

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

**March 10, 2016**

**PRESENT:**

Commissioner Doss  
Commissioner Dale  
Commissioner Wilson  
Commissioner Marks

**ABSENT:**

Commissioner Higgins

Vice President Wilson called the Executive Closed Session to order at 6:02 p.m.

Vice President Wilson adjourned Executive Closed Session at 6:58 p.m.

Vice President Wilson called the regular meeting of the Board of Commissioners to order at 7:05 p.m.

Vice President Wilson asked Commissioner Marks to lead the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Conference with Real Property Negotiators regarding the Lease with Mario's Marina at Shelter Cove and King Salmon canal lease – no action taken.

Vice President Wilson moved New Business Item (a) to this point in the meeting.

**NEW BUSINESS**

**A. CONSIDERATION OF ADOPTION OF RESOLUTION 2016-07, A RESOLUTION HONORING THE MEMORY OF FORMER COMMISSIONER CHARLES OLLIVIER.**

COMMISSIONER MARKS MOVED FOR THE ADOPTION OF RESOLUTION 2016-07, A RESOLUTION HONORING THE MEMORY OF FORMER COMMISSIONER CHARLES OLLIVIER. COMMISSIONER DALE SECONDED.

Commissioner Marks said Commissioner Ollivier was bigger than life as a union leader and longshoreman. Commissioner Marks said he was fortunate to have Commissioner Ollivier as a keynote speaker when he was organizing chip dock workers. He was one of a kind, honest, and stood behind his passion and words and Commissioner Marks said he was honored to get to know Commissioner Ollivier.

Commissioner Wilson said it was fun have Commissioner Ollivier on the Board. They did not always agree, but Commissioner Wilson learned lots; Commissioner Ollivier was "super cool". He had lots of stories and details relative to the history of Humboldt Bay and its people. His drive was from the want to improve lives of people in Humboldt County. Commissioner Wilson said he appreciated Commissioner Ollivier's perspective of collective bargaining and democracy; he believed in the function of government.

Commissioner Dale said Commissioner Ollivier made him feel comfortable during his first meeting at the Harbor District and then was his friend and mentor from then on. Commissioner Ollivier loved oysters and was certainly larger than life. Commissioner Ollivier worked hard for his community, the Harbor District and for the people.

Commissioner Doss said he knew Commissioner Ollivier outside of the Harbor District; he was honored to meet him during the election cycle. Commissioner Ollivier was such a resource and a very positive force. Commissioner Doss said he was looking forward to Commissioner Ollivier's help during his first term; he was just learning about Commissioner Ollivier's depth of knowledge about the harbor.

District Counsel said it was a pleasure to meet Commissioner Ollivier in 2001, who made him feel comfortable from the beginning when he was retained to be the second-ever District Counsel for the Harbor District; he was a fountain of knowledge and cared deeply about people. Commissioner Ollivier acted in the best interest of his constituents; he was confident, knowledgeable and fun. District Counsel said he was sorry for the loss of

Commissioner Ollivier to his family and his community. He will be missed by the people of Humboldt County and Humboldt Bay in particular.

Director of Harbor Operations stated he worked with Commissioner Ollivier just less than 20 years. Commissioner Ollivier always said he was lucky to work on Humboldt Bay.

Commissioner Wilson said he had just returned from Paris and Marseille, France and thought of the many stories Commissioner Ollivier had told. His stories were always about adventures. Commissioner Ollivier married adventure. Commissioner Wilson then introduced Carol Ollivier.

Carol said she was raised locally, rode the ferry to Hammond Lumber Company. Les Westfall, Westfall Stevedore, introduced her to Commissioner Ollivier.

Commissioner Wilson presented the resolution to Carol Ollivier.

THE BOARD OF COMMISSIONERS ADOPTED THE RESOLUTION BY ACCLAMATION.

