

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

**October 8, 2015**

**PRESENT:**

Commissioner Newman  
Commissioner Dale  
Commissioner Marks  
Commissioner Wilson  
Commissioner Higgins

President Marks called the Regular Meeting of the Board of Commissioners to order at 7:03 p.m.

Commissioner Higgins led those present in the Pledge of Allegiance.

**PUBLIC COMMENT**

Monte Provolt said he had a procedural question. He asked why the public was not allowed to comment on items that were agendized; i.e. staff reports. The Brown Act says the public has the right to comment on all agendized items. Also two weeks ago he was accused of playing political games with the conflict of issue concern; but this issue has been going on for 1 ½ years. The Northern California Home Builders Association brought the conflict of issue up in their public comment on September 10. Mr. Provolt said if anyone is playing games, it is the Board of Commissioners.

Damien Mooney, President of the ILWU Local 14 Eureka, thanked all the candidates who participated in the KEET debate. The current Board members running for re-election put forward their position very well. He said the Harbor District has turned away from what we need in the bay to finance everything else we want to do – commercial shipping. If we don't get commercial shipping back, we will never get back to where we need to be. 1968 was the best year in Humboldt Bay – 276 ships; this year – 5. Explore new cargoes, have better facilities; keep investigating. Don't write off shipping. It is not just the longshoremen working when a ship is her, other unions are also working and will stay here.

**CONSENT CALENDAR**

COMMISSIONER DALE MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR.  
COMMISSIONER WILSON SECONDED.

Commissioner Wilson said he would like to see more information on the progress of the permitted project prior to extend the permit.

MOTION CARRIED WITHOUT DISSENT.

**COMMUNICATIONS AND REPORTS**

**EXECUTIVE DIRECTOR'S REPORT:**

- ❖ Happy to report the Board meeting minutes are now up to date.
- ❖ New Market Tax Credit
  - Loan approved BBVA Compass. Tax Credit providers (CDE's) agreements being drafted. Leverage Loan of \$1.3 million will generate \$3.1 million in improvements (Roof \$932,000; Siding \$871,000; Electrical \$650,000; Doors \$305,000; Structural repairs \$180,000 and Water/Sewer \$150,000).
  - Items to close transaction before 12/31/2015- Loan, CDE agreements, non-profit formation and contractor contracts.
  - Funding available after closing - work to be completed by May 2016.

## STAFF REPORTS

### Deputy Director:

- ❖ Received seven proposals for Eelgrass Management Plan Development. Establishing review committee that will make a recommendation for the Board's consideration.
- ❖ Sent Letters to Private Landowners inviting participation in the Mariculture Pre-Permitting Project.
- ❖ Site visit with Humboldt State University regarding desalination research project (osmotic power) at Terminal 2, developing permit applications.

### Director of Harbor Operations:

- ❖ Redwood Marine Terminal Berth 1 – Current monthly revenue \$3,878 (inside and outside storage, Hagfish Company and their boat moorage) plus the landing fee estimated at \$1,250/mo., bringing in approximately \$61,536 annually. September 2014 revenue was \$1,633.
- ❖ Humboldt State Aquaponics Facility up and running; picking up White Sturgeon today in Galt, CA.

### Director of Facility Maintenance:

- ❖ District staff rebuilt dredge cutter head. Dredge refurbish is on schedule.
- ❖ King Salmon Breakwater Repairs are 90% Complete.
- ❖ Marina E-Dock Replacement Floats arrived; District staff is manufacturing the weldments.

### District Counsel:

- ❖ District Counsel's report on both the recently-passed Senate Bill 141 and the lawsuit filed this week against the District, its Commissioners and Executive Director Jack Crider are included in their entirety in these minutes as an attachment.

## COMMISSIONER AND COMMITTEE REPORTS:

### Commissioner Newman:

- ❖ Great to see the activity at Redwood Marine Terminal Berth 1 – lots of people, crab pots, hagfish packing and unloading. It is a premium crab pot storage venue.
- ❖ Regarding Mr. Angeloff's comments about agricultural goods to be trucked from the Central Valley, he spoke with his friends who produce rice and nuts in the Central Valley and they told him bringing their product to Humboldt Bay would double their cost. Trucking to Sacramento is a 1-3 hour trip on flat roads; trucking to Humboldt Bay is much longer.

