.

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF APPROVAL OF RESOLUTION 2011-11 ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION BY ILAN KINORI FOR THE CONSTRUCTION OF A FLOATING DOCK FOR A SINGLE FAMILY RESIDENCE AT KING SALMON.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF RESOLUTION 2011-11 ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION BY ILAN KINORI FOR THE CONSTRUCTION OF A FLOATING DOCK FOR A SINGLE FAMILY RESIDENCE AT KING SALMON. COMMISSIONER PELLEGRINI SECONDED.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI –AYE
COMMISSIONER CURLESS –AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – ABSENT

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF PERMIT 11-02 TO ILAN KINORI FOR THE CONSTRUCTION OF A FLOATING DOCK FOR A SINGLE FAMILY RESIDENCE AT KING SALMON.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF PERMIT 11-02 TO ILAN KINORI FOR THE CONSTRUCTION OF A FLOATING DOCK FOR A SINGLE FAMILY RESIDENCE AT KING SALMON. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL OF RESOLUTION 2011-12 ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION BY STATE COASTAL CONSERVANCY FOR THE STUDY AND CONTROL OF *SPARTINA DENSIFLORA* WITH MECHANICAL AND CHEMICAL METHODS IN MUTED AND UNMUTED TIDAL MARSH.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF RESOLUTION 2011-12 ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION BY STATE COASTAL

CONSERVANCY FOR THE STUDY AND CONTROL OF *SPARTINA DENSIFLORA* WITH MECHANICAL AND CHEMICAL METHODS IN MUTED AND UNMUTED TIDAL MARSH. COMMISSIONER CURLESS SECONDED.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – ABSENT

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROVAL OF PERMIT 11-07 TO THE STATE COASTAL CONSERVANCY FOR THE STUDY AND CONTROL OF *SPARTINA DENSIFLORA* WITH MECHANICAL AND CHEMICAL METHODS IN MUTED AND UNMUTED TIDAL MARSH.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF PERMIT 11-07 TO THE STATE COASTAL CONSERVANCY FOR THE STUDY AND CONTROL OF *SPARTINA DENSIFLORA* WITH MECHANICAL AND CHEMICAL METHODS IN MUTED AND UNMUTED TIDAL MARSH. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF APPROVAL OF EXCLUSIVE RIGHT TO NEGOTIATE WITH FRESHWATER TISSUE COMPANY FOR REDWOOD MARINE TERMINAL BERTH 2B.

CEO reported Taylor Mariculture is leasing one part of the Redwood Marine Terminal Berth 2A; Freshwater Tissue is proposing to lease the remainder of the berth (Redwood Marine Terminal Berth 2B) and starting the lease process with an Exclusive Right to Negotiate for a period of one year.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF EXCLUSIVE RIGHT TO NEGOTIATE WITH FRESHWATER TISSUE COMPANY FOR REDWOOD MARINE TERMINAL BERTH 2B. COMMISSIONER CURLESS SECONDED.

Commissioner Higgins asked if Freshwater Tissue Company will be in competition with TJS Holding. CEO replied they appear not due to different market niches. The term of one year reflects the time needed for Freshwater Tissue to do their due diligence.

Cary, a longshoreman, asked if Freshwater Tissue will be leasing or renting. CEO stated an ERTN is not a lease but ensures that the District cannot talk to anyone else about a long-term lease for the term of the ERTN. This gives the applicant and the Board time to review the business plan to make sure it fits the mandate of the District.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF PERMIT APPLICATION FOR USE OF REDWOOD MARINE TERMINAL, SAMOA SHOPS COMPLEX BY CLARKE HISTORICAL MUSEUM/TIMBER HERITAGE ASSOCIATION FOR A FUND RAISING EVENT.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF PERMIT APPLICATION FOR USE OF REDWOOD MARINE TERMINAL SAMOA SHOPS COMPLEX BY CLARKE HISTORICAL MUSEUM/TIMBER HERITAGE ASSOCIATION FOR A FUND RAISING EVENT. COMMISSIONER PELLEGRINI SECONDED.

CEO reported the Timber Heritage Association (THA) and the Clarke museum are planning a fund-raising event at the end of August. THA's current lease agreement does not allow for this type of event, and thus a

special approval is necessary. The Permit form presented is the same used for Woodley Island events. Staff recommends the Board of Commissioners approve a Permit for Use of the Redwood Marine Terminal subject to fulfillment of the terms and conditions contained in the Permit for Use of Redwood Marine Terminal.

