

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

**June 25, 2015**

**PRESENT:**

Commissioner Newman  
Commissioner Dale  
Commissioner Marks  
Commissioner Wilson  
Commissioner Higgins

President Marks called the regular meeting of the Board of Commissioners to order at 6:05 p.m.

President Marks led those present in the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

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

**COMMUNICATIONS AND REPORTS**

**EXECUTIVE DIRECTOR'S REPORT:**

- ❖ Green Diamond Road and Right of Way Easement and Red Tank Fire System MOU
  - Vance Road Easement from Harbor District to Green Diamond- LP Drive south to Schneider Property Line - 3,000 feet; Parcel B northern access road (crossing over ditch paved) Easement from Green Diamond to Harbor District- 560 feet. Green Diamond requires fencing on east side of old wood storage building; Western beach section for Ocean outfall line Easement from Green Diamond to Harbor District- 225 feet.
  - Red Tank fire system stores 500,000 gallons of water for fire protection for town of Samoa and Cal. Redwood saw mill. Prior to Freshwater's ownership of the Pulp mill, the Red Tank was supplied with industrial water from the 2 million storage tank. Due to leaks in the system, in 2010, Freshwater disconnected the pulp mill system from the Red Tank forcing Samoa Pacific Group to connect to the domestic water system to keep the tanked filled. Reciprocal Easements Agreements and maintenance agreements since 1998 from LP, Simpson Samoa, Samoa Pacific and Harbor District that acknowledges District ownership, but requires Cal. Redwood to maintain the Red Tank Facility.
  - Parties to Agreement: Harbor District, Green Diamond, Samoa Pacific and Samoa Fire District.
  - Work together to improve the system: stop tank leaks, repair connection to 2 million gallon storage at pulp mill.
  - Reduce or eliminate the domestic water connection.
  - Rebuild or replace pumps and generators.
  - Harbor District and Fire District take over control and operation.
  - Harbor District access power for subtidal areas 1 and 2.
- ❖ Samoa Wood Pellets Exclusive Right to Negotiate
  - Warehouse, Drying Building, Shop Building, and Outside area potential lease \$388,000/yr
  - Terms and rates need to be negotiated: Lease payments during permitting and construction-performance criteria
  - Staff requesting President to appoint negotiation committee.
- ❖ President Marks appointed Commissioners Dale and Wilson to work with Executive Director.
- ❖ RFQ for Diving Services for Outfall Pipe Inspection and Maintenance – Received three responses. Interviews will be conducted starting June 28. Recommendation will be brought to the Board for consideration on July 9.

**STAFF REPORTS**

Deputy Director:

- ❖ Receiving applications/deposits for Woodley Island moorage wait list.
- ❖ Online and automatic credit card services now being used.
- ❖ Store at Fields Landing Boat Yard being used.
- ❖ Developing Storm Water Pollution Prevention Plans for Terminal 2 and Fields Landing to comply with new General Permit.
- ❖ Coastal Development Permit approved for *Spartina* Eradication Project.
- ❖ Awarded \$90k from EPA for development of Eelgrass Management Plan. Deputy Director thanked agencies for their in-kind contributions.

Director of Harbor Operations:

- ❖ Dredging of the bar and entrance nearing completion; 750,000 cy removed; Dredge is leaving by the end of the weekend; Draft restriction to be removed once soundings are received.
- ❖ California Redwood Chip Export ready to go. Two Chip Ships on the schedule for July
- ❖ Log Ship *GLOBAL ENDEAVOR* Schneider Dock; Approximately 3.2 million board feet for export, left Tuesday; 4.5 days of loading.

Director of Facility Maintenance:

- ❖ Maintenance staff inspected the fish cleaning station in Shelter Cove and installed MLPA signs.
- ❖ Participated with the fire boat in the boat parade celebrating the launch of the *GOLDEN RULE*.
- ❖ Preparations on Woodley Island for 4<sup>th</sup> of July. Sea Scouts will assist with parking.
- ❖ Infrastructure is in place for the hagfish operation at Redwood Marine Terminal Berth 1 and a pump system has been located.

