

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

**March 26, 2015**

**PRESENT:**

Commissioner Newman  
Commissioner Dale  
Commissioner Marks  
Commissioner Wilson  
Commissioner Higgins

President Marks called the Executive Closed Session to order at 6:08 p.m.

President Marks adjourned the Executive Closed Session at 6:34 p.m.

President Marks called the regular meeting of the Board of Commissioners to order at 7:02 p.m.

President Marks 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 the Sale of Turbine/Generator at Redwood Terminal 2 property– No action taken.

**PUBLIC COMMENT**

Karen Brooks attended the County Board of Supervisors meeting where they considered a Fish & Wildlife grant proposal for sea level monitoring. The Harbor District Board should have a standard agenda item for sea level rise. Need to get going to get levies master-permitted. It is a multi-year project, so the Board needs to get ahead of it. 60-80% of Humboldt County's population lives around the bay.

Uri Driscoll said agricultural lands are vital and infrastructure is necessary to preserve and protect. There are some challenges with the California Coastal Commission. County Board of Supervisors is willing to write a conditional letter of support.

**CONSENT CALENDAR:** None

**COMMUNICATIONS AND REPORTS**

**EXECUTIVE DIRECTOR'S REPORT:**

- ❖ Fiscal Year financials through January 31 shows a perfect storm. Executive Director reported on turnover of employees, the recent annual audit, purchases, New Market Tax Credits, bond refinancing and US EPA cleanup of the Redwood Terminal 2 property.
- ❖ By the second meeting of the month, the Board will have the current unaudited financial information.

**STAFF REPORTS**

Deputy Director

Spoke on the status of the King Salmon Channel dredging, beneficial reuse project, Mariculture Pre-Permitting Project and the Eelgrass Management Plan RFP distribution.

Director of Harbor Operations:

- ❖ Reported the District's fire boat, made by Moose Boats, is a flagship model and has been highlighted at trade shows.
- ❖ Met with the US Army Corps of Engineers in San Francisco about Humboldt Bay's dredging needs. There is approximately 1.3 million cubic yards to be removed from the bar and entrance. Currently the funding is for 600,000 cubic yards; looking to increase the funding for

900,000 cubic yards. The Corps is committed to use both federal and private dredges. There was a discussion of the sediment management study to help prevent shoaling in the future.

- ❖ King Salmon – an abandoned sunken boat was refloated and towed to Fields Landing Boat Yard. Staff is working with Humboldt County Sheriff's Office and Fish & Wildlife on responsibility and storage costs.
- ❖ Round 2 of water sampling for the Mariculture Pre-Permitting Project. The results today looked good.

Director of Facility Maintenance:

- ❖ The Humboldt Bay Aquatic Center had a sewer main leak; took 3 ½ days to find it and one hour to repair. City of Eureka helped with their pumping truck and there were no dump fees.
- ❖ Shelter Cove – water sampling must be done three days before a storm and testing of water off the boat ramp and water in the ocean. This supports compliance of ASBS established by the State Water Quality Control Board.

District Planner:

- ❖ King Salmon Fisherman's Channel dredging – helping with the pilot project team.
- ❖ Mariculture Pre-Permitting Project -- helped with the Draft EIR scoping meeting.
- ❖ City of Eureka General Plan Update – soliciting landowners to submit suggestions for changes.

District Treasurer:

- ❖ Working with staff on streamlining month end process for more timely financials.
- ❖ Muni-pay – reviewing model that was submitted last year.

#### COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Newman:

- ❖ Last week his fishing boat *MARIA ISABEL* was hauled out at Fields Landing Boat Yard. Great staff, very competent.
- ❖ Negotiations for commercial and recreational salmon season are ongoing.
- ❖ Helped Commercial Fisherman's Wives of Humboldt raise \$4,000 for their scholarship fund. Thanked Commissioner Dale for the oyster donation.

Commissioner Dale:

- ❖ Said he has also used the services of the Fields Landing Boat Yard; great service.
- ❖ Attended Ocean's Day in Sacramento; an opportunity for lobbying for shellfish and ocean issues.

Commissioner Marks:

- ❖ Attended a Humboldt Bay Harbor Working Group meeting; topic was fishing.
- ❖ Spent last week in rainy Arizona at spring training for major league baseball.

Commissioner Wilson:

- ❖ Spent several days in Washington DC lobbying on behalf of the Harbor District and attended some of the CMANC meetings. Met with staff from several legislators' offices, US EPA and NOAA discussing dredge/shoaling and the Redwood Terminal 2 cleanup.
- ❖ Spoke at the Aquaculture Law Symposium at UCLA about the Mariculture Pre-Permitting Project. A similar project is being considered in Ventura. Commissioner Dale said he was at the conference and listened to Commissioner Wilson's presentation; said he is a great asset for the Harbor District.

Commissioner Higgins:

- ❖ Earth, Water and Fire Day at the CR Campus in Garberville included education on water conservation, fire prevention and erosion control.
- ❖ Humboldt Bay Harbor Working Group meeting – Ken Bates gave an interesting presentation on the history of Woodley Island and commercial fishing in Humboldt Bay.
- ❖ Said there should be a good sport salmon fishing season; halibut, however, not so good.

