

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

April 23, 2015

PRESENT:

Commissioner Newman
Commissioner Dale
Commissioner Marks (arrived late)
Commissioner Higgins

ABSENT:

Commissioner Wilson

Vice President Higgins called the regular meeting of the Board of Commissioners to order at 6:04 p.m.

Commissioner Dale led those present in the Pledge of Allegiance.

PUBLIC COMMENT: None

CONSENT CALENDAR: None

COMMUNICATIONS AND REPORTS

EXECUTIVE DIRECTOR'S REPORT:

- ❖ SB 141 is not out of Committee yet, but the purpose is to add a new Sec. 28.5 to the California Harbors and Navigation Code, Appendix 2, as follows: "The district shall not make an expenditure of trust monies from the Humboldt Bay Harbor, Recreation and Conservation District Fund to purchase or otherwise acquire real property without first having obtained approval of the State Lands Commission. The district shall give the State Lands Commission at least 90 days' written notice of its intent to make an expenditure of trust monies to acquire real property. The notice shall include the total proposed expenditure from the tideland's trust, the location of the real property, purpose of the acquisition, and an explanation of how the acquisition is consistent with the terms of the trust grant. The State Lands Commission shall have 90 days to review and approve the proposed expenditure."
- ❖ House and Garden- Exclusive Right to Negotiate for property at Redwood Terminal 2: Staff has been meeting with County, City, and District Planners. House and Garden is concerned that any delay will cost \$2-4 million in sales. Pending purchase and lease offers have been made in Arcata. The plan is to continue the process to allow for general industrial uses and to allow interim general industrial use with special conditions.

Commissioner Marks entered the meeting.

- ❖ Taylor Shellfish – operations ongoing in the warehouse building.
- ❖ Pulp Mill Clean up – Continuing to empty tanks and haul to landfill.
- ❖ Meeting w/ Fishermen Marketing Association
- ❖ Marina FLUPSY – Humboldt Bay Oyster Company has put in a flupsy in a slip at Woodley Island Marina.
- ❖ Extra Marina Security
- ❖ The storage yard and work yard on Woodley Island have been combined into one to make room for the potential building of the Oyster Bar and Restaurant on the west end of the Island.
- ❖ Plans for the fish market on Woodley Island are moving forward.

STAFF REPORTS

Deputy Director updated the Board on the following:

- ❖ Cultural Resources Inadvertent Discovery Protocol – presentation later in the meeting.
- ❖ Moorage Wait List Process – agenda item later in the meeting.
- ❖ Meetings with County, Cities and Coastal Commission regarding Coastal Dependent Industrial Zoning.

Minutes

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- ❖ Assessing Status of Vessels and Docks in Marina.
- ❖ Regulatory projects:
 - Hagfish Company – Redwood Marine Terminal Berth 1
 - Mariculture Pre-Permitting Project
 - HSU Reverse Osmosis Project
 - King Salmon Breakwater
 - King Salmon Dredging

Director of Harbor Operations:

- ❖ Boat tour with Commissioner Dale for The Gospel Outreach School.
- ❖ Working with Cruise Director Bruce Conner.
- ❖ Possible Grant funding for Dock Equipment
- ❖ Ship and Dock Particulars Determining Maximum Cruise Ship Sizes.
- ❖ Trip to Astoria First Week of May to Meet with Cruise Ship Captain.
- ❖ Working in the Federal Surplus Program for Possible Acquisitions for the Harbor District.
- ❖ Water Rescue from the Port Authority Boat.

Director of Facility Maintenance:

- ❖ D-dock end tie replacement next week; dredge tender BarFly will be used.
- ❖ Assessed the work to be done on King Salmon sea wall.
- ❖ Mud wash tank project – trying to save the tank without compromising it.
- ❖ Combing the storage yard and the work yard – some of the tenants are moving their property to Redwood Marine Terminal Berth 1.

Director of Administrative Services:

- ❖ March's unaudited financial reports were presented to the Board.

District Planner:

- ❖ The City of Eureka, County and Harbor District met to discuss using grant funds to do absorption studies required by the Coastal Commission.
- ❖ County Community Development Block Grant – a scope of work is being developed for an infrastructure study on Redwood Marine Terminal 2 wastewater issues.
- ❖ General Plan Update – a workshop will be held next week.
- ❖ Water Trails – Coastal Commission did not like the alternative analysis contained in the CEQA document.
- ❖ Executive Director and District Planner attend the Samoa Peninsula Fire District fund raiser.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Newman:

- ❖ Humboldt Bay recreational salmon fishing season will begin May 1.
- ❖ Executive Director, Deputy Director, Commissioner Marks and District Planner attended the Humboldt Fisherman's Marketing Association meeting and talked about concerns of the new fish market on Woodley Island, storage yard access and the potential partial change of Woodley Island's zoning to waterfront commercial.

Commissioner Dale:

- ❖ Had a fun family trip.
- ❖ Went on the boat tour with the Gospel Outreach School. It was a good opportunity to educate others about the Harbor District and Humboldt Bay.

Commissioner Marks:

- ❖ One of the items discussed at the Humboldt Fisherman's Marketing Association meeting was the many whale entanglements
- ❖ Attended the Timber Heritage Association fundraiser, which was well-attended.
- ❖ Toured Taylor Mariculture operations at Redwood Terminal 2.

Commissioner Higgins:

- ❖ Attended the Timber Heritage Association fundraiser.
- ❖ Attended a fundraiser for the Institute of Fisheries Resources where Zeke Grader was honored.
- ❖ Participated in the yellow-legged frog survey on the south fork of the Eel River.
- ❖ Attended the Round Valley Indian Tribe Earth Day celebration.

