

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

**January 22, 2015**

**PRESENT:**

Commissioner Newman  
Commissioner Dale  
Commissioner Marks  
Commissioner Wilson  
Commissioner Higgins

President Marks called the Executive Closed Session to order at 6:05 p.m.

Mike Kellogg, Timber Heritage Association (THA), thanked the Board for their work toward the efforts to preserve the historic Samoa Shops area. THA is working with State Lands on the boundaries of the property; the mean tide line is further West than originally thought.

Pete Johnston, THA, thanked the Board for the opportunity of a Purchase Option Agreement. THA appreciates the support. He said he was surprised that the property survey showed a different tide line, but that minor obstacle can easily be overcome.

Dan Hauser, longtime Board Member of THA and its predecessor organization, thanked the Board and staff for all their hard work and looks forward to consummation of an agreement.

Chet Ogan thanked the Board and said the old building and old equipment belong together.

Bruce Seivertson, Vice President of THA, said it was a great pleasure to meet with Commissioners Marks and Newman and Executive Director at the property. THA appreciates all their efforts and looks forward to the finished project.

Kent Sawatzky said District staff has been fantastic, getting the project done quickly. Good things cause good things. Karma.

The Board then adjourned to Closed Session.

President Marks adjourned the Executive Closed Session at 6:53 p.m.

President Marks called the regular meeting of the Board of Commissioners to order at 7:07 p.m.

Commissioner Wilson led those present in the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Status of Conference with Real Property Negotiators for Exclusive Right To Negotiate with Sustainable World Solutions, LLC for the Redwood Terminal 2 property; Freshwater Tissue Company Notice of Retaining Parcel C per the Option Agreement and Timber Heritage Association Purchase Option Agreement – No action taken on these items. Threatened Litigation – Nixon Peabody and Freshwater Tissue Company – No action taken.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR:** None

**COMMUNICATIONS AND REPORTS**

**EXECUTIVE DIRECTOR'S REPORT:**

- ❖ Chris Wedon, USEPA, reported on the status of the cleanup at Redwood Terminal 2. Even though EPA demobilized in November, currently rainwater management is being conducted on site. They are waiting on the demolition plan and CalOSHA approval; then planning to recycle the

steel. DG Fairhaven is providing the fly ash at a good rate to help solidify the existing sludge. They will be back to operations in March.

- ❖ Anchoring Ordinance – Anchoring in Humboldt Bay is allowed without charge for 72 hours. A permit is required after the 72 hours and will be good for 14 days, with 14 day extensions optional. The District can refuse to issue a permit. Since 2004, only 2 permits have been issued. The maximum anchorage is 31 days and then the District serves a 72 hours to vacate notice. Seizure and lien are the next steps. Local law enforcement and the US Coast Guards agree with the District's ordinance and the District is the main legal entity. Questions arise as to the ability of the District's to regulate anchoring on privately-owned tidelands. There are also safe harbor issues in times of inclement weather.
- ❖ Mariculture Pre-Permitting Project – Adam Wagschal, HT Harvey & Associates – reported the Draft EIR is out for agency and public review. Comments are due March 12. The complete EIR will be available at the end of May. All other applications for permits will be submitted within the next six months and permits are expected to be obtained by the end of the year.

#### **STAFF REPORTS:**

##### Director of Facility Maintenance

- ❖ CalFire workers cleaned out around the fence line of the wildlife area on Woodley Island.
- ❖ Maintenance staff has been working on repairing rain gutters and patching the roof of the warehouses at Redwood Terminal 2, saving the District approximately \$5,000.

##### Director of Harbor Operations

- ❖ California Redwood Company (CRC) hired SHN Engineers to do a preliminary survey on the shoaling at their dock until the Corps of Engineers survey vessel arrives. Five vessels are expected this year. Currently there is a 32' draft restriction. CRC is being urged to continue to supply their customers/shipping, but will have to load lighter.
- ❖ Corps of Engineers vessel arrived today. *ESSAYONS* is in dry-dock in Portland, but should arrive in Humboldt Bay in late June or later. Letters requesting additional funds for shoaling removal have been sent to Congressman Huffman and the Corps of Engineers Colonel.

##### District Planner

- ❖ Samoa Enhanced Trails Project – There will be a meeting in February with Samoa Pacific Group, County Public Works and the Harbor District to discuss an agreement, determine responsibility of parties and the District's obligation. County of Humboldt will continue with the grant application. 13,300 lineal feet on Samoa Peninsula will be built if the grant is funded.
- ❖ Sewer plugs at Redwood Terminal 2 are working now. A report to the Regional Water Quality Control Board will state the inflow into the storm drains has been stopped.
- ❖ Walked the Samoa Shops property with the Timber Heritage Association representatives.
- ❖ Harbor District/City of Eureka collaborative dredging of 13 marina and dock sites – using modeling software calculations of quantities needed to get to specified depths.
- ❖ Met with land use committee to formulate a proposal to the City for the General Plan Update (GPU).

**DISTRICT COUNSEL REPORT:** None

#### **COMMISSIONER AND COMMITTEE REPORTS:**

##### Commissioner Newman:

- ❖ Participated in the walk around the Samoa Shops property and looks forward to a positive future with THA.

