

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

DATE: April 11, 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 April 11, 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

- a. Consideration of Approval of the minutes from the January 24, 2013 Annual Board meeting.
- b. Discussion of 2013 Permit Fees at Woodley Island Marina to Operate a Charter Service

11. New Business

- a. Consideration of Extension of Permit No. 11-01 to Taylor Mariculture LLC for the Taylor Mariculture Berth 2 facility.
- b. Consideration of accepting for filing Permit No. 13-02 to Hog Island Oyster Company for the Arcata Bay Shellfish Mariculture Facility.
- c. Consideration of approving Harbor District role in two new grant applications with Sea Grant
 - Climate change
 - Aquaculture facility permitting
- d. Consideration of approaches to update the City of Eureka General Plan with regards to Woodley Island.

12. Administrative and Emergency Permits

13. Adjournment

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

April 11, 2013

PRESENT

Commissioner Dale
Commissioner Newman
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 Commissioner Marks to lead those present in the Pledge of Allegiance.

District Counsel reported out of the Executive Closed Session as follows: Freshwater Tissue Company property purchase negotiations; Conference with Labor Negotiator – no action to report.

PUBLIC COMMENT

Susan Penn, Woodley Island Marina tenant, said she and most people that have boats at the Marina do not want dock gates and said similar marinas do not have them. Ms. Penn stated she sees few differences between public sidewalks and docks, and believe the docks should be kept public; said dock gates are an ugly nuisance that create as many problems as they solve. Susan Penn reported Security serves other functions like notification of oil spills and boats sinking that gates cannot do; they are cumbersome if one needs to leave a dock quickly.

Bill McBroome, Woodley Island Marina tenant, stated he agrees with Ms. Penn and that Ordinance 9 says the District is not to be liable for boats moored at the Marina.

Commissioner Wilson directed Staff to stop building dock gates at this time.

Kevin Pinto, Woodley Island Marina tenant, said dock gates serve no purpose and would like to see the money put towards Marina maintenance.

Rick Gustafson of Eureka reported he enjoys walking on the docks and taking pictures; stated dock gates would alienate the community.

Commissioner Wilson said the proposed gates would primarily be locked at night.

Commissioner Higgins reported while there has been concern about decreased Security; it does not appear the gates are popular.

Sebastian Elrite, Woodley Island Marina tenant, stated he came to Woodley Island yesterday and saw a canoe and stool towards the bridge; wanted to know if anyone has checked on this.

Linda Hildebrand reported Security had seen the canoe and called the Sheriff.

CONSENT CALENDAR: None

COMMUNICATIONS AND REPORTS

CHIEF EXECUTIVE OFFICER REPORT

- ❖ Presented proposed fee schedule for a five-year period for the Shelter Cove fish cleaning station
- ❖ Said he is pleased the new marina software can print a list of slip availability.

STAFF REPORTS

Director of Facility Maintenance

- ❖ Stated working on the annual maintenance of the bilge water recovery system; the system has been inoperable on a few docks and maintenance has been working to bring all docks operational. Reported the City said the system meets compliance standards this year; the permit process takes place annually.
- ❖ Said all water that goes out to docks increases District's sewer costs; has been installing water meters at the top of each dock trying to reduce those costs.
- ❖ Re-netted Shelter Cove fish cleaning station this week; will put an extension on the discharge pipe this month to lengthen the pipe into the water.
- ❖ Stated Maintenance has been working on re-siding the Café Marina.

Bar Pilot Tim Petrusha

- ❖ Reported the Marina is getting wireless internet installed for its tenants.
- ❖ Said PORTS' bi-annual maintenance is happening; two months ago a vessel struck the buoy on which it was mounted and did more damage than anyone knew.
- ❖ Stated there was a log ship that came into Humboldt Bay last week.
- ❖ Has been working with the County's hazardous mitigation team updating the existing County plan.

Director of Conservation

- ❖ Reported the MPA Monitoring public comment period just ended with the District submitting comments encouraging preference to proposals that help other agency's resource management and fishermen.
- ❖ Has been moving forward with HSU and other agencies on the removal of *spartina densiflora* in salt marshes.
- ❖ Attended a public meeting regarding dredging of the King Salmon Canal.
- ❖ Stated the aquaculture pre-permitting is moving forward.
- ❖ Reported Surfriders have been cleaning up illegal trash dumps in Samoa.
- ❖ Said tsunami debris that is landing in Crescent City has been confirmed.

Commissioner Higgins stated he liked the letter sent regarding MPA Monitoring.

Director of Administrative Services

- ❖ Attended a SDRMA Claims Safety Day a few weeks ago; is happy to report there will be no increase in premiums for the next fiscal year.
- ❖ Attended a Budget Committee meeting with Commissioners Dale and Marks.
- ❖ Reported a CalEMA auditor was here this week to review the purchase files; he was satisfied with the condition of the files.
- ❖ Stated an RFQ is currently out for auditing services for the District.

DISTRICT COUNSEL REPORT

- ❖ Said four to six weeks ago, HSU students sent out a public records request to many agencies; the report is in the North Coast Journal with the District responding in record time.

