

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

DATE: November 10, 2011

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 five (5) working days 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 Section 54956.8 (Conference with Real Property Negotiator)
 1. Conference with Real Property Negotiator
Negotiating Parties: Paul Brisso, District Counsel; Mike Wilson, Board President; Patricia Tyson, Interim Chief Executive Officer

Under Negotiation:

- 1) Potential lease terms for District property acquisition from Pacific Gas and Electric Company.
- 2) Potential lease terms of property to Timber Heritage Association.
- 3) Potential lease terms of District property to TJS Leasing and Holding Company, Inc.
- 4) Potential lease terms of District property to Taylor Mariculture, Inc.
- 5) Potential lease terms of District property to Freshwater Tissue Company.

2. Adjourn Closed Session
3. Call to Order Regular Session at 7:00 p.m. and Roll Call
4. Pledge of Allegiance
5. 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.

6. 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 September 28, 2011 Special Board meeting.
- b. Consideration of approval of Sea Scouts Building fence replacement by Taylor Made Fencing \$1,942.00

Agenda for November 10, 2011 Regular Board Meeting

7. Communications and Reports

- a. Interim Chief Executive Officer's Report
- b. District Counsel's Report
- c. Staff Reports
- d. Commissioner Reports
- e. Advisory Committee Reports
- f. Other
 - 1. Presentation by Monte Merrick, Bird Ally X, on oiled birds.

8. Non Agenda

9. Unfinished Business

- a. Consideration of Environmental Checklist for the application by Union Pacific Railroad for soil and sediment remediation activities at the former G&R Metals site.
- b. Consideration of finding adequate the Mitigated Negative Declaration for the application by Union Pacific Railroad for soil and sediment remediation activities at the former G&R Metals site.
- c. Consideration of adoption of Resolution 2011-16 which establishes findings relative to the application by Union Pacific Railroad for soil and sediment remediation activities at the former G&R Metals site.
- d. Consideration granting Permit No. 11-03 to Union Pacific Railroad for soil and sediment remediation activities at the former G&R Metals site.

10. New Business

- a. Consideration of Agreement between the Humboldt Bay Harbor, Recreation and Conservation District and Chevron Products Company, A Division of Chevron USA Inc., for the Reimbursement for Services Related to the Operation and Maintenance of the Humboldt Bay Physical Oceanographic Real Time System (HB PORTS).
- b. Consideration of accepting for filing Permit No. 11-09 for the City of Eureka for the Mitigation Area for the Hiksari' Trail/Elk River Access Area.
- c. Consideration of Revisions to District Personnel Policies.
- d. Consideration of approval of Process Committee nominations for CEO Selection Committee and proposed revised CEO job description.
- e. Consideration of declaring Moose Boats low bidder for purchase of Fire/Rescue Boat.
- f. Consideration of declaring William E. Munson Co. Inc. low bidder for purchase of Port Authority Security Boat with trailer.

11. Administrative and Emergency Permits

12. Adjournment

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

November 10, 2011

PRESENT

Commissioner Pellegrini
Commissioner Wilson
Commissioner Marks
Commissioner Curless
Commissioner Higgins

President Wilson called the Executive Closed Session to order at 6:02 P.M.

President Wilson adjourned the Executive Closed Session at 6:34 P.M.

President Wilson called the regular meeting of the Board of Commissioners to order at 7:04 P.M.

President Wilson asked Andy Colona to lead those present in the Pledge of Allegiance.

District Counsel reported on the items discussed during Executive Closed Session as follows: Potential lease terms for District property acquisition from Pacific Gas and Electric Company – no discussion. Potential lease terms of property to Timber Heritage Association; Potential lease terms of District property to TJS Leasing and Holding Company, Inc., Taylor Mariculture, Inc., and Freshwater Tissue Company – no action to report.

