

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

**DATE:** March 8, 2012  
**TIME:** 5:00 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 5:00 p.m.
  - a. Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54957 (Public Employment) and Government Code Section 54956.8 (Conference with Real Property Negotiator)
    1. Public employment, position of Chief Executive Officer
    2. 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 Freshwater Tissue Company.
      - 3) Potential lease terms of property to TJS Leasing and Holding Company, Inc.
      - 4) Potential lease terms of property to Taylor Mariculture, Inc.
2. Adjourn Executive 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 January 12, 2012 Board of Commissioners meeting.
- b. Consideration of approval of minutes from the January 26, 2012 Board of Commissioners meeting.

**Agenda for March 8, 2012 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
  - a. Presentation by John Bradley and Richard Hendry on the Sea Scouts program.

**8. Non Agenda**

**9. Unfinished Business**

**10. New Business**

- a. Consideration of accepting for filing Permit No. 12-02 for US Coast Guard to install shoreline protection at Station Humboldt Bay.
- b. Consideration of Second reading and Adoption of Amendment 5 to Ordinance 14, an Amendment to the Ordinance establishing procedures for the evaluation of applications for grants, franchises, leases, permits, rights or privileges affecting or involving areas or activities within the jurisdiction of the Humboldt Bay Harbor, Recreation and Conservation District and establishing rules and regulations thereto.
- c. Consideration of approval of extension of Permit No. 09-08 to Chevron Products Company for Proposed 2012 Maintenance Dredging of the Chevron Marine Terminal Dock.
- d. Consideration of Resolution 2012-06 A Resolution Establishing Federal and State Legislative Priorities for the Humboldt Bay Harbor, Recreation and Conservation District during the 2012 Legislative Session.

**11. Administrative and Emergency Permits**

**12. Adjournment**

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

**March 8, 2012**

**PRESENT**

Commissioner Dale  
Commissioner Newman  
Commissioner Wilson  
Commissioner Marks  
Commissioner Higgins

President Wilson called the Executive Closed Session to order at 5:06 P.M.

President Wilson adjourned the Executive Closed Session at 6:53 P.M.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:03 P.M.

District Counsel reported on the Executive Closed Session as follows: Public employment, Chief Executive Officer; Potential lease terms for District property acquisition from Pacific Gas & Electric Company; Potential lease terms of property to Freshwater Tissue Company, TJS Leasing and Holding Company, Inc., Taylor Mariculture, Inc. – no action to report.

President Wilson asked Annette De Modena to lead those present in the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

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

**INTERIM CEO REPORT**

- ❖ Said the CEO Search Committee met to review and rank the applicants.
- ❖ The TIGER IV grant pre-application was submitted on February 20. Met with Commissioners Dale and Wilson, Suzanne Dockal and Stephen Pepper to work out the details of filing the final application, which is due on March 19.
- ❖ Met with Commissioners Newman and Wilson, Director of Conservation, Eureka City Council Member Melinda Ciarabellini, Eureka City Manager and Assistant City Manager to discuss dredging and disposal options.
- ❖ Met with Bar Pilots Tim Petrussha and John Powell, Director of Facility Maintenance, Eureka City Manager, Eureka Fire Chief, and Eureka Fire Captain II to discuss operations and maintenance of the fire boat which will be delivered by June 30. Reported that a Memorandum of Understanding (MOU) will be developed and presented to the Board and the City Council for consideration.
- ❖ Participated in a monthly Staff Meeting focusing on the importance of Eye Safety.
- ❖ Stated that Director of Facility Maintenance met with representatives of T-Mobile regarding placement of a cell tower at Fields Landing. Reported that the Coastal Commission is asking for the tower to be placed closer to the buildings than originally intended and that the contract will come before the Board to be approved.
- ❖ Said the Budget Committee met today to discuss the First Draft of the 2012-2013 Fiscal Year Budget. The Budget Workshop will be held during the next meeting.
- ❖ Met with Commissioner Dale, Director of Conservation, John Driscoll of Congressman Thompson's office, and representatives of HASA concerning the Artificial Reef.

- ❖ In the FY 2012 President's Budget the Army Corps of Engineers capability for the maintenance dredging of Humboldt Bay was \$8.6m and the budget appropriation was \$3,195,450, which included the extra \$450,450 by the Corps thanks to the efforts of Congressman Thompson. In the FY 2013 President's Budget, the request at this time is \$1.905m and the Corps' capability is \$9.671m – the greatest gap we have ever seen. The capability is high because Humboldt Bay is not being maintained at the authorized depths. PNWA, AAPA, CMANC, CAPA are all working diligently on the ports' behalf to continue to keep this issue on the forefront with legislators.
- ❖ The Harbor Maintenance Tax has also been generating a flurry of activity – as Kurt Nagle, President of AAPA testified at yesterday's hearing "there is over \$6b in the fund and the draw of \$848m includes only about ½ of the required funding for navigation channel maintenance in spite of adequate annual tax collection from channel users.

