

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

**March 12, 2015**

**PRESENT:**

Commissioner Newman  
Commissioner Marks  
Commissioner Higgins

**ABSENT:**

Commissioner Dale  
Commissioner Wilson

President Marks called the regular meeting of the Board of Commissioners to order at 7:01 p.m.

Commissioner Higgins led those present in the Pledge of Allegiance.

**PUBLIC COMMENT**

Karen Brooks attended the County Board of Supervisors meeting where they considered a Fish & Wildlife grant proposal for sea level monitoring. The Harbor District Board should have a standard agenda item for sea level rise. Need to get going to get levies master-permitted. It is a multi-year project, so the Board needs to get ahead of it. 60-80% of Humboldt County's population lives around the bay.

Uri Driscoll said agricultural lands are vital and infrastructure is necessary to preserve and protect. There are some challenges with the California Coastal Commission. County Board of Supervisors is willing to write a conditional letter of support.

**CONSENT CALENDAR:** None

**COMMUNICATIONS AND REPORTS**

**EXECUTIVE DIRECTOR'S REPORT:**

- ❖ King Salmon Permitting:
  - Phase 1 and 2 require mitigation of 3+ acres of Eelgrass plus Longfin Smelt take permit.
  - Total potential inventory of Bay mitigation sites is only 13 acres and would require "conservation easements".
  - 1982 channel dredging established a 7' depth.
  - PGE plan design is based on an 8' depth.
  - District's recommended plan design - min. 6' depth in main channel and 8' entrance.
  - New design plan will reduce eelgrass impact by 50% (approx. 3.0 acres reduced to 1.4 acres).
  - 6' depth expected to rapidly recolonize with eelgrass, so the impact would be temporary. Will negotiate with agencies on how to gauge the impact.
  
- ❖ Boiler Sale
  - Kapstone Inspection March 10-11; Team of 8
  - Interest in Turbine/generator, crane, controls
  - Recovery Boiler- Foxboro cards and console
  - Found new turbine bearings- \$40K
  - Crescent Assets Partners will make offer-resell
  - Value to District- \$300K-\$500K
  - Need to remove a section of roof to remove
  - Offer and Purchase Agreement- March 26.

## STAFF REPORTS

### Director of Harbor Operations:

- ❖ Marine debris was recovered and recycled by Kernen Construction. The cost is covered under a grant.
- ❖ PORTS system – all buoys are now reporting to the US Coast Guard.
- ❖ Bruce Conner – will be attending the Cruise The West trade show in Florida. Mr. Conner will present to the Board of Supervisors in April.
- ❖ Sea Scouts Building – repairs are being done on the building in anticipation of Athena Greene Inc. locating the aquaponics/biochar business there.
- ❖ Redwood Marine Terminal Berth 1 – working with a potential new tenant.

### Deputy Director

- ❖ Spartina control project – applied for a State Lands lease and it was received. Still need a Coastal Development Permit.
- ❖ Finalized grant agreement with State Resources Agency for Spartina control.
- ❖ Mariculture Pre-Permitting Project Draft EIR – Public Comment period ended today. A public meeting will be held next week.
- ❖ Coast Seafoods Company Draft Initial Study – received good feedback from the public.

### Director of Facility Maintenance:

- ❖ Took Humboldt Baykeeper group and HSU Lumberjack reporter on a tour of the MPA areas in Humboldt Bay.
- ❖ Working with Director of Harbor Operations on their first bay water sampling to certify areas for shellfish culture, which is required as a part of the Mariculture Pre-Permitting Project. 30 samples have to be taken.
- ❖ Fields Landing Boat Yard – expanded the fenced area for long term storage of boats and death row for derelict boats. Prices for contractors to do the fencing came in to high; District staff expanded the fencing saving the District thousands of dollars.
- ❖ Landfill sampling for ash landfill and pulp mill property – monitoring wells and submit findings to local labs required by State Water Quality Control Board.

## COMMISSIONER AND COMMITTEE REPORTS:

### Commissioner Newman:

- ❖ Attended the Pacific Fisheries Management Council meeting in Vancouver, WA. Commercial and recreational salmon season open for comments.

### Commissioner Marks:

- ❖ Attended a photo opportunity with Timber Heritage Association on the signing of the Purchase Sale Agreement.
- ❖ Attended the NCRA meeting yesterday; the rail with trail project in Ukiah Phase 1 will be completed in April. There is no funding yet for Phase 2.