## **PUBLIC COMMENT**

Jim Roberts, Sr. said the Harbor District and PG&E signed the documents for the pilot project for King Salmon; the Harbor District took the \$2 million and ran. The people of King Salmon have no say; the pilot project is law. The Harbor District signed a contract stating they will do one thing and then did another. Last week at the meeting people were upset. There was a good turnout.

Jim Roberts, Jr. said all his life PG&E has promised to dredge. Three years ago there were quarterly meetings with PG&E and then the \$2 million check was given. Now the pilot project is out. The Harbor District blamed the Coastal Commission, then Fish and Game and then others. No one has a record of the Harbor District applying for a permit. The Harbor District never tells the truth. King Salmon was supposed to be dredged to the original depth and width and the fingers permitted, but now nothing. The Harbor District is wasting time, money and resources. The dredge that was purchase was sunk for a while. Executive Director will not return phone calls. Mr. Roberts asked how he gets honesty from anyone. The Harbor District is the most corrupt organization. There is a contract signed by the Harbor District and PG&E. The pilot project is a joke.

## **CONSENT CALENDAR**

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

## **COMMUNICATIONS AND REPORTS**

### **EXECUTIVE DIRECTOR'S REPORT**

- ❖ **New Market Tax Credit transaction completed at 11:20 today.**
  - All clear given at 8:57am yesterday- by 2pm - \$8.6 million transfers.
- ❖ Contractors meeting next Wednesday – The Notice to Proceed will be issued to all contractors.
- ❖ First draw before the end of the month - Scheduled advances.
- ❖ Professional and closing costs budget \$500,000 over <\$57,000>.
- ❖ CDE and Lowes' retainers returned \$95,000 net to project +\$38,000.
- ❖ County property taxes had to be paid \$11,000 plus \$4,000 transfer fees
  - District Counsel stated the County has attempted to charge the Harbor District in years past, but the CA constitution prohibits the County from assessing another public agency for taxes. It is really the Samoa Fire District's assessment and the County Assessor said he did not have the authority to remove it. A letter was written to the Samoa Fire District, but no response. A letter was written today to the County Assessor and copied to the Samoa Fire District stating these taxes were paid in order to close the New Markets Tax Credits transaction, but were paid in protest. Asked county to remit back to us immediately when received; do not remit to the Samoa Fire District. If necessary, the Harbor District will file legal action against County of Humboldt in order to get them the authority they need to release the funds back to the Harbor District.

## Minutes

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- ❖ Disbursement account balance - \$3,406,000 includes \$200,000 management fee.
- ❖ Four new checking accounts with BBVA setup - approvals needed soon.

### STAFF REPORTS:

#### Deputy Director:

- ❖ Provided update to County Board of Supervisors regarding Mariculture Pre-Permitting Project.
- ❖ Coordinating with Humboldt State University Students on senior projects related to shoreline management and Woodley Island Wildlife Area management.
- ❖ Continuing regulatory processes for:
  - King Salmon Dredging
  - Mariculture Pre-Permitting Project
  - HSU Desalination Project
  - Seafood Market Project
  - Spartina Eradication Project

#### Director of Harbor Operations:

- ❖ Cruise Ship Convention Fort Lauderdale, Florida March 14.
  - Bruce Conner Leaving Saturday, Representing Humboldt Bay and Astoria.
  - Marketing Items from Eureka Sent for Show.
  - Bruce will be Meeting with Representatives from Most of the Major Cruise Lines.
- ❖ Lease Renewals coming up for USACE Office, MSRC Fields Landing, Chevron/PORTS.
- ❖ USACE Yearly Inspection was conducted.
- ❖ New Lease for Office Space at Berth 2 - Nelson Bio, Inc.
- ❖ USACE Soundings Delivered. 31 foot Draft Restriction put in place.
- ❖ Surplus Engines - Auction bids are out and due back April 4.
- ❖ F/V Dennis Gayle sunk at Humboldt Bay Forest Products Dock in Fields Landing.
  - USACE to survey to see if the vessel is in the Navigational Channel.
  - Owner has responded and is working on a solution with CA Dept. Fish and Wildlife and the US Coast Guard.