PUBLIC COMMENT: None

CONSENT CALENDAR

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

INTERIM CEO REPORT

- ❖ Stated the Dockmaster and Captain Tim Petrusha attended the Harbor Safety Summit on October 25 and 26. The Dockmaster was sworn in as a member and chair of the Harbor Safety Committee of the Humboldt Bay area. Dockmaster reported to the Harbor Safety Committee on Humboldt Bay's accomplishments over the past year: best practice in paddlecraft, Marine Highway updates, the USS Freedom fueling and security stop, mass rescue exercise, VOSS training, tsunami issues, subcommittee formation, PORTS development, and the Humboldt Bay entrance bar camera.
- ❖ Met with Director of Facility Maintenance and representatives of Humboldt Community Services District on October 26 regarding transfer of maintenance of the water lines and hydrants and Fields Landing. Director of Facility Maintenance is working with the Fire Department on hydrant placement.
- ❖ Reported that Director of Facility Maintenance and Director of Conservation visited Shelter Cove on October 28 to meet with Richard Culp of the Shelter Cove Resort Improvement District #1 regarding the fish cleaning station and fish oil on the pelicans. There will be a presentation tonight by Monte Merrick, Bird Ally-X, regarding this issue.
- ❖ Met with President Wilson, Jeff Cyphers and Bob Morris of TJS Leasing on November 3 regarding the status of their Berth 1 project.
- ❖ Attended opening of bids for the Fire/Rescue Boat and Port Authority Security Boat on November 3. The bid approvals will be considered by the Board on tonight's agenda.

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- ❖ Stated there was a meeting on November 7 with United States Army Corps of Engineers representatives, Commissioners Wilson and Marks, District staff, and many of the Humboldt Bay dock owners to assess the benefits of dredging Humboldt Bay's entrance and channels. Captain Tim Petrusha then took the Corps representatives on a boat tour of Humboldt Bay.
- ❖ Congratulated Commissioner Higgins on his re-election, and Commissioners-Elect Greg Dale and Aaron Newman on their recent elections on November 8.
- ❖ Took part in a phone conference on November 9 with President Wilson and the Maritime Administration (MARAD) Committee for the West Coast Marine Highway Market Analysis Project regarding the Task 3 environmental analysis and next steps.

DISTRICT COUNSEL REPORT

- ❖ Reports there was some previous confusion regarding the former Director of Maritime Commerce's health insurance after retirement. It has been agreed that as of December 1, 2011, health insurance costs will be covered 100% by the former employee.

STAFF REPORT

- ❖ Director of Conservation reported he followed up on the report to the Board last month by Ken Bates regarding the scientific debris in the Humboldt Bay area. He is reviewing the District's permit language to ensure wording is included to require removal of any scientific debris used in the permitted project. Director of Conservation stated there are some flags still visible in various areas, but they are being used for a current permitted project and he will make sure the flags are removed once they are no longer needed. Director of Facility Maintenance said maintenance staff does flag water lines periodically and will make sure staff removes them when no longer necessary. Ken Bates commented he does not wish District staff to get caught up in cleanup of permittee's flags.
- ❖ Director of Conservation states that he and Director of Facility Maintenance are still strategizing regarding the oiled pelicans at Shelter Cove.

COMMISSIONERS AND ADVISORY COMMITTEE REPORTS

Commissioner Pellegrini:

- ❖ Congratulated Commissioners-Elect Aaron Newman and Greg Dale on their elections. Also extends her congratulations to herself and Commissioner Curless on their retirement.
- ❖ Met with Supervisor Jimmy Smith, Director of Conservation, and Pacific Gas & Electric representatives on the King Salmon canal dredging project and PG&E's scope of work. She stated that King Salmon used to be a booming recreational area. Director of Conservation says that PG&E just started surveying the canal, so there will be many more steps.
- ❖ Attended the Women Veterans lunch on November 4 hosted by the Sons of Italy at the Redwood Veteran Center. The highlight of her afternoon was meeting a 91 year-old woman that was a Marine Veteran, as Commissioner Pellegrini is also a former Marine.
- ❖ Attended the Blessing of the Fleet at Woodley Island Marina. Mike Delamarian, pastor at Hydesville Community Church, did the blessing.

