

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

DATE: August 22, 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 Negotiators) and 54957(b)(1) (Public Employee Performance Evaluation)
 1. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: Potential sale of District's boiler located on recently acquired Samoa Pulp Mill site
Agency negotiators: Jack Crider, Chief Executive Officer; Paul Brisso, District Counsel; Mike Wilson, Board President; Richard marks, Board Vice President
Under negotiation: Price and/or terms of payment
 2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: Chief Executive Officer (Annual Evaluation)
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.

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.

Agenda for August 22, 2013 Regular Board Meeting

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

11. New Business

- a. Consideration of approval of Amendment 1 to the June 13, 2013 Agreement with New Directions for the *Spartina densiflora* Eradication Project.
- b. Discussion of pulp mill property purchase and current activities.
- c. Consideration of approval of Personal Services Contract with John Guggenbickler for services related to the District's pulp mill property.
- d. Consideration of approval of purchase of Premises Pollution Liability III Insurance Policy for the District's pulp mill property.
- e. Consideration of support letter for Humboldt State University's Schatz Energy Lab application to the U.S. Department of Energy for funds to assess Humboldt Bay as a potential location for a National Wave Energy Test Center and possible match not to exceed \$5,000 (cash and/or in-kind.).
- f. Consideration of approval of tideland lease with Hog Island Oyster Company.

12. Administrative and Emergency Permits

13. Adjournment

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

August 22, 2013

PRESENT

Commissioner Newman
Commissioner Dale
Commissioner Wilson
Commissioner Marks

ABSENT

Commissioner Higgins

President Wilson called the Executive Closed Session to order at 6:10 P.M.

President Wilson adjourned the Executive Closed Session at 6:55 P.M.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:10 P.M.

President Wilson asked Director of Conservation to lead those present in the Pledge of Allegiance.

District Counsel reported out of the Executive Closed Session as follows: Potential sale of District's boiler located on recently acquired Samoa Pulp Mill site – no action to report; Chief Executive Officer Annual Evaluation – no action to report due to time constraints on a procedural process.

PUBLIC COMMENT

Kent Sawatzky suggested the conference room doors be made ADA compliant with handles that are easier to turn; recommended a sign be placed on the doors during Executive Closed Session to let the public waiting for the Open Session know when they can enter.

Ken Bates said he has been concerned about the recent water quality in Humboldt Bay as there has been much silt in the water and a lack of bait; has been telling boats looking for bait not to come into the Bay due to the absence of the bait, which is lost revenue for the Marina. Mr. Bates stated there was excessive turbidity in the Eureka Channel and between Indian and Woodley Islands from mid-April until the second week in June; stated he is concerned it could be from cord grass (spartina) remediation. Mr. Bates asked the District as the permitting agency for the cord grass remediation to look into its effects.

CONSENT CALENDAR: None

COMMUNICATIONS AND REPORTS

CHIEF EXECUTIVE OFFICER REPORT

- ❖ Has been reviewing the costs of purchasing a dredge and flow-laning versus hiring someone else to do the dredging; the figures do not include the permitting costs at this time. Has been in discussions with the City of Eureka about purchasing a dredge; said after Mr. Bates' report, it may be sooner than previously thought that the Marina needs to be dredged.

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- ❖ Reported NOAA has been very interested in the District's recent acquisition of the Pulp Mill and there could be applicable grant opportunities to assist in its cleanup.

STAFF REPORTS

Bar Pilot Tim Petrusha

- ❖ Said the aquaponics project is coming along; there are now plants in the greenhouse. Stated the Maintenance Department has been assisting and that Staff found an extra fan at the Pulp Mill that is being used for the greenhouse. Reported the Sheriff's Department donated some confiscated equipment from marijuana grow activities to the project.
- ❖ Stated the dredge *Yaquina* was in the Bay this past week for additional dredging.

Director of Facility Maintenance

- ❖ Reported District Staff responded to a fire this week with the Fire Boat performing flawlessly and able to extinguish the flames right away; said the flames were about 100 feet from the Renner tanks and moving closer.

DISTRICT COUNSEL REPORT

- ❖ Stated a contract with T-Mobile for a cell phone tower at the Fields Landing Boat Yard should be on an Agenda soon.

COMMISSIONER AND COMMITTEE REPORTS

Commissioner Newman

- ❖ Apologized for missing the last Board Meeting.
- ❖ Participated in NCLACC, where the Halibut quote for recreational fishing was discussed.

Commissioner Wilson

- ❖ Reported he and Commissioner Newman have been discussing the District's need for a Planner; put an RFQ together that will be coming before the Board soon.

Commissioner Marks

- ❖ Chaired the Economic Development Committee meeting, where the use of docks by private owners and their issues was discussed.
- ❖ Attended the Humboldt County Democrat and Central Labor Council meetings, where the attendees were excited about the District's recent Pulp Mill purchase.