Lonnie Wellman, President, Clarke Museum, and Mike Kellogg, Timber Heritage Association, told the Board they are still working on the specifics of the event. Mr. Wellman said the Clarke Museum has been doing this type of event for several years and this year wanted to partner with THA and Barbara Groom of Lost Coast Brewery.

President Wilson said he received an email about a fund-raising project prior to the Harbor District being notified. He said there have been several changes to the terms of THA's lease because of changes that had already happened on the site and asked why was the Board considering this item now when the planning is almost done.

Mr. Kellogg stated THAs intention is not to go beyond the lease requirements; but there has been a series of miscommunications. He said they were aware of the County's Environmental Health permit and the ABC License.

Mr. Kellogg was asked how they were going to control people in the buildings. He said there will be volunteer staff monitoring activity in the buildings and they will have regular tours of the Roundhouse.

Commissioner Curless suggested they have a Sheriff's Deputy on-site.

President Wilson offered Woodley Island as an alternate site if the requirements for the Samoa Shops Complex cannot be met. Mr. Kellogg said if they have to change the venue, the event will be postponed because permits and licenses are site specific.

District Counsel stated he is satisfied with the Permit Application for Use of the Redwood Marine Terminal, Samoa Shops Complex.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF DIRECTING DISTRICT'S CHIEF EXECUTIVE OFFICER TO SUBMIT A LETTER SUPPORTING THE TRUST APPLICATION FOR THE GAMING PROJECT PROPOSED BY THE NORTH FORK RANCHERIA OF MONO INDIANS IN MADERA COUNTY, CALIFORNIA AS PER THE WIYOT TRIBE'S REQUEST.

Nick Angeloff, Wiyot Tribe CEO, said they are garnering support to approve converting land into trust in Madera County for the North Fork Rancheria. The Wiyot tribe entered into double joined compacts with North Fork at the request of Governor Schwarzenegger, giving up their right to build a casino on their trust lands located on Humboldt Bay; in return the Wiyot Tribe will receive a percentage of the net from the North Fork Casino in Madera County and avoid having another casino within viewshed of Humboldt Bay.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF DIRECTING DISTRICT'S CHIEF EXECUTIVE OFFICER TO SUBMIT A LETTER SUPPORTING THE TRUST APPLICATION FOR THE GAMING PROJECT PROPOSED BY THE NORTH FORK RANCHERIA OF MONO INDIANS IN MADERA COUNTY, CALIFORNIA AS PER THE WIYOT TRIBE'S REQUEST. COMMISSIONER CURLESS SECONDED.

Commissioner Pellegrini said she did not think this type of position fit the Board's jurisdiction. Mr. Angeloff replied that it ensures protection of the bay and tidelands environment by not putting a casino on the bay. He also said individual letters of support were also welcome.

MOTION CARRIED WITH COMMISSIONER PELLEGRINI DISSENTING.

D. CONSIDERATION OF APPROVAL OF CHARTER AGREEMENT WITH NORTHWIND CHARTERS FOR SERVICES RELATED TO THE COLLABORATIVE FISHERIES RESEARCH PROJECT.

COMMISSIONER HIGGINIS MOVED FOR THE APPROVAL OF CHARTER AGREEMENT WITH NORTHWIND CHARTERS FOR SERVICES RELATED TO THE COLLABORATIVE FISHERIES RESEARCH PROJECT. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE AT WOODLEY ISLAND MARINA BY JOHN P. COLLINS, DBA PATRICK POINT CHARTERS.

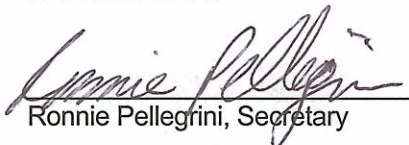
COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE AT WOODLEY ISLAND MARINA BY JOHN P. COLLINS, DBA PATRICK POINT CHARTERS. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS

CEO reported Administrative Permits A-2011-08 (Short term deployment of ADCPs for hydrodynamic modeling study) and A-2011-09 (European green crab (*Carcinus maenas*) monitoring in Humboldt Bay) were granted.

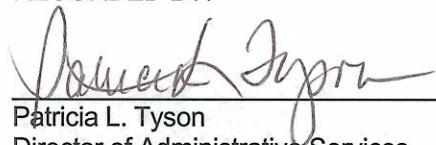
The Regular Meeting of the Board of Commissioners was adjourned at 8:20 p.m.

APPROVED BY:



Ronnie Pellegrini, Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services