Commissioner Curless:

- ❖ Missed the last Board meeting due to a 4-wheeler incident where he bruised himself up.
- ❖ Comments that the next Board meeting will be his last as a Commissioner. He has served for over 20 years.

Commissioner Wilson:

- ❖ Drove to the Association of Pacific Ports seminar on port development in Portland after the last Board meeting. There were many ports of similar size as Humboldt Bay that attended. MARAD reps gave some TIGER III grant information that Commissioner Wilson found useful and timely. Reports he was impressed with the Association's focus on ports of the same size as Humboldt Bay.
- ❖ Met with Interim Chief Executive Officer regarding the West Coast Maritime Marketing Analysis Project. MARAD is doing a nationwide environmental programmatic assessment for marine highways.
- ❖ Stated he would like "nods" from the Board for Suzanne Dockal, the District's TIGER III grant application consultant, to put together a proposal to fine-tune connections with the users of the maritime highway grant. There were about 1,100 applications submitted for the TIGER III grant. However, the District is asking for one of the smaller amounts and the funds are to be used in an innovative way.
- ❖ Reported he met with Suzanne Munzell who is trying to put together a citizen committee related to maritime highway. Appointed Commissioners Marks and Higgins as liaisons for that committee.

Commissioner Higgins:

- ❖ Has recently been working for small local tribes on Klamath River dam removal.
- ❖ Reports that he has been working on the Eel River for ways to prevent the buildup of toxic algae. There has also been an influx of salmon.
- ❖ Recently fished the Smith River.
- ❖ Offered to reactivate the Economic Development Committee for short sea shipping or economic development interest.
- ❖ Has a North Coast Local Agency Coordination Committee meeting on November 16 to debut the draft co-management plan on marine protected areas to see if they are beneficial and to better understand the local rockfish stocks
- ❖ Reported the Dog Policy Committee is progressing. The Dockmaster has sent out communication to Woodley Island Marina tenants regarding the policy and the District is waiting for feedback.

Commissioner Marks:

- ❖ Participated in a Personnel Policy Committee meeting regarding revision of the policy wording.
- ❖ Attended Stephen Pepper's presentation on short sea shipping at the Labor Temple.
- ❖ Attended the United States Army Corps of Engineers meeting. Found out there could be 20-50 ships in Humboldt Bay over the next few years, which would bring jobs and commerce into the local economy.

OTHER

Presentation by Monte Merrick, Bird Ally X, on oiled birds.

Mr. Merrick, Bird Ally-X, introduced himself and John Kelly, President of the Board of Directors for the Humboldt Wildlife Care Center. Mr. Merrick presented photos of pelicans that appeared wet from fish oil and some of the strategies the two organizations had employed to help them. Mr. Kelly told the Board that the costs for caretaking of the birds was approximately \$3,800.00, with about that same amount already donated, although the costs of caretaking are still ongoing. Mr. Merrick stated that since fishing season has calmed down, lids on garbage cans and warning signs in Crescent City seemed to be enough to remedy the situation, although the problem has not been resolved in Shelter Cove. Pete Oringer asked how we can get these solutions to the other coastal districts. Commissioner Higgins suggested that the North Coast Local Agency Coastal Coordination Committee might be a good option for this project. He also stated that when this issue was raised two years ago, the District had just spent \$25,000.00 on the Shelter Cove fish

cleaning station. Commissioner-Elect Aaron Newman asked Mr. Merrick if all of the pelicans that had to be euthanized were done so due to fish waste. Mr. Merrick reported that none of them were.

NON-AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF ENVIRONMENTAL CHECKLIST FOR THE APPLICATION BY UNION PACIFIC RAILROAD FOR SOIL AND SEDIMENT REMEDIATION ACTIVITIES AT THE FORMER G&R METALS SITE.

