

**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.

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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