George Williamson of Planwest Partners reported that a Request for Qualifications (RFQ) has been sent to firms with capacity in engineering, hydrology, biology, transportation planning and geology and they are due by March 23. He said the RFQ asks for qualifications with a team effort and he hopes next time he is before the Board, it will be with ranked qualification packages.

#### **DISTRICT COUNSEL REPORT**

- ❖ No report.

#### **STAFF REPORT**

Bar Pilot Tim Petrusha said that after a review of draft soundings, it appears there is shoaling in the Humboldt Bay entrance channel. He reported that the Army Corps of Engineers' survey boat in Humboldt Bay to conduct soundings found the draft soundings to be correct; with depths of about 34 to 35 feet where they should be around 48 feet. Captain Petrusha stated these depths along with the lack of dredging funding makes this situation critical. He said that the Corps' budget last time for dredging was \$5.8 million and it only covered the entrance channels, not the interior ones. Captain Petrusha reported the dredge was here last time for 31 days and the current allotted funding of \$3.2 million will only cover about 17 days. He stated that the log ship currently in the Bay is being required to leave with less than a full load due to the depths in the channels.

Director of Conservation reported on the following:

- ❖ The Department of Fish and Game has distributed the Draft EIR for the MLPA North Coast Region;
- ❖ Said that planning for the Humboldt Bay Symposium is ongoing, which will take place on April 26 and 27.
- ❖ Stated the pre-proposal for Collaborative Fisheries Research was accepted, and that a full proposal will be prepared.
- ❖ Reported he attended CEQA Training yesterday.
- ❖ Attended an Artificial Reef meeting.
- ❖ Attended a meeting with PG&E and Supervisor Smith regarding the King Salmon Canal.
- ❖ Stated he attended an Ecosystem Bay Management one-day workshop last week; they have developed useful tools dependent on the quality of the data you entered to map the effects of sea level rise and how it effects habitats.
- ❖ Reported that the State Ocean Protection Council has put together a download for elevation data using LYDAR and coastline elevation discrepancies should now be centimeters instead of meters.

#### **COMMISSIONERS REPORTS**

Commissioner Newman:

- ❖ Attended a Pacific Fisheries meeting in Sacramento about commercial salmon fishing. Stated it looks as if the opportunity may happen for the first time in four or five years.

Commissioner Dale:

- ❖ Met with Interim CEO on the Artificial Reef and reported that HASA has good ideas on moving forward.
- ❖ Attended a Budget Meeting and said the Budget does not appear to be as bad as some others he has seen.

Commissioner Wilson:

- ❖ Attended the World Aquaculture Society meeting in Las Vegas and saw Commissioner Dale there. Reported that the idea of repurposing the pulp mill is not something the District is alone in, which is good that there is enthusiasm.
- ❖ Stated that dredging is the hot topic of national ports; and that not much is being spent compared to how much money is available. Said he is travelling to Washington, D.C. in two weeks and hopes to talk with legislators regarding this issue.

Commissioner Higgins:

- ❖ Attended a Citizens for Prosperity meeting at the Labor Temple and said the Port is a big topic. He has encouraged the attendees to consult the Economic Development Plan. Stated the citizens wish to act free of the District and that there is another meeting March 26.
- ❖ Went to the Whiskey Plank Party.

Commissioner Marks:

- ❖ Reported that the ship currently in port is leaving with a partial load due to shoaling.
- ❖ Said there are logistic issues regarding the log industry. There were 25 ships expected and only one has come in the past few months.

**ADVISORY COMMITTEE REPORTS**

- ❖ Commissioner Wilson reported that after more analysis by Suzanne Dockal and Stephen Pepper, he recommends the District not submit the final application for the TIGER IV grant. He stated the TIGER IV grant is moving away from the goals of the District.

Commissioner Higgins asked how long before the Short Sea Shipping Study is available.

Commissioner Wilson said it is still a few months out and that it was initiated by the Ports of Redwood City, San Diego and Humboldt Bay.

- ❖ Commissioner Higgins stated the status of the Budget will most likely be similar to last year and Budget Workshop will be at the next meeting.
- ❖ Commissioner Higgins said the CEO Search is now in the hands of the Selection Committee.
- ❖ Commissioner Higgins reported the Humboldt Bay Symposium will take place in April and that there will be many topics.

