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

May 18, 2017

The Humboldt Bay Harbor, Recreation, and Conservation District met in regular session on the above date, 6:00 P.M. Closed Session, 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

1) CLOSED SESSION - 6:00 P.M.

The Commission met in closed session to discuss the following items:
   a) Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54957(b)(1) (Public Employee Performance Evaluation), 54956.9 (a) (Existing Litigation) and 54956.8 (Conference with Real Property Negotiators)
   1) Public Employee Performance Evaluation. Title: Executive Director (Annual Evaluation and Contract renewal)
   Conference with legal counsel--Existing Litigation from National Audubon Society and California
   2) Waterfowl Association v. Humboldt Bay Harbor, Recreation and Conservation District, pending in Humboldt County Superior Court.
   3) Conference with Real Property Negotiators Agency Negotiator: Board President, Executive Director and District Counsel Property Purchase- Dog Ranch

2) ADJOURN EXECUTIVE CLOSED SESSION

3) OPEN SESSION – 7:00 P.M.

ROLL CALL:

PRESENT:  HIGGINS
          MARKS
          KULLMANN
          DALE

ABSENT:   DOSS

QUORUM: Yes

4) PLEDGE OF ALLEGIANCE

5) REPORT ON EXECUTIVE CLOSED SESSION
   1) Nothing to report out on, but item is on Open Session Agenda Item 11h.
   2) Nothing to report out on.
   3) Nothing to report out on, but item is on Open Session Agenda Item 11d.

6) PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on this meeting’s agenda: Kent Sawatzky.

7) CONSENT CALENDAR:
   a. Consideration of approval of Board meeting minutes for April 27, 2017
      I.COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR. COMMISSIONER KULLMANN SECONDED.
      II.Chair Marks then opened up public comment on the item. Seeing no members of the public wishing to speak, Chair Marks then moved the discussion back to the Commission.
      VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
      Ayes: MARKS, HIGGINS, KULLMANN, DALE
      Noes: NONE
      Absent: DOSS
      Abstain: NONE

8) COMMUNICATIONS AND REPORTS:
a. Executive Director, Jack Crider Report:
   - Conference Call with EPA regarding HOODS sediment disposal, USACE will need to help expedite permits for Sept./Oct. dredging.
   - West Coast Contractors here next week- costs to clamshell and dump barge to HOODS.
   - Will continue to complete Samoa Lagoons preparation and equipment needed for upland disposal.
   - Danco has proposed to use Samoa property for dredge disposal.
   - Staff looking at disposal options Samoa Peninsula and Elks River Island
   - Next Special Commission meeting June 9th- Shelter Cove 5 pm.

b. Staff Reports
   - Director of Harbor Operations, Tim Petrusha:
     a) Dredge Support Crew from Great Lakes Dredging have arrived
     1. Temporary office provided
     2. Dredge Terrapin Island due to arrive Saturdays morning
     3. Currently scheduled for 2 weeks of work- 400,00 CYDS
   - USACE looking for funding for an extension
     1. Lieutenant Colonel Travis J. Rayfield of the USACE here Wednesday 24th
     2. New commander for the USACE San Francisco sector
   - Director of Maintenance & Operations, Alan Bobillo:
     a) Marina maintenance and utilities upgrades in progress
     b) Still repairing RMTI storm damage
     c) RMT I, created BMP checklist for LCL 1091 Vessel

c. District Counsel, District Planner, District Treasurer and District Engineer Reports
   - District Counsel: NONE.
   - District Planner, George Williamson:
     o Current projects include:
     a) Mariculture Intertidal Pre-permitting & Yeung Oyster Farm EIR- Scoping report
     b) Shelter Cove facility- County CDP
     c) Woodley Island- CDP modifications- response to Coastal Commission
     d) LCL1091 vessel- permanent site options CDP- response to Coastal Commission
     e) FY 2017-18 Budget – Preliminary Budget adoption tonight
     f) Eelgrass Management Plan- time extension granted, draft in preparation
   - District Treasurer, Mark Wetzel:
     a) Monthly statements- April’s full report will be available next week.
   - District Engineer: NONE.

d. Commissioner and Committee Reports
   - Commissioner Higgins
     o MPA Monitoring- pursuing collaborative monitoring to assure agencies and maintain access to fisheries
   - Commissioner Kullmann
     o Attended MPA meeting regarding monitoring
   - Commissioner Marks
     a) Attended many meetings regarding dredging on the Bay
   - Commissioner Dale: NONE.

e. Other NONE.

