

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

**DATE:** July 25, 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:
      - 1) 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 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 25, 2013 Regular 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.*

### **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 adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project.
- b. Consideration of adoption of Resolution 2013-09 which establishes findings relative to the application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project.
- c. Consideration of granting Permit 11-08 to Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project.

### **11. New Business**

- a. Consideration of adoption of Resolution 2013-10 which establishes findings regarding a grant application to the State Environmental Enhancement and Mitigation Program to help support the ongoing Spartina Eradication Program.
- b. Consideration of extension of Permit 07-05 to the Wiyot Tribe for the Tuluwat Village Restoration Project.
- c. BST Associates Rail Analysis Presentation.

### **12. Administrative and Emergency Permits**

### **13. Adjournment**

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

**July 25, 2013**

**PRESENT**

Commissioner Newman  
Commissioner Dale  
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.

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

**PUBLIC COMMENT**

Monte Provolt stated he requested a feasibility and marketing study on the Freshwater Tissue Company property purchase a few meetings ago and received an eco-park analysis; said while it was well-done, it is not the report he requested and thinks a feasibility and marketing study should be done before the District purchases the mill. Mr. Provolt reported he sees many potential problems.

**CONSENT CALENDAR:** None

**COMMUNICATIONS AND REPORTS**

**CHIEF EXECUTIVE OFFICER REPORT:** None

**STAFF REPORTS:** None

**COMMISSIONER AND COMMITTEE REPORTS**

Commissioner Newman

- ❖ Stated there has been good fishing out of Fort Bragg.

Commissioner Dale

- ❖ Met with Commissioner Wilson and Aldaron Laird in Half Moon Bay regarding Sea Level Rise; said Humboldt County is ahead of most of the State in its preparedness.

Commissioner Wilson

- ❖ Has been vacationing on the Trinity River recently.

Commissioner Marks

- ❖ Said the Economic Development Committee reconvened last week.

Commissioner Higgins

- ❖ Thought the Economic Development Committee meeting was productive.
- ❖ Reported there was a Halibut meeting last week at the Aquatic Center.

## **NON AGENDA**

Commissioner Wilson requested New Business Item 11c, BST Associates Rail Presentation be moved to this place in the Agenda.

COMMISSIONER HIGGINS MOVED FOR THE BST ASSOCIATES RAIL PRESENTATION TO BE MOVED TO THIS PLACE IN THE AGENDA. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

## **BST ASSOCIATES RAIL ANALYSIS PRESENTATION**

Bill Burgel and Brian Winningham of BST Associates presented the Rail Analysis. Mr. Winningham stated BST Associates was asked by the Port to establish the cost of restoring rail service to Samoa and the cargo volume required.

Commissioner Wilson said this Item is not to adopt Policy, but to hear the Report.

Mr. Winningham said this Study is not a detailed engineering study; there were several routes studied. Mr. Winningham reported they studied what would be the big commodities that could possibly move over the rail line to pay for its cost; parameters followed were the ability to maintain 40 mph and clearance for double-stack containers.

Mr. Burgel stated they looked at the topography of the different routes by fly-over and Google Earth; explained the major issues impacting alignments and that they tried to keep a one point five percent grade. Mr. Burgel said the cost for grading could vary from about one to three million per mile depending on the terrain with extra costs for tunnels and bridges, plus one million for track; reported all routes studied were over five million dollars per mile.

Mr. Winningham reported on cargo volumes and possible products; gave estimated railroad cost and revenue. Mr. Winningham stated five point six to 42 tons per year would be needed depending on what discount rate the District got; reported navigation channel depths needed.

Jessica Hall of Humboldt Baykeeper asked if there was a significant cost difference between tunnels and switchbacks; asked if exports and imports were both studied.

Mr. Winningham said they focused on exports due to them moving in the greatest volume right now; was not an exhaustive market study and that imports would be looked at if one was done.

Commissioner Higgins asked the general ratio of exports versus imports.

Mr. Winningham reported value is in imports that are containerized and crude oil; export value is in dry bulk.

Mr. Burgel went over the switchback versus tunnel costs and said it depends greatly; most railroads would rather stay out of a tunnel and want good drainage and a soft grade inside in the tunnel.

Commissioner Dale stated the cost of switchback may be more economical than tunnels.

Monte Provolt asked if BST factored in the restoration of the slides on the North-South route.