#### Director of Facility Maintenance:

- ❖ Dredge repairs
  - Tier 3 main engine installed; Auxiliary engine serviced; Fuel tanks cleaned and inspected; New fuel filters; New fuel lines, tank to filters, filters to main and auxiliary engines; Generator inspection and outputs loads checked; Hydraulic pump serviced; Hydraulic fluid changed to environmentally safe type; Hydraulic hoses inspected and replaced as necessary; Cutter head rebuild with hard facing cutter teeth and main boss supports; Wheel house instrumentation cleaned up with new dash mount paint; New insulation in the wheel house; New paneling and floor boards in wheel house; All cabling removed and inspected, replaced as necessary and lubed; Anchor wrenches refurbished; All new DC switch gear and panels; All new AC switch gear and panels; All new wiring, DC and AC; All new interior work lights and New navigational equipment and monitor.

### DISTRICT COUNSEL REPORT:

District Counsel reported he has been spending time on the New Market Tax Credit documents to make sure they were ready for the close of the transaction.

### DISTRICT PLANNER REPORT:

- ❖ Last Thursday he attached a Humboldt County Planning Commission meeting regarding the lot line adjustment creating the parcel PG&E will be giving to the Harbor District. General Plan conformity needs to be reviewed by the Planning Commission; a vote of 3-1 confirmed conformity.
- ❖ Working on the language for the RFP for use of EDA funds for Samoa Peninsula for economic development.
- ❖ Commenting to County on the interim use ordinance which will go back to the Planning Commission next month.

**DISTRICT TREASURER REPORT:**

- ❖ Audit has been finalized. It is needed by BBVA for New Markets Tax Credits transaction.

**COMMISSIONER AND COMMITTEE REPORTS:**

Commissioner Doss:

- ❖ Attended the special workshop meeting with the King Salmon residents. The pilot program was discussed.
- ❖ CA Department of Public Health will be conducting a water quality study in Humboldt Bay from March 14-25; red dye will be put in the water for testing.
- ❖ Was honored at the HumCPR dinner with Estelle Fennell and Mock Wahlund.

Commissioner Dale:

- ❖ His son attend Cal Poly San Luis Obispo and was selected to be part of the team to analyze water storage; the team presented to the state legislature last week and Commissioner Dale watched a private presentation to the Farm Bureau. It was enlightening to have the information brought down to an understandable level. The younger generation is doing just fine.
- ❖ Attended the King Salmon dredge workshop.

Commissioner Wilson:

- ❖ Missed the last Board meeting because he was in France; visited the port city of Marseille.
- ❖ He and Deputy Director met with HSU students who have bioengineered levy protections and are looking at less expensive, less intrusive ways for fixing the levies around the bay.

Commissioner Marks:

- ❖ Chaired the Humboldt Bay Development Association meeting prior to this meeting. The New Market Tax Credits transaction is complete – the first in Northern California.
- ❖ Attended the King Salmon dredge meeting. There were people at the meeting who were very solution-oriented. The Harbor District did a good job telling what the future plans are. Congratulations to Commissioner Dale for being on the frontline and handling it well.
- ❖ The dredge – the Board made the decision to buy the dredge; used local maritime consultants and staff research. The dredge will save the City of Eureka and others millions of dollars.
- ❖ NCRA is selling property; funds needed for projects.
- ❖ Needs the rain to stop – umpires are assigned for high school and college baseball games.

Commissioner Wilson said the Board looked at multiple dredge options, technology and methods; had many public meetings. It was an arduous and exhaustive process.

Commissioner Dale said he wanted to be clear, he did not dance with the \$2 million check. Regarding the dye release next week in Humboldt Bay, City of Arcata is changing their outfall location and the study is to determine where would be the best location.

