

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

August 25, 2016

PRESENT:

Commissioner Doss
Commissioner Higgins
Commissioner Wilson
Commissioner Marks

ABSENT:

Commissioner Dale

President Higgins called the regular meeting of the Board of Commissioners to order at 7:03 p.m.

President Higgins asked Commissioner Wilson to lead the Pledge of Allegiance.

PUBLIC COMMENT

Kent Sawatzky spoke about the potential Cannabis excise tax. He is going to urge for a strong "NO" vote. It is too early for the State to have adopted a tax system; especially on "medicine". The tax dollars will go into the County's General Fund and will come from those willing to play by the rules, which can be seen as a disincentive to come on board with permits.

CONSENT CALENDAR

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

COMMUNICATIONS AND REPORTS

EXECUTIVE DIRECTOR REPORT

- ❖ Prop 1 grant for Shelter Cove approved for \$228,000 for the fish cleaning station upgrade.
- ❖ Shelter Cove revenues for the boat launch and storage are approximately \$68,000; operations costs \$68,000 and capital improvements \$23,000.
- ❖ Redwood Marine Terminal 2 construction change orders to date are \$57,000, equaling 2% of the total cost.
- ❖ Redwood Marine Terminal 2 60KV substation shutdown tomorrow – gas expense on average \$3,000/mo.
- ❖ CDI Interim Use NOT to the Coastal Commission until November.
- ❖ Ocean Outfall line inspection in two weeks, ONLY two days of work.
- ❖ 1091 Navy vessel group – wants to display the vessel at the THA museum site.
- ❖ Adding Samoa "super bowl" to potential dredge disposal sites. The two main sites over the years have been the "super bowl" and the LP site lagoons.

STAFF REPORTS:

Director of Facility Maintenance:

- ❖ Storm Water Reports and Storm Water Pollution Plan – working with local engineers to compliance.
- ❖ Redwood Marine Terminal 2 – Roof, siding, doors, plumbing and restrooms are complete, windows 90%, electrical 60% (new power is on) and the alarm system 10%
- ❖ Preparing for dredging King Salmon, fusing pipe and moving equipment to Fields Landing.
- ❖ Shelter Cove fishing season winding down, preparing to demolish the marina building and designing new marina building and fish cleaning station.

Director of Harbor Operations:

- ❖ Lease renewal with US Coast Guard completed – includes dock space, storage yard, office and parking. \$26,000 per year, yearly option to renew through 2022.
- ❖ Sediment sampling completed for the City of Eureka – 12 samples taken from Public Marina and Commercial Street dock.
- ❖ PORTS agreement completed - on tonight's agenda.
- ❖ Continued water sampling (13 of 30) USDA certification for the mariculture pre-permitting.
- ❖ Log ship scheduled for Schneider Dock September, plus two this year.
- ❖ New fendering being installed at California Redwood Company dock per agreement with NYK shipping.

DISTRICT COUNSEL, DISTRICT PLANNER AND DISTRICT TREASURER REPORT

District Planner:

- ❖ Has been helping with permit applications – many items on this agenda.
- ❖ Working on the demolition permit for Shelter Cove – spoke with County staff – CDP is on file. There is a very complete cultural historical record on file.
- ❖ Coast Seafoods expansion project redesign – the DEIR has been recirculated and some comments have been received. Several agencies have requested an extension of the comment period – comments are now due September 16.

District Treasurer:

- ❖ The monthly management report was provided to the Board today.
- ❖ His staff has been working with District Bookkeeper to provide backup in her absence.
- ❖ Work papers and records are being compiled in anticipation of the annual audit.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Doss:

- ❖ Had a meeting with Commissioner Dale, District Staff and the King Salmon Captains to discuss steps to accomplish their organization.
- ❖ Met with City of Eureka staff regarding their project to create more wetlands between Elk River and the King Salmon exit and inclusion of salt marsh restoration.
- ❖ Met with City of Eureka staff on dredging – permit and cost challenges.
- ❖ Timber Heritage Association is holding their annual fund raiser Salmon, Oysters, Ales and Rails this Saturday.

