

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

DATE: July 28, 2016

TIME: Executive Session - **CANCELLED**
Regular Session – 7:00 PM

PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 at least 24 hours in advance of the meeting.

1. **Call to Order Regular Session at 7:00 P.M. and Roll Call**
2. **Pledge of Allegiance**
3. **Report on Executive Closed Session**
4. **Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on the various issues not itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

5. **Consent Calendar**
6. **Communications and Reports**
 - a. Executive Director Report
 - b. Staff Reports
 - c. District Counsel, District Planner and District Treasurer Reports
 - d. Commissioner and Committee Reports
 - e. Other
7. **Non Agenda**
8. **Unfinished Business**
 - a. Second Reading and Adoption of Amendment 6 to Ordinance 6, An Ordinance Establishing Procedures for the Conduct of Meetings, Election of Officers and the Passage or Approval of Ordinances and Resolutions for the Humboldt