

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

**DATE:** June 13, 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 June 13, 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**

**11. New Business**

- a. Discussion of the Woodley Island Marina moorage rates and retail use fees.
- b. Consideration of Resolution 2013-06, A Resolution Reaffirming the Humboldt Bay Harbor, Recreation and Conservation District's Commitment to Creating Jobs and Sustainable Economic Growth Through Humboldt Bay and Its Harbor.
- c. Consideration of Permit and Agreement to Operate a Charter Service with Luke Cochran dba *Silver Star Sportfishing LLC*.
- d. Consideration of Proposal for Appraisal Services with Brooks Appraisal Service for appraisal of Freshwater Tissue Co. Rights of Way and Warehouse Parcels, not to exceed \$4,500.00.
- e. Consideration of Agreement for Contractor Services in the Spartina Eradication Program.

**12. Administrative and Emergency Permits**

**13. Adjournment**

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

**June 13, 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 7:00 P.M.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:05 P.M.

President Wilson asked Karen Brooks 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**

Kent Sawatzky of Blue Lake stated he believes the District is trying to take on too many projects and should work with the public sector to build infrastructure.

Jim Roberts said he does not believe the dock gate is effective and if the District wants to install them, to look at designs used in southern California marinas.

Ken Bates of the Humboldt Fishermen's Marketing Association reported he wanted to give the Board the last month's copy of *Fishermen's News* since there are articles about ports in Alaska, Washington and Gray's Harbor that are being upgraded.

Sebastian Elrite of Aqua-Rodeo Farms reported he does not want to see the Security Guards phased out because they patrol the parking lots day and night as well as the docks.

**CONSENT CALENDAR:** None

**COMMUNICATIONS AND REPORTS**

**CHIEF EXECUTIVE OFFICER REPORT**

- ❖ Stated the cost of the dredging done by the *Essayons* was approximately \$2 million, but the dredge *Yaquina* is still needed to dredge the inner channels at a cost of \$500,000. Bar Pilots had to issue a 36-foot draft restriction.
- ❖ Reported the District has been demolishing derelict boats.
- ❖ Stated the power pedestal installation is about 70 percent done; the lights on the dock are nice at night.

## STAFF REPORTS

### Director of Conservation

- ❖ Stated the grant application he has been working with the Wiyot Tribe to secure funds from NOAA for marine debris removal was successful.
- ❖ Said Spartina eradication is ongoing.

### Bar Pilot Tim Petrusha

- ❖ Reported a log ship is due in Humboldt Bay tomorrow.
- ❖ Has been working with Erika Blackwell on aquaculture.
- ❖ Attended meetings with Bar Pilot John Powell and California Redwood Company representatives about chip export.
- ❖ Stated there should be another ship in port towards the end of July.
- ❖ Said PG&E will install power at Redwood Marine Terminal Berth 2 for Taylor Mariculture in mid-August.

### DISTRICT COUNSEL REPORT: None

## COMMISSIONER AND COMMITTEE REPORTS

### Commissioner Newman

- ❖ Reported the 20 fish per day/3,000 quota has been suspended until next month.
- ❖ Attended a Pacific States Marine Fisheries Commission In-State California meeting where federal funding and fisheries management was discussed.

### Commissioner Dale

- ❖ Has been preparing for the Oyster Festival on Saturday.

### Commissioner Wilson

- ❖ Stated there are debris cleanup funds available and asked that people report marine debris.
- ❖ Attended a LACO meeting regarding the transportation study related to Samoa Peninsula.
- ❖ Reported the District will send out an RFQ for a District Planner.

### Commissioner Marks

- ❖ Said there was interesting information on jobs at the LAFCO meeting.
- ❖ Was appointed to the NCRA Board and attended their meeting last week.

### Commissioner Higgins

- ❖ Commended the Board of Supervisors for choosing Commissioner Marks for their appointment to the NCRA Board.
- ❖ Reported the Economic Development Committee will be reconvening.
- ❖ Stated there is a Halibut meeting in Eureka on July 18.

