

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

DATE: January 26, 2012
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; Patrick Higgins, Commissioner; Richard Marks, Commissioner; Patricia Tyson, Interim Chief Executive Officer

Under Negotiation:
 - 1) Potential lease terms for District property acquisition from Pacific Gas & Electric Company.
 - 2) Potential lease terms of property to California Redwood Company. .
 - 3) Potential lease terms of property to Freshwater Tissue Company.
 - 4) Potential lease terms of property to Timber Heritage Association.
 - 5) Potential lease terms of District property to TJS Leasing and Holding Company, Inc.
 - 6) Potential lease terms of District property to Taylor Mariculture, Inc.
 - 7) Potential acquisition of approximately 570 acres of north bay tidelands currently owned by Eugene Gabrych.
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.

Agenda for January 26, 2012 Annual Board Meeting

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 December 1, 2011 Board of Commissioners meeting.
- b. Consideration of payment to Autowest Dodge for GEM Car parts \$878.00

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 Adam Wagschal, HT Harvey & Associates: Regional Spartina Management Plan Update

8. Non Agenda

9. Unfinished Business

- a. Consideration of adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the application by Taylor Mariculture LLC for the Taylor Mariculture Berth 2 Facility.
- b. Consideration of adopting Resolution 2012-01 which establishes findings relative to the application by Taylor Mariculture LLC for the Taylor Mariculture Berth 2 Facility.
- c. Consideration of granting Permit 11-01 to Taylor Mariculture LLC for the Taylor Mariculture Berth 2 Facility.

10. New Business

- a. Consideration of Receiving and Filing the annual audit for the year ending June 30, 2011.
- b. Consideration of budget transfer for Expenses Pending Transfer for FY 2010/11.
- c. Consideration of accepting a Headwaters Fund mini-grant to help with travel expenses for Erika Guevara Blackwell and one HSU student to attend the World Aquaculture Conference in Las Vegas, NV, February 29-March 2, 2012.
- d. Consideration of approval of Change Order No. 1 with Moose Boats, Inc. on the construction of the Fire/Rescue Boat.
- e. Election of Officers.

11. Administrative and Emergency Permits

12. Adjournment

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

January 26, 2012

PRESENT

Commissioner Newman
Commissioner Dale
Commissioner Wilson
Commissioner Marks
Commissioner Higgins

President Wilson called the Executive Closed Session to order at 6:05 P.M.

President Wilson adjourned the Executive Closed Session at 6:56 P.M.

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

District Counsel reported on the Executive Closed Session as follows: 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.; Potential acquisition of approximately 570 acres of north bay tidelands currently owned by Eugene Gabrych – no action taken; Potential lease terms of property to Freshwater Tissue Company: District Board unanimously voted authorizing District Counsel to terminate the Exclusive Right to Negotiate pursuant to Section 9C of the current Right to Negotiate if Freshwater Tissue Company does not comply with other terms of the agreement and submissions that are currently approximately 30 to 60 days overdue within a 15 day notice period previously given to them.

President Wilson asked Ted Kuiper to lead those present in the Pledge of Allegiance.

PUBLIC COMMENT

Louis Robinette stated that Humboldt Association of Saltwater Anglers has secured a 600-foot boat donated for the Saltwater Ships to Reefs program. He said they have a five-year time limit to use the vessel or they lose ownership of it. Mr. Robinette reported that with MLPA taking away so many fishing rights on the Coast, it will be nice to have fishing that is not 17 miles away or above Trinidad where there are launch fees.

CONSENT CALENDAR

Commissioner Wilson pulled Item B for further discussion.

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

Commissioner Wilson said the electric GEM cars are becoming outdated and that the District will need replacement vehicles for getting around the island in the upcoming future. He stated the parts to fix the GEM cars are also expensive and hard to find.