District Planner:

- ❖ District Participation in Eureka's General Plan Update process and proposed Woodley Island land use designation, priority uses, policy & zoning.
  - City of Eureka has designated Woodley Island as an opportunity area as part of the General Plan Update process.
  - City & District representatives have met to review General Plan land use diagram, use designation, policy and zoning.
  - The City is considering District request as well as Fisherman's Marketing Association request for no change.
  - The proposed Woodley Island General Plan Waterfront Commercial (WFC) provisions & zoning that incorporate commercial fishing as priority use: Waterfront Commercial Use Description; List of Primary and Secondary Uses allowed; Land Use Diagram showing physical area designated; Policy Language; and Subsequent to the General Plan adoption a Zoning Update with: Commercial Waterfront (CW-Q) Zoning District uses applied to WFC portion of Woodley Island
  - Waterfront Commercial Uses for Woodley Island
    - Primary Uses: commercial fishing industry facilities, marine & boat sales, services & repairs as the priority uses, visitor serving developments such as, restaurants (2), commercial recreation facilities.
    - Secondary Uses: coastal-related establishments catering to visitors, including lodging, restaurants (3+), recreation facilities, variety shops, offices, public works projects & storage.
    - This designation provides for a variety of primary commercial uses for fishing-related activities & to promote coastal-related establishments catering to visitors, including markets, boat landings, restaurants, and tourist accommodations.
  - The City shall continue to work with the Humboldt Bay Harbor, Recreation, and Conservation District to implement the projects listed: Economic Development for the Eureka waterfront with Commercial fishing as a priority use; Establishment of a comprehensive wetland management program for restored and natural wetland areas; Development of a Wetland Mitigation Bank as a comprehensive tool for mitigating wetland loss due to development; Cruise Ship Attraction; Dredging of City and District Docks and Marinas including

collaboration on Sampling Analysis Plan; Sea Level Rise Adaptation; and Eelgrass Management Plan.

Commissioner Wilson said to think about the opportunities for the District to serve the commercial fishermen and for the City to have infrastructure.

Susan Penn said public access or a park is what the majority of the GPU meeting attendees want. Downtown Eureka has room for shops; consider what the public wants. Charge fees to groups who use the Island to bring in revenue.

District Treasurer:

- ❖ Getting ready for the audit, which should be easier this year.
- ❖ CalPERS valuation report showing the liability assigned to the District for employee retirement.

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

Commissioner Newman:

- ❖ Fished in Shelter Cove for three days and caught few fish. Fished in Oregon for three days and caught 2 fish. Winds are blowing and fish are not biting.

Commissioner Dale:

- ❖ Attended the San Francisco CENCOOS meeting. CENCOOS is funded by NOAA and monitors ocean water quality.
- ❖ Was in Olympia, WA this week and was amazed at the number of logs stacked on decks.
- ❖ Oyster Festival – hats off to the organizer and Arcata Main Street. 18,000 people attended.

Commissioner Marks:

- ❖ Attended the Farm to Table event at Redwood Acres, along with Commissioner Higgins, Executive Director and Deputy Director.

Commissioner Wilson

- ❖ Met with Commissioner Dale on the concept of the Oyster Bay and Restaurant. He does not think surrounding shops are in the vision even though they are on the list of uses. Feels there needs to be more usable public space on the Island.

Commissioner Higgins:

- ❖ Enjoyed the Farm to Table event.
- ❖ Thanked the Harbor District for their participation in the *GOLDEN RULE* launch.
- ❖ Took a cannabis farm tour; water conservation model was in practice.
- ❖ Last Tuesday, in Fortuna on the Eel River, 2 toxic algae sensors were installed.

**OTHER:** None

**NON AGENDA:** None

#### **UNFINISHED BUSINESS**

##### **A. PUBLIC HEARING AND FIRST READING OF 2015/16 BUDGET.**

Director of Administrative Services stated there would be one more meeting after this to discuss the FY 2015/16 Budget, unless the Board schedules an extra meeting.

## NEW BUSINESS

### A. CONSIDERATION OF CALIFORNIA MARITIME INFRASTRUCTURE AUTHORITY MEMBERSHIP.

Executive Director reported the California Maritime Infrastructure Authority (CMIA) was created through legislation in 1995 by Senator Milton Marks and is a "Conduit Issuer" that assists groups in underwriting debt by giving them a "flag" or recognizable name; options for Joint Powers financings.

Members are: Humboldt, Stockton, Dana Point, Santa Cruz, San Diego, Hueneme, Fort Bragg, Santa Monica. Membership is free, but fees are charged for underwriting. CMIA has completed four projects totaling \$210 million, including Humboldt Bay channel deepening and their last project was in 2003. David Hull has been the only paid staff since 2012.

Recent member withdrawal: San Mateo Harbor District and Port of West Sacramento. Humboldt Bay Harbor District is a member of the authority, but only participated in several conference calls. Staff has determined that the District has all necessary borrowing authority and the CMIA/Bank may be an unnecessary duplication, exceptions with Joint Powers borrowing.

Staff is looking for direction on membership participation 1) Maintain status, 2) Terminate membership 3) increase participation with being on executive board.

