

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

DATE: March 14, 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 Section 54956.8 (Conference with Real Property Negotiator)

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. 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.

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

Agenda for March 14, 2013 Regular Board Meeting

10. Unfinished Business

- a. Consideration of Resolution 2013-03, A Resolution Establishing Federal and State Legislative Priorities for the Humboldt Bay Harbor, Recreation and Conservation District during the 2013 Legislative Session.

11. New Business

- a. Consideration of scope revisions and revised contracts with Planwest Partners, Inc. and LACO Associates.
- b. Consideration of entering into contract with BST Associates for financial pre-feasibility analysis of restoring rail service to the Samoa Peninsula.
- c. Consideration of accepting for filing Permit No. 13-01 to David Schneider for Schneider Dock maintenance dredging.

12. Administrative and Emergency Permits

13. Adjournment

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

March 14, 2013

PRESENT

Commissioner Dale
Commissioner Newman
Commissioner Wilson
Commissioner Marks
Commissioner Higgins

President Wilson called the Executive Closed Session to order at 6:06 p.m.

President Wilson adjourned the Executive Closed Session at 6:57 p.m.

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

President Wilson asked Eureka City Councilmember Mike Newman 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 – no action to report.

PUBLIC COMMENT

Pete Oringer said he encourages the Commission to send out timely documents; the District's past Agendas with supporting documents have usually been released on Fridays, but the present Agenda's supporting documents were not released until just prior to this meeting. He asked the Board to continue the tradition of timely agendas and maintain public trust. Mr. Oringer encouraged everyone to visit Redwood Acres for the Northern California Logging Conference.

Karen Brooks of Bayside invited everyone to a HASA fish and steak dinner at Redwood Acres on March 2; reported the group supports the Artificial Reef Project. Ms. Brooks stated the Humboldt Bay Harbor Working Group has an open forum the last Wednesday of each month. David Hull will speak about the East-West rail on March 27.

CONSENT CALENDAR: None

President Wilson reported there have been many things going on in the District, so everyone has been busy, and explains that is why the Agenda was not as timely as usual.

District Counsel said the Agenda complied with the Brown Act; commended the Commission and Staff saying they consider the Brown Act the minimum requirements.

Pete Oringer thanked the Board for their sensitivity.

COMMUNICATIONS AND REPORTS

CHIEF EXECUTIVE OFFICER REPORT

- ❖ Stated HSU representatives recently returned from Washington, D.C. where they had several conversations about the possible purchase of the Freshwater Tissue Company site. President Wilson and CEO will be traveling to Washington DC next week and will meet with many of the same people. CEO reported Tony Vaught, Ted Kuiper, Randy Lowell and Commissioner Dale have been helping them prepare for the trip.

- ❖ Had a productive meeting with the North Coast Regional Water Quality Control Board about Shelter Cove; one of the Water Board's concerns is that their funding would ultimately benefit a private company.
- ❖ Had meetings with the City of Eureka regarding the RV Park project.

STAFF REPORTS

Director of Conservation

- ❖ Had a positive discussion with the North Coast Regional Water Quality Control Board about Shelter Cove.
- ❖ Said the District helped get a floating dock out of the water near the North Jetty that was starting to break apart. President Wilson asked the name of the volunteer heavy equipment operator that assisted with this project. Director of Facility Maintenance said it was Chris Kjer.
- ❖ The International Pacific Halibut Commission is extending its annual sampling into California; should help extend the area's Halibut fishing season.

Director of Facility Maintenance

- ❖ Maintenance staff is getting ready for a busy season at Fields Landing Boat Yard.
- ❖ Took the recommendation of a Woodley Island Marina tenant and rekeyed the tenant restrooms so that there is one key for the mens' and one for the womens' in order to avoid confusion in the future.
- ❖ Built the first dock gate and installed it on F-dock. He feels the added security should work well for the tenants with the additional lighting and security cameras.
- ❖ Is working with the City of Eureka on how to lower the District's monthly water bill.

Bar Pilot Tim Petrusha

- ❖ Stated recent Corps of Engineers surveys showed Humboldt Bay's interior channel depths look good; approach channels are better than normal.
- ❖ Reported Coast Guard Cutter Aspen is on its way to Humboldt Bay to temporarily move buoys for dredging.
- ❖ Said the next log ship is due March 28.
- ❖ Stated the Port Authority Boat had its first annual haul-out and it is in very good condition.

DISTRICT COUNSEL REPORT: None

COMMISSIONER AND COMMITTEE REPORTS

Commissioner Newman

- ❖ Attended a Pacific Fisheries Management Council meeting in Tacoma; options were secured for the upcoming salmon season and it should be one of the best seasons in probably 25 or 30 years.

Commissioner Dale

- ❖ Went to Sacramento and spent time with our area's local representatives; is pleased with area's representation in Washington, D.C. and Sacramento.

Commissioner Wilson

- ❖ Participated in Freshwater Tissue Company property negotiations.
- ❖ Met with Susana Munzell from the Humboldt Bay Harbor Working Group; she presented a Resolution they would like the Commission to adopt.