COMMISSIONER DALE MOVED FOR APPROVAL OF ITEM B OF THE CONSENT CALENDAR.
COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

INTERIM CEO REPORT

- ❖ Stated that LAFCO is searching for a Special District representative and requested nominations from the District. Will forward the letter in an email later in the week.
- ❖ Said that Rotaract, a division of Rotary for 18-30 year olds, and the District are possibly partnering to provide kayak rack storage space close to a possible kayak launch for the Water Trails project. Reported that the racks will probably be in I- lot, and the District will pay half of the money collected for annual rent to Rotaract.
- ❖ Met on January 25 with Commissioner Dale and Director of Conservation to discuss the application filed with State Lands Commission regarding the Artificial Reef Project. HASA donated \$1500.00 to help pay the fees of the State Lands application.
- ❖ Participated with Commissioner Wilson in a West Coast Corridor Coalition conference call on the Marine Highway Study. The consultant working on this project is getting a report together to send out, which will open another public comment period. Wilson Lacy, former Director of Maritime Commerce, will make comments on that report.
- ❖ Met with Commissioner Wilson and Roger James to discuss getting the Strategic Plan going again. Will be working with Director of Conservation to get a current status of the goals previously developed by the Board into a report.
- ❖ Met with Director of Conservation, Bar Pilots, and George Williamson of PlanWest to begin assembling a list of staff tasks, which will begin with some GPS tracking, possibly from Highway 255 to an area past Berth 2 for the Samoa Industrial Waterfront Transportation Access Plan.
- ❖ Stated proposals will be opened next week for the Homeland Security grant-funded Pole Gates, Laptop PC and Mobile Command Security Trailers. The bid opening for the Port Security Trucks will be February 16.
- ❖ Said Security Lock & Alarm completed the surveillance camera installation today.
- ❖ District Bar Pilots and Director of Facility Maintenance are monitoring progress on the Port Security Fire & Work Boats, which should be delivered before the end of June. There is a change order before the Board tonight.
- ❖ Reported the California Conservation Corps cleared invasive weeds on Woodley Island last week.
- ❖ Stated the Sea Scouts received notification this week that they were awarded \$8000.00 in grant funds from Rotary International to purchase outboard motors and sails.
- ❖ Said there has been a good response from around the country to the advertisements for the CEO position.

DISTRICT COUNSEL REPORT

- ❖ Reviewed the proposal packages that went out for Security Pole Gates, Mobile Command Security Trailers and a Fully Rugged Laptop PC.

STAFF REPORT

Director of Conservation said the State of California funded a project by the Ocean Protection Council to do LYDAR surveys for information. This elevation map will be made available to the public to help with many subjects, including sea level rise. He said the District had also been approached by local agencies asking if the District would be interested in an appraisal of the lands at the Mill Yard at Bracut as the first step for possible mitigation for restoration of the area.

Commissioner Higgins reported he had recently been thinking of the Bracut property since he saw water lapping at the railroad along Highway 101. He stated that a higher dike for Highway 101 might be appropriate.

Commissioner Wilson stated he forwarded emails regarding this subject to Headwaters staff and that they thought this project may be relative to Economic Development.

District Counsel reminded the Board that this item is not listed on the agenda for discussion.

Director of Conservation said H.T. Harvey and Associates has developed a grant application for a Marine Spatial Planning Tool available to small businesses. They have asked if the District will contribute staff hours if they receive the grant.

Commissioner Higgins asked when the application is due.

Adam Wagschal of H.T. Harvey reported the application is due on February 1, 2012, and that it has been presented to the Humboldt Bay Initiative.

District Counsel stated this item would need to be put on the Agenda.

COMMISSIONERS AND ADVISORY COMMITTEE REPORTS

Commissioner Newman:

- ❖ Said crab season is going well with a good number of crab at a good price.

Commissioner Dale:

- ❖ Met with Interim CEO and Director of Conservation about artificial reefs.
- ❖ Said he has a schedule conflict and will be unable to attend the California Maritime Leadership Symposium.