Director of Conservation reported that this project is to clean up one of the most contaminated sites on Humboldt Bay due to its industrial history. This area is in intertidal mudflats. The project consists of excavation, additional sampling and the use of various permitted disposal sites depending on contamination level. Two comment letters were received. Commissioner Higgins asked Director of Conservation if the best course of action is being pursued. Director of Conservation stated that he believed it was the best course due to adequate mitigation measures. Commissioner Pellegrini asked who defines "clean fill". Director of Conservation said the clean fill site has not been identified yet. ARCADIS representative Bridget DeShields stated the fill materials must be approved by the Regional Water Quality Control Board. Jennifer Kalt of Humboldt Baykeepers reports they are in support of the staff recommendation due to the mitigation measures.

COMMISSIONER PELLEGRINI MOVED FOR ACCEPTING THE ENVIRONMENTAL CHECKLIST FOR THE APPLICATION BY UNION PACIFIC RAILROAD FOR SOIL AND SEDIMENT REMEDIATION ACTIVITIES AT THE FORMER G&R METALS SITE. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF FINDING ADEQUATE THE MITIGATED NEGATIVE DECLARATION FOR THE APPLICATION BY UNION PACIFIC RAILROAD FOR SOIL AND SEDIMENT REMEDIATION ACTIVITIES AT THE FORMER G&R METALS SITE.

Director of Conservation stated he thought the language of the motion should be "moving to adopt" instead of "finding adequate".

COMMISSIONER PELLEGRINI MOVED FOR ADOPTION OF THE MITIGATED NEGATIVE DECLARATION WITH AMENDMENT FOR THE APPLICATION BY UNION PACIFIC RAILROAD FOR SOIL AND SEDIMENT REMEDIATION ACTIVITIES AT THE FORMER G&R METALS SITE. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITH DISSENT.

C. CONSIDERATION OF ADOPTION OF RESOLUTION 2011-16 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY UNION PACIFIC RAILROAD FOR SOIL AND SEDIMENT REMEDIATION ACTIVITIES AT THE FORMER G&R METALS SITE.

COMMISSIONER PELLEGRINI MOVED FOR ADOPTION OF RESOLUTION 2011-16 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY UNION PACIFIC RAILROAD FOR SOIL AND SEDIMENT REMEDIATION ACTIVITIES AT THE FORMER G&R METALS SITE.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF GRANTING PERMIT NO. 11-03 TO UNION PACIFIC RAILROAD FOR SOIL AND SEDIMENT REMEDIATION ACTIVITIES AT THE FORMER G&R METALS SITE.

COMMISSIONER HIGGINS MOVED FOR GRANTING PERMIT NO. 11-03 TO UNION PACIFIC RAILROAD FOR SOIL AND SEDIMENT REMEDIATION ACTIVITIES AT THE FORMER G&R METALS SITE. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Director of Conservation said it will be great to see this site cleaned up after so long.

NEW BUSINESS

A. CONSIDERATION OF AGREEMENT BETWEEN THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND CHEVRON PRODUCTS COMPANY, A DIVISION OF CHEVRON USA INC., FOR THE REIMBURSEMENT FOR SERVICES RELATED TO THE OPERATION AND MAINTENANCE OF THE HUMBOLDT BAY PHYSICAL OCEANOGRAPHIC REAL TIME SYSTEM (HB PORTS).

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF AGREEMENT BETWEEN THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND CHEVRON PRODUCTS COMPANY, A DIVISION OF CHEVRON USA INC., FOR THE REIMBURSEMENT FOR SERVICES RELATED TO THE OPERATION AND MAINTENANCE OF THE HUMBOLDT BAY PHYSICAL OCEANOGRAPHIC REAL TIME SYSTEM (HB PORTS). COMMISSIONER MARKS SECONDED.

Director of Conservation stated this project is funded by a Homeland Security grant. There is a partnership between the District, the National Oceanographic and Atmospheric Administration, and Humboldt State University to install real time current meters. The partnership exists because all organizations need the data.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ACCEPTING FOR FILING PERMIT NO. 11-09 FOR THE CITY OF EUREKA FOR THE MITIGATION AREA FOR THE HIKSARI' TRAIL/ELK RIVER ACCESS AREA.

