

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

August 28, 2014

PRESENT:

Commissioner Newman
Commissioner Dale
Commissioner Marks
Commissioner Wilson
Commissioner Higgins

President Marks called the Executive Closed Session to order at 6:00 p.m.

President Marks adjourned the Executive Closed Session at 6:50 p.m.

President Marks called the regular meeting of the Board of Commissioners to order at 7:01 p.m.

Captain John Powell led those present in the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Status of Conference with Real Property Negotiator: No action taken; Status on Conference with Legal Counsel – Existing Litigation: District Counsel reported the case has been resolved and settled. Full payment and back rent has been approved by general consensus of all Board members.

PUBLIC COMMENT:

Debbie Provolt asked how much the USEPA wants for the cleanup compensation from the Harbor District. She said she is not asking for disclosure of confidential information, but she heard the cost of the cleanup was approximately \$8m and she was wondering who they were going to collect from.

Karen Brooks announced on September 28 at 10 a.m. there would be a 2 or 5 mile waterfront run and she invited everyone to attend. The money raised will be used to purchase youth running shoes and to promote the bay trail. Also in April and September the Six Rivers Running Club Marathon from Elk River to Arcata and back will be to support bay trails.

Kent Sawatzky said he and others are willing to donate/grant funds to Timber Heritage Association, but the main criteria is that they must own the property. He also said he support enabling coastal dependent industrial properties to be used short-term for other uses; however he does not support those properties being converted to residential.

CONSENT CALENDAR: None

COMMUNICATIONS AND REPORTS

CEO REPORT:

- ❖ CEO wished Captain John Powell well in his retirement from the Harbor District and his new private endeavor as Humboldt Bay Pilots Association and thanked him for his years of service to the Harbor District.

- ❖ Redwood Terminal 2 Cleanup: CEO reported he saw the first couple of tanks, originally brought in for additional storage capacity, leaving today by truck. He said the vacant spots are very obvious looking down from the top of the boiler. USEPA will be gone for about one month and then will return to start removing the sludge. There are less than 1,100 gallons of liquors left to be transported and they should be gone the first week of September.
- ❖ Vic Markytan, President of MM Diving, gave the Board a report. He said the GPS coordinates were good and the diver found the pipe on the first try. There is 864' of clogged pipe. It will cost \$12-14,000 per day, plus the cost of a boat, to dig out the pipe and will take approximately one week. It is critical to put a buoy on to mark the end of the pipe as soon as possible.

STAFF REPORTS:

- ❖ Adam Wagschal – HT Harvey & Associates
 - Reported interested mariculture growers were taken on a site visit as part of the mariculture pre-permitting project.
 - Reported on the Eelgrass Management Plan for Humboldt Bay
 - The current management of eelgrass is not working; there are too many differing policies and the mitigation plans are failing.
 - A two-day workshop is being planned for October 6-7 to address eelgrass issues. Non-governmental organizations, regulatory agencies, stakeholders and experts are being invited.

District Planner

- ❖ Fisherman's Channel Dredging
 - PG&E staff took District Planner on a site visit August 21. The primary dredging need is at the channel entrance. PG&E estimates 560 cy of sediment will need to be removed to achieve a design depth of 8'. A biological survey noted the presence of 0.14 acres of eelgrass and it is anticipated that a 4:1 eelgrass mitigation plan will be required.
 - A potential dredge material disposal site is at King Salmon Beach. An alternative site is the District's Fields Landing site for temporary dredge material dewatering.
 - Staff seeks direction from the Board to hold a meeting for the regulatory agencies for project review and early consultation.

DISTRICT COUNSEL REPORT: None.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Dale:

- ❖ Met with the new Port Commission Officer in Coos Bay, Oregon.

President Marks:

- ❖ Reported the tanks at the pulp mill site are being quickly moved out. He thanked the Board, District staff and USEPA for all the hard work accomplishing this clean-up project.

Commissioner Wilson:

- ❖ Attended a barbeque luncheon sponsored by the District and the US Coast Guard – a thank you to the USEPA and agency staff.
- ❖ Attended the shellfish growers tour. Heard compliments about how this is the most business friendly area.
- ❖ Attended the Humboldt Bay Harbor Working Group meeting - Andrew Sturmfels, the Legislative and Intergovernmental Affairs representative from GOBiz was the guest speaker.

Commissioner Higgins:

- ❖ Had a great time at the barbeque.
- ❖ Met the new US Army Corps of Engineers Lt. Col. John Morrow
- ❖ Pacific halibut – Even though there is plenty of halibut, the August closure will most likely continue for years.

OTHER

Larry Henderson, Humboldt Bay Harbor Working Group, spoke about interagency harbor collaboration. The goal is to create new jobs. The harbor is underutilized – there should be one vision, one strategy, one priority and one plan of action for the harbor portion of the bay. He said the District, City and County should all adopt the same plan so that there would be one guiding document.

Susanna Munsell said Mr. Sturmfels (GOBiz) said businesses look for a united community.

Commissioner Higgins asked Mr. Henderson what he thought of the two recent rail studies. Mr. Henderson said his purpose of this presentation was not to debate the benefits of the railroad, but that he understood the results of the study was that the study was made to determine whether the District should spend money at this time and the study said no, the rail should not be a high priority at this time.

Commissioner Wilson spoke about the many ways the District is collaborating with others on various planning processes, studies, etc. He said he doesn't see any conflict with the agencies the District is already collaborating with.

Commissioner Dale said he was offended by the notion the Harbor District does not currently, or has not in the past, collaborate with others. He said the District Board is just not doing what the Harbor Working Group wants them to do.

Mr. Henderson said the District is out of compliance with planning laws. Commissioner Wilson said he spoke with Dr. Chad Roberts, who said the District is in compliance. District Planner agreed as well.

UNFINISHED BUSINESS

President Marks acknowledged a number of people in the audience wishing to speak on the Fisherman's Channel dredging project. He said normally Public Comment is where this should take place, but there was some confusion about the item being under District Planner's report. He allowed public comment at this time.

Monte Provolt asked about the time frame on the dredging now that the District has received money from PG&E. He asked who is responsible for what pieces of the dredging project. Dredging is imperative because the banks are sloughing in and at low tide the channel is silted in. He asked how many more phases have to be completed before the dredging can begin.

NEW BUSINESS:

- A. **CONSIDERATION OF ACCEPTING FOR FILING APPLICATION FOR PERMIT 14-06 TO MLRX2, LLC FOR THE MLRX2 STORMWATER IMPROVEMENT AND TIDE GATE PROJECT.**

COMMISSIONER HIGGINS MOVED TO ACCEPT FOR FILING THE APPLICATION FOR PERMIT 14-06 TO MLRX2, LLC FOR THE MLRX2 STORMWATER IMPROVEMENT AND TIDE GATE PROJECT. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF REVISED DISTRICT PERSONNEL POLICIES.

COMMISSIONER WILSON MOVED TO TABLE THE ADOPTION OF REVISED DISTRICT PERSONNEL POLICIES. COMMISSIONER HIGGINS SECONDED.

Commissioner Wilson suggested the position of Director of Conservation should remain since the Environmental Specialist does not have the authority or weight to represent the District.

President Marks suggested Commissioner Wilson work with CEO to finalize the document for Board consideration.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS

Administrative Permit A-2014-04 to Wiyot Tribe for Debris Cleanup on Indian Island was issued.

The Regular Meeting of the Board of Commissioners adjourned at 9:04 p.m.

APPROVED BY:



Greg Dale
Secretary

RECORDED BY:



Patricia Tyson
Director of Administrative Services