### Commissioner Higgins:

- ❖ Did a radio interview on KMUD.
- ❖ Was surprised at the US Mine termination of their ERTN.
- ❖ Attended a Woodley Island Wildlife Area Committee meeting.
- ❖ Mariculture Pre-Permitting Project – received many comments from proposers. Looking forward to further discussions.
- ❖ March 21 – Earth, Water and Fire Day – Best Management Practices education for land owners.

**OTHER:** None

**NON AGENDA:** None

## UNFINISHED BUSINESS

### A. DISCUSSION OF SAMOA ENHANCED TRAILS MANAGEMENT LETTER OF INTENT.

Executive Director reported: the County of Humboldt Public Works Dept. intends to apply for state funds to construct the Samoa Enhanced Trails Project. If approved, public funds would be expended for trail construction and trail corridor easements must be held by a public entity. A trail system maintenance revenue source will be needed. The source under consideration is a property based assessment.

The enhanced trail system is anticipated to attract a wide variety of users due to flat terrain, adjacent natural features, Samoa Peninsula location & close proximity to Humboldt Bay and the Pacific Ocean.

Active Transportation Program Goals: Increase the proportion of biking and walking trips; Increase the safety and mobility of non-motorized users; Advance active transportation efforts of regional agencies to achieve greenhouse gas reduction goals per SB 375 & SB 391; Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, projects eligible for Safe Routes to School Program funding; Ensure that disadvantaged communities fully share in the benefits of the program and Provide a broad spectrum of projects to benefit many types of active transportation users.

Samoa Pacific Group (SPG) requests that the Harbor District proceed with steps necessary for the maintenance assessment, including the engineers report. SPG will reimburse the Harbor District for costs of preparing the assessment, estimated to be \$3,000.00.

Assessment Action Items: Notice of assessment to property owners and ballot printed; Special District Board preliminary approval of assessment (accept Engineers Report), assessment ballot proceeding and public hearing; Notice and Ballot printing; Mail notice of assessment and ballot to property owners; Hold assessment public hearing; Tally ballots at public hearing or at alternate public location; and Certify election results at subsequent Board meeting.

The Engineer Report will include the following: Engineer's Affidavit; Introduction and Background; Assessment Methodology; Maintenance Expenditure Detail; Assessment Notice Sample Assessment; Notice of Public Hearing & Ballot; and Property Based Assessment

Executive Director said the action items for the Board's consideration in the future are: Authorize Executive Director to contract for Engineers Report and other trail maintenance revenue assessment expenses paid for by Samoa Pacific Group; Coordinate with Humboldt County Public Works Department and Samoa Pacific Group on trail easement descriptions; Oversee Maintenance Benefit Assessment for Samoa Pacific Group Properties; and Sign Letter of Intent to Maintain Trails.

District Counsel said this is a harbor, recreation and conservation district. Consider there is no guarantee that assessment the District will receive may not cover expenses. Why is the County, with Public Works and Parks divisions, willing to do a grant application, but not take responsibility?

Commissioner Higgins asked who bears the responsibility of liability. District Counsel said the real potential problem is that the County may not want the responsibility of liability.

President Marks asked if the District can ask Samoa Pacific Group to help defer costs and partnership with the District.

Executive Director said a question to ask is regarding the base assessment. Are we able to negotiate and increase the assessment if costs increase or are we stuck with the assessment dollars?

Karen Brooks said she loves trails and understands there is a trails steward program. The Harbor District should support this project – it feels like a shiny penny. However, she is not in favor of the assessment district. Also it is not a good fit with the District's legislation. The assessment should come through Samoa – maintenance is going to be a nightmare. But this is a good project with great community benefit.

Susan Penn said the Harbor District does not own the property. Samoa Pacific Group is going to pay for the assessment; seems like a conflict of interest in their favor. The City of Eureka pays a lot to maintain and manage the Hiksari' Trail.

President Marks stated the Samoa Peninsula Fire District Director has attempted a community services district, but there is too much push back. .

