

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

June 11, 2015

PRESENT:

Commissioner Newman
Commissioner Dale
Commissioner Marks
Commissioner Wilson
Commissioner Higgins

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

President Marks adjourned the Executive Closed Session at 6:15 p.m.

President Marks called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

Commissioner Newman led those present in the Pledge of Allegiance.

District Counsel reported on Closed Session as follows: Threatened Litigation – USEPA Settlement Agreement – No action taken.

PUBLIC COMMENT

Susan Penn thanked the Board for the current minutes to be approved this meeting. Also the recycling bins have been removed from Woodley Island and the regular users are not happy.

CONSENT CALENDAR

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR.
COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT.

COMMUNICATIONS AND REPORTS

EXECUTIVE DIRECTOR'S REPORT:

- ❖ Chris Wedon, USEPA, told the Board they are in the final stretch of getting the toxic sludge out of the big tanks and will start to transport by truck next week. The total final cost is estimated to be approximately \$8.5 million. The lime silo is expected to be demolished mid-July. The smoke stacks and tile tanks all need to be demolished. He suggested a celebration party be held.
- ❖ USEPA Settlement Agreement: Samoa Pulp Mill cleanup costs- owner responsibility- current estimates \$8.5 million; Recognition of District's efforts- \$1.25 million & future investment in redevelopment; Based on MUNIPay model- reimbursement based on salvage value; First \$1.25 million to Coast Seafood Loan- no real property collateral and term of agreement- 7 years.
- ❖ There have been several complaints about transient traffic in the east restroom on Woodley Island. The restrooms are now closed during the day and require a key card to enter, recycle bins have been removed, the water spout on the outside of the building has been removed and electrical outlet blocked. The tenants have felt threatened. Closing the restrooms has helped slow down the traffic.

Commissioner Wilson said as a civil society, public restrooms are important. This is a good topic for the 2x2 Committee.

President Marks said he would like as an agenda item on the next agenda the placement of a B&B on Woodley Island and funding a B&B for 1-2 years behind the Bayshore Mall.

Executive Director said some of the tenants on H & I docks agree to gangway gates for security reasons. Staff will survey the tenants to see what percent want the gangway gates.

STAFF REPORTS

Director of Harbor Operations:

- ❖ Manson dredge *BAYPORT* is dredging Humboldt Bay's bar and entrance. 750,000 cy is to be removed. Approximately 300,000 cy have been removed to date.

Minutes
Regular Meeting of the Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District
June 11, 2015
Page 2 of 6

- ❖ Toured the bay with USACOE Deputy Commander Lt. Col. Czekanski, Commissioners and local officials.
- ❖ Used the District's fire boat to extinguish a fire on the north end of Woodley Island.
- ❖ USS Champion stopped overnight on May 28. It is travelling up the coast to Fleet Week in Portland.
- ❖ A log ship will be at Schneider dock next week.

Director of Facility Maintenance:

- ❖ Annual haul out for maintenance of District's fire boat. All electronics are in good shape.
- ❖ Hagfish operation pump repurposed from the pulp mill.
- ❖ King Salmon seawall repair will begin July. Hoops have been made in-house in preparation.

District Planner:

- ❖ Harbor District received the permit filing for Humboldt Bay Power Plant Final Site Restoration Plan. It has been reviewed, the Draft Initial Study and Draft Mitigated Negative Declaration have been prepared, posted and currently in the 30-day review process. This will be back to the Board for the permit in July.
- ❖ Executive Director, Deputy Director and District Planner met with County Planning Department and discussed broader uses for the Local Coastal Plan.
- ❖ Harbor District is collaborating with City of Eureka on the General Plan Update.
- ❖ Helping with Coast Seafoods Environmental Impact Report (EIR). The document has been broadened based on public comment. The Draft EIR will be out for review next month.
- ❖ Water trails – submitted comments to the Regional Water Quality Control Board and Coastal Commission.
- ❖ Website Assistance.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Newman:

- ❖ Salmon are not biting.

Commissioner Marks:

- ❖ The Board is receiving "tire kickers" for projects at Redwood Terminal 2, but few are following through.
- ❖ Attended a NCRA meeting yesterday. Finalizing the sale of property at Healdsburg depot; there are issues with the operator.
- ❖ Humboldt Domestic Violence Services, of which he is a Board member, is looking for new Board members.

