

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

**January 25, 2018**

The Humboldt Bay Harbor, Recreation, and Conservation District met in regular session on the above date, 6:00 P.M. Closed Session, 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

**1) CLOSED SESSION - 6:00 P.M.**

The Commission met in closed session to discuss the following items:

- a. Conference with Legal Counsel—Existing Litigation: National Audubon Society, CA Waterfowl Association, Petitioners v. Humboldt Bay Harbor, Recreation and Conservation District, Respondent; Coast Seafoods Company, Real Party in Interest. Superior Court of California, County of Humboldt Case No. CV 170428 pursuant to Government Code section 54956.9.

**2) ADJOURN EXECUTIVE CLOSED SESSION**

**3) OPEN SESSION – 7:00 P.M.**

**ROLL CALL:**

PRESENT:            MARKS  
                         DALE  
                         HIGGINS  
                         KULLMANN

ABSENT:            DOSS

QUORUM: Yes

**4) PLEDGE OF ALLEGIANCE**

**5) REPORT ON EXECUTIVE CLOSED SESSION**

- a. Commissioner Dale recused himself. Nothing to report out on.

**6) PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: Kent Sawatzky and Susan Penn.

**7) CONSENT CALENDAR:**

- a. Approve Agenda Modification to move item 11a "Accept the 2016-17 Independent Auditor's Report" immediately after the Consent Calendar
- b. Approval of Meeting Minutes for October 26, 2017 Regular Board Meeting
- c. Approval of Meeting Minutes for November 9, 2017 Special Board Meeting
- d. Approval of Meeting Minutes for December 7, 2017 Special Board Meeting
- e. Receive District Financial Reports for Period July 1, 2017 Through October 31, 2017
- f. Adopt Resolution Number 2018-01 Approving the Application for Grant Funds for The Environmental Enhancement and Mitigation (EEM) Program
- g. Authorize the Board President to sign a letter opposing any leases for offshore oil and gas exploration or drilling in the Pacific Region and specifically Northern California.
  - I. COMMISSIONER HIGGINS MOVED TO APPROVE OF THE CONSENT CALENDAR.  
COMMISSIONER KULLMANN SECONDED.
  - II. Chair Marks then opened up public comment on the item. Public commenters included: Kent Sawatzky. Chair Marks then moved the discussion back to the Commission.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: MARKS, KULLMANN, DALE, HIGGINS

Noes: NONE

Absent: DOSS

Abstain: NONE

WITH THE APPROVAL OF THE CONSENT CALENDAR, AGENDA ITEM 11A WAS HEARD BEFORE AGENDA ITEM 8.

11a. ACCEPT THE 2016-17 INDEPENDENT AUDITOR'S REPORT FOR THE YEAR ENDED JUNE 30, 2017.

- I. COMMISSIONER HIGGINS MOVED TO ACCEPT THE 2016-17 INDEPENDENT AUDITOR'S REPORT FOR THE YEAR ENDED JUNE 30, 2017. COMMISSIONER KULLMANN SECONDED THE MOTION.
- II. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky, Scott Frazier, and Susan Penn.
- III. Chair Marks then moved the discussion back to the Commission.  
VOICE VOTE WAS CALLED, MOTION CARRIED.  
Ayes: MARKS, KULLMANN, DALE, HIGGINS  
Noes: NONE  
Absent: DOSS  
Abstain: NONE

**8) COMMUNICATIONS AND REPORTS:**

- a. **District Counsel, District Planner, District Treasurer and District Engineer Reports**
  - o Staff presented recent staff activities and projects.
  - o
- b. **Staff Reports**
  - o Staff presented recent staff activities and projects.
- c. **Commissioner Reports**
- d. **Executive Director Report:**
  - o Executive Director Larry Oetker presented Executive Director Report.