### NON AGENDA: None

### UNFINISHED BUSINESS: None

## **NEW BUSINESS**

### **A. DISCUSSION OF THE WOODLEY ISLAND MARINA MOORAGE RATES AND RETAIL USE FEES.**

Director of Administrative Services said she took the rates of the tenants that made comments at the last Board meeting and calculated what their current rates are compared to what they would be paying if the proposed fee schedule was adopted; also calculated what rates would be according to Commissioner Newman's proposed fee schedule.

Commissioner Newman thought the float replacement fee name should be changed since major dock improvements would also be paid for by the surcharge collected and that liveaboard tenants should not pay a separate liveaboard charge if they are to be paying for electricity.

CEO stated the reason to separate the float replacement and dredging surcharges are so that those funds will be used specifically for those purposes.

Commissioner Higgins said five percent would be an appropriate annual discount.

Commissioner Dale said he thought Commissioner Newman's proposed fees were a good compromise and would like to see rates increased a little at a time instead of a big increase at once.

Commissioner Newman stated the District would be saving money when tenants began paying for power.

CEO reported the District has increased revenues by \$40,000 through maximizing Marina occupancy.

Ken Bates reported he would like to speak on Marina occupancy rates. Mr. Bates stated most fishermen are used to marinas constantly working on dock maintenance and not replacing them all at once so that the expense can be spread over several years. He said one of the McAdams' large fishing boats was told there was no room at the marina for moorage. Mr. Bates said he does not believe boats should be turned away when they can raft together.

CEO stated running the Marina at maximum occupancy means less room for guest boats unless they start side-tying; there has been an influx of guest boats recently and the Marina only has three open spaces.

Mr. Bates said fishermen are used to side-tying and he rarely sees a boat moved to maximize space; reported there needs to be day-to-day space monitoring.

Tim Klassen stated he prefers to see rates phased in instead of a big increase.

Sebastian Elrite said previous Board President Dennis Hunter reported in 2008-2009 he considered a 30 percent increase too much and in 2006-2007 the District Counsel stated the Budget was a planning tool. Mr. Elrite said in 2008 during discussions, Commissioners Wilson and Higgins wanted to consider increasing fees by the CPI when it was Budget process time; reported he is considering taking his boat out of the Marina during the winter months.

Susan Penn stated she did not agree with paying the same liveaboard charge as a person with two people living on their boat; gave the Board a handout, which Commissioner Dale said he would like to discuss with her.

Sid Berg reported this discussion would not be happening if the Port were more active.

Kent Sawatzky stated he agrees with Mr. Berg's comments and said if the fee increases are too high, vacancy rates will go up. Mr. Sawatzky reported he liked Commissioner Newman's proposed rates. Gary Mooslin stated he has been paying annually, but if no discount will be offered, he would like his money back so he can pay monthly.

**B. CONSIDERATION OF RESOLUTION 2013-06, A RESOLUTION REAFFIRMING THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT'S COMMITMENT TO CREATING JOBS AND SUSTAINABLE ECONOMIC GROWTH THROUGH HUMBOLDT BAY AND ITS HARBOR.**

Commissioner Wilson said he wanted to ensure a Resolution coming from the District contained the Board of Commissioners wording, not just the Humboldt Bay Harbor Working Group's, so this document has been going back and forth between the two groups; some of the changes are philosophical. Commissioner Wilson reported he commends Supervisor Bass for encouraging the County and the District to work together; stated this District governs Harbor, Recreation and Conservation on the Bay and the Group is concerned only with the Harbor. Commissioner Wilson said there are two versions of the Resolution up for consideration tonight and either can be changed.

Susana Munzell said she would like to see version two adopted, which is the result of discussions with Commissioners Wilson and Marks and Karen Brooks. Ms. Munzell reported there were other agencies that adopted the Resolution so the Group does not want to change the wording.

Craig Spjut stated he does not agree with the District's changes.