Commissioner Wilson

- ❖ Spent several days with grandparents to celebrate his grandfather's 100 birthday, his grandmother's 95 birthday and their 78th wedding anniversary. Also there was a celebration honoring labor leaders for their years of service. Labor leaders from as far away as New Zealand attended. His grandfather was a labor leader.
- ❖ Participated in a second grade camping trip on the Eel River.
- ❖ Committee discussion on land uses related to Woodley Island and Eureka Waterfront. Working waterfronts these days are not in conflict with other uses.

Commissioner Higgins:

- ❖ Eel River Recovery Project – kick-off workshops on water conservation and pollution prevention.
- ❖ Has attended several meetings to encourage best practices on cannabis cultivation.
- ❖ 140 monitors have been put in the Eel River; spoke about the different types of fish found in areas of the Eel River.

OTHER: None

NON AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF A PROCLAMATION IN SUPPORT OF THE VESSEL *GOLDEN RULE*.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF A PROCLAMATION IN SUPPORT OF THE VESSEL *GOLDEN RULE*. COMMISSIONER DALE SECONDED.

Chuck DeWitt said he appreciates the energy and support of the community. The relaunch of the *GOLDEN RULE* will be June 20 at 4 p.m. when it will sail to HSU's Aquatic Center. A Hiroshima survivor and speakers from around the world will attend the celebration. Zerlang & Zerlang Marine Services have been the biggest donor and workers have been there working seven days a week, 12 hours per day. Leroy Zerlang gathered the history of the *GOLDEN RULE* and there will be an article in the National Geographic.

Commissioner Dale said this boat did not look saveable. God Bless Leroy for saying this boat is not going away five years ago.

Dr. AJ Oliver, Heidelberg University in Ohio, said Chuck and Leroy are relentless and there has been a significant amount of support from the community.

Helen Jackard, Chair of the program and Logistics Committee, said in attendance at the celebration will be: one member of the original crew and some descendants and a Hiroshima survivor among others. She said the original crew members were Quakers who travelled to the Marshall Islands to educate people on the dangers of nuclear weapons and the results of Hiroshima and Nagasaki.

MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson presented the District's Proclamation to Mr. DeWitt and Mr. Zerlang.

B. CONSIDERATION OF APPROVAL OF SETTLEMENT AGREEMENT FOR RECOVERY OF PAST RESPONSE COSTS WITH UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX.

Executive Director stated this is in response to the \$8.5 million cleanup. USEPA has recognized the harbor District's investment of \$1.25 million and future commitments. The settlement is based on the Munipay model and salvage value of turbine/generator and Parcel A. Coast Seafoods \$1.25 million loan repayment is senior to the USEPA and there will be no obligation to USEPA after seven years even if Parcel A is sold.

Executive Director thanked Congressman Huffman and his staff as well as others for their assistance.

COMMISSIONER DALES MOVED FOR THE APPROVAL OF SETTLEMENT AGREEMENT FOR RECOVERY OF PAST RESPONSE COSTS WITH UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION IX. COMMISSIONER NEWMAN SECONDED.

Commissioner Wilson stated Nancy Pelosi and Senator Feinstein both lobbied on the Harbor District's behalf. It is rare to find the ability where a loan of \$1.25 million leverages an \$8.5 million cleanup.

Commissioner Newman thanked the congressional representatives. The community is in better shape and the Harbor District is able to move forward.

Commissioner Dale thanked USEPA. They stepped up, were genuine, did a good job and stood by their word.

President Marks thanked his fellow Commissioners. He worked at the pulp mill for about 30 years and he said the management were bad stewards. When the mill stopped cold, there was over 3 million caustic chemicals and a disaster waiting to happen. Now there is a clean piece of property.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION TO HIRE ADVANCED APPRAISAL INTERNATIONAL TO APPRAISE 771 ACRES OF HUMBOLDT BAY TIDELANDS FOR \$7,500.

Executive Director stated as part of the mariculture pre-permitting project, the District will have to lease tidelands from the City of Eureka and private owners and then sublet them back to operators. Advanced Appraisal International has extensive experience throughout California appraising tidelands and there are not many to be found with this type of experience.

COMMISSIONER NEWMAN MOVED FOR THE APPROVAL TO HIRE ADVANCED APPRAISAL INTERNATIONAL TO APPRAISE 771 ACRES OF HUMBOLDT BAY TIDELANDS FOR \$7,500. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF ADOPTION OF RESOLUTION 2015-10, A RESOLUTION ESTABLISHING RULES AND FEES FOR DIRECT SALES FROM VESSELS AT WOODLEY ISLAND MARINA.

