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

November 17, 2016

PRESENT:
Commissioner Doss
Commissioner Dale
Commissioner Higgins
Commissioner Wilson
Commissioner Marks

President Higgins called the Special meeting of the Board of Commissioners to order at 7:04 p.m.

Commissioner Marks said he was made aware after the publication of the agenda that there will be a vacancy on the RREDC Board when Commissioner Wilson resigns his position with the Harbor District. He said he would like to add this item on this agenda for discussion. Commissioner Wilson suggested the Board review his external committee assignments after his resignation. Commissioner Higgins said this item will be on a future agenda in December or January.

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

Executive Director reported out of Executive Closed Session as follows: Conference with Real Property Negotiators: Parcel C, Owners Charles and Jane Benbow – No action taken; Red Tank Access, Use and Maintenance Agreement, Simpson Samoa Company – No action taken, but this item will be discussed further down the agenda.

PUBLIC COMMENT: None

CONSENT CALENDAR: None

EXECUTIVE DIRECTOR REPORT

- Shelter Cove revenues as of October 31: $91,559 (tractor launch $59,305; charter boat fee $15,925; commercial fish fee $851 and boat storage fee $15,478). David Smollett has only one design change: increase the Market 14'-28' width. The old Marina building asbestos report is complete; waiting on the County Building Department.
- Presentation to Headwaters Board on the mariculture pre-permitting; will release funds.
- RFP solicitations to use Redwood Marine Terminal II boiler building as a communications tower? Could generate enough revenue to repay the Coast Seafoods loan.

STAFF REPORTS:

Director of Operations and Facility Maintenance:

- Woodley Island Marina dock repairs: A-dock finger slip 20 rebuild complete and ready for installation.
- Mowing land fill mounds.
- Winter clean up at Fields Landing Boat Yard.
- Fire boat annual haul out and repairs are complete.
- Making roof repairs on Woodley Island Marina building.
- Fixing major water tank leak at Redwood Marine Terminal II. Water tank is used for fire suppression.

Director of Harbor Operations:

- Attended CLIA-NWC/CLIA Alaska Fall Reception in Seattle.
- Silverseas Cruise Lines have confirmed a Stop in Eureka in May, 2018. Schedule and information on their Website.
- Conducted Rescue Swimmer Training with Humboldt Bay Fire.
- GLORIUS PLUMERIA currently at California Redwood Chip Export Dock.
- Attended meeting with NYK Representatives and Marubeni Canada representative yesterday discussing future port calls in Eureka.
- US Army Corps of Engineers visit, bay tour on Tuesday.
DISTRICT COUNSEL, DISTRICT PLANNER, DISTRICT TREASURER AND DISTRICT ENGINEER REPORT

District Counsel:
- Conflict of Interest lawsuit filed over one year ago – there have been three attempts by the Plaintiff to find a simple complaint to pass the legal requirement. Plaintiff's Attorney finally conceded there is no legal basis for a cause of action against the individual Defendants (Jack Crider, Richard Marks, Mike Wilson, Patrick Higgins, Greg Dale and Aaron Newman). They have until December 9th to file a fourth attempt, which will only be against Defendants Harbor District and Coast Seafoods. District Counsel said he would keep the Board informed.

District Planner:
- Working on efforts to get permitting accomplished for the additional parking and second restaurant on Woodley Island.
- First EelGrass Management Plan meeting with project partners was successful. Merkel and Associates are getting the baseline information together. The second meeting will be held on November 28 and there will be active discussion on the project objectives.

District Engineer (given by Executive Director):
- Brownfield application for LP Samoa – Draft application needs to be on December 8 Harbor District agenda.
- Working on pre-permitting subtidal sites.
- Revised conceptual drawings for Shelter Cove facility – submitted revised drawings to the Harbor District on November 14.
- Storm water permitting at Fields Landing Boat Yard.
- Update on dredge alternatives – submitted draft to Harbor District on November 11.
- Redwood Marine Terminal II permitting of ocean outfall – working on special studies required for the NPDES permit.
- Infrastructure assessment on Samoa peninsula – 60% draft Samoa Peninsula CSD organizational plan for Harbor District review next week.

COMMISSIONER AND COMMITTEE REPORTS:

Commissioner Doss:
- Since the last Board meeting, there was Veteran's Day and a National Election. We have a new President and he is hopeful there is funding for infrastructure that might be available for the Harbor District.

Commissioner Dale:
- Early morning ferry from San Francisco to Larkspur. Took great pictures of pilot boat and ships in San Francisco Bay.