Commissioner Higgins:

- ❖ Has been meeting with the Humboldt Bay Symposium committee. The Symposium will be held October 21-22. Humboldt Bay science and economic opportunities will be highlighted.
- ❖ Spoke on the progress of trails around the Bay. The Annie & Mary trail between Arcata and Bracut is pending and there are plans underway to complete the trail to Eureka. Would like the District to have a more active role in the development of trails.

Commissioner Wilson:

- ❖ Took samples from a charter boat for a mercury study through CALEPA, administered by Humboldt BayKeepers. There is mercury in Humboldt Bay fish, especially sharks and rays.
- ❖ Gave another tour of Redwood Marine Terminal 2.
- ❖ Took the ferry to Alameda while in the Bay Area last weekend. Ports of America, the Port of Oakland's largest tenant, ended their 25 year lease causing one-third of the Port of Oakland to be vacant. The ferry had to maneuver around the large ships that were pushed in the Alameda Channel.

Commissioner Marks:

- ❖ Reminded by the trails project on how slow government works. When he first became a Commissioner, he wanted to see a trail from Samoa to Arcata. There is no transportation system in Manila; even taxi cabs will not come to Manila.

OTHER: None

NON AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF ADOPTING AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR FISHERMAN'S CHANNEL DREDGING AND BENEFICIAL REUSE PILOT PROJECT.

Commissioner Wilson recused himself and left the room as he has done business with PG&E in the past.

Kris Vartas from PG&E reported the last time the Fisherman's Channel was dredged was 1982 (21,000 cy). Fisherman's Channel is inaccessible to larger vessels at a lower tide due to a bar formed at the channel entrance. The North Coast Regional Water Quality Control Board has required a Beneficial Reuse Pilot Dredging Project to monitor the dredging, the first time in Humboldt Bay. The White Slough Unit of the Humboldt Bay National Wildlife Refuge is the preferred beneficial reuse site.

One of the key aspects of the project is Eelgrass mitigation. Eelgrass mitigation is required pursuant to California Eelgrass Mitigation Policy adopted by NOAA Fisheries, resulting from analysis and impacts in Southern California, but not necessarily applicable to Northern California. Humboldt Bay is known to have 80% of the Eelgrass in California. Looking at the policy and requirements this past spring, the District was looking at a cost of \$1.5 million for Eelgrass mitigation for the Fisherman's Channel dredging. This consisted of removal of 700 derelict piles at Fields Landing, excavation of sediment and the stabilization/restoration of the shoreline. The District, partnering with other agencies, is developing the Humboldt Bay Eelgrass Management Plan and has decided to reduce the project scope to the channel entrance only.

The project description is now to dredge the Fisherman's Channel Entrance to -6 MLLW, remove 500 cy of sediment, transport materials via a 12-inch pipe and place at the White Slough Unit for Beneficial Reuse and enable the Refuge to initiate the restoration of tidal wetlands using dredged sediment at the White Slough Unit.

The next steps are to obtain the required permits from State, Federal and local agencies; prepare for the Coastal Commission hearing in Humboldt County October 5-7; implement the in-water work by October 15; provide post-project reporting and lessons learned to the agencies; complete the Humboldt Bay Eelgrass Management Plan and plan, permit, and implement subsequent dredging beneficial reuse project.

Commissioner Marks said during the last Eelgrass studies, Humboldt Bay was compared to San Francisco Bay although San Francisco Bay is 70 times larger than Humboldt Bay.

Commissioner Doss appreciated the science that has been shared and said it will be helpful in getting this project started.

Commissioner Higgins said he was disappointed the size of the project has become smaller. White Slough can certainly use the sediment. Eelgrass quantities in Humboldt Bay are not diminishing. The "one size fits all" for California is unnecessarily constraining.

COMMISSIONER MARKS MOVED FOR THE ADOPTION OF THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR FISHERMAN'S CHANNEL DREDGING AND BENEFICIAL REUSE PILOT PROJECT. COMMISSIONER DOSS SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2016-15, A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE FISHERMAN'S CHANNEL DREDGING AND BENEFICIAL REUSE PILOT PROJECT.