**OTHER**

Presentation by John Bradley and Richard Hendry on the Sea Scouts program.

**NON-AGENDA:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS**

**A. CONSIDERATION OF ACCEPTING FOR FILING PERMIT NO. 12-02 FOR US COAST GUARD TO INSTALL SHORELINE PROTECTION AT STATION HUMBOLDT BAY.**

COMMISSIONER HIGGINS MOVED FOR ACCEPTING FOR FILING PERMIT NO. 12-02 FOR US COAST GUARD TO INSTALL SHORELINE PROTECTION AT STATION HUMBOLDT BAY. COMMISSIONER MARKS SECONDED.

Commissioner Wilson asked Director of Conservation to relay to the US Coast Guard to look into marsh restoration in the future.

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF SECOND READING AND ADOPTION OF AMENDMENT 5 TO ORDINANCE 14, AN AMENDMENT TO THE ORDINANCE ESTABLISHING PROCEDURES FOR THE EVALUATION OF APPLICATIONS FOR GRANTS, FRANCHISES, LEASES, PERMITS, RIGHTS OR PRIVILEGES AFFECTING OR INVOLVING AREAS OR ACTIVITIES WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND ESTABLISHING RULES AND REGULATIONS THERETO.**

COMMISSIONER MARKS MOVED FOR SECOND READING AND ADOPTION OF AMENDMENT 5 TO ORDINANCE 14, AN AMENDMENT TO THE ORDINANCE ESTABLISHING PROCEDURES FOR THE EVALUATION OF APPLICATIONS FOR GRANTS, FRANCHISES, LEASES, PERMITS, RIGHTS OR PRIVILEGES AFFECTING OR INVOLVING AREAS OR ACTIVITIES WITHIN THE JURISDICTION OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND ESTABLISHING RULES AND REGULATIONS THERETO. COMMISSIONER NEWMAN SECONDED.

Commissioner Wilson stated he heard a comment that the District was trying to create more regulations on Humboldt Bay. He said when he told them the District was lengthening the amount of time of a Permit before it expired, that person thanked him.

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF APPROVAL OF EXTENSION OF PERMIT NO. 09-08 TO CHEVRON PRODUCTS COMPANY FOR PROPOSED 2012 MAINTENANCE DREDGING OF THE CHEVRON MARINE TERMINAL DOCK.**

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF EXTENSION OF PERMIT NO. 09-08 TO CHEVRON PRODUCTS COMPANY FOR PROPOSED 2012 MAINTENANCE DREDGING OF THE CHEVRON MARINE TERMINAL DOCK. COMMISSIONER DALE SECONDED.

Director of Conservation reported that Chevron has obtained all of the necessary permits and that the dredging will most likely happen this summer. He said one of the problems with the District not having a permitted Disposal Site is that Chevron will be trucking their dredge spoils to Anderson, which makes it more expensive. Director of Conservation said the major holdup has been the Regional Water Quality Control Board (RWQCB), which is concerned about runoff and groundwater. He reported they want the District to permit the dredge disposal site as a landfill, which is very expensive.

Commissioners Wilson and Higgins said members of the District should go to the next RWQCB meeting.

Commissioner Dale asked how large the Upland Dredge Disposal Site is.

Director of Conservation reported it is about 50,000 cubic feet.

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF RESOLUTION 2012-06, A RESOLUTION ESTABLISHING FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DURING THE 2012 LEGISLATIVE SESSION.**

COMMISSIONER MARKS MOVED FOR APPROVAL OF RESOLUTION 2012-06, A RESOLUTION ESTABLISHING FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DURING THE 2012 LEGISLATIVE SESSION. COMMISSIONER DALE SECONDED.

Commissioner Wilson stated the biggest change in the priorities from last year is that the word "reasonable" was added to some of the priority wording.

Interim CEO reported that some of the completed projects were removed.

Commissioner Higgins said the Legislative Priorities are a highly useful tool for the Board and that they are a good reflection of the Management and Strategic Plans.

ROLL CALL VOTE WAS TAKEN –

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

MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS**

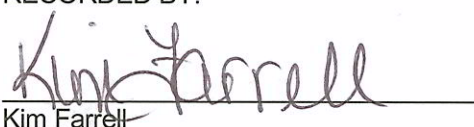
Director of Conservation reported there were three Administrative Permits granted for minor collection projects.

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 8:25 P.M.

APPROVED BY:

  
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Patrick Higgins  
Secretary

RECORDED BY:

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