COMMISSIONER HIGGINS MOVED FOR ACCEPTING FOR FILING PERMIT NO. 11-09 FOR THE CITY OF EUREKA FOR THE MITIGATION AREA FOR THE HIKSARI' TRAIL/ELK RIVER ACCESS AREA. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Director of Conservation stated this project will restore filled areas back to salt marsh.

C. CONSIDERATION OF REVISIONS TO DISTRICT PERSONNEL POLICIES.

Commissioner Pellegrini stated when the District hired the Director of Conservation, he was not aware of the possible changes in the District's Personnel Policy that he was hired under. This revision would change the effective date referencing Section 5 from July 1, 2010, to December 1, 2011.

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Commissioner Wilson stated the District's Personnel Policy should be updated yearly or every few years by the new CEO.

COMMISSIONER HIGGINS MOVED FOR ADOPTION OF REVISIONS TO DISTRICT PERSONNEL POLICIES WITH AMENDMENT. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROVAL OF PROCESS COMMITTEE NOMINATIONS FOR CEO SELECTION COMMITTEE AND PROPOSED REVISED CEO JOB DESCRIPTION.

Commissioner Wilson reported that the Process Committee has met once since the last Board meeting. They determined the CEO job description needs to be updated. They have been reviewing examples of other CEO job descriptions and will bring some recommendations to the Board at the next meeting.

Commissioner Wilson said that the Process Committee received the Selection Committee nominations. There are to be two Commissioners and five community members. The following list of committee members was recommended to the Board: Commissioners Higgins and Pellegrini will be the Board representatives; Division 1 - Jeff Lane, Business Analyst, California Redwood Company; Division 2 – Greg Dale, Operations Manager, Coast Seafoods; Division 3 – Bob Gearheart, Ph.D., HSU Professor (retired); Division 4 – Troy Nicolini, Hydrologist, NOAA; and Division 5 – Patrick Cleary, President, Lost Coast Communications. After Commissioner-Elect Greg Dale is sworn in and Commissioner Pellegrini is no longer on the Board, they will "switch" places as Commissioner and community member.

Jan Kraepelien asked the Board to ensure the CEO job description does not only include short-sea shipping, and that the Harbor District and County of Humboldt work more closely together. Commissioner Higgins stated the District wishes to pursue all avenues of shipping, and that the NCLACCC is a committee for local agency coordination, of which the County is a represented agency.

COMMISSIONER MARKS MOVED FOR APPROVAL OF PROCESS COMMITTEE NOMINATIONS FOR CEO SELECTION COMMITTEE AND PROPOSED REVISED CEO JOB DESCRIPTION. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF DECLARING MOOSE BOATS LOW BIDDER FOR PURCHASE OF FIRE/RESCUE BOAT.

Captain Tim Petruscha stated this project has been in the works for three years. There are ongoing discussions with the Eureka Fire Department to work out details on maintenance and operation of the boat. Commissioner Wilson said the District's staff will primarily maintain the boat.

COMMISSIONER PELLEGRINI MOVED FOR DECLARING MOOSE BOATS LOW BIDDER OR PURCHASE FOR FIRE/RESCUE BOAT. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF DECLARING WILLIAM E. MUNSON CO. INC. LOW BIDDER FOR PURCHASE OF PORT AUTHORITY SECURITY BOAT WITH TRAILER.

Captain Petruscha stated the Port Authority boat the District currently has was a donation from the Humboldt County Sheriff's Department, and the United States Coast Guard owned it before that. The Harbor District will be reimbursed for the purchase through Homeland Security grant funds.

COMMISSIONER HIGGINS MOVED FOR DECLARING WILLIAM E. MUNSON CO. INC. LOW BIDDER FOR PURCHASE OF PORT AUTHORITY SECURITY BOAT WITH TRAILER. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

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ADMINISTRATIVE AND EMERGENCY PERMITS: NONE

The Regular Meeting of the Board of Commissioners adjourned at 9:02 P.M.

APPROVED BY:



Mike Wilson
President

RECORDED BY:



Kim Farrell
Clerk