

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

**April 25, 2019**

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date at 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

**OPEN SESSION – 7:02 P.M.**

**ROLL CALL**

PRESENT:       KULLMANN  
                  MARKS  
                  HIGGINS  
                  DOSS

ABSENT:       DALE  
QUORUM:       YES

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None.

**CONSENT CALENDAR**

- a) Approval of Meeting Minutes for March 28, 2019.
- b) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with R. Charles and Kim Class, dba First Class.
  - I. COMMISSIONER MARKS MOVED TO APPROVE THE CONSENT CALENDAR ITEMS A-B. COMMISSIONER HIGGINS SECONDED.
  - II. Vice Chair Kullmann opened the item to public comment. No members of the public commented.
  - III. Vice Chair Kullmann moved the discussion back to the Commission.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes:           MARKS, KULLMANN, DOSS, HIGGINS  
Noes:           NONE  
Absent:         DALE  
Abstain:        NONE

**COMMUNICATIONS AND REPORTS**

- a) **Executive Director's Report**
  - I. Executive Director was absent, no report.
- b) **Staff Reports**
  - I. Staff presented on recent District activities including the Brownfield cleanup at RMTII.
- c) **District Counsel and District Treasurer Reports**
  - I. No report.
- d) **Commissioner and Committee Reports**
  - I. Commissioners reported on their recent activities.
- e) **Other**
  - I. None.

**UNFINISHED BUSINESS**

- a) **Consideration of Resolution 2019-06, A Resolution Establishing Findings Relative to the Permit Application by the California Department of Transportation for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project.**
  - I. COMMISSIONER DOSS MADE A MOTION TO ACCEPT RESOLUTION 2019-06 ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR WORK ASSOCIATED WITH THE EUREKA-ARCATA ROUTE 101 CORRIDOR IMPROVEMENT PROJECT. COMMISSIONER HIGGINS SECONDED.

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- II. District staff and Caltrans staff Jason Meyer presented the item.
- III. The Commission discussed the item.
- IV. Vice Chair Kullmann opened the item to public comment. Karen Brooks, Judy Herman, Jennifer Kalt and Jason Meyer commented.
- V. Vice Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER HIGGINS WITHDREW HIS SECOND.
- VI. COMMISSIONER HIGGINS MADE A NEW MOTION TO TABLE THE ITEM UNTIL THE NEXT BOARD MEETING AND CREATE A SUBCOMMITTEE IN ORDER TO COLLECT MORE INFORMATION.  
COMMISSIONER MARKS SECONDED.
- VII. The Commission discussed the item and appointed Commissioner Kullmann and Commissioner Higgins to the subcommittee.
- VIII. Vice Chair Kullmann opened the item to public comment. Karen Brooks, Jason Meyer and Jennifer Kalt commented.
- IX. Vice Chair Kullmann moved the discussion back to the Commission.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITH DISSENT  
Ayes: HIGGINS, KULLMANN, MARKS  
Noes: DOSS  
Absent: DALE  
Abstain: NONE

**b) Consideration of Granting to the California Department of Transportation Permit 2018-01 for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project**

- I. Vice Chair Kullmann presented the item.
- II. The Commission discussed the item. Commissioner Higgins requested that his written comments be entered into the record as Exhibit A attached.
- III. Vice Chair Kullmann opened the item to the public. Karen Brooks, District Staff Bernadette Clueit and Jennifer Kalt commented.
- IV. Chair Kullmann moved the discussion back to the Commission.
- V. COMMISSIONER HIGGINS MOVED TO TABLE THE CONSIDERATION OF GRANTING PERMIT 2018-01 TO CALTRANS FOR WORK ASSOCIATED WITH THE EUREKA-ARCATE ROUTE 101 CORRIDOR IMPROVEMENT PROJECT. COMMISSIONER HIGGINS SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITH DISSENT.  
Ayes: KULLMANN, HIGGINS, MARKS  
Noes: DOSS  
Absent: DALE  
Abstain: NONE

**NEW BUSINESS**

**a) Letter of Support for Application of Mike Wilson to Fill Vacancy on the California Coastal Commission as the North Coast Region Representative.**

- I. Vice Chair Kullmann presented the item.
- II. The Commission discussed the item.
- III. Vice Chair Kullmann opened the item to the public. Karen Brooks and Jennifer Kalt commented.
- IV. Vice Chair Kullmann moved the discussion back to the Commission.
- V. COMMISSIONER HIGGINS MADE A MOTION TO APPROVE THE LETTER OF SUPPORT FOR MIKE WILSON AS THE NORTH COAST REGION REPRESENTATIVE OF THE CALIFORNIA COASTAL COMMISSION. COMMISSIONER MARKS SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITH DISSENT.  
Ayes: KULLMANN, MARKS AND HIGGINS  
Noes: DOSS  
Absent: DALE  
Abstain: NONE

**b) Letter of Support for Application of Virginia Bass to Fill Vacancy on the California Coastal Commission as the North Coast Region Representative.**

- I. Vice Chair Kullmann presented the item.
- II. The Commission discussed the item.