COMMISSIONER HIGGINS MOVED TO TERMINATE THE DISTRICT'S MEMBERSHIP IN CALIFORNIA MARITIME INFRASTRUCTURE AUTHORITY. COMMISSIONER WILSON SECONDED.

Commissioner Wilson said he spoke with Commissioner Sabrina Brennan to ask her why their Board voted to resign from CMIA. She told him CMIA has not done anything since 2006. CMIA has a budget of \$72,000 and paying \$12,000 per year to staff will cause them to zero out.

President Marks asked if there was an opportunity for the District to meet with other districts and have some good dialogue. Executive Director stated CMIA had trouble putting together their phone conferences.

Commissioner Newman said he did not know enough about CMIA to vote. He asked about other ports associated with CMIA. Executive Director said CMIA wants to charge their membership, but there is a credibility issue.

Commissioner Wilson said CMIA is not a place for meet and greet networking. Their function is to be a "go between" and offer services; the District does not need them now. Commissioner Wilson offered to reform CMIA, but to what end?

Commissioner Dale said maybe CMIA is a dinosaur that does not need to exist.

Susan Penn said CMIA seems like a waste of time if the District is not making use of their services.

MOTION CARRIED WITHOUT DISSENT.

### B. SECOND READING AND ADOPTION OF ORDINANCE NO. 19, RIGHT TO FISH ORDINANCE.

Deputy Director reported this is the 2<sup>nd</sup> reading and adoption, which then begins the 30 day public notice period. Ordinance No. 19 will be effective and enforced beginning July 27. It protects commercial fishing and seafood industry as a priority use on Woodley Island and provides a resolution mechanism for complaints.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF ORDINANCE NO. 19, RIGHT TO FISH ORDINANCE. COMMISSIONER DALE SECONDED.

Commissioner Newman stated Ordinance No. 19 is an important gesture to the fishing industry, demonstrating they will be protected by the District Board of Commissioners.

COMMISSIONER WILSON MADE A FRIENDLY AMENDMENT TO ADD "DIRECT STAFF TO SEND A LETTER TO THE CITY OF EUREKA AND ASK THAT THEY CONSIDER THE SAME TYPE OF ACTION." COMMISSIONERS HIGGINS AND DALE ACCEPTED THE FRIENDLY AMENDMENT.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF ADOPTION OF RESOLUTION 2015-12, A RESOLUTION TO ENTER INTO A CONTRACT AND ACCEPT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR SECRETARIAT SERVICES FOR THE HARBOR SAFETY COMMITTEE OF THE HUMBOLDT BAY AREA.**

Deputy Director reported the total grant is \$23,714, which includes \$360 for website and \$22,814 for staff services.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2015-12, A RESOLUTION TO ENTER INTO A CONTRACT AND ACCEPT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR SECRETARIAT SERVICES FOR THE HARBOR SAFETY COMMITTEE OF THE HUMBOLDT BAY AREA. COMMISSIONER DALE SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF ADOPTION OF RESOLUTION 2015-13, WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR A HAGFISH HOLDING FACILITY AT REDWOOD MARINE TERMINAL BERTH 1 (REDWOOD DOCK).**

Deputy Director reported the hagfish project will be placed in Building 3 at Redwood Marine Terminal 1 and will consist of water intake, withdrawal and tanks. Intake screened to CA Department of Fish and Wildlife standards for salmonids and longfin smelt. The discharge will be to deep channel so as not to scour mudflat. The Coastal Commission Administrative Permit was issued on July 8. Army Corps processing through Nationwide Permit 7 and Regional Water Quality Control Board indicated no permit is needed.

COMMISSIONER NEWMAN MOVED FOR THE ADOPTION OF RESOLUTION 2015-13, WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR A HAGFISH HOLDING FACILITY AT REDWOOD MARINE TERMINAL BERTH 1 (REDWOOD DOCK). COMMISSIONER DALE SECONDED.

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. CONSIDERATION OF GRANTING PERMIT 15-04 TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR A HAGFISH HOLDING FACILITY AT REDWOOD MARINE TERMINAL BERTH 1 (REDWOOD DOCK).**

COMMISSIONER NEWMAN MOVED TO APPROVE GRANTING PERMIT 15-04 TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR A HAGFISH HOLDING FACILITY AT REDWOOD MARINE TERMINAL BERTH 1 (REDWOOD DOCK). COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**F. CONSIDERATION OF PROVIDING PUBLIC NOTIFICATION PRIOR TO USE OF HERBICIDES ASSOCIATED WITH THE HUMBOLDT BAY REGIONAL INVASIVE *SPARTINA* ERADICATION PROJECT.**

Deputy Director stated the EIR and permits for the *Spartina* eradication thus far would allow for application of Imazapyr under certain circumstances and with mitigation. The District received a request for consideration from Californian's for Alternatives to Toxics for the following prior to use of herbicides for *Spartina* eradication:

- Media release to local newspapers, radio, TV and internet media outlets.
- Letters to interested member of the public, Tribes, local government agencies and NGOs.
- Opportunity for public response through letters or public meetings.

