

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

DATE: July 8, 2010

TIME: 6:00 p.m. 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 54957.6 (Negotiations with Represented Employees)**
 1. **Conference with Labor Negotiator**

Agency Negotiator: Chief Executive Officer, District Counsel, District Treasurer, 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 Closed Session**
6. **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 July 8, 2010 Board Meeting

7. 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 June 23, 2010 Board meeting.
- b. Consideration of approval of one-year extension of Permit 2006-01 to Coast Seafoods for maintenance dredging.
- c. Consideration of approval of Modification No. Three to the Funding Agreement #2008101 Implementation of SeagrassNet Eelgrass Sampling in Humboldt Bay Between Humboldt Bay Harbor, Recreation and Conservation District and US Fish & Wildlife Service, Arcata Fish & Wildlife Office.
- d. Consideration of approval of Amendment No. 1 to Agreement with Winzler & Kelly for permitting services related to the reactivation of the District's upland dredge disposal site.

8. 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

9. Non Agenda

10. Unfinished Business

- a. Consideration of adoption of Resolution 2010-11 which establishes findings relative to the application by the US Coast Guard for Replacement of Four Aids to Navigation Structures Within Humboldt Bay.
- b. Consideration of granting Permit No. 10-01 to the US Coast Guard for Replacement of Four Aids to Navigation Structures Within Humboldt Bay.
- c. Second Reading and Adoption of the FY 2010/11 Budget.

11. New Business

- a. Consideration of meeting change policy.
- b. Consideration of Sixth Extension and Amendment of Agreement with the International Longshore and Warehouse Union AFL-CIO, Local 14, Unit A.
- c. Consideration of approval of agreement with Coastal Conservation and Research, Inc. to receive a grant for the development of a new module for the California Rapid Assessment Method to address Seasonally Tidal Estuaries along the California coastline.
- d. Consideration of establishment of an aquaculture expansion committee.

13. Administrative and Emergency Permits

14. ADJOURNMENT

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

July 8, 2010

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Higgins
Commissioner Marks

ABSENT:

None

President Curless announced Closed Session was cancelled.

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

President Curless led those present in the Pledge of Allegiance.

PUBLIC COMMENT

David Elsebusch stated at the last Board meeting, Norman Fassler-Katz, the guest speaker, said he was impressed with the turnout of people in the audience. Mr. Elsebusch said that statement was ludicrous since the attendance was due to a "call to arms" for specific items on that meeting's agenda. He said this Board should not consider this organization their personal fiefdom to hire cronies and friends. There is nothing here to market; this is a public agency with public funds and it is not the Board's responsibility to protect the Bar Pilots and the Director of Maritime Commerce.

CONSENT CALENDAR

President Curless pulled Items (b) and (d) for further discussion.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF THE REMAINDER OF THE CONSENT CALENDAR. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

Item (b):

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF ONE-YEAR EXTENSION OF PERMIT 2006-01 TO COAST SEAFOODS FOR MAINTENANCE DREDGING. COMMISSIONER HIGGINS SECONDED.

Commissioner Wilson asked why the extension of the permit is needed. CEO stated Coast Seafoods is waiting on their maintenance dredging until the Harbor District's upland dredge site is approved.

MOTION CARRIED WITHOUT DISSENT.

Item (d):

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT WITH WINZLER & KELLY FOR PERMITTING SERVICES RELATED TO THE REACTIVATION OF THE DISTRICT'S UPLAND DREDGE DISPOSAL SITE. COMMISSIONER HIGGINS SECONDED.

CEO stated this is the next step beyond the CEQA process for the reactivation of this property. The previous owner, Louisiana-Pacific, let the permits lapse and it is a long arduous process to get the property re-permitted.

MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- ❖ 6/24: The Director of Facilities Maintenance and CEO met with Bill Taylor and Mitch White of Kuiper Mariculture aka Taylor Mariculture on a potential aquaculture project at Berth 2 of the Redwood Marine Terminal.
- ❖ 6/28-30: CEO attended the PNWA conference in Stevenson, WA.
- ❖ 6/28: CEO was interviewed on KMUD regarding the Shelter Cove Breakwater Rehabilitation Project.
- ❖ 7/1: CEO met with a NOAA oceanographer on the PORTS system.
- ❖ 7/1: CEO toured Humboldt Bay with local NOAA staff and the Assistant Regional Director of NMFS.
- ❖ 7/6: The Director of Maritime Commerce and CEO met with Bob Simpson on the port's importance to the pulp mill.
- ❖ 7/7: CEO made a presentation to the Fortuna Sunrise Rotary club.
- ❖ 7/7: Director of Maritime Commerce met with several terminal operators, truck operators and the North Coast Air Quality Control Board on air quality regulations.
- ❖ 7/9: CEO chaired the kick-off meeting for the North Coast Local Agency Coastal Coordination Committee.
- ❖ A copy of the West Coast Corridor Coalition letter was in the Board's packet.
- ❖ The West Coast Hub-feeder pre-application was submitted for a TIGER II grant.
- ❖ In the Board's packet was a copy of the check from NCRA that was the last payment on the loan. CEO reported approximately \$50,000 in interest was earned over the life of the loan.