Commissioner Wilson:

- ❖ Participated in a conference call regarding West Coast barge reports and another round of TIGER grants upcoming. Reported that since TIGER grants will not fund machinery built outside of the United States, a private entity may want to fund the barge. Commissioner Dale volunteered to help on that project.

Commissioner Marks:

- ❖ Said there has been an increase in traffic on Highway 255 and more speeding cars. Reported that Manila residents tried to fix the problem by putting up signs, but CalTrans told them to remove the signs since they did not grant permission for their placement.

Commissioner Higgins:

- ❖ Stated the February 10 deadline for CEO applications and resumes is coming up and the CEO Search Committee is hopeful there will be many applications to review.
- ❖ Said he also has a schedule conflict and will be unable to attend the California Maritime Leadership Symposium.

Commissioners Wilson and Marks will look into going to the California Maritime Leadership Symposium instead of Commissioners Dale and Higgins.

OTHER:

Adam Wagschal of H.T. Harvey and Associates and Director of Conservation gave a slide presentation on the Regional Spartina Management Plan update.

NON-AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPLICATION BY TAYLOR MARICULTURE LLC FOR THE TAYLOR MARICULTURE BERTH 2 FACILITY.

COMMISSIONER HIGGINS MOVED FOR ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPLICATION BY TAYLOR MARICULTURE LLC FOR THE TAYLOR MARICULTURE BERTH 2 FACILITY. COMMISSIONER MARKS SECONDED.

Director of Conservation reported this project is for shellfish larvae, which there is a shortage of on the West Coast. He said the larvae will be washed with a mild bleach solution before being exported, and that an infiltration system will leach a neutralized solution into the ground. Director of Conservation stated an easement has been requested from Freshwater Tissue; but if unavailable, there could be an alternative route to the North of the property. He said that the North route would involve crossing a ditch and that there are agencies that would like the District to identify if that area is a wetland. Director of Conservation reported one of the concerns of the District has been whether the dock would be reusable if Taylor Mariculture is not using the dock in the future, and he believes that it will be able to be used again. Director of Conservation stated Taylor Mariculture will also have to get a lease through the District for the property, and permits from other agencies.

Commissioner Higgins said he is excited about the prospect of the project, and that the Mitigated Negative Declaration is appropriate.

MOTION CARRIED WITH COMMISSIONER DALE ABSTAINING.

B. CONSIDERATION OF ADOPTING RESOLUTION 2012-01 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY TAYLOR MARICULTURE LLC FOR THE TAYLOR MARICULTURE BERTH 2 FACILITY.

COMMISSIONER MARKS MOVED FOR ADOPTING RESOLUTION 2012-01 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY TAYLOR MARICULTURE LLC FOR THE TAYLOR MARICULTURE BERTH 2 FACILITY. COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITH COMMISSIONER DALE ABSTAINING.

C. CONSIDERATION OF GRANTING PERMIT 11-01 TO TAYLOR MARICULTURE LLC FOR THE TAYLOR MARICULTURE BERTH 2 FACILITY.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF GRANTING PERMIT 11-01 TO TAYLOR MARICULTURE LLC FOR THE TAYLOR MARICULTURE BERTH 2 FACILITY. COMMISSIONER MARKS SECONDED.

District Counsel reported there was a stipulation in the permit that stated the lease had to be active first for the permit to be valid.

MOTION CARRIED WITH COMMISSIONER DALE ABSTAINING.

NEW BUSINESS

A. CONSIDERATION OF RECEIVING AND FILING THE ANNUAL AUDIT FOR THE YEAR ENDING JUNE 30, 2011.

COMMISSIONER HIGGINS MOVED FOR RECEIVING AND FILING THE ANNUAL AUDIT FOR THE YEAR ENDING JUNE 30, 2011. COMMISSIONER MARKS SECONDED.

District Treasurer stated that Kim McReynolds from the auditing firm is present at the meeting.