- ❖ Has been preparing for the Washington, D.C. trip with CEO, including preparing the list of the Commissioner's Legislative Priorities.
- ❖ Is going to Tacoma next week for a National Working Waterfronts Symposium; will discuss aquaculture pre-permitting.

Commissioner Marks

- ❖ Participated in Freshwater Tissue Company property negotiations.
- ❖ Came upon a terrible wreck near Burnt Ranch; the first place to get cell phone coverage was at the South Fork of the Trinity River, so it could have taken a long time to get help if he would not have stopped at a land line. Said Trinity County should consider installing a cell phone tower.

Commissioner Higgins

- ❖ Stated the teacher involved in the accident on Highway 299 was a friend.
- ❖ Would like to maintain access to Halibut, so is excited about sampling.
- ❖ Wished everyone a Happy St. Patrick's Day.

NON AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF RESOLUTION 2013-03, A RESOLUTION ESTABLISHING FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DURING THE 2013 LEGISLATIVE SESSION.

COMMISSIONER MARKS MOVED FOR APPROVAL OF RESOLUTION 2013-03, A RESOLUTION ESTABLISHING FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DURING THE 2013 LEGISLATIVE SESSION. COMMISSIONER HIGGINS SECONDED.

President Wilson stated establishing priorities is something the Board does every year before the Legislative Session; last year there were ten pages of items and not much response came from it, so CEO edited the document to create one-line sentences.

District Counsel reported these Priorities are also used for pre-approval when Staff deals with other agencies or when an issue needs an immediate letter of support and it cannot wait until the next meeting.

Karen Brooks reported she would like to see a few things changed about the Legislative Priorities: artificial reef changed to a mitigation project for the possible pulp mill purchase or other development projects; Samoa Industrial Waterfront Transportation Access Plan funding and working with CalTrans included; said railroad was too far down on the list if the Priorities are in order. Ms. Brooks stated East Coast is getting many modernization dollars due to the changes in the Panama Canal; asked what the distribution of funds of East Coast versus West Coast is; would like the District to work with the City of Eureka on dredging and options.

President Wilson the District has been working with the City of Eureka on dredging and will have to do more public outreach on options. President Wilson reported the Priorities are not in order. He said Priority #10 should end with "and access".

COMMISSIONER MARKS ACCEPTED THE AMENDMENT. COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF SCOPE REVISIONS AND REVISED CONTRACTS WITH PLANWEST PARTNERS, INC. AND LACO ASSOCIATES.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF SCOPE REVISIONS AND REVISED CONTRACTS WITH PLANWEST PARTNERS, INC. AND LACO ASSOCIATES. COMMISSIONER MARKS SECONDED.

George Williamson of Planwest Partners reported the Samoa Industrial Waterfront Transportation Access Plan has progressed significantly, especially due to LACO's efforts; said Kelly-O'Hern Associates is also involved researching easements and survey data.

President Wilson stated much of that information has been instrumental in negotiations regarding the possible Freshwater Tissue Company purchase.

Mr. Williamson reported LACO deserves credit for the work they have done, especially with CalTrans. Planwest Partners and LACO have agreed to scope and budget reductions to bring BST Associates into the project for a pre-feasibility rail study.

Mike Nelson, Vice-President of LACO Associates, stated so far the overall project is under budget and getting good support from the County, HCAOG and CalTrans.

President Wilson stated the current route protects the Timber Heritage Association lease area; the road is almost the least amount that can be laid and still touch all parcels that have waterfront access.

Commissioner Higgins reported he approves of the modifications and thinks everyone is well served.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ENTERING INTO CONTRACT WITH BST ASSOCIATES FOR FINANCIAL PRE-FEASIBILITY ANALYSIS OF RESTORING RAIL SERVICE TO THE SAMOA PENINSULA.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF ENTERING INTO CONTRACT WITH BST ASSOCIATES FOR FINANCIAL PRE-FEASIBILITY ANALYSIS OF RESTORING RAIL SERVICE TO THE SAMOA PENINSULA. COMMISSIONER DALE SECONDED.

CEO stated while there are many studies that have been done on North-South and East-West Rail, the information the District wanted was not available. He contacted BST Associates, a group he has worked with in the past.

George Williamson said the previous agenda item action allows for money through the Prop 1B grant to be available for this Item. He reported BST will develop estimates of cargo volume necessities and what types of cargo will make the Port more viable. Mr. Williamson said there is a final approval on the

use of the grant funds since Federal Highway Authority funds are involved. Once approved the Board will be able to fully consider this item.

COMMISSIONER WILSON SUGGESTED A FRIENDLY AMENDMENT TO APPROVE THE CONTRACT PENDING FINAL APPROVAL FROM FHWA. COMMISSIONERS HIGGINS AND DALE ACCEPTED THE FRIENDLY AMENDMENT.

President Wilson said the transportation plan in Samoa includes a rail component.

Commissioner Marks said the District needs additional information, the project is going in the right direction and he is looking forward to concrete numbers. Commissioner Marks stated NCRA has said publicly that the North-South railroad is not feasible; he would like to see an East-West route given a chance.