DISTRICT COUNSEL REPORT

District Counsel reported he had reviewed the proposal for the fire rescue boat and worked with Director of Conservation on the grant contract for the *Spartina densiflora* removal.

STAFF REPORT: None

COMMISSIONERS REPORTS

Commissioner Pellegrini:

- ❖ Celebrated Fourth of July at Woodley Island. She complimented the District staff on their efficiency and said the grounds looked great.
- ❖ Attended the MPA Initiative Open House and commented on the numerous sign holders and the rallying of boats to protest the MPA. She said the idea of the open house was to be able to give public comment to the Blue Ribbon Task Force members, but no one was there to receive comments.
- ❖ Reported there have been minimal reports from fishermen on the four-day commercial salmon season.
- ❖ Said her oldest daughter, Eryn, was married on June 27.
- ❖ Stated she heard a local business will be barging peat moss, possibly two barges per month.

Commissioner Wilson:

- ❖ Spent Fourth of July in Petrolia.
- ❖ Reported he and Commissioner Marks met with local terminal operators to discuss air quality regulations.
- ❖ Stated the Director of Maritime Commerce, CEO and he met with Bob Simpson to discuss infrastructure needs and current challenges facing the pulp mill.
- ❖ Reported his daughter Ella attended the Moonstone surf camp all week.

Commissioner Higgins:

- ❖ Reported the kick-off meeting for the North Coast Local Agency Coastal Coordination Committee meeting was a success. MPA's, collaborative fisheries, IFQs and sediment management were some of the topics discussed.

Commissioner Marks:

- ❖ Watched the Fourth of July fireworks from the deck of his house, while keeping an eye on the fireworks displayed on Samoa beach.
- ❖ Met with terminal operators affected by CARB on tough air quality regulations and how to abide by the laws. He said CARB mandates will improve air quality by 5%; but the local operators are already meeting the standards and are finding it difficult and expensive to do better.

Commissioner Curless:

- ❖ Reported the Shelter Cove Breakwater Rehabilitation Project bid opening will take place on July 16.
- ❖ The Fortuna Rodeo will start on July 12.

ADVISORY COMMITTEE REPORTS: None

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF ADOPTION OF RESOLUTION 2010-11 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY THE US COAST GUARD FOR REPLACEMENT OF FOUR AIDS TO NAVIGATION STRUCTURES WITHIN HUMBOLDT BAY.

COMMISSIONER PELLEGRINI MOVED FOR THE ADOPTION OF RESOLUTION 2010-11 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY THE US COAST GUARD FOR REPLACEMENT OF FOUR AIDS TO NAVIGATION STRUCTURES WITHIN HUMBOLDT BAY. COMMISSIONER HIGGINS SECONDED.

Commissioner Wilson asked about the timeline for the replacements. CEO stated these last four replacements will take place between August 1 and October 31.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF GRANTING PERMIT NO. 10-01 TO THE US COAST GUARD FOR REPLACEMENT OF FOUR AIDS TO NAVIGATION STRUCTURES WITHIN HUMBOLDT BAY.

COMMISSIONER WILSON MOVED TO GRANT PERMIT NO. 10-01 TO THE US COAST GUARD FOR REPLACEMENT OF FOUR AIDS TO NAVIGATION STRUCTURES WITHIN HUMBOLDT BAY. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. SECOND READING AND ADOPTION OF THE FY 2010/11 BUDGET.

District Treasurer read the summary for the FY 2010/11 Budget as follows: Revenue \$2,003,733; Operating Expenses \$1,977,467; Non-Operating Expenses \$372,669; Excess Revenues Under Expenses (\$346,403); Transfers from Fund Balance Designations \$346,403; and Total After Transfers \$0.

COMMISSIONER PELLEGRINI MOVED FOR THE ADOPTION OF THE FY 2010/11 BUDGET. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF MEETING CHANGE POLICY.

District Counsel stated generally it is by Board consensus that the date of the Board's meeting is changed. If 1-2 Board members will not be present and there are more than typical issues to discuss, the Chair will arrange for a different meeting date. When a regular meeting is cancelled, the Board can then schedule a special meeting, which requires 24-hour public notice and then the Board cannot hear any Non-Agenda items at that meeting. The question that should be answered is "Should the Board hold the meeting on the regular date as long as there will be a quorum or cancel the meeting and find a date when all Board members would be present." Special interest items can be held over to subsequent meetings if a Board member will not be present for the discussion.