Kim McReynolds of Demello, McAuley, McReynolds and Holland LLP reported on the 2010-2011 audit.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF BUDGET TRANSFER FOR EXPENSES PENDING TRANSFER FOR FY 2010/2011.

COMMISSIONER HIGGINS MOVED FOR BUDGET TRANSFER FOR EXPENSES PENDING TRANSFER FOR FY 2010/2011. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF ACCEPTING A HEADWATERS FUND MINI-GRANT TO HELP WITH TRAVEL EXPENSES FOR ERIKA GUEVARA BLACKWELL AND ONE HSU STUDENT TO ATTEND THE WORLD AQUACULTURE CONFERENCE IN LAS VEGAS, NV, FEBRUARY 29-MARCH 2, 2012.

COMMISSIONER DALE MOVED FOR ACCEPTING A HEADWATERS FUND MINI-GRANT TO HELP WITH TRAVEL EXPENSES FOR ERIKA GUEVARA BLACKWELL AND ONE HSU STUDENT TO ATTEND THE WORLD AQUACULTURE CONFERENCE IN LAST VEGAS, NV, FEBRUARY 29-MARCH 2, 2012. COMMISSIONER MARKS SECONDED.

Erica Guevara Blackwell gave the Board a synopsis on the presentation she plans to make at the World Aquaculture Conference. She thanked the Board for their support, and mentioned that the grant did not cover the full cost of attending the conference.

Commissioner Dale and Ted Kuiper reported that they would both be at the conference.

COMMISSIONER DALE AMENDED THE MOTION TO INCLUDE \$500.00 FROM THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT. COMMISSIONER MARKS SECONDED.

Commissioner Marks stated he is excited about the possibility of approximately 400 new jobs in the community.

Commissioner Higgins said attending this conference is good for public outreach.

Ted Kuiper reported there will be people from many geographical locations at the conference, and that this will be a good marketing tool for Humboldt Bay.

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROVAL OF CHANGE ORDER NO. 1 WITH MOOSE BOATS, INC. ON THE CONSTRUCTION OF THE FIRE/RESCUE BOAT.

COMMISSIONER MARKS MOVED FOR APPROVAL OF CHANGE ORDER NO. 1 WITH MOOSE BOATS, INC. ON THE CONSTRUCTION OF THE FIRE/RESCUE BOAT. COMMISSIONER HIGGINS SECONDED.

Bar Pilot Tim Petrusha stated this change was not initially specified on the boat, but the manufacturer brought it to the District's attention that this piece should be added for greater ease in maintenance.

Commissioner Wilson reported there may be more change orders coming, and while there are grant funds to cover it, he would like to see a more formal agreement with the District's partners.

MOTION CARRIED WITHOUT DISSENT.

E. ELECTION OF OFFICERS.

COMMISSIONER DALE MOVED TO NOMINATE COMMISSIONER WILSON FOR PRESIDENT OF THE BOARD OF COMMISSIONERS. COMMISSIONER MARKS SECONDED.

There were no other nominations for President of the Board.

Commissioner Wilson said he would take the position one more time.

Commissioner Marks stated he believed President Wilson has done a fantastic job in a transitional time for the District as President of the Board.

MOTION CARRIED WITH COMMISSIONER WILSON ABSTAINING.

COMMISSIONER HIGGINS MOVED TO NOMINATE COMMISSIONER MARKS AS VICE PRESIDENT. COMMISSIONER DALE SECONDED.

There were no other nominations for Vice President of the Board.

MOTION CARRIED WITH COMMISSIONER MARKS ABSTAINING.

COMMISSIONER MARKS MOVED TO NOMINATE COMMISSIONER HIGGINS FOR SECRETARY. COMMISSIONER NEWMAN SECONDED.

There were no other nominations for Secretary of the Board.

MOTION CARRIED WITH COMMISSIONER HIGGINS ABSTAINING.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 8:38 P.M.

APPROVED BY:


Patrick Higgins
Secretary

RECORDED BY:


Kim Farrell
Clerk