Executive Director stated the Seller signs wavier and is responsible for all licenses and permits, there is an \$100 annual fee and an insurance requirement is not recommended because 1) Existing insurances are for "on-boat" only, 2) it is cost prohibitive for fishermen: \$800-\$1,000 / year and 3) additional District risks are low.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2015-10, A RESOLUTION ESTABLISHING RULES AND FEES FOR DIRECT SALES FROM VESSELS AT WOODLEY ISLAND MARINA. COMMISSIONER DALE SECONDED.

Commissioner Wilson said potential customers are covered under the District's property/liability policy.

Commissioner Higgins said he thinks it is a good idea to not require insurance – too cost prohibitive.

Sebastian Elrite said he is a tenant of B-dock at Woodley Island Marina and is happy the District provides the opportunity to sell fish from boats. He asked if there will additional signage, possibly in the main lobby of the District office.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

E. FIRST READING OF ORDINANCE NO. 19, RIGHT TO FISH ORDINANCE.

Executive Director stated ordinance will have a second reading and 30-day public notice period prior to adoption, the Ordinance protects commercial fishing and seafood industry as a priority use on Woodley Island and provides resolution mechanism for complaints.

Commissioner Wilson affirmed this ordinance applies to the entire Humboldt Bay working waterfront.

Sebastian Elrite said he is concerned about the contradictory statement regarding zoning. Executive Director assured Mr. Elrite that wording has been removed.

F. CONSIDERATION OF APPROVAL OF CONTRACT WITH REDWOOD ELECTRICAL SERVICES FOR RESTORATION OF POWER TO REDWOOD MARINE TERMINAL BERTH 1 – BUILDING 3 FOR \$19,999.00.

Executive Director reported the responses to the first RFP were too high. A second RFP not to exceed \$20,000 was distributed. Only one bid was received – Redwood Electrical Services \$19,999.00.

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF CONTRACT WITH REDWOOD ELECTRICAL SERVICES FOR RESTORATION OF POWER TO REDWOOD MARINE TERMINAL BERTH 1 – BUILDING 3 FOR \$19,999.00. COMMISSIONER HIGGINS SECONDED.

Sebastian Elrite asked about the scope of services. Executive Director responded that it is significant power restoration. The power is now adequate, but not when the pumps are running for the hagfish project.

MOTION CARRIED WITHOUT DISSENT.

G. DISCUSSION – WOODLEY ISLAND OYSTER BAR RESTAURANT.

Executive Director said he visited Tomales Bay and Hog Island Oyster Bars to view how their operations worked. He presented conceptual designs of the Oyster Bar and Restaurant for the west end of Woodley Island, which would provide indoor and outside seating, a public barbecue area and some covered structures. He stated such an operation is already a principally permitted business on Woodley Island.

Once the Board approves the concept, staff will apply for the permit from the Coastal Commission.

Commissioner Higgins said there is enormous potential, he likes the indoor/outdoor idea and this type of restaurant would bring people to this beautiful area.

Commissioner Wilson said he would feel more comfortable to see a well-delineated process on how the area would be developed and what the permit would entail. He said he is not adverse to the idea of seeing if a second story would be of value and may not be too expensive. He suggested a Board subcommittee to work with Executive Director.

Commissioner Dale said it is a good idea and Hog Island's enterprise is a class act. He said he does not care for the architectural design.

President Marks said he has not heard anything negative about the idea.

Erik Schlagenhauf, Hog Island Oyster Company, stated their facilities have worked well for them. He said this new venture could showcase Hog Island's and others' oysters. He said he likes the concept and is interested in a conversation about the second story.

Minutes
Regular Meeting of the Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District
June 11, 2015
Page 6 of 6

Sebastian Elrite said it is a good concept and he has been thinking about something like this for a while. It is a good fit for the space on Woodley Island and hopes it would bring back security to the Island.

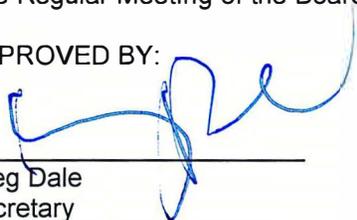
Susan Penn asked if there is enough parking on the Island.

President Marks appointed Commissioners Dale and Wilson to work with Executive Director.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:52 p.m.

APPROVED BY:



Greg Dale
Secretary

RECORDED BY:



Patricia Tyson
Director of Administrative Services