**OTHER:** None

**NON AGENDA:** None

**UNFINISHED BUSINESS**

- A. CONSIDERATION OF ADOPTING RESOLUTION 2016-08, WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY COAST SEAFOODS COMPANY FOR THE REDWOOD TERMINAL 2 COAST SEAFOODS COMPANY WATER INTAKE AND DISCHARGE PROJECT.**

Commissioner Dale recused himself and left the room.

COMMISSIONER MARKS MOVED TO ADOPT RESOLUTION 2016-08, WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY COAST SEAFOODS COMPANY FOR THE REDWOOD TERMINAL 2 COAST SEAFOODS COMPANY WATER INTAKE AND DISCHARGE PROJECT. COMMISSIONER DOSS SECONDED.

Deputy Director reported the project includes four 6-inch intake pipes, and intake screen designed to State and Federal criteria for protection of juvenile salmonids and longfin smelt and intakes and discharge 5-6 ft. above the bay floor with horizontal discharge.

The 30-day public review period for the project is complete. There was consultation with the Wiyot Tribe and Bear River Band of Rohnerville Rancheria regarding initial concern about ground disturbance for pipe installation across the road, but the parties were satisfied that an existing trench will be used. The Harbor District is CEQA lead and the project qualifies for a Categorical Exemption under CEQA §15303 (New Construction of Small Structures). Permits are also needed from the California Coastal Commission, US Army Corps of Engineers and the North Coast Regional Water Quality Control Board. The Harbor District permit contains standard language as well as requirements for intake screen that protects juvenile salmonids and longfin smelt from entrainment or impingement. Deputy Director will add District's standard inadvertent cultural resource discovery protocol to permit.

ROLL CALL VOTE WAS TAKEN:  
COMMISSIONER DOSS – AYE  
COMMISSIONER DALE – RECUSED  
COMMISSIONER HIGGINS – ABSENT  
COMMISSIONER WILSON – AYE  
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF GRANTING PERMIT 15-05 TO COAST SEAFOODS COMPANY FOR THE REDWOOD TERMINAL 2 COAST SEAFOODS COMPANY WATER INTAKE AND DISCHARGE PROJECT.**

COMMISSIONER MARKS MOVED FOR THE GRANTING OF PERMIT 15-05 TO COAST SEAFOODS COMPANY FOR THE REDWOOD TERMINAL 2 COAST SEAFOODS COMPANY WATER INTAKE AND DISCHARGE PROJECT. COMMISSIONER DOSS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Dale returned to the meeting.

**NEW BUSINESS**

- B. CONSIDERATION OF APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH MARC SCHMIDT DBA *COASTLINE CHARTERS*.**
- C. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A BED AND BREAKFAST BUSINESS WITH R. CHARLES (DOBY) AND KIM CLASS DBA *FIRST CLASS*.**
- D. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH GARY BLASI DBA *FULL THROTTLE SPORTFISHING*.**
- E. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH MATT DALLAM DBA *NORTHWIND CHARTERS*.**
- F. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH CLIFF FRIEDLEY, DBA *FOREEL SPORTFISHING*.**
- G. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH TIM KLASSEN AND SHERRY KLASSEN DBA *REEL STEEL SPORTFISHING*.**
- H. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH JOHN W. KRAMER LLC DBA *JOLI TIME SPORT FISHING*.**
- I. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH TONY SEPULVEDA DBA *SHELLBACK SPORT FISHING*.**


Deputy Director reported New Business Items (B) through (I) are standard Harbor District permits to operate businesses within Woodley Island Marina and all are renewals.

COMMISSIONER DALE MOVED FOR THE APPROVAL OF NEW BUSINESS ITEMS (B) THROUGH (I). COMMISSIONER DOSS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

The Regular Meeting of the Board of Commissioners adjourned at 8:05 p.m.

APPROVED BY:

  
\_\_\_\_\_  
Greg Dale  
Secretary

RECORDED BY:

  
\_\_\_\_\_  
Patricia Tyson  
Director of Administrative Services