Richard Lentz said the District seems to think the Group wants a 2025 Harbor Working Plan, but what they really want is the Wiyot Tribe, the City, the District and the County to agree; is worried as a citizen about what is happening to this area's economy. Mr. Lentz reported the District has many responsibilities; would like these groups to work together to create a better economy and jobs.

Larry Henderson stated he would like the groups to work together so the District should not change the wording of a Resolution the Group brought to the District; should either adopt or not.

Karen Brooks said she wants the agencies to work together; thanked Commissioner Wilson for many efforts and for being detail-oriented.

Sid Berg reported he thinks the Harbor could fund recreation and conservation; met Ms. Munzell when she was new to the area and wanted to do something to decrease poverty. Mr. Berg stated the Resolution should stay consistent between all four agencies.

Kent Sawatzky said he feels that the District does not always want to go along with other groups and this may be a good chance to work on cohesion.

**COMMISSIONER HIGGINS MOVED FOR ADOPTION OF RESOLUTION 2013-06, A RESOLUTION REAFFIRMING THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT'S COMMITMENT TO CREATING JOBS AND SUSTAINABLE ECONOMIC GROWTH THROUGH HUMBOLDT BAY AND ITS HARBOR VERSION ONE. COMMISSIONER MARKS SECONDED.**

Commissioner Higgins stated economic development has been his focus; said he attended early Group meetings and asked them to focus on what is feasible. Commissioner Higgins reported he wants the Port to be prepared if shipping increases.

Commissioner Newman said he wants what is desired by the Group's Resolution, but feels the District's version is a better fit.

Commissioner Marks reported there was not cohesion from the beginning due to the Harbor Working Group not coming first to the District, whose job it is to govern the Harbor; thinks the District has created a Resolution with compromises.

Commissioner Dale stated he participated in the development of the Humboldt Bay Management Plan, which was years in the making; and that it is still valuable with some of the ideas being implemented. Commissioner Dale said businesses move product and more demand is needed to move the Port in the right direction; reported the Group should have come to the District first, and that most of the disagreements in the two versions of the Resolutions are semantics. Commissioner Dale reported the District has no intention of adopting a Resolution it does not agree with; thinks Version One is a good compromise and supports it.

District Counsel said an adopted Resolution is a formal policy statement.

Commissioner Wilson reported he does not see how the first version of the Resolution stops the District from working with the other three agencies and it is awkward for the Group to come to the District last; stated he is not sure what level the agencies are going to meet on: Staff or Commissioner. Commissioner Wilson said the other agencies would not scrutinize the Resolution with the same severity as the District would due to the Harbor being one of the District's primary concerns.

Larry Henderson reported he understands the Board is making their Resolution based on what they need to do; the Working Group was started due to the County's Prosperity group. Mr. Henderson stated he is excited that the project involves citizens.

Commissioner Wilson stated he wanted to know how it involves citizens when there are only government groups working together.

Mr. Henderson said there are many citizens that are excited about it; asked the Board not to alienate them and to collaborate with other agencies.

Commissioner Wilson asked what the goal is of the Harbor Working Group.

Susana Munzell reported if a role is too specific, it is too much; if it is too general, there is nothing to do. Ms. Munzell stated there are still many questions and believes there should be much public input; wants a focus on jobs. Ms. Munzell said the Economic Development Committee would be a great advisory committee to the four agencies working together.

Commissioner Wilson reported the District would participate if the goal is to get the four agencies discussing goals.

Commissioner Dale stated the District and the Group want the same things, so the changes are mostly semantics; government creates infrastructure but not jobs.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEMAN – NAY  
COMMISSIONER DALE – NAY  
COMMISSIONER WILSON – NAY  
COMMISSIONER MARKS – NAY  
COMMISSIONER HIGGINS – AYE

MOTION FAILED.

Commissioner Dale said he likes the Resolution the District helped create but would like it to include "such as a 12-year 2025 plan" after the sixth bullet point on page two, after "plans" on the second line.