### Commissioner Dale:

- ❖ Watched from the ship Green Diamond load the last chip ship; an impressive operation.
- ❖ Attended a food show and shellfish convention. Around the country, Humboldt Bay oysters are highly regarded. Next week, oysters are being sent to a food show where the best oysters will be chosen.
- ❖ Participated in the KEET debate last night.

### Commissioner Marks:

- ❖ Met with representatives from Humboldt Fisherman's Marketing Association regarding Woodley Island zoning.
- ❖ On the Board for Humboldt Domestic Violence Services – October is Domestic Violence Awareness month. Attended a gathering at the Humboldt County Courthouse to show silhouettes of victims of violence.

### Commissioner Wilson:

- ❖ Met with the Humboldt Fisherman's Marketing Association representatives regarding Woodley Island zoning.
- ❖ Every other year he spends a week in Washington DC meeting legislators and lobbying for dredging by the Corps of Engineers. The Board is proactive about dredging and shipping.
- ❖ The District has been criticized regarding transparency and lack of minutes. Doing research of other special districts showed other special districts have no online archived minutes. The District has both meetings on video and minutes archived; the bar is set high.

- ❖ Regarding the Mitigated Negative Declaration for Redwood Terminal 2, these are not just repairs of assets, but important infrastructure on Humboldt Bay. By not repairing the buildings, the result would be the loss of the facility for future opportunities. It is virtually impossible to build this type of facility from scratch due to the cost.
- ❖ State Lands Commission requires all State lands trustees to report on tidelands transactions.

Commissioner Higgins:

- ❖ Thrilled the New Market Tax Credit project is pending – the Board took a lot of risk in this endeavor.
- ❖ Has been walking neighborhoods meeting voters – very educational.
- ❖ Participated in the KEET debate.
- ❖ Participated in the debate at Blue Lake Rancheria.
- ❖ Reported Eel River Recovery Project is close to becoming a non-profit entity.
- ❖ Has been collecting water temperature gauges in the Eel River – some areas have dried up and some are abundant with fish.

Monte Provolt asked if the public was going to have an opportunity to comment on the agendaized staff reports.

District Counsel said the Brown Act prohibits discussion of items not specifically agendaized. Staff reports are merely information – they cannot be discussed or acted upon unless listed specifically by title/topic.

**OTHER:** None

**NON AGENDA:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS**

**A. CONSIDERATION OF WOODLEY ISLAND ZONING OPTIONS – WATERFRONT COMMERCIAL VS. PUBLIC QUASI-PUBLIC.**

District Planner reported the 1993 Coastal Development Permit - approved uses included: Marina complex, Restaurant, Parking, Dry boat storage building, Boat fueling facility, Office building and National Weather Service office. The existing City General Plan Land Use Designation & Zoning is Public Quasi Public (PQP) which extends into natural area and does not cover all of Marina; and the zoning for the facility/marina is (PF/M).

Current Principal Uses:

- Docks, piers (including recreational fishing piers), and wharves; Boat launching facilities;
- Commercial fishing facilities and fishing boat berthing facilities;
- Recreational boating facilities and boat berthing facilities (*not to exceed 30% of the total number of berths permitted by the 1976 coastal permit*);
- Two restaurants; Offices and shops directly related to marine uses;
- Ice vending stations; Marine and boat sales, services, and repairs; On-site fish sales and processing incidental to permitted restaurants;
- Parking; and, Public access facilities.

Conditional Uses:

- A third restaurant
- On-site incidental fish sales and processing
- Wireless telecommunication facilities subject to municipal code provisions
- Uses shall be conditionally permitted, provided such uses do not displace current or projected demand for permitted uses and necessary support facilities, including parking.
- Conditional uses shall be designed and located so as not to interfere with permitted uses.

**The current District Proposal:**

- Purpose: To encourage, protect, maintain and provide public commercial marina fishing boat and related industry facilities and compatible recreation and visitor serving facilities at the Woodley Island Marina.
- Principal Uses: Docks, piers, wharves; boat launching facilities; commercial fishing facilities & boat berthing; recreational boating facilities; live-aboard boats; recreation boat berthing facilities; two restaurants; offices and shops directly related to marine uses; ice vending stations; marine and boat sales, services, and repairs; on-site sales and processing of fish incidental to permitted restaurants and from commercial fishing vessels; public access facilities; Up to two marina caretaker residences; transient occupancy spaces for people to stay on boats; and parking areas to support other permitted uses.
- General Agreement:
  - Conditional Uses
    - A third restaurant; Wireless telecommunication facilities; Administrative, business, and professional offices Coin-op (small equip. cleaning); laundries and Ice storage houses; oil and gas pipelines; public utility service pumping stations and radio and television towers.