Commissioner Higgins:
- November 6 – helped host the 5th anniversary of the Eel River Recovery Project.
- Last Tuesday, attended a meeting in Willits regarding organizing under the Eel River Recovery Project's umbrella.
- Showed a video of fish on Ten Mile Creek.

Commissioner Marks:
- Attended a NCRA meeting.
- Attended the Headwaters Board meeting. Executive Director requested funds.
- Shipping report on increases. This year shows a 70% increase over last year. Next year, we might hit 1 million tons. The last year that was done was in 1991; there were two running pulp mills and two running saw mills. When he was elected, there was shipping tonnage of a little more than 300,000; these new number show the Board of Commissioners is pro-shipping, contrary to some beliefs.
OTHER

UNFINISHED BUSINESS

A. CONSIDERATION OF SELECTION COMMITTEE FOR DISTRICT 3 COMMISSIONER VACANCY.

Executive Director said he had received twelve letters of interest prior to November 14 and one after that date. He recommended the full Board rank the top five candidates. The Selection Committee would interview the top five and recommend two finalists. The Board would retain the discretion to interview one or more of the top five. The Full Board will interview the two finalists at a Special Board meeting. The vote to fill the vacancy will occur after Commissioner Wilson's resignation date. Executive Director recommend the following for the Selection Committee: two Commissioners, one being Commissioner Wilson; two District 3 representatives and one Harbor District Officer.

District Counsel stated until Commissioner Wilson actually resigns, the Board cannot fill his position. Therefore, Commissioner Wilson cannot vote on his replacement. He also said the Board can elect to interview more than two finalists if they choose. He recommended the Board use an advisory committee, but the ultimate selection remains with the Board. Since this is personnel or officer position, the Board has the option of doing the interviews in Closed Session.

COMMISSIONER WILSON MOVED TO CREATE THE SELECTION COMMITTEE TO INCLUDE COMMISSIONERS WILSON AND MARKS, MARK LOVELACE, ALDARON LAIRD AND MIKE FOGET. ALSO COMMITTEE WOULD BRING BACK THE FULL RANKING OF ALL THE APPLICANTS. COMMISSIONER DALE SECONDED.

Commissioner Dale said it is important for District 3 to have a role in this process.

Dave Spreen, one of the applicants, asked how the top five are going to be selected; it is important for the public to know how the selections are being made.

MOTION CARRIED WITHOUT DISSENT.

Executive Director asked the Board to have their rankings to him by next Monday.

B. CONSIDERATION OF ADOPTING RESOLUTION 2016-18 WHICH ESTABLISHED FINDINGS RELATIVE TO THE PILOT DESALINATION AND FLAKE SALT HARVESTING PROJECT AT REDWOOD MARINE TERMINAL II.

District Planner these projects rely on a supply of salt water from Humboldt Bay. The Pilot Desalination Project would discharge to the existing ocean outfall pipeline. There will be no discharge from the Flake Salt Harvesting. Other permit applications filed are Coastal Commission CDP and the North Coast Regional Water Quality Control Board for the Low Threat Discharge. Initial agency comments were received and responded to; the agency permits had been on hold until the District’s permit was granted. Additional agency response and authorizations are forthcoming. Potential effects of uses were analyzed in the Redwood Marine Terminal II CDP/CUP Mitigated Negative Declaration adopted by the District on November 12, 2015. The County CDP for the interim coastal dependent and coastal related uses has been filed.

COMMISSIONER WILSON MOVED TO ADOPT RESOLUTION 2016-18 WHICH ESTABLISHED FINDINGS RELATIVE TO THE PILOT DESALINATION AND FLAKE SALT HARVESTING PROJECT AT REDWOOD MARINE TERMINAL II. COMMISSIONER MARKS SECONDED.

Commissioner Wilson asked about the pipeline to the dock that cuts across the property. Is the size of the pipeline large enough to take into account extension of the resource? Executive Director said it is only large enough for the two operations.
ROLL CALL VOTE WAS TAKEN:
COMMISSIONER DOSS – AYE
COMMISSIONER DALE – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF GRANTING PERMIT 16-03 FOR THE PILOT DESALINATION AND FLAKE SALT HARVESTING PROJECT.

COMMISSIONER DOSS MOVED TO GRANT PERMIT 16-03 FOR THE PILOT DESALINATION AND FLAKE SALT HARVESTING PROJECT. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF APPROVAL OF AGREEMENT WITH U.S. NOAA FOR OPERATIONS OF THE PORTS SYSTEM.