NON AGENDA

Commissioner Wilson requested adding Resolution 2013-11 as Item 11a; the resolution is time-sensitive and was brought forward after the Agenda was published.

COMMISSIONER MARKS MOVED FOR ADDING RESOLUTION 2013-11 AS ITEM 11A TO THE AGENDA. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF APPROVAL OF RESOLUTION 2013-11 WHICH CONCERNS NORTH COAST CALIFORNIA GOVERNMENT PACIFIC HALIBUT MANAGEMENT.

Commissioner Wilson read Resolution 2013-11.

Commissioner Newman said he has an active role in the Pacific Fisheries Management Council as the California Salmon Advisor; and while Halibut management is not his area of expertise, he has been following the issue because it is important to the local community. Commissioner Newman stated there is an area of Halibut management that uses the Salmon management line; the only Halibut fishing being done is by recreational fishermen and there is a very small quota for recreational use. Commissioner Newman stated there was never the intention of mandating a maximum catch quota and these numbers are being reviewed due to the Halibut fishing being good and over the .62% limit. Commissioner Newman reported there are more Halibut in this area than it is getting credit for in this quota and with no existing surveys, there is no data; this resolution asks for a more reasonable quota separating California's from Oregon and asks that new data be used for 2014.

Commissioner Wilson said there are three goals included: separate Oregon and California's quotas, restrictions be deferred until new data is collected, and implementing a science-based quota.

COMMISSIONER DALE MOVED FOR APPROVAL OF RESOLUTION 2013-11 WHICH CONCERNS NORTH COAST CALIFORNIA GOVERNMENT PACIFIC HALIBUT MANAGEMENT. COMMISSIONER NEWMAN SECONDED.

The language of the Resolution was discussed.

Jim Yarnell, HASA Board Member, reported this is a complex issue and is a resource allocation issue, not resource conservation; said the Board is on the right track and that the revised language is an improvement.

Kent Sawatzky stated the Board should keep up the good work to improve this fishery and the economy.

Rex Olander reported while he understands this Resolution regards recreational fishing, asked if it affected incidental catch.

Commissioner Newman said it would not affect incidental catch because they are separate quotas.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT, COMMISSIONER HIGGINS ABSENT.

B. CONSIDERATION OF APPROVAL OF AMENDMENT 1 TO THE JUNE 13, 2013, AGREEMENT WITH NEW DIRECTIONS FOR THE *SPARTINA DENSIFLORA* ERADICATION PROJECT.

Director of Conservation stated the District has been employing New Directions as the main labor force in Spartina eradication; the previous contract used the last funds available in a grant that has run out, so this Amendment spends new funds from the recently-approved Coastal Conservancy grant.

COMMISSIONER NEWMAN MOVED FOR APPROVAL OF AMENDMENT 1 TO THE JUNE 13, 2013, AGREEMENT WITH NEW DIRECTIONS FOR THE *SPARTINA DENSIFLORA* ERADICATION PROJECT. COMMISSIONER MARKS SECONDED.

Debbie Provolt reported it seems like a good time to review Mr. Bates' comments regarding cord grass.

Director of Conservation said he would like to follow up with Mr. Bates as this is the first comment he has heard of people concerned about the turbidity of the Bay; there have been similar size crews doing the same work for about three years now with no reported turbidity issues. Mr. Berman stated if there has been a dramatic change in water quality in the Bay, it should definitely be followed up on.

Commissioner Newman asked Commissioner Dale if he had notice higher water temperatures in the Bay this year.

Commissioner Dale reported he had and also that there is a lot of food in the Bay presently, with oysters growing better and decreased visibility and water color.

MOTION CARRIED WITHOUT DISSENT.

C. DISCUSSION OF PULP MILL PROPERTY PURCHASE AND CURRENT ACTIVITIES.

CEO said Taylor Shellfish is excited to move ahead with their expansion plans; cleanup of the Pulp Mill begins next week, and there has already been some interest in the acids and some of the assets acquired with the Pulp Mill. CEO stated the current goal is learning the operations of the facility, which takes up a lot of Director of Facility Maintenance's time due to the learning curve.

Commissioner Wilson requested a timeline of the planned activities over the next few years. Commissioner Dale asked if there was a priority list.

Director of Facility Maintenance reported a listing of priorities has been made with CEO; there is a lot of housekeeping to be done getting ready for the rainy season.

D. CONSIDERATION OF APPROVAL OF PERSONAL SERVICES CONTRACT WITH JOHN GUGGENBICKLER FOR SERVICES RELATED TO THE DISTRICT'S PULP MILL PROPERTY.

CEO said the amount for this contract is \$1500.00 per week on an as-needed basis when the District needs Mr. Guggenbickler's expertise; stated Mr. Guggenbickler retired from the Pulp Mill, has 45 years experience and has the qualifications to move the acids and liquors.