President Curless stated he had rescheduled a couple of Board meetings recently when the FY2010/11 Budget was to be discussed because the full Board could not attend. He said he felt it was important that all Board members and staff be present when the budget was going to be discussed.

Commissioner Higgins said he felt the meetings should not be changed routinely because it is confusing to the public. He recommended if a meeting needs to be cancelled, the full Board should give approval.

Commissioner Pellegrini said the responsibility has been traditionally placed with the Board President to consult with staff and make the determination whether to cancel or change the date of a meeting.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF A BOARD POLICY THAT STATES IN ORDER FOR THE PRESIDENT TO CANCEL A BOARD MEETING, THERE MUST BE AGREEMENT BY A MAJORITY OF THE BOARD. COMMISSIONER WILSON SECONDED.

Commissioner Wilson stated during his first year on the Board, many meetings were moved around. President Curless stated that was done due to accommodate President Hunter when he had back surgery. Commissioner Wilson stated the public expects the Board to keep their meeting schedule. If there is an important issue to a Commissioner and that Commissioner cannot attend the meeting, then request of the President to table that issue until the next meeting.

Commissioner Marks said in the eight months he has been on the Board, cancelling the meeting in June was the first instance he has seen this happen. It is not a critical issue if it happens infrequently.

Commissioner Higgins said if the Board President wants to cancel a meeting, there should be consensus to cancel if there would be a quorum present.

Commissioner Pellegrini said the meetings in June did bounce around and unfortunately one was cancelled, but the policy is not broke.

David Elsebusch suggested the Board meet once per month.

MOTION FAILED WITH COMMISSIONERS PELLEGRINI, CURLESS AND MARKS DISSENTING.

B. CONSIDERATION OF SIXTH EXTENSION AND AMENDMENT OF AGREEMENT WITH THE INTERNATIONAL LONGHSORE AND WAREHOUSE UNION AFL-CIO, LOCAL 14, UNIT A.

This item was tabled.

C. CONSIDERATION OF APPROVAL OF AGREEMENT WITH COASTAL CONSERVATION AND RESEARCH, INC. TO RECEIVE A GRANT FOR THE DEVELOPMENT OF A NEW MODULE FOR THE CALIFORNIA RAPID ASSESSMENT METHOD TO ADDRESS SEASONALLY TIDAL ESTUARIES ALONG THE CALIFORNIA COASTLINE.

CEO reported this is a continuation of the work Dr. Chad Roberts has been doing. The Harbor District will net approximately \$1,800 in administrative fees of the total \$12,000.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF AGREEMENT WITH COASTAL CONSERVATION AND RESEARCH, INC. TO RECEIVE A GRANT FOR THE DEVELOPMENT OF A NEW MODULE FOR THE CALIFORNIA RAPID ASSESSMENT METHOD TO ADDRESS SEASONALLY TIDAL ESTUARIES ALONG THE CALIFORNIA COASTLINE. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF ESTABLISHMENT OF AN AQUACULTURE EXPANSION COMMITTEE.

Commissioner Wilson stated his expectation with this item is that the Board will approve to move forward with the creation of this committee, not to create the actual committee. He said the intent of the committee is to look at options for mariculture expansion in Humboldt Bay and he envisions the committee consisting of District staff and industry, academic and environmental representatives and he would like the Board's support.

President Curless suggested Commissioner Wilson work with Ted Kuiper and Mitch White to develop the parameters of the committee.

Commissioner Pellegrini volunteered to serve on the committee.

President Curless appointed Commissioners Pellegrini and Wilson to serve on the ad hoc committee to formulate the work group.

Commissioner Higgins said he had tabled an item at the last meeting and thought it would appear on this agenda. He asked for it to be placed on the agenda for the next meeting.

ADMINISTRATIVE AND EMERGENCY PERMITS


CEO reported an Administrative Permit, A-2010-03, was issued to HSU students to collect sponges off the Woodley Island Marina docks to feed polychaetes.

Leroy Marsh said two of the 36' x 14' lifeboats participated in the Madaket's 100th Anniversary boat parade. He said they are hoping these boats will become a part of Humboldt Bay's activities.

Mr. Marsh also reported there will be a hosted reunion on the LCI1091 on September 11 for the men and women who served on the USS Pueblo.

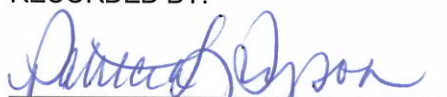
The Regular Meeting of the Board of Commissioners adjourned at 8:12 p.m.

APPROVED BY:



Richard Marks
Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services