COMMISSIONER AND COMMITTEE REPORTS

Commissioner Newman

- ❖ Attended a Pacific Fisheries Management Council meeting.

Commissioner Dale

- ❖ Attended a Budget Committee meeting.

Commissioner Wilson

- ❖ Asked Commissioner Higgins to speak with Susan Penn regarding Woodley Island's Wildlife Area and discuss ideas on biodiversity.
- ❖ Suggested a meeting with Marina tenants and Director of Facility Maintenance on a quarterly basis.
- ❖ Saw the poster the Humboldt Fishermen's Marketing Association distributed; he encouraged positive dialogue.

Commissioner Marks

- ❖ Met with Commissioner Wilson, City Manager and CEO.
- ❖ Is still hoping for a Bay Trail.
- ❖ Attended a Budget Committee meeting.
- ❖ Reported the Samoa Fire Department is hosting a Perch fishing tournament this weekend.

Commissioner Higgins

- ❖ Is looking forward to discussions on wildlife enhancement.
- ❖ Stated experts will be talking about the health of the Eel River on April 22 in Fortuna.

NON AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF APPROVAL OF THE MINUTES FROM THE JANUARY 24, 2013, ANNUAL BOARD MEETING.

Commissioner Higgins said the Minutes were tabled at the last meeting.

Ken Bates of the Humboldt Fishermen's Marketing Association said there was much rapid dialogue during the January 24 meeting and that what he intended to say was not accurately reflected; Mr. Bates reported the text he typed on Humboldt Fishermen's Marketing Association letterhead in bold is what he would like to see added to the minutes.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF THE MINUTES WITH AMENDMENT FROM THE JANUARY 24, 2013, ANNUAL BOARD MEETING. COMMISSIONER DALE SECONDED.

District Counsel clarified that the minutes being approved include the amendment.

MOTION CARRIED WITHOUT DISSENT.

B. DISCUSSION OF 2013 PERMIT FEES AT WOODLEY ISLAND MARINA TO OPERATE A CHARTER SERVICE.

CEO stated this discussion is a continuation from the last meeting and recommended a \$500.00 flat rate annual fee; said a decision will have to be made at the next meeting to renew the yearly contracts.

Phil Glenn asked why the District would increase the charter boat fees; does not want the Board to assume that charter boats are making a lot of money. Mr. Glenn said commercial fishermen run a business out of the Marina and do not have to pay extra.

Commissioner Higgins reported it is to raise revenue and that the Marina is currently lower in its prices than others are.

Commissioner Wilson stated the Marina currently runs at a \$500,000 per year deficit, so District has been looking at other marinas to research their fiscal perspective.

Kevin Pinto said commercial charter boats should not be charged extra due to them bringing more people to the Island to do business.

David Helliwell reported he would like to know about other marina's profits or losses.

Commissioner Wilson stated while the Marina will likely always operate at a deficit, trying to get the figures closer to even is the goal.

Commissioner Marks said he does not believe marinas the same size as Woodley Island are being subsidized by the same amount and reiterated this Item is discussion only.

Kevin Pinto reported half a million dollars is not going to be recovered by charging four or five people extra, especially ones that bring business onto the Island.

Bill McBroom stated there is a lot of money spent in places people do not wish it to be spent, such as dock gates.

NEW BUSINESS

A. CONSIDERATION OF EXTENSION OF PERMIT NO. 11-01 TO TAYLOR MARICULTURE LLC FOR THE TAYLOR MARICULTURE BERTH 2 FACILITY.

CEO asked to pull this Item from the Agenda; it was already extended.

B. CONSIDERATION OF ACCEPTING FOR FILING PERMIT NO. 13-02 TO HOG ISLAND OYSTER COMPANY FOR THE ARCATA BAY SHELLFISH MARICULTURE FACILITY.

COMMISSIONER DALE MOVED FOR ACCEPTING FOR FILING PERMIT NO. 13-02 TO HOG ISLAND OYSTER COMPANY FOR THE ARCATA BAY SHELLFISH MARICULTURE FACILITY. COMMISSIONER MARKS SECONDED.

Commissioner Wilson said the Permit Application looks great and that the location is on Security National property; stated the \$1.5 million facility will have oyster rafts at the end of docks and a hatchery.

Commissioner Higgins reported the Economic Development Committee highlighted aquaculture expansion as an area of potential growth for Humboldt Bay.

Commissioner Dale said he is happy that such top-notch people are going to do business in Humboldt County.

Commissioner Marks stated he is excited about potential jobs.

Sebastian Elrite reported he is excited about this project due to the shortage of seed.

Director of Conservation said if approved, the 30-day public comment period will begin and environmental documents will be prepared. He encouraged comments.

Kevin Pinto asked how long the permitting process takes overall for a project the size of Hog Island Oyster Facility.

Commissioner Wilson and CEO stated about two years.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVING HARBOR DISTRICT ROLE IN TWO NEW GRANT APPLICATIONS WITH SEA GRANT: CLIMATE CHANGE AND AQUACULTURE FACILITY PERMITTING.