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- III. Vice Chair Kullmann opened the item to the public. Judy Herman, Jennifer Kalt and Karen Brooks commented.
- IV. Vice Chair Kullmann moved the discussion back to the Commission.
- V. COMMISSIONER MARKS MADE A MOTION TO APPROVE THE LETTER OF SUPPORT FOR VIRGINA BASS AS THE NORTH COAST REGION REPRESENTATIVE OF THE CALIFORNIA COASTAL COMMISSION AS AMENDED WITH AN ADDITIONAL PARAGRAPH OUTLINING QUALIFICATIONS AND RELEVANT EXPERIENCE. COMMISSIONER HIGGINS SECONDED. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: KULLMANN, MARKS, DOSS AND HIGGINS.  
Noes: NONE  
Absent: DALE  
Abstain: NONE

**c) Approval of Payment to Recology Eel River in the amount of \$6,084 for Fees Associated with the Removal of Boats at 533 Machi Road in Shelter Cove.**

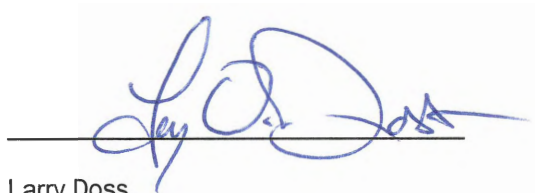
- I. Vice Chair Kullmann presented the item.
- II. The Commission discussed the item.
- III. Vice Chair Kullmann opened the item to the public. No comments.
- IV. Vice Chair moved the discussion back to the Commission.
- V. COMMISSIONER HIGGINS MADE A MOTION TO APPROVE THE PAYMENT TO RECOLOGY EEL RIVER. COMMISSIONER MARKS SECONDED. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: KULLMANN, MARKS, DOSS AND HIGGINS.  
Noes: NONE  
Absent: DALE  
Abstain: NONE

**ADMINISTRATIVE AND EMERGENCY PERMITS - NONE**

**ADJOURNMENT – 8:37 P.M.**

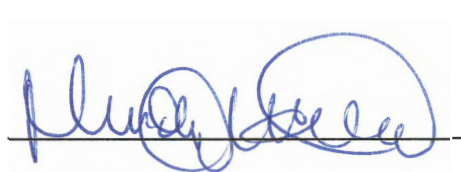
APPROVED BY:

RECORDED BY:



Larry Doss

Secretary of the Board of Commissioners



Mindy Hiley

Director of Administrative Services

Exhibit A

Patrick Higgins  
5<sup>th</sup> Division Humboldt Bay Harbor, Recreation and Conservation District Commissioner  
4649 Aster Avenue  
McKinleyville, CA 95519

April 25, 2019

Commissioner Greg Dale, Chair  
Humboldt Bay Harbor, Recreation and Conservation District Commissioner  
P.O. Box 1030  
Eureka, California 95502-1030

Re: Permit Application by the California Department of Transportation for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project

Dear Chairman Dale,

Our Commission is being asked to rule on the Permit Application of the California Department of Transportation (Caltrans) for work associated with the Eureka-Arcata Route 101 Corridor Improvement Project. I believe the project is necessary for safety and many elements of the project involve replacement of infrastructure that is long past due, like the south-bound bridge over Jacoby Creek. The tide gates that we have jurisdiction over also need replacement and I am happy to see "fish-friendly" state of the art equipment being installed. However, one aspect of the corridor improvement route under our jurisdiction not completely dealt with is the visual blight of billboards in tidelands adjacent to the roadway. Billboards along the Highway 101 Eureka-Arcata corridor have been an issue of contention between the Harbor District and Caltrans since I was seated as a Commissioner in 2008. I supply some background information that my fellow Commissioners may find useful.

In 2013, the California Coastal Commission (Commission) conditionally concurred with Caltrans' certification for the Eureka-Arcata 101 Corridor Safety Improvement project but imposed conditions. Condition #2 (Visual Impact Mitigation) states that

"Prior to or concurrent with its submittal to the Commission of a coastal development permit application for the project Caltrans will develop and submit a plan to provide mitigation for the visual impacts of the project by removing, to the maximum extent feasible, all billboards along the corridor, as well as other overhead infrastructure (such as power poles and power lines), and by steepening the inside slopes of the interchange to maximize the view towards the bay from Indianola Cutoff."

Although ten billboards were removed from the Project area since 2013, four remain in the vicinity of the proposed interchange at Indianola Cutoff. Three of these billboards (Caltrans ODA permits #6277, 6269, and 6278) are located in tidelands and submerged lands which are subject to the protections of the common law Public Trust Doctrine. According to a determination by the State Lands Commission on Sept. 22, 2015, these three billboards are located within lands the State patented as Tidelands Location 256 (File Ref: SD 2015-09-15.2) over which the Harbor District has control.

In January 2019, Caltrans renewed the ODA permits for these three billboards despite numerous reasons supporting their removal. Subsequently, Caltrans submitted its Coastal Development Permit application for the Project on March 29, 2019 stating that the three billboards are among the 12 billboards that will not be removed to mitigate the visual impacts of the Project.

Humboldt Bay Harbor, Recreation, and Conservation District Ordinance 7, Article IV, Section 9 (f) states that:

“Signs and related structures, other than those that are necessary and approved by the District for navigational, public safety, resource management and identification purposes shall be eliminated and prohibited from the tidal and submerged lands within the jurisdiction of the District.”

I am asking my fellow Commissioners to join me in requesting that Caltrans revoke the ODA permits for the signs in Tideland Location 256 or, at the very minimum, stop renewing the leases when they expires. I recommend that we table the Resolution and Permit requests this evening to give our staff more time to seek clarification and negotiate with Caltrans over this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Higgins', with a large, stylized flourish extending from the end of the signature.

Patrick Higgins