Mr. Winningham reported they used the 2007 reconstruction estimates and inflated them.

Ken Sawatzky asked if the discount rate includes grants; what Gray's Harbor exported.

Mr. Winningham said BST did not look at financing options; exported soybean meal, auto exports and some liquid bulks.

Mr. Burgel stated both railroad companies access Gray's Harbor, which is critical.

Commissioner Newman reported the presentation was interesting and was impressed with some of the findings; learned a lot.

Commissioner Wilson, Mr. Winningham and Mr. Burgel discussed railroad crews and Gray's Harbor railroad.

#### **UNFINISHED BUSINESS**

##### **A. CONSIDERATION OF ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPLICATION BY ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR PROJECT.**

COMMISSIONER MARKS MOVED FOR ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPLICATION BY ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR PROJECT. COMMISSIONER HIGGINS SECONDED.

Director of Conservation stated this project is at the Eureka Slough in the tidal portion and helps protect farmland from the Slough; said the plan is to reinforce the area with rock. Mr. Berman said through the CEQA process, no comments were received, although there is a section in the Humboldt Bay Management Plan that requests permittees use non-structural materials. Mr. Berman reported this is a small section of a long levee and did not feel the District should call for a change in height to the surrounding levee.

Commissioner Wilson stated when this project first came before the Board, they said they did not want to see another rock levee repair due to it annihilating habitat with significant environmental impact; the Board needs to do its part to seek funding to change the standards. Commissioner Wilson said with geotextile being the main block, no roots can grow through it and that salt-tolerant willows exist.

Prairie Moore of NRM reported the biological analysis was done by them and they considered the effect on fish, but not crustaceans; the cost is higher to incorporate willow.

MOTION CARRIED WITH COMMISSIONER WILSON DISSENTING.

##### **B. CONSIDERATION OF ADOPTION OF RESOLUTION 2013-09 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR PROJECT.**

COMMISSIONER HIGGINS MOVED FOR ADOPTION OF RESOLUTION 2013-09 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR PROJECT. COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITH COMMISSIONER WILSON DISSENTING.

**C. CONSIDERATION OF GRANTING PERMIT 11-08 TO ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR PROJECT.**

COMMISSIONER MARKS MOVED FOR GRANTING PERMIT 11-08 TO ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR PROJECT. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

**NEW BUSINESS**

**A. CONSIDERATION OF ADOPTION OF RESOLUTION 2013-10 WHICH ESTABLISHES FINDINGS REGARDING A GRANT APPLICATION TO THE STATE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM TO HELP SUPPORT THE ONGOING SPARTINA ERADICATION PROGRAM.**

COMMISSIONER DALE MOVED FOR ADOPTION OF RESOLUTION 2013-10 WHICH ESTABLISHES FINDINGS REGARDING A GRANT APPLICATION TO THE STATE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM TO HELP SUPPORT THE ONGOING SPARTINA ERADICATION PROGRAM. COMMISSIONER MARKS SECONDED.

Director of Conservation stated the State Resources Agency asked for very specific Resolution language.

Commissioner Dale said he received a comment recently that there is a lot of Spartina and Eelgrass floating in the Bay; asked if that was reviewed in the environmental documents for Spartina and reported there was good Eelgrass growth earlier this year.

Director of Conservation stated he would have to refresh his memory by reading the document, but he did not believe so; said there were many high tide cycles during the past month, so the Spartina may have floated out at that point.

Commissioner Newman asked if anyone speculates there will be long-term effects from this project.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF EXTENSION OF PERMIT 07-05 TO THE WIYOT TRIBE FOR THE TULUWAT VILLAGE RESTORATION PROJECT.**

COMMISSIONER DALE MOVED FOR EXTENSION OF PERMIT 07-05 TO THE WIYOT TRIBE FOR THE TULUWAT VILLAGE RESTORATION PROJECT. COMMISSIONER MARKS SECONDED.

Director of Conservation reported the Wiyot Tribe is still working on this Project and have gotten some support from EPA. Mr. Berman stated the Marine Debris Grant recently awarded should help.

Commissioner Dale said the Tribe has done a lot of work to the site and it looks good; met Commissioner Wilson on that site in 2005.

MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 9:15 P.M.

APPROVED BY:

  
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Patrick Higgins  
Secretary

RECORDED BY:

  
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Kim Farrell  
Clerk