

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

**November 12, 2020**

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date, Closed Session met at 5:00 P.M. Regular Session met at 6:00 P.M via video conference with a teleconference option.

**CLOSED SESSION – 5:00 PM**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: No one.

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential lease and sublease of District's lease interest by District under lease between the District and Mario's Marina LLC dated April 1, 2016 for the real property commonly known as Mario's Marina in Shelter Cove (APN: 108-171-023-000), Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Mario's Marina and Shelter Cove Fisherman's Preservation, Inc. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-111-006 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Chris Brungardt, RTI Infrastructure, INC. Under negotiation: price and payment terms.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Number 401-031-061 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director. Negotiating party: Pete Jackson, Green Diamond Resource Company. Under negotiation: price and payment terms.

**REGULAR SESSION – 6:01 P.M.**

**ROLL CALL:**

PRESENT:	DOSS MARKS HIGGINS KULLMANN
ABSENT:	DALE
QUORUM:	YES

**PLEDGE OF ALLEGIANCE**

**REPORT ON CLOSED SESSION:** No reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: No comments; the Executive Director asked that item d) of the Consent Calendar be pulled per a phone call from Rich Tobin.

Chair Kullmann proposed moving agenda item 11b. to directly after Communications and Reports to accommodate the members of the public in attendance for that item.

- I. COMMISSIONER MARKS MOVED TO MOVE AGENDA ITEM 11B TO BEFORE UNFINISHED BUSINESS AGENDA ITEMS.
- II. COMMISSIONER HIGGINS SECONDED.
- III. ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: DALE  
Abstain: NONE

**CONSENT CALENDAR**

- a) Adopt Minutes for October 8, 2020 Regular Board Meeting
- b) Adopt Minutes for October 28, 2020 Special Board Meeting
- c) Receive District Financial Reports for September 2020
- d) Adopt Amended Minutes to Correct Administrative Error
- e) Accept Donation in the Amount of \$23,000 from Sequoia Investments XI, LLC, Samoa Dunes II, LLC and Samoa Dunes I, LLC towards the acquisition of the Dog Ranch Properties.
  - I. COMMISSIONER MARKS MOVED TO APPROVE CONSENT CALENDAR ITEMS A-C AND E. COMMISSIONER DOSS SECONDED.
  - II. Chair Kullmann opened the item to public comment. No one commented.
  - III. Chair Kullmann moved the discussion back to the Commission.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: DALE  
Abstain: NONE
  - I. Rich Tobin presented Consent Calendar Item d.
  - II. The Commission discussed the item.
  - III. Chair Kullmann opened the item to public comment. Rich Tobin commented.
  - IV. Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER HIGGINS MOVED TO APPROVE CONSENT CALENDAR ITEM D. COMMISSIONER MARKS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE  
Absent: DALE  
Abstain: NONE

**COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's Report
- b) Staff Reports
  - I. Staff presented on recent District Activities
- c) District Counsel and District Treasurer Reports
  - I. District Counsel reported.
- d) Commissioner and Committee Reports
  - I. Commissioners reported on recent activities and subcommittees
- e) Correspondence Received
  - I. None

**NEW BUSINESS**

**b) Consideration of Term Sheet related to Harbor District Management of the Tuluwat Island Wetland Mitigation Project**

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Ted Hernandez, Adam Canter, Tim Nelson and Rob Well commented.
- IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER MARKS MOVED TO APPROVE EXECUTION OF THE TULUWAT ISLAND WETLAND MITIGATION PROJECT TERM SHEET.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: DALE

Abstain: NONE

**UNFINISHED BUSINESS**

**a) Adopt Resolution 2020-15 Establishing User Fees for the Discharge of Effluent Out the 1 ½ Mile RMT II Ocean Outfall Pipe**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. No one commented.
- IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2020-15: ESTABLISHING USER FEES FOR THE DISCHARGE OF EFFLUENT OUT THE 1 ½ MILE RMT II OCEAN OUTFALL PIPE.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: DALE

Abstain: NONE

**b) Consideration of Cooperative Management and Law Enforcement Memorandum of Understanding for the Samoa Dunes and Wetlands (aka Dog Ranch)**

I. Executive Director presented the item.

II. The Commission discussed the item.

III. Chair Kullmann opened the item to public comment. No one commented.

IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO APPROVE EXECUTION OF THE COOPERATIVE MANAGEMENT AND LAW ENFORCEMENT MEMORANDUM OF UNDERSTANDING FOR THE SAMOA DUNES AND WETLANDS.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: DALE

Abstain: NONE

**NEW BUSINESS**

**a) Discussion Regarding Lease between Harbor District and Mario's Marina and Sublease between Harbor District and Shelter Cove Fishing Preservation Incorporated, Shelter Cove (APN 108-171-023-000)**

I. Executive Director presented the item.

II. The Commission discussed the item.

III. Chair Kullmann opened the item to public comment. No one commented.

IV. Chair Kullmann moved the discussion back to the Commission.

V. Information item only, no action was taken.

**c) Consideration of Letter Supporting US Coast Guard Operations**

I. Executive Director presented the item.

II. The Commission discussed the item.

III. Chair Kullmann opened the item to public comment. No one commented.

IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER DOSS MOVED TO APPROVE LETTER AFFIRMING THE DISTRICT'S SUPPORT FOR THE US COAST GUARD'S HUMBOLDT BAY PRESENCE.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: DALE

Abstain: NONE

**FUTURE AGENDA ITEMS**

- a) Follow the sediment trail of the dredge material with a report on where it ends up.
- b) Report from the District Treasurer

**ADJOURNMENT – 7:18 P.M.**

APPROVED BY:



Patrick Higgins  
Secretary of the Board of Commissioners

RECORDED BY:



Mindy Hiley  
Director of Administrative Services