The remaining item that has not been accepted by the Humboldt Fisherman's Marketing Association (HFMA) is: Transient occupancy spaces including for recreational vehicles, cabins and yurts, not to exceed a total of 30 units.

Commissioner Wilson said the end result is to get a designation similar to what is on the City of Eureka's waterfront and be consistent. Cut out all that is not wanted.

Commissioner Higgins said this is just the framework. Land use, planning and Coastal Development permits are for everybody and everything.

COMMISSIONER HIGGINS MOVED TO PUT FORWARD THE CURRENT DISTRICT PROPOSAL FOR THE PLANNING COMMISSION MEETING ON MONDAY, OCTOBER 12, 2015. COMMISSIONER DALE SECONDED.

Commissioner Wilson said he met with HFMA representatives. They discussed the intent for the zoning of Woodley Island - based on economics, culture and commercial fishing, but also being cognizant that it is a public place. The District's intent is that every proposal's use is complementary to commercial fishing. The conditional use list is a list of possibilities that would be the most conditioned of anything; well regulated. The Board of Commissioners is not unanimous on the projects; simply putting forth a reasonably bracket of projects for discussion.

Commissioner Newman said it has always been the effort of the District to prioritize commercial fishing. What would be the concern to include language to protect transient commercial fishing? Executive Director said the % stated is a compromise – the original request was exclusive to commercial fishing, but the Attorney General said that cannot be done.

Commissioner Dale said he participated early on in the process and understands most of the issues. He likes the process being done at this time. Woodley Island Marina does not pay for itself; but the Board cannot just raise the rates – they must address the financial capacity to generate income.

Commissioner Wilson suggested amending the motion to allow Commissioners Marks and Wilson to work with staff to fin the legal language to prioritize before going to the Planning Commission meeting.

President Marks said HFMA is completely paranoid of changes to the land use designation. However they did acknowledge RVs parked at Woodley Island during fishing season without paying.

Commissioner Higgins said he likes the PQP designation; less angst for the fishermen.

Pete Oringer said if there are businesses in the marina (i.e. bed and breakfast) they must pay the City of Eureka Transient Occupancy Tax – make sure that is part of the agreement. The District also needs a fee structure for long-term parking and to define transiency and liveaboard. He said it was his understanding that in the past was an area prioritized for commercial use. If the area is not being used, it could be rented to a transient boater who would have to vacate if the spot was needed for a commercial fisherman.

Monte Provolt said the District Planner should be looking to rebuild the tuna fishing fleet, bring commerce to the harbor, not a RV park.

Charles Benbow asked what prioritize means. Is the marina full all the time? Is there a limit on transient time?

Commissioner Wilson said these details will be determined down the line. Land use designation is being determined now.

Commissioner Higgins said he thinks it is discriminatory to give priority to commercial fishermen.

Commissioner Newman said this issue is not as big a deal as some are trying to make it.

Damien Mooney said he used to deliver sailboats from Canada to Mexico and this is not the first port with this problem. Legalities for transients and liveaboards are spelled out in other ports.

Susan Penn said she is glad the Board is supporting PQP. And Woodley Island Marina is not far in the red. The single largest revenue source for the District is property tax and only 10% goes to the marina; where does the other 90% go? If more of the property tax revenue was allocated to the marina, it would be in the black. She does not like the idea of two marina caretaker residences – use boats. There is no objection to putting the RV park on the hard surfaces; do not use the grass and tree areas.

Jen Kalt said Humboldt Baykeeper submitted comments on the RV park previously. She suggested tent spaces be permitted for touring bicyclists; she has talked to many who are looking for overnight options.

Mimi LaPlant has been painting on Woodley Island for years and does not understand how having another restaurant would benefit Eureka. She would like to see Woodley Island remain unchanged.

Commissioner Newman said this issue has been uncomfortable for him; he has not heard from the fishermen.

Ken Bates said HFMA is meeting tomorrow and he will let Commissioners Marks and Wilson know what is decided.