COMMISSIONER MARKS MOVED FOR APPROVAL OF PERSONAL SERVICES CONTRACT WITH JOHN GUGGENBICKLER FOR SERVICES RELATED TO THE DISTRICT'S PULP MILL PROPERTY. COMMISSIONER DALE SECONDED.

Debbie Provolt asked if Mr. Guggenbickler would have self-coverage from hazards or if the District would be providing that coverage.

CEO reported Mr. Guggenbickler will have self-coverage.

Commissioner Marks said Mr. Guggenbickler is knowledgeable about the processes and chemicals.

E. CONSIDERATION OF APPROVAL OF PURCHASE OF PREMISES POLLUTION LIABILITY III INSURANCE POLICY FOR THE DISTRICT'S PULP MILL PROPERTY.

COMMISSIONER NEWMAN MOVED FOR APPROVAL OF PURCHASE OF PREMISES POLLUTION LIABILITY III INSURANCE POLICY FOR THE DISTRICT'S PULP MILL PROPERTY. COMMISSIONER MARKS SECONDED.

CEO stated this Item is for specialty insurance with a \$250,000 deductible and \$10 million in coverage to cover a catastrophic event; the initial binders are Coast Seafoods and Freshwater Tissue. CEO reported they are working on getting LP as an additional binder.

Commissioner Wilson asked if the District can terminate the policy early if the liquors removal is complete before the policy expires.

Kent Sawatzky asked if the public could get a copy of the price ranges of other insurances and what the binding cost was.

CEO reported it is still being negotiated.

MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF SUPPORT LETTER FOR HUMBOLDT STATE UNIVERSITY'S SCHATZ ENERGY LAB APPLICATION TO THE U.S. DEPARTMENT OF ENERGY FOR FUNDS TO ASSESS HUMBOLDT BAY AS A POTENTIAL LOCATION FOR A NATIONAL WAVE ENERGY TEST CENTER AND POSSIBLE MATCH NOT TO EXCEED \$5,000 (CASH AND/OR IN-KIND).

COMMISSIONER NEWMAN MOVED FOR APPROVAL OF SUPPORT LETTER FOR HUMBOLDT STATE UNIVERSITY'S SCHATZ ENERGY LAB APPLICATION TO THE U.S. DEPARTMENT OF ENERGY FOR FUNDS TO ASSESS HUMBOLDT BAY AS A POTENTIAL LOCATION FOR A NATIONAL WAVE ENERGY TEST CENTER AND POSSIBLE MATCH NOT TO EXCEED \$5,000 (CASH AND/OR IN-KIND). COMMISSIONER MARKS SECONDED.

Commissioner Wilson read the proposed support letter; said he attended a meeting with Schatz Energy Lab representatives last week; and while there are no specific plans yet, they are still discussing to see if Humboldt Bay is a viable alternative

Commissioner Newman stated he thinks it is a good idea.

Kent Sawatzky asked if the grant is \$900,000 for a feasibility study.

Arne Jacobson reported \$750,000 is from the Energy grant and there is \$150,000 cost share; there is another site that is also being studied.

Commissioner Dale asked if the District can do anything more to make Schatz Energy Lab's application more attractive.

Mr. Jacobson said additional resources would probably not help at this time and that it is likely a Pacific Coast candidate will be awarded the grant; stated he believes the Pulp Mill is stronger site out of the choices with two sites being studied in California.

Commissioner Newman asked if they have access to the Wave Connect information from four years ago. Mr. Jacobson said they do. Commissioner Wilson asked for a copy of that information

Debbie Provolt said some of the information used to be on the County's website; asked how many jobs the site would create if awarded the grant.

Mr. Jacobson stated they have the public information that was available, but there is more available information and they are requesting that information from the County. The number of jobs created will be included in the feasibility study.

MOTION CARRIED WITHOUT DISSENT.

G. CONSIDERATION OF APPROVAL OF TIDELAND LEASE WITH HOG ISLAND OYSTER COMPANY.

Director of Conservation reported the Permit and Resolution for this Item were approved at a previous meeting; compared other District leases and recommends \$5,000 per acre per year. Mr. Berman said this lease is for a prime site with great access.

District Counsel stated is a difficult task to establish values on something like this.

Commissioner Dale reported Coast Seafoods is charged acreage and gallonage in its lease; said \$5,000 is a good starting point, especially when the District is trying to encourage business in Humboldt Bay.

Commissioner Wilson said he thinks it is an inexpensive beginning and asked how long the lease term would be. Director of Conservation stated it is five to ten years with an option to renew. Kent Sawatzky said he believes it to be a reasonable lease period.

Debbie Provolt asked if this project would interfere with the dock there if ships needed to tie up to it. Director of Conservation stated the project area is too small and is not used for shipping.

Commissioner Wilson said this Item is discussion only.

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