##### Commissioner Marks:

- ❖ Also participated in the walk around the Samoa Shops property.
- ❖ NCRA meeting in Eureka – discussed removing some locomotives on the Balloon Track and a town of Loleta building is located on the rail right of way.

Commissioner Wilson:

- ❖ Met as part of the land use committee to discuss the GPU proposal to the City of Eureka.
- ❖ Asked if there are long-term opportunities for anchoring in Humboldt Bay. Would anchoring balls be beneficial?
- ❖ Has an interview on KINS radio last week.

Commissioner Higgins

- ❖ Reported a large contingency will attend the Pacific Halibut Conference in British Columbia.
- ❖ Working on mariculture leases; there is an amazing array of talent in the applicants.
- ❖ Met with Executive Director regarding aquaponics
- ❖ Talked with Dave Lancaster of Dept. Fish & Game regarding the Woodley Island Wildlife Area. The spruce trees are in clumps and don't shade the grass.
- ❖ Talked about the Eel River Recovery Project – January 31<sup>st</sup> there will be two Eel River fishery events.

**NON AGENDA:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS**

**A. CONSIDERATION OF TIMBER HERITAGE ASSOCIATION PURCHASE OPTION AGREEMENT.**

Executive Director reported the property consists of 8.3 acres of land plus historic buildings. Timber Heritage Association is required to complete all entitlements, lot line adjustment, Environmental Phase 2, environmental remediation and all permit compliances. The Option consideration fee is \$5,000; option purchase price \$1. The agreement is a one year term with an option to extend for one year. THA will reimburse the District the costs of the CEQA requirements.

COMMISSIONER NEWMAN MOVED FOR THE APPROVAL OF TIMBER HERITAGE ASSOCIATION PURCHASE OPTION AGREEMENT. COMMISSIONER WILSON SECONDED.

Commissioner Wilson said there has been much discussion and negotiation in Closed Session regarding the requirement of THA to create an actual sellable lot.

Commissioner Dale said he is impressed with all the work on both sides.

MOTION CARRIED WITHOUT DISSENT.

Kent Sawatzky and Mike Kellogg thanked the Board of Commissioners for their positive action.

**B. CONSIDERATION OF HIRING BONNIE NEELY TO DETERMINE PRINCIPALLY PERMITTED USES AT REDWOOD TERMINAL 2.**

Bonnie Neely attended the meeting by phone. She was on the California Coastal Commission for 12 years; Humboldt County Board of Supervisors for 24 years. Currently Ms. Neely is working for a Sacramento law firm and continues her good relationship with the California Coastal Commission.

Commissioner Wilson said the District is trying to reactivate a previously permitted use for the property.

Commissioner Higgins said hiring Ms. Neely is a smart strategic move by the District; it is essential to the success of the project to have good representation in front of the Coastal Commission.

Ms. Neely said she is also working with Samoa Pacific Group; helped to get the infrastructure improvement grants and did the grant application for the trails project.

COMMISSIONER NEWMAN MOVED FOR THE APPROVAL OF HIRING BONNIE NEELY TO DETERMINE PRINCIPALLY PERMITTED USES AT REDWOOD TERMINAL 2. COMMISSIONER WILSON SECONDED.

Kent Sawatzky strongly applauded the Board for going to the sharpest tool. He said he is looking forward to trails with rail.

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF MEMORANDUM OF AGREEMENT REGARDING THE HUMBOLDT BAY INVASIVE SPARTINA REMOVAL PROJECT FUNDED BY THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM.**

Executive Director reported the Harbor District has already received the grant through the State of California Resources Agency; but the required deed is illegal – too many encumbrances. The Memorandum of Agreement (MOA) was settled on as an alternative. The MOA requires the City of Eureka and the Humboldt Bay National Refuge to maintain the native salt marsh for 25 years. If the City and the Refuge cease to exist, the Harbor District will take over.

COMMISSIONER HIGGINS MOVED TO APPROVE THE MEMORANDUM OF AGREEMENT REGARDING THE HUMBOLDT BAY INVASIVE SPARTINA REMOVAL PROJECT FUNDED BY THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM. COMMISSIONER WILSON SECONDED.

Commissioner Higgins asked the cost per acre. Adam Wagschal said the cost is based on San Francisco costs, but not definitive amount has been determined yet.

Kent Sawatzky said Mother Nature will bring Spartina back – it is a tenacious weed.

Commissioner Wilson said the costs decrease each year – it can be very cost effective.

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF DESIGNATION OF COMMISSIONER TO SERVE ON THE REDWOOD REGION ECONOMIC DEVELOPMENT COMMISSION BOARD.**

COMMISSIONER HIGGINS NOMINATED COMMISSIONER WILSON TO SERVE ON THE REDWOOD REGION ECONOMIC DEVELOPMENT COMMISSION BOARD AND COMMISSIONER DALE TO BE THE ALTERNATE. COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT.


**E. ELECTION OF OFFICERS**

COMMISSIONER WILSON NOMINATED COMMISSIONER MARKS, PRESIDENT, COMMISSIONER HIGGINS, VICE PRESIDENT; COMMISSIONER DALE, SECRETARY FOR ANOTHER YEAR. COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS:** None.

The Regular Meeting of the Board of Commissioners adjourned at 8:07 p.m.

APPROVED BY:

  
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Greg Dale  
Secretary

RECORDED BY:

  
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Patricia Tyson  
Director of Administrative Services