## **NEW BUSINESS**

### **A. CONSIDERATION OF ACCEPTING FOR FILING APPLICATION FOR PERMIT 15-03 TO THE HUMBOLDT BAY NATIONAL WILDLIFE REFUGE FOR THE WHITE SLOUGH TIDAL WETLANDS RESTORATION PROJECT.**

Deputy Director reported accept for filing the application starts the 30-day comment period. This project is part of the beneficial reuse project.

COMMISSIONER HIGGINS MOVED TO ACCEPT FOR FILING APPLICATION FOR PERMIT 15-03 TO THE HUMBOLDT BAY NATIONAL WILDLIFE REFUGE FOR THE WHITE SLOUGH TIDAL WETLANDS RESTORATION PROJECT. COMMISSIONER NEWMAN SECONDED.

Steve Rosenberg asked if there are any provisions for a part of the wetlands to be conserved as freshwater or transitioned. Are there plans to use levy material fill?

Deputy Director said there are many questions, which will be answered within the 30-day comment period.

MOTION CARRIED WITHOUT DISSENT.

### **B. CONSIDERATION OF 2015 CALIFORNIA EMISSIONS-READY CUMMINS MARINE 750 HP QSK 19 T3 TURBO ENGINE PURCHASE AGREEMENT WITH CUMMINS PACIFIC LLC FOR \$134,134.69.**

The Harbor District acquired the dredge, the engine was not California compliant. Staff will install the engine; Cummins West LLC will supply and assist.

Director of Harbor Operations said the price of the engine is less than estimated.

COMMISSIONER NEWMAN MOVED FOR THE APPROVAL OF THE 2015 CALIFORNIA EMISSIONS-READY CUMMINS MARINE 750 HP QSK 19 T3 TURBO ENGINE PURCHASE AGREEMENT WITH CUMMINS PACIFIC LLC FOR \$134,134.69. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

### **C. CONSIDERATION OF LEASE WITH STONE COLD CHILLIN – REDWOOD TERMINAL 2.**

COMMISSIONER NEWMAN MOVED FOR THE APPROVAL OF LEASE WITH STONE COLD CHILLIN – REDWOOD TERMINAL 2. COMMISSIONER HIGGINS SECONDED.

Joseph Thompson, Stone Cold Chillin, stated the business is local ice production. The lease area is 6,400 sqft at Redwood Terminal 2; a five year lease at \$2,250/mo with a 2% CPI increase annually.

Issues to resolve are: a single loading dock for 30 loads per day, location of cooling unites, cost of power and water access and compatibility with Taylor Mariculture.

Executive Director recommended the Board direct staff to work with tenant with District Counsel's assistance and bring back for the Board's consideration on March 26.

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF ADOPTION OF RESOLUTION 2015-02, A RESOLUTION AUTHORIZING CERTAIN HARBOR DISTRICT STAFF TO ACQUIRE FEDERAL SURPLUS PROPERTY FROM THE CALIFORNIA STATE AGENCY FOR SURPLUS PROPERTY.**

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF ADOPTION OF RESOLUTION 2015-02, A RESOLUTION AUTHORIZING CERTAIN HARBOR DISTRICT STAFF TO ACQUIRE FEDERAL SURPLUS PROPERTY FROM THE CALIFORNIA STATE AGENCY FOR SURPLUS PROPERTY. COMMISSIONER NEWMAN SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN – AYE  
COMMISSIONER DALE – ABSENT  
COMMISSIONER MARKS – AYE  
COMMISSIONER WILSON – ABSENT  
COMMISSIONER HIGGINS AYE

MOTION CARRIED WITHOUT DISSENT.


**E. CONSIDERATION OF LETTER OF SUPPORT FOR SENATE BILL 141.**

Executive Director reported Senate Bill 141 amends the District's Enabling Legislation to allow for the granting/issuing of irrevocable grants of fee title as it relates to after-acquired lands.

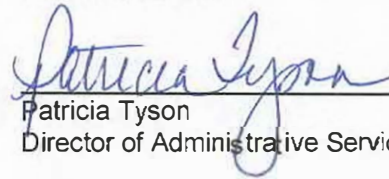
COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF LETTER OF SUPPORT FOR SENATE BILL 141. COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT.

The Regular Meeting of the Board of Commissioners adjourned at 8:48 p.m.

APPROVED BY:

  
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Patrick Higgins, Vice President  
For Greg Dale, Secretary

RECORDED BY:

  
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Patricia Tyson  
Director of Administrative Services