OTHER: Albert Lemus – Lowes Enterprises – was not available for this meeting.

NON AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF ADOPTION OF PROTOCOLS FOR "POST-REVIEW" AND INADVERTENT ARCHAEOLOGICAL DISCOVERIES FOR GROUND DISTURBING PROJECT PERMITS, LEASES OR FRANCHISES ISSUED BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.

Janet Eidsness, Tribal Historical Preservation Officer (THPO) of the Blue Lake Rancheria; Erica Cooper, Tribal Historic Preservation Officer from Bear River Rancheria and Tom Torma, Cultural Director for the Wiyot Tribe were present. Ms. Eidsness said they had already developed partnerships with the local cities and county government to address their concern. Historically Wiyot tribes were sited along the still waters of Humboldt Bay and many sites have yet to be located.

Today, tribes will be notified of project referrals and the THPOs will be able to assist when the Harbor District grants leases, permits, franchises, etc. For any Native American remains found on public (not federal) or private property, the law requires the project stopped and protocols followed.

AB52 will change the CEQA requirements, requiring consultation with tribes about Native American resources.

Ms. Cooper said many of the tribal sites are located next to Harbor District properties. The earlier the notification takes place, the easier it is to protect the sites.

Mr. Torma said AB52 provides a new category of environmental resource to protect and share cultural knowledge.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF PROTOCOLS FOR "POST-REVIEW" AND INADVERTENT ARCHAEOLOGICAL DISCOVERIES FOR GROUND DISTURBING PROJECT PERMITS, LEASES OR FRANCHISES ISSUED BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT. COMMISSIONER DALE SECONDED.

Commissioners Higgins stated the speakers represent a tremendous resource and formalizing a relationship is a good thing.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2015-04, A RESOLUTION ESTABLISHING A FORMALIZED PROCESS FOR THE WOODLEY ISLAND MARINA MOORAGE WAIT LIST.

Deputy Director reported the new process will ensure that people on the wait list are serious and formalize and increase transparency of process; and if the entrant is not ready to sign up for a slip, they move to the bottom of the list allowing ready entrants to get moorage.

Two major new aspects to the process are 1) a one-time fee of \$100 and \$25 annual fee and 2) posting of the list to the internet.

Commissioner Higgins said it is important for people to know where they are on the waiting list.

Susan Penn asked if it was necessary to charge \$25 per year; it is not the person's fault if they did not get a slip.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2015-04, A RESOLUTION ESTABLISHING A FORMALIZED PROCESS FOR THE WOODLEY ISLAND MARINA MOORAGE WAIT LIST. COMMISSIONER DALE SECONDED. ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A BED AND BREAKFAST BUSINESS WITH R. CHARLES (DOBY) AND KIM CLASS DBA *FIRST CLASS*.

Mr. Class told the Board he has been operating about 2 ½ years and the tourists enjoy staying at Woodley Island Marina. He said operating a floating bed and breakfast is part of his retirement plan.

COMMISSIONER DALE MOVED FOR THE APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A BED AND BREAKFAST BUSINESS WITH R. CHARLES (DOBY) AND KIM CLASS DBA *FIRST CLASS*. COMMISSIONER HIGGINS SECONDED.

Pete Oringer stated the Chamber of Commerce is having a mixer on May 7th, jointly sponsored by Timber Heritage Association and the Discovery Museum. Mr. Oringer said he is on the Humboldt County Visitors and Convention Bureau Board. He asked the Board to make sure the District mandates payment of Transient Occupancy Tax and the TBID fees.

Mr. Class said he does pay the TOT and TBID taxes/fees. It is a requirement of having a business license.

MOTION CARRIED WITHOUT DISSENT.

D. FY2015/16 BUDGET WORKSHOP

Director of Administrative Services reported the summary of the FY 2015/16 Budget as follows: Revenue \$7,963,822; Expenses \$2,339,408; Non-Operating Expenses (Capital Expenses and Debt Payment) \$4,812,695; Excess Revenues over Expenses \$811,719; Deduction of Single-Use Revenues (\$175,000) and Total Budget Balance \$636,619.

Revenue includes \$1,668,400 received for the sale of equipment at Redwood Terminal 2 and \$3,300,000 New Market Tax Credits.

Expenses include an additional Harbor Maintenance Worker 1 employee, negotiated increase in wages for the classified employees and a 5% increase for management personnel.

Capital Improvements include \$83,000 Woodley Island Facility Improvements; \$430,000 Dredging Expenses; \$105,000 Redwood Marine Terminal Berth 1 Improvements; and \$3,310,000 Redwood Terminal 2 Improvements.

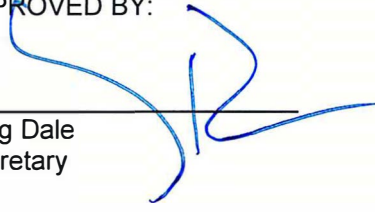
Susan Penn said she agreed with the employee raises, but does not want dock gates. She would like to see a camera that would take pictures of license plates, but Director of Facility Maintenance says they are too expensive.

Executive Director said that the cost of this type of camera is around \$7,000, but can be added to the list of improvements.

Kent Sawatzky said the majority of the budget center around Redwood Terminal 2 and New Market Tax Credits. He said it is hard for the District to budget because it is unknown what if any of the equipment at Redwood Terminal 2 is going to sell. He asked about the potential liability to the USEPA and said pension liability disclosure is required.

The Regular Meeting of the Board of Commissioners adjourned at 8:02 p.m.

APPROVED BY:



Greg Dale
Secretary

RECORDED BY:



Patricia Tyson
Director of Administrative Services