Deputy Director also reported final approval has not been received from the Regional Water Quality Control Board. He said he does not have a specific recommendation for the Board except that the more transparent the better. There are no near-term plans to use herbicides; it is just a tool in the kit.

District Counsel recommended this item return to staff to develop specifics on amount of time for notification, identification of interested members of the public, etc. The District is not legally obliged, but this level of transparency fits in with the Board's style of operations.

COMMISSIONER NEWMAN MOVED TO TABLE THIS ITEM. COMMISSIONER HIGGINS SECONDED.

Sebastian Elrite said he is in favor of the notification; it is prudent to go above and beyond – the more people know, the more people will like it.

MOTION CARRIED WITHOUT DISSENT.

**G. CONSIDERATION OF PROVIDING PORTABLE TOILETS AT VARIOUS LOCATIONS TO PROTECT HUMBOLDT BAY'S WATER QUALITY – COMMISSIONER MARKS.**

There are no facilities behind the Bayshore Mall for the homeless to use, so they use the land surrounding the bay. President Marks spoke to the EPD Chief of Police about placing B&Bs near the area and there is concern they will be destroyed. Others have tried this same thing. The homeless and their destruction of property has become a social issue.

Commissioner Higgins asked about the cost and the high amount of maintenance. This is a new area of responsibility with complications.

Director of Facility Maintenance said the use of the B&B on the Samoa Peninsula has dropped off in recent days. In the beginning, there was a lot of usage and some vandalism; need for extra service, but now it is lightly used.

Executive Director said one consideration is will the B&B actually provide the service for rent or should the District purchase the B&B. He said details on the location, costs and partners will be brought back to the Board for consideration.

Commissioner Wilson said support from the Eureka City Council would be helpful.

President Marks requested staff to research this issue with help from the City of Eureka/City Manager and Bayshore Mall.

Commissioner Wilson said he would consider a B&B on Woodley Island if the restrooms are locked at night. Executive Director said since the transient traffic on the Island has slowed, the restrooms will be open at regulated hours.

Sebastian Elrite asked about the B&B behind Berth 1. Director of Facility Maintenance responded it is used by staff and workers at Berth 1; it is not mobile. Mr. Elrite suggested looking at private partnerships to help build the B&Bs.

Susan Penn said the restrooms at the Hiksari' Trail are only sometimes open and one is needed closer to Del Norte Street. She said the restrooms on the east end of Woodley Island get used by lots of visitors.

**H. DISCUSSION OF CALIFORNIA ASSOCIATION OF PORT AUTHORITIES MEMBER COST AND INSURANCE.**

Executive Director reported the current CAPA membership cost is \$12,420/ year for State Legislative lobbying and tariff rate notification and approvals. Humboldt Bay is the ONLY Harbor District. Members : Hueneme, Long Beach, Los Angeles, Oakland, Redwood City, Richmond, San Diego, San Francisco, Stockton, West Sacramento. The main benefit is access to a \$150 million insurance liability coverage - Secondary umbrella coverage. Important coverage when District was directly providing Pilot Services. The cost of the policy to the District is \$12,442/ year.

California Special Districts Association provides primary liability coverage up to \$2.5 million. Can increase maximum limits to \$5 million for \$1,500/year-starting July 1.

Discussion points: 1) Keep membership only and purchase additional insurance. 2) Drop membership and purchase more additional insurance.

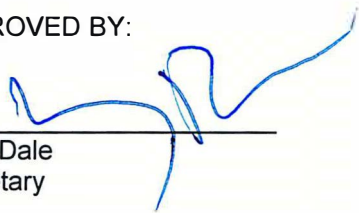
Commissioner Higgins said if the association is not serving the District, we should get rid of it. He asked if more than \$5 million in coverage is necessary.

Commissioner Newman said he would like more information about CAPA and options offered.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

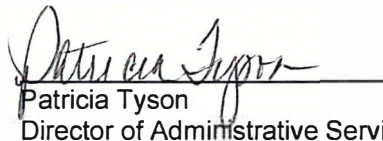
The Regular Meeting of the Board of Commissioners adjourned at 8:00 p.m.

APPROVED BY:



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

RECORDED BY:



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Patricia Tyson  
Director of Administrative Services