9) NON-AGENDA: NONE.

10) UNFINISHED BUSINESS:
   a. CONSIDERATION TO ESTABLISH LEASE RATES FOR PRE-PERMITTING SUBTIDAL AREAS 1, 2 AND 3.
I. Commissioner Dale recused himself and left the room for this item.
II. Executive Director Crider presented the item.
III. The Commission briefly discussed the item.
IV. COMMISSIONER HIGGINS MOVED TO ESTABLISH RATES FOR PRE-PERMITTING SUBTIDAL LEASE SITES 1 AND 2 AT $3,000 PER AN ACRE PER A YEAR, AND SUBTIDAL LEASE SITE 3 AT $7,000/AC/YEAR. COMMISSIONER KULLMANN SECONDED THE MOTION.
V. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky, Sebastian Elrige, Chris Starboard. Chair Marks then moved the discussion back to the Commission. The Commission discussed the item further.
VI. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
   Ayes: MARKS, HIGGINS, KULLMANN
   Noes: NONE
   Absent: DOSS
   Abstain: DALE

11) NEW BUSINESS:

A. CONSIDERATION OF EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT WITH PERCIFORMES GROUP.
   I. Executive Director Crider and Commissioner Higgins introduced the item. Tim Aberson, a Perciformes Group representative called in remotely via conference call. And presented information about the company.
   II. The Commission briefly discussed the item.
   III. COMMISSIONER HIGGINS MOVED TO ENTER INTO AN EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT WITH PERCIFORMES GROUP. COMMISSIONER DALE SECONDED THE MOTION.
   IV. The Commission then further discussed the item.
   V. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky. Chair Marks then moved the discussion back to the Commission.
   VI. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
       Ayes: MARKS, HIGGINS, KULLMANN, DALE
       Noes: NONE
       Absent: DOSS
       Abstain: NONE

B. PRELIMINARY BUDGET REVIEW AND ADOPTION FY 2017/18.
   I. Executive Director Crider introduced the item.
   II. COMMISSIONER DALE MOVED TO APPROVE THE PROPOSED BUDGET FOR FISCAL YEAR 2017-18 AND DIRECTED THE EXECUTIVE DIRECTOR TO MAKE REQUESTED ADDITIONS/CHANGES. COMMISSIONER KULLMANN SECONDED THE MOTION.
   III. The Commission discussed the item, requested additions/changes, and noted that the final budget will come back before the commission for a public hearing.
   IV. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky, Susan Penn. Chair Marks then moved the discussion back to the Commission.
   V. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
       Ayes: MARKS, HIGGINS, KULLMANN, DALE
       Noes: NONE
       Absent: DOSS
       Abstain: NONE

C. RESOLUTION 17-07 CONSIDERATION OF CERTIFICATION OF ACCEPTANCE IN REAL PROPERTY CONVEYED BY PACIFIC GAS AND ELECTRIC COMPANY FOR KING SALMON FISHERMAN'S CHANNEL.
   I. COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2017-07. COMMISSIONER DALE SECONDED THE MOTION.
   II. Executive Director Crider introduced the item.
   III. The Commission briefly discussed the item.
   IV. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky. Chair Marks then moved the discussion back to the Commission.
   V. ROLE CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
       Ayes: MARKS, HIGGINS, KULLMANN, DALE
D. CONSIDERATION OF PROPERTY PURCHASE COMMONLY KNOWN AS DOG RANCH AND AGREE TO BE NAMED AS PURCHASER IN MULTIPLE GRANT APPLICATIONS.
   I. Executive Director Crider introduced the item.
   II. The Commission briefly discussed the item.
   III. COMMISSIONER HIGGINS MOVED TO PURCHASE THE PROPERTY COMMONLY KNOWN AS DOG RANCH AND AGREE TO BE NAMED AS PURCHASER IN MULTIPLE GRANT APPLICATIONS. COMMISSIONER KULLMANN SECONDED THE MOTION.
   IV. The Commission briefly discussed the item.
   V. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky, Sebastian with Aqua Rodeo Farms, Chris Starboard. Chair Marks then moved the discussion back to the Commission.
   VI. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
       Ayes: MARKS, HIGGINS, KULLMANN, DALE
       Noes: NONE
       Absent: DOSS
       Abstain: NONE.