COMMISSIONER DOSS MOVED FOR THE APPROVAL OF AGREEMENT WITH U.S. NOAA FOR OPERATIONS OF THE PORTS SYSTEM. COMMISSIONER DALE SECONDED.

Director of Harbor Operations reported this item is the renewal of a contract currently in place for the operations of the Physical Oceanographic Real Time System (PORTS). It is a multi-year agreement in effect through November 30, 2021 with annual renewal requirements. Either party may terminate with 120-day notice. Funding is provided by Chevron at $32,325 per year. The Harbor District and Humboldt State University share operations and maintenance responsibility by contract at a cost of $30,000 per year. District is reimbursed for staff and boat costs. The system is high maintenance but highly valuable by fishermen and shippers entering the bay.

Commissioner Dale said this is a huge commitment by the Harbor District, HSU, Chevron and NOAA, but we are very fortunate to have this system. The PORTS system is what keeps our shipping traffic safer in the bay. Director of Operations said Chevron is required to have this system in place.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL TO TERMINATE RED TANK AGREEMENT WITH SIMPSON SAMOA COMPANY.

Executive Director reported Simpson Samoa Company property and obligations were transferred to California Redwood Company in 2006. The Red Water Tank facility and property is owned by the Harbor District, but Simpson (now California Redwood) is responsible for all costs. The Red Water Tank supplies fire protection water to the Town of Samoa and the old California Redwood Sawmill which now is removed. The Red Water Tank is too expensive to maintain; and Danco, owner of the Town of Samoa, will replace the system in one year. The 2004 agreement between the District and Simpson Samoa requires a one year notice of termination. Staff recommended submitting the termination notice.

COMMISSIONER DALE MOTIONED FOR THE APPROVAL TO TERMINATE THE RED TANK AGREEMENT WITH SIMPSON SAMOA COMPANY. COMMISSIONER DOSS SECONDED.

Dale Unea, Samoa Fire Department, said he would like to see the plans for the Red Water Tank. Executive Director said part of the challenge is the interim agreement to sort out the costs of the
operations (pumping costs) at $30,000 per year, which California Redwood does not want to continue to pay. The old system will not be turned off until the new system is up and running.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL TO ACCEPT Z&Z MARINE PROPOSAL ON THE BRUSCO TUG AT FIELDS LANDING BOAT YARD.

President Higgins said this item has been pulled by staff as it is no longer an issue.

D. CONSIDERATION OF APPROVAL FOR APPLICATION OF A GRANT TO USEPA BROWNFIELDS CLEANUP – DEBRIS PILES AT REDWOOD MARINE TERMINAL II.

Executive Director reported there was a previous submittal for the grant in 2014, which did not get funded. Demolition material from the old boiler, digester and ASTs are approximately 2,400 cubic yards. The preferred option is for the on-site reuse of non-hazardous and partial removal and disposal. The total amount of the cost is $240,000, $200,000 grant funds (cleanup maximum) and $40,000 cost share. EPA made comments and suggestions for improvements on the 2014 application. SHN Consulting Engineers is rewriting the narrative with EPA’s recommended changes at a cost of $2,000. The application is due December 20 and new letters of support are needed. Staff recommended approval to apply for the EPA grant.

COMMISSIONER MARKS MOVED FOR THE APPROVAL FOR APPLICATION OF A GRANT TO USEPA BROWNFIELDS CLEANUP – DEBRIS PILES AT REDWOOD MARINE TERMINAL II. COMMISSIONER WILSON SECONDED.

Executive Director said the hazardous materials are moved to a landfill, the non-hazardous are kept on site.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS

A. CONSIDERATION OF EMERGENCY PERMIT E-2016-02 – EMERGENCY REPAIRS LCL 1091.

District Planner reported the LCL 1091 vessel is currently located at the Eureka Commercial Dock and is at risk for sinking. It is proposed to be transported to the Redwood Marine Terminal I for emergency repairs. The vessel is too large for any existing haul-out facility in Humboldt Bay. It would be transported approximately 1.4 miles through the Bay, then pulled from the water using land based heavy equipment and debarked logs as rollers to the repair site. The proposed relocation date is December 15 during King Tide peaking at 12:32 p.m. County Staff is working on the consolidated CDP and City Staff is working with vessel owners and others on transportation logistics.

The Regular Meeting of the Board of Commissioners adjourned at 8:24 p.m.

APPROVED BY:  

Patrick Higgins  
Secretary

RECORDED BY:  

George W.  
DistPlanner

Patricia Tyson  
Clerk