OTHER: None

NON AGENDA: None

UNFINISHED BUSINESS: None

#### NEW BUSINESS

**A. CONSIDERATION OF ADOPTION OF RESOLUTION 2015-03, A RESOLUTION ESTABLISHING FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DURING THE 2015 LEGISLATIVE SESSION.**

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2015-03, A RESOLUTION ESTABLISHING FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DURING THE 2015 LEGISLATIVE SESSION. COMMISSIONER DALE SECONDED.

The National Marine Research and Innovation Park and the Samoa Industrial Waterfront Transportation Access Plan projects were added to the list.

By adopting these priorities, the Board is giving the Executive Director authority to write letters on various subjects without receiving prior consent from the Board.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF SAMOA TRAIL LETTER OF INTENT.**

Troy Nicolini, President of the Board of Directors of the Samoa Peninsula Fire District, attended the meeting by phone.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF THE SAMOA TRAIL LETTER OF INTENT. COMMISSIONER WILSON SECONDED.

District Planner reported Samoa Pacific Group will pay the cost of assessment. Omsburg and Preston has been retained for an engineer's assessment and to put together a maintenance cost assessment.

Public funds will be used to build the trail, but maintenance costs will be borne by whom? Harbor District?

Executive Director stated the letter of intent is the conduit to get the facility funded, designed and built over several years. By then it is hoped the Community Services District (CSD) will be formed and will take over the maintenance of the trail, which will be a source of revenue for the CSD. Commissioner Dale said Dan Johnson's letter says the Samoa Pacific Group agrees they will pay the Harbor District to maintain the trail until the CSD is formed.

District Counsel stated if the revenue is not enough to maintain the trail, then there will have to be a special election. Also there is no component for security and potential tort liability; he cautioned the Board to consider these factors.

Commissioner Higgins said he likes trails and thinks the Harbor District should accept some risk. Hammond Trail is not the problem that it was expected to be. The Harbor District will have to work with the community if going to adopt the trail.

President Marks said there is a lot of push back on the CSD. He does not think the CSD will succeed through the Samoa Peninsula Fire District. A town serviced by septic tanks cannot build new facilities in Fairhaven.

Commissioner Wilson asked if there would be CPI increases. Executive Director responded the time is now to negotiate with Dan Johnson. It is unique to have a pledge of \$53,265 per year for maintenance.

District Counsel stated an agreement to agree is not legally binding.

MOTION CARRIED WITH COMMISSIONER MARKS ABSTAINING.

#### **C. DISCUSSION OF POTENTIAL MITIGATION PROJECTS AND PERMITTING.**

Deputy Director reported several of the District's projects require mitigation: dredging, aquaculture, dock maintenance, etc. These resulting mitigation projects must be identified, permitted and implemented; and it is much more efficient to do all this at once in order to develop a more comprehensive mitigation program. This idea was presented to the Corps of Engineers and regulatory agencies at the last joint meeting. A long list of mitigation opportunities has been developed.

The recommended process is: establish a Board committee; identify appropriate mitigation sites from the list; make recommendations to the full Board; map and describe mitigation sites; work with agencies to quantify mitigation credits and process; permit; implement; project specific mitigation and as a "program".

Commissioners Dale and Wilson volunteered to be on the mitigation committee.

Commissioner Wilson asked how many acres are involved. Deputy Director responded there are many different way for determining size.

#### **D. DISCUSSION OF FUTURE PARTICIPATION AT SHELTER COVE.**

Executive Director reported the Harbor District has a 25-year lease agreement with State Lands for the entire beach and breakwater at Shelter Cove. There is no legal agreement for the fish cleaning station and cleaning costs average \$30,000 per year. There is a recreation easement for the beach access.

Marina development is on hold due to cultural site costs. Access road and outfall pipe management is \$10,000 per year. An ASBS designation costs \$10,000 per year.

The owner of Mario's Marina will be in Shelter Cove in April to discuss future plans.

Harbor District desires to transfer responsibility to the Shelter Cove Resort Improvement District (RID) and should take these next steps: confirm ownership with County; meet with owner and RID; transfer lease to RID; transfer fish cleaning station and equipment to RID; owner and RID structure agreement on the fish cleaning station; and harbor District pays annual fee for a number of years for the release of responsibility.

Executive Director asked the Board if they feel staff is heading down the right path.

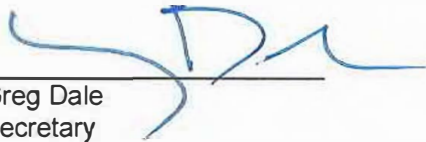
Commissioner Higgins said he is conflicted. Shelter Cove is a beautiful area and he is happy the Harbor District maintains access. Do the local people want to take it over?

President Marks asked if a special meeting in Shelter Cove is needed. Executive Director said negotiations should be done through Board committee process.

Commissioners Dale and Newman volunteered to be the Shelter Cove committee.

The Regular Meeting of the Board of Commissioners adjourned at 8:25 p.m.

APPROVED BY:

  
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Greg Dale  
Secretary

RECORDED BY:

  
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Patricia Tyson  
Director of Administrative Services