E. CONSIDERATION OF CONTRACT AMENDMENT WITH MERKEL & ASSOCIATES.
   I. Executive Director Crider introduced the item.
   II. COMMISSIONER KULLMANN MOVED APPROVE THE HUMBOLDT BAY EELGRASS MANAGEMENT PLAN DEVELOPMENT CONTRACT AMENDMENT NO. 1 WITH MERKEL & ASSOCIATES. COMMISSIONER HIGGINS SECONDED THE MOTION.
   III. The Commission discussed the item and invited Whelan Gilkerson to speak on behalf of Merkel and Associates.
   IV. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky. Chair Marks then moved the discussion back to the Commission.
   IV. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
       Ayes: MARKS, HIGGINS, KULLMANN
       Noes: NONE
       Absent: DOSS
       Abstain: DALE

   I. Executive Director Crider introduced the item.
   V. COMMISSIONER HIGGINS MOVED TO SELECT HARSHAL & COMPANY FOR AUDITING SERVICES FOR FY'S 2017-2019. COMMISSIONER DALE SECONDED THE MOTION.
   VI. The Commission briefly discussed the item.
   VII. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky. Chair Marks then moved the discussion back to the Commission.
   VIII. VOICE CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
       Ayes: MARKS, HIGGINS, KULLMANN, DALE
       Noes: NONE
       Absent: DOSS
       Abstain: NONE.

G. CONSIDERATION OF LEASES OF SUBTIDAL AREAS 1 AND 2 WITH: STARBIRD MARICULTURE, AQUA RODEO FARMS, HUMBOLDT
   I. Commissioner Dale recused himself and left the room.
   II. Executive Director Crider presented the item.
   III. COMMISSIONER HIGGINS MOVED TO APPROVE THE 3 SUBTIDAL TENANT LEASES. COMMISSIONER KULLMANN SECONDED THE MOTION.
   IV. The Commission briefly discussed the item.
   V. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky, Todd Van Herpe, Sebastian Elrite. Chair Marks then moved the discussion back to the Commission.
VI. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
   Ayes: MARKS, HIGGINS, KULLMANN, DALE
   Noes: NONE
   Absent: DOSS
   Abstain: DALE

H. CONSIDERATION OF CONTRACT RENEWAL FOR EXECUTIVE DIRECTOR JACK CRIDER
   I. COMMISSIONER HIGGINS MOVED TO APPROVE THE CONTRACT RENEWAL FOR EXECUTIVE
      DIRECTOR JACK CRIDER. COMMISSIONER KULLMANN SECONDED THE MOTION.
   II. District Counsel suggested that the motion include the salary amount decided upon in Closed Session.
       COMMISSIONER HIGGINS ACCEPTED THIS AS A FRIENDLY AMENDMENT AND ADDED TO
       APPROVE A 5% RAISE FROM $136,000 TO APPROXIMATELY $142,000, FOR A ONE YEAR
       CONTRACT TO THE MOTION. COMMISSIONER KULLMANN ACCEPTED THE FRIENDLY
       AMENDMENT.
   III. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky. Chair
        Marks then moved the discussion back to the Commission.
   IV. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
       Ayes: MARKS, HIGGINS, KULLMANN, DALE
       Noes: NONE
       Absent: DOSS
       Abstain: NONE

12) ADMINISTRATIVE AND EMERGENCY PERMITS: NONE

13) ADJOURNMENT

APPROVED BY

[Signature]
Patrick Higgins
Secretary

RECORDED BY:

[Signature]
George Williamson
District Planner