Commissioner Wilson offered a friendly amendment to the motion to allow Commissioners Marks and Wilson to make adjustments after hearing from the fishermen before going to the City Planning Commission.

Commissioner Higgins said he would not accept the amendment because it is “wiggly”.

COMMISSIONER HIGGINS AMENDED HIS ORIGINAL MOTION TO ACCEPT STAFF'S RECOMMENDATIONS TO TAKE TO THE CITY PLANNING COMMISSION ON MONDAY, OCTOBER 12, 2015 TO INCLUDE EDITS WITHOUT CHANGING THE INTENT OF THE RECOMMENDATION. COMMISSIONER DALE ACCEPTED THE AMENDMENT. MOTION CARRIED WITH COMMISSIONER NEWMAN ABSTAINING.

**B. CONSIDERATION OF ADOPTION OF THE MITIGATED NEGATIVE DECLARATION FOR REDWOOD MARINE TERMINAL 2 COASTAL DEVELOPMENT PERMIT/CONDITIONAL USE PERMIT.**

President Marks stated this item is pulled from the agenda and will return to the Board at the next meeting.

**C. CONSIDERATION OF ALASKAN ANVIL, LLC LEASE.**

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ALASKAN ANVIL, LLC LEASE. COMMISSIONER WILSON SECONDED.

Deputy Director reported Alaskan Anvil, LLC has 45 years' experience repairing and building vessels in Oregon and Washington, currently operating in Washington. The term of the agreement is one year with an option for two successive terms. Monthly lease is \$2,269 per month. The lease area consists of: Shop space attached to main building: 1,092 sq ft; Yard space: 1,050 sq ft and Office space inside main building: 170 sq ft. Optional rent of Travel Lift Shop \$3,024 per month or \$300 per day, not restricting the mobility or use of the Travel Lift. \$200 haul out rate round trip, tenant supplies spotters. \$150 for interior yard move, tenant supplies spotters.

Staff recommends conditional approval of lease, award lease after inspection of tenant's current operation.

Executive Director corrected the Yard space to 7,000 sq ft.

District Counsel said he recommends asking for a personal guarantee from the principal when negotiating with a LLC.

Commissioner Higgins suggested pulling his motion in order for changes to be made to the agreement.

Executive Director stated Commissioner Newman has volunteered to travel to Port Townsend to visit Alaskan Anvil, LLC's current operation.

COMMISSIONER HIGGINS WITHDREW HIS MOTION. COMMISSIONER WILSON AGREED.

**D. DISCUSSION OF POLICY DEVELOPMENT FOR IMPLEMENTATION OF LIVING SHORE LINES.**

Commissioner Wilson reported he attended an environmental legal conference put on by local attorney Paul Hagen. One of the topics discussed was living shore lines. Commissioner Wilson helped implement the one on Indian Island to protect the shell midden for the Wiyot Tribe. He said it is hard to get permits to repair breached levies. Impenetrable geo-fabric is placed in denuding natural areas in estuarine eco systems. In the Humboldt Bay Management Plan, one of the latent policies is to develop a policy for shoreline revetment. The Corps of Engineers requires rock placement. Commissioner Wilson suggested a policy be adopted stating any permit application for breached levy repair must show why a living shore line cannot be used.

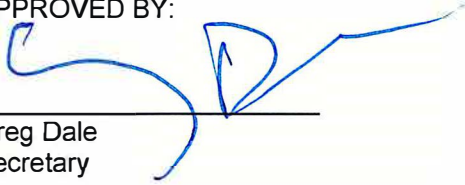
Commissioner Dale said living shore lines are used in San Francisco Bay and work well, but are different than what is being proposed here.

Commissioner Wilson said there are many variants on this theme. Currently the District does not have a policy for applicants to state why a living shore line would not be feasible. He said he will work with staff to bring back a policy for Board consideration.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

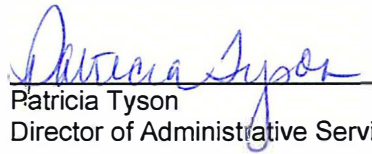
The Regular Meeting of the Board of Commissioners adjourned at 8:55 p.m.

APPROVED BY:



\_\_\_\_\_  
Greg Dale  
Secretary

RECORDED BY:



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Patricia Tyson  
Director of Administrative Services