Commissioner Dale stated this is the first step; is appreciative that LACO Associates and Planwest Partners worked out a sacrifice in this way.

Commissioner Newman said more information is a good thing.

Monte Provolt said publishing the agenda at the last minute did not allow time for the public to comment on this item. He stated many agencies have written letters of support for the East-West railroad. He believes this study is a duplication of the large-scale study on the horizon and is a waste of tax dollars.

Pete Oringer said between the tardiness of the publication of the Agenda and its supporting documents, and with this Item and the Legislative Priorities on the agenda, discussion should be put off until the next Meeting.

Debbie Provolt reported she is glad to see the Commission reviewing the East-West Rail possibility and believes there should be more public participation in the spending of \$20,000, which she believes would be better spent on a donation to the comprehensive East-West Rail Study.

Mike Newman, a member of RREDC and the UpState RailConnect Committee, in referring to a letter sent to the Board in response to their letter of February 14 to the Upstate RailConnect Committee said a feasibility study should come before a marketing study and asked the Board to put off their marketing study and work on a partnership with the City of Eureka. Mr. Newman stated the UpState RailConnect Committee believes a marketing study is premature at this point and encouraged the Board to put that money towards a larger East-West Feasibility study.

President Wilson asked if that decision was made by the Board of the UpState RailConnect Committee.

Mike Newman stated he was not sure since he was not in attendance at the last meeting, but believes it was talked about by the majority.

Karen Brooks said as a marketing person, one does not market anything until you have something to market; many ports are hubs for inland cities and thinks Humboldt Bay should see if any inland cities are interested in boosting the Port.

Marion Brady reported she read the letter from the UpState RailConnect Committee and thought it was good; stated a marketing study is making suppositions about things that may not be valid. Ms. Brady stated until there is something to market, you do not know what you can ship; said Upstate RailConnect Committee is opening dialogue

President Wilson reported this study is more of a financial pre-feasibility analysis instead of a marketing study; these funds cannot be given to another agency.

District Counsel stated this money has been awarded to study transportation issues in Humboldt Bay; if the District does not use it, they lose it.

Commissioner Marks stated there was a comment made earlier that none of this has been brought up, but it has been; he has talked publicly that he thought a study of this type is necessary.

Commissioner Newman said the District has to use these funds and considers this a valid way to do it; commerce is generated by transport. Commissioner Newman reported he is excited to see what comes from the study.

Commissioner Dale reported the information needed is not currently available, so the study is needed in order for the Board to make good decisions; will not hurt the feasibility study. Commissioner Dale stated the District will get good information that everyone can benefit from; thankful to LACO and PlanWest for making room in their budgets for this study. Commissioner Dale said he disagrees with Mike Newman about the financial analysis and feasibility study order.

Davey Young of McKinleyville stated he is concerned the District did not join the groups doing the feasibility study.

President Wilson said the Board was trying to figure out how to prioritize its participation.

Commissioner Marks asked CEO what the financial ramifications would be if the District were to put off making this decision.

CEO reported there is still time.

Commissioner Dale stated this will provide information he sees as valuable.

COMMISSIONER MARKS MOVED TO TABLE ENTERING INTO CONTRACT WITH BST ASSOCIATES FOR FINANCIAL PRE-FEASIBILITY ANALYSIS OF RESTORING RAIL SERVICE TO THE SAMOA PENINSULA. MOTION FAILED DUE TO LACK OF A SECOND.

ORIGINAL MOTION WITH AMENDMENT CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF ACCEPTING FOR FILING PERMIT NO. 13-01 TO DAVID SCHNEIDER FOR SCHNEIDER DOCK MAINTENANCE DREDGING.

COMMISSIONER HIGGINS MOVED FOR ACCEPTING FOR FILING PERMIT NO.13-01 TO DAVID SCHNEIDER FOR SCHNEIDER DOCK MAINTENANCE DREDGING. COMMISSIONER DALE SECONDED.

Director of Conservation said the Board approving this motion opens the Permit Application to the Public Notice and 30-day public comment period; reported some sediment planning will most likely be modified due to the permit applicant discussing the Permit with the Corps of Engineers.

Commissioner Dale asked where the permit applicant planned to dispose of the dredged sediment.

Director of Conservation stated it would most likely be temporarily de-watered on Schneider property in small amounts before going to a landfill unless a local site can be found.

MOTION CARRIED WITHOUT DISSENT.

Minutes
Regular Meeting of the Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District
March 14, 2013
Page 7 of 7

ADMINISTRATIVE AND EMERGENCY PERMITS: None

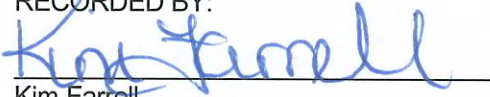
President Wilson adjourned the Regular Meeting of the Board of Commissioners at 9:02 P.M.

APPROVED BY:



Patrick Higgins
Secretary

RECORDED BY:



Kim Farrell
Clerk