**9) NON-AGENDA: NONE.**

**10) UNFINISHED BUSINESS:**

- a. CONSIDERATION OF RESOLUTION NO. 2018-02 ESTABLISHING FINDINGS FOR AND ADOPTING AN INITIAL STUDY (IS)/MITIGATED NEGATIVE DECLARATION (MND) (SCH# 2017082048) PREPARED FOR THE CITY OF EUREKA'S PROPOSED ELK RIVER ESTUARY/INTERTIDAL WETLANDS ENHANCEMENT AND COASTAL ACCESS PROJECT (PERMIT APPLICATION 17-03).
  - I. COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION NO. 2018-02. COMMISSIONER KULLMANN SECONDED THE MOTION.
  - II. District Planner George Williamson presented on the item.
  - III. The Commission discussed the item and asked questions.
  - IV. Chair Marks then opened up public comment on the item: No members of the public commented on the item.
  - V. Chair Marks then moved the discussion back to the Commission.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: MARKS, KULLMANN, DALE, HIGGINS  
Noes: NONE  
Absent: DOSS  
Abstain: NONE
- b. CONSIDERATION OF GRANTING TO THE CITY OF EUREKA PERMIT 2017-03, FOR THE ELK RIVER ESTUARY ENHANCEMENT AND COASTAL ACCESS PROJECT.
  - I. COMMISSIONER HIGGINS MOVED TO APPROVE PERMIT 2017-03. COMMISSIONER DALE SECONDED THE MOTION.
  - II. The Commission discussed the item.
  - III. Chair Marks then opened up public comment on the item: No members of the public commented on the item.
  - IV. Chair Marks then moved the discussion back to the Commission.  
VOICE VOTE WAS CALLED, MOTION CARRIED.  
Ayes: MARKS, KULLMANN, DALE, HIGGINS  
Noes: NONE  
Absent: DOSS  
Abstain: NONE

- a. CONSIDERATION OF APPROVAL OF SETTLEMENT AGREEMENT OF EXISTING LITIGATION IN NATIONAL AUDUBON SOCIETY, CA WATERFOWL ASSOCIATION, PETITIONERS V. HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, RESPONDENT; COAST SEAFOODS COMPANY, REAL PARTY IN INTEREST. SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT CASE NO. CV 170428.
  - I. Commissioner Dale recused himself
  - II. District Counsel Paul Brisso presented information on the item.
  - III. COMMISSIONER HIGGINS MOVED TO APPROVE THE SETTLEMENT AGREEMENT OF EXISTING LITIGATION CASE NO. CV 170428. COMMISSIONER KULLMANN SECONDED THE MOTION.
  - IV. The Commission discussed the item.
  - V. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky.
  - VI. Chair Marks then moved the discussion back to the Commission.VOICE VOTE WAS CALLED, MOTION CARRIED.  
Ayes: MARKS, KULLMANN, HIGGINS  
Noes: NONE  
Absent: DOSS  
Abstain: DALE

**11) NEW BUSINESS:**

- a. Item heard above before staff reports.
- b. ELECTION OF BOARD PRESIDENT, VICE PRESIDENT, AND TREASURER/SECRETARY
  - I. District Staff member Alan Bobillot presented the item.
  - II. COMMISSIONER HIGGINS MOVED TO NOMINATE COMMISSIONER MARKS AS PRESIDENT OF THE BOARD, COMMISSIONER DALE AS VICE PRESIDENT OF THE BOARD, AND HIMSELF AS TREASURER. COMMISSIONER KULLMANN SECONDED THE MOTION.
  - III. The Commission discussed the item.
  - IV. Chair Marks then opened up public comment on the item: Public commenters included: Kent Sawatzky.
  - V. Chair Marks then moved the discussion back to the Commission.VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: MARKS, KULLMANN, DALE, HIGGINS  
Noes: NONE  
Absent: DOSS  
Abstain: NONE

**12) ADMINISTRATIVE AND EMERGENCY PERMITS:**

- a. NONE.

**13) ADJOURNMENT**

APPROVED BY

  
Patrick Higgins  
Secretary

RECORDED BY:

  
George Williamson  
District Planner