COMMISSIONER HIGGINS MOVED FOR APPROVAL HARBOR DISTRICT ROLE IN TWO NEW GRANT APPLICATIONS WITH SEA GRANT. COMMISSIONER MARKS SECONDED.

Director of Conservation reported the grants are still being written; Sea Grant will be the applicant but the District will be a partner. Mr. Berman stated the Coastal Commission is increasing pressure to address Sea Level Rise in permitting processes.

Commissioner Higgins said Sea Level Rise is like a slow motion flood so it is natural for the District to be a part of it.

David Helliwell, owner of the Corrigedor, reported if the Marina operates at a \$500,000 loss per year, why is the Staff spending time on Sea Level Rise; stated the District seems to be chiseling away at small things and should chase bigger ones.

Commissioner Higgins said dealing with climate change requires resources.

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROACHES TO UPDATE THE CITY OF EUREKA GENERAL PLAN WITH REGARDS TO WOODLEY ISLAND.

CEO reported the options for additional uses of Woodley Island were stimulated from recent RV Park discussions; there are currently three choices: do nothing; a text amendment with a cost of about \$35,000 and a two or three year process; or through the City's General Plan Update with a cost of about \$20,000 and a three to five year process.

Commissioner Wilson stated he believes Option Three will be less expensive than \$20,000; asked Susan Penn about proposed text amendments regarding conditional uses of Woodley Island such as RV park, fuel dock, and direct sale of fish to the public. Commissioner Wilson reported in Option One the District is to do nothing and let the City take the lead; in Option Two, the District is the driving force;

in Option Three, the project goes to the City. Commissioner Wilson said what is decided tonight will direct Staff how to proceed regarding Woodley Island.

Ken Bates reported in Option One, the District presents the existing text and zoning to the City and lets them see if they want to change it; it would be the District advocating for public use of Woodley Island, such as it is now; in Option Two, there would be changes to the zoning and text on a parcel. Mr. Bates stated the District would put together a proposal, fill out and application and pay a fee; City staff would delegate tasks for the District to complete and the EIR would begin, which is expensive but allows faster progress if there are no problems; in Option Three, there is dialogue with the City Council and planning staff as they go through their General Plan Update, where anyone can input; District will spend far less money and the result will depend on the City.

Commissioner Wilson said Option Three has more public input and takes into account all other public planning; the District would still have to go through Option Two.

Bill McBroome reported he has brought up the idea of a J-dock, but he has never heard anyone speak of it; would bring in \$50,000 - \$70,000 more per year.

Kevin Pinto said this proposed project would bring a big change, which most people in the area are opposed to and he chooses Option One.

Troy Nicolini reported he likes Option Three: discontinue the idea of the RV Park but keep the ideas of the fuel dock and selling fish; has not heard anyone who thought the RV Park was a good idea.

Susan Penn said she is glad Option Three will not cost \$20,000 and chooses it even though she does not want the RV park; that way, the City can say whether it happens or not.

Rick Gustafson sent an email to the Commissioners and spoke with Commissioner Wilson today; likes Option Three.

David Helliwell reported he does not know why the RV Park is still being discussed; stated there was no support at the last meeting and now it turns up again.

Linda McMaster, Woodley Island Marina tenant, stated she votes for Option One.

Gary Mooslin, Woodley Island Marina tenant, said he votes for Option One and does not wish to have gates on the Island.

Vivian Helliwell, Woodley Island Marina tenant, reported she does not understand Options Two and Three and is not in favor of an RV park on Woodley Island; stated the District should use other of their properties to make money, but leans towards Option One.

Commissioner Higgins stated the District is looking at many options and making efforts to move forward economically; said some tenants consider an RV park to their benefit due to the District trying to utilize assets instead of just increasing slip fees to increase revenue.

Commissioner Marks said he leans towards Option Three.

Commissioner Wilson reported he has similar thoughts to Susan Penn; likes Option Three because the City is going to make the decision in the long run.

Commissioner Dale stated he likes Option Three due to public input; said the budget needs revenue development and this is just one of the ideas that is worth evaluating.

Commissioner Wilson reported he wants the dialogue with the City to be collaborative and Option Three asks the City how this project fits into the General Plan Update.

COMMISSIONER DALE MOVED TO PROCEED WITH OPTION THREE. COMMISSIONER HIGGINS SECONDED.

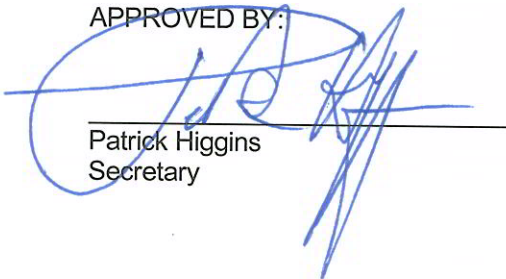
Commissioner Wilson said he encourages the public to make their comments to the City about the waterfront as a whole picture, not just this project.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 9:08 P.M.

APPROVED BY:



Patrick Higgins
Secretary

RECORDED BY:



Kim Farrell
Clerk