COMMISSIONER DALE MOVED FOR ADOPTION OF RESOLUTION 2013-06, A RESOLUTION REAFFIRMING THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT'S COMMITMENT TO CREATING JOBS AND SUSTAINABLE ECONOMIC GROWTH THROUGH HUMBOLDT BAY AND ITS HARBOR WITH CHANGES. COMMISSIONER NEWMAN SECONDED.

Commissioner Higgins said he would like to know how the 2025 Action Plan included in the Group's Resolution relates to the District's planning and where those resources will come from.

Commissioner Dale stated if the agencies work together to come up with one plan that helps the community, the time invested will be worth it.

Commissioner Wilson said the process is completely undefined with no budget or facilitation; the Board is putting a lot of faith in the Group with such little definition.

Commissioner Higgins said he believes the Economic Development Committee process will not be as effective if both processes are happening at the same time; redundant planning processes take valuable Staff time. Commissioner Wilson stated he agrees with Commissioner Higgins.

Commissioner Dale said these processes will add work to an already overworked Staff; wants to implement plans that have already been made before making more plans.

Commissioner Wilson reported he thinks the Board should vote again so that there will be motivated Commissioners in this process.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN - AYE  
COMMISSIONER DALE - NAY  
COMMISSIONER WILSON - NAY  
COMMISSIONER MARKS - NAY  
COMMISSIONER HIGGINS - NAY

MOTION FAILED.

COMMISSIONER DALE MOVED FOR ADOPTION OF RESOLUTION 2013-06, A RESOLUTION REAFFIRMING THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT'S COMMITMENT TO CREATING JOBS AND SUSTAINABLE ECONOMIC GROWTH THROUGH HUMBOLDT BAY AND ITS HARBOR VERSION ONE. COMMISSIONER HIGGINS SECONDED.

Commissioner Wilson stated he wants Commissioner Dale to make a commitment to go to the meetings of the Harbor Working Group.

Commissioner Dale said he cannot make them all.

Commissioner Marks reported he can attend.



ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson stated he would like to see the Economic Development Committee proceed, but that it will not affect the District's involvement with the Harbor Working Group.

**C. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH LUKE COCHRAN DBA SILVER STAR SPORTFISHING LLC.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH LUKE COCHRAN DBA SILVER STAR SPORTFISHING LLC. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF PROPOSAL FOR APPRAISAL SERVICES WITH BROOKS APPRAISAL SERVICE FOR APPRAISAL OF FRESHWATER TISSUE CO. RIGHTS OF WAY AND WAREHOUSE PARCELS, NOT TO EXCEED \$4,500.00.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF APPRAISAL SERVICES WITH BROOKS APPRAISAL SERVICE FOR APPRAISAL OF FRESHWATER TISSUE CO. RIGHTS OF WAY AND WAREHOUSE PARCELS, NOT TO EXCEED \$4,500.00. COMMISSIONER MARKS SECONDED.

CEO said Commissioner Wilson was successful in getting the cost lowered to \$3,500.00 and that the District is considering a non-exclusive permanent easement for three years.

MOTION CARRIED WITHOUT DISSENT.

**E. CONSIDERATION OF AGREEMENT FOR CONTRACTOR SERVICES IN THE SPARTINA ERADICATION PROGRAM.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF AGREEMENT FOR CONTRACTOR SERVICES IN THE SPARTINA ERADICATION PROGRAM. COMMISSIONER MARKS SECONDED.

Director of Conservation said additional labor is needed for Spartina eradication and this is a less expensive option than hiring through an employment service; recruiting the CalFire crews was not successful this year.

John Shelter of New Directions reported this Item will create jobs for homeless people and that four members of the proposed crew have already been trained in Spartina eradication.

MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS**

Director of Conservation stated Administrative Permit 2013-02 issued to Ryan Miebach for Sediment Sampling for Soil Surveys.


President Wilson adjourned the Regular Meeting of the Board of Commissioners at 10:04 P.M.

APPROVED BY:



\_\_\_\_\_  
Patrick Higgins  
Secretary

RECORDED BY:



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Kim Farrell  
Clerk