COMMISSIONER MARKS MOVED FOR THE ADOPTION OF RESOLUTION 2016-15, A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE FISHERMAN'S CHANNEL DREDGING AND BENEFICIAL REUSE PILOT PROJECT. COMMISSIONER DOSS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER DOSS – AYE
COMMISSIONER DALE – ABSENT
COMMISSIONER HIGGINS – AYE
COMMISSIONER WILSON – ABSENT
COMMISSIONER MARKS - AYE

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF GRANTING PERMIT 16-05 FOR THE FISHERMAN'S CHANNEL DREDGING AND BENEFICIAL REUSE PILOT PROJECT.

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF GRANTING PERMIT 16-05 FOR THE FISHERMAN'S CHANNEL DREDGING AND BENEFICIAL REUSE PILOT PROJECT. COMMISSIONER DOSS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson returned to the meeting.

D. CONSIDERATION OF SELECTION OF DISTRICT ENGINEER.

Executive Director reported the second extension for the RFP for District Engineer closed August 12 and one new response was received. The Selection Committee consisted of Commissioners Wilson and Dale and along with Executive Director and District Planner they interviewed Mike Foget (SHN Consulting Engineers), Annje Dodd (Manhard Consulting), Adam Wagschal (ICF International) and Travis Schneider (Pacific Affiliates). The one new respondent, Dave Thomas, was not interviewed. Executive Director reported the Selection Committee recommends Mike Foget.

Commissioner Wilson stated all applicants were well-qualified. Humboldt Bay experience related to projects similar to the District, along with administrative qualities, was the deciding factor.

COMMISSIONER MARKS MOVED FOR THE APPROVAL OF MIKE FOGET OF SHN CONSULTING ENGINEERS AS DISTRICT ENGINEER. COMMISSIONER WILSON SECONDED.

Kent Sawatzky asked about the rate, hourly or salary. Executive Director said the rate of pay is hourly, similar to the District Planner and Treasurer positions.

MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF COMMISSIONER WILSON'S RESIGNATION AND THE NEW COMMISSIONER SELECTION PROCESS.

Executive Director reported Commissioner Wilson will resign effective December 31, 2016. At that point, the Board has 60 days to appoint a new member. A vacancy notice must be posted for a minimum of 15 days in three or more locations. It is suggested the Recruitment Process should be to post the vacancy notice and selection process, i.e. application or resume; the Selection Committee will review applications and conduct interviews and the Board will make a final selection and appointment on December 31, 2016.

Commissioner Wilson said since he created "this mess", he had offered to come up with a process for consideration as follows (dates are variable): Accept his resignation letter and approve the process; post the public announcement and receive applications in September; create a recommendation committee (three from Commissioner Wilson's Division) in September; receive applications in September – October; Close the opening in October; conduct meetings, interview and deliberation with the committee; committee makes a recommendation(s) to the Board in December; Board conducts a meeting to discuss and makes their selection in December prior to Commissioner Wilson's departure.

Commissioner Marks suggested two Commissioners be included in the committee.

Commissioner Higgins is hoping there will be a pool of applicants so talented, it will be a dilemma to choose.

District Counsel recommended the committee be advisory, not a selection committee as that would be unlawful.

COMMISSIONER MARKS MOVED TO ACCEPT COMMISSIONER WILSON'S RESIGNATION AND TO POST THE NOTICE OF VACANCY FOR APPLICATIONS TO BE RECEIVED NO EARLIER THAN OCTOBER 31, 2016. COMMISSIONER DOSS SECONDED.

Commissioner Doss said he would like for the complete Board to see the entire list of applicants.

Kent Sawatzky said the process is generally good. If you are going to have a committee, it seems that two Commissioners would be appropriate to interview and make a recommendation to the complete Board.

Debbie Provolt said she supported the process that the entire Board interviews the applicants. She also said some funds should be expended in the vacancy notice, informing the community about the District and the open position.

MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF AMENDMENT NO. 3 TO ORDINANCE NO. 8 – FIRST READING, ESTABLISHING A CONFLICT OF INTEREST CODE.

Executive Director reported an update to the District's Conflict of Interest Code is required to reflect current State requirements. The changes to the Ordinance are to be: 1) Section 2. Add "If this code conflicts with state regulations or statutes, the state regulation or statute shall be controlling".; 2) Section 8. (4) Report investments increase threshold from \$1,000 to "\$2,000" and add "or exceeds \$1 million".; 3) Section 8. (B)(1) income aggregating from \$250 to "\$500".; 4) Section 8. (B)(2) Adding "at least \$500 but less than" and "or greater than \$100,000".; and 5) Appendix A – CEO to "ED", "District Counsel", "District Treasurer", "District Engineer" and "District Planner". Executive Director stated since this is the First Reading of the Amendment, no Board action is to be taken.

Kent Sawatzky asked for clarification of the changes to the ordinance – when was the last time the ordinance was amended. It is very important for new people to understand the importance of reporting for elected officials.

G. CONSIDERATION OF ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE CITY OF ARCATA'S PROPOSED HUMBOLDT BAY TRAIL NORTH.

District Planner reported this agenda item and the two following are to approve the permit for Phase 2 of the Arcata Bay Trail. Arcata is out in front with the development of trails around Humboldt Bay.

City of Arcata staff spoke on the specific of Phase 2 which begins just south of the intersection of Samoa Blvd and State Route 255, running south past the Arcata Marsh to Highway 101 and south to Bracut. The project is expected to run from April 2017 through the Fall of 2018.

COMMISSIONER MARKS MOVED FOR THE ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE CITY OF ARCATA'S PROPOSED HUMBOLDT BAY TRAIL NORTH. COMMISSIONER WILSON SECONDED.

Kent Sawatzky said the billboard are being removed along that area so the agreement must be beneficial to one or both parties. There is a half cent sales tax on the ballot for transportation, but can only be used for trail maintenance and not expansion unfortunately.

MOTION CARRIED WITHOUT DISSENT.

H. CONSIDERATION OF ADOPTION OF RESOLUTION 2016-16, A RESOLUTION ADOPTING FINDINGS RELATIVE TO THE CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE ARCATA BAY TRAIL.

COMMISSIONER MARKS MOVED FOR THE ADOPTION OF RESOLUTION 2016-16, A RESOLUTION ADOPTING FINDINGS RELATIVE TO THE CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE ARCATA BAY TRAIL. COMMISSIONER WILSON SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER DOSS – AYE
COMMISSIONER DALE – ABSENT
COMMISSIONER HIGGINS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS - AYE

MOTION CARRIED WITHOUT DISSENT.

I. CONSIDERATION OF GRANTING PERMIT 16-04 TO THE CITY OF ARCATA FOR THE HUMBOLDT BAY TRAIL NORTH.

COMMISSIONER DOSS MOVED FOR APPROVAL OF GRANTING PERMIT 16-04 TO THE CITY OF ARCATA FOR THE HUMBOLDT BAY TRAIL NORTH. COMMISSIONER WILSON SECONDED.

Commissioner Wilson said no one knows the agreement regarding the billboards so hard to know if it is in someone's best interest. Five of the ten billboards were not permitted.

MOTION CARRIED WITHOUT DISSENT.

J. CONSIDERATION OF AGREEMENT WITH CHEVRON PRODUCTS COMPANY FOR REIMBURSEMENT FOR SERVICES RELATED TO THE OPERATION AND MAINTENANCE OF THE HB PORTS SYSTEM.

Director of Harbor Operations reported the District has had an agreement with Chevron for operations and maintenance of the PORTS (Physical Oceanographic Real-Time System) System for three years. There are four current meters around Humboldt Bay – one is at Chevron's Dock. This agreement will be a year to year agreement for \$32,000. The District has additional agreements to support the system with HSU and NOAA. The District administers funds and is reimbursed for costs at approximately \$5,000 per year.

COMMISSIONER MARKS MOVED FOR THE CONSIDERATION OF AGREEMENT WITH CHEVRON PRODUCTS COMPANY FOR REIMBURSEMENT FOR SERVICES RELATED TO THE OPERATIONS AND MAINTENANCE OF PORTS SYSTEM. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

K. CONSIDERATION OF GRANTING A ONE YEAR EXTENSION FOR PERMIT NO. 15-01 FOR THE HUMBOLDT BAY POWER PLANT FINAL SITE RESTORATION PLAN IMPLEMENTATION.

COMMISSIONER DOSS MOVED FOR THE APPROVAL OF GRANTING A ONE YEAR EXTENSION FOR PERMIT NO. 15-01 FOR THE HUMBOLDT BAY POWER PLANT FINAL SITE RESTORATION PLAN IMPLEMENTATION. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITH COMMISSIONER WILSON ABSTAINING.

L. CONSIDERATION OF ACCEPTING FOR FILING PERMIT APPLICATION 16-06 SIERRA PACIFIC DOCK PILING REPLACEMENT.

COMMISSIONER WILSON MOVED FOR THE ACCEPTING FOR FILING PERMIT APPLICATION 16-06 SIERRA PACIFIC DOCK PILING REPLACEMENT. MOTION CARRIED WITHOUT DISSENT.

M. DISCUSSION OF PROJECTS LISTED ON THE REGIONAL TRANSPORTATION PLAN.

Executive Director stated the projects current listed in the Regional Transportation Plan: Redwood Marine Terminal new dock (\$43 million); Samoa major road/rail collectors to Marine Terminals (\$8.3 million); Northern Freight Corridor – NWP railroad (\$600 million) and Humboldt Bay Shoaling Study (\$3 million).

Commissioner Wilson said the Plan is limited to goods movement.

Commissioner Doss said it would be worthwhile to put on all local transportation discussions rail revitalization around the bay and the rail movement of dredge sediment after rewatering.

Commissioner Marks said there have been previous discussions to move aggregate by rail also.

Commissioner Higgins said the \$43 million for the Redwood Marine Terminal refers to Berth 1 and recent focus has been on Berth 2. Also the Northern Freight Corridor is no longer relevant.

Commissioner Marks said NWP has every intention to go back through the Northern Freight Corridor. The NCRA Board has been apprehensive.

Commissioner Wilson said the Redwood Marine Terminal Dock does not refer to either Berth 1 or 2 so the dollars could be attributed to Berth 2. Executive Director said the Plan refers to Berth 1, but the cost estimate was actually for Berth 2, so the Plan can be for either.

Commissioner Wilson said there isn't anything to draw on yet for rail revitalization. Executive Director said \$20 million can be culled out for freight movement.

Commissioner Doss said there are multiple reason for the rail revitalization – public transportation, dredge spoils movement.

Commissioner Higgins asked what the purpose of the Regional Transportation Plan is. Commissioner Wilson replied it is a HCAOG Wish List.

Stan Brandenburg asked if it would be possible to encourage cruise ships to come in and use Washington Street docks. If there was the portion of rail through Eureka down to Loleta, could there be a multi-modal rail service.

Director of Harbor Operations reported the District is working on attracting cruise ships to Humboldt Bay, using Schneider Dock.

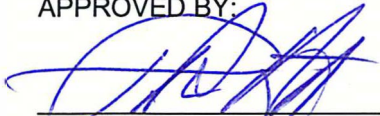
Kent Sawatzky said leaving everything on the list is best for long term benefit.

ADMINISTRATIVE AND EMERGENCY PERMITS

Commissioner Higgins acknowledged Executive Director's 60th birthday and all sang Happy Birthday to him.

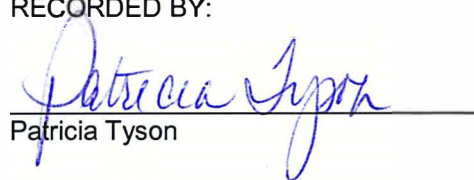
The Regular Meeting of the Board of Commissioners adjourned at 8:59 p.m.

APPROVED BY:



Patrick Higgins, President for
Greg Dale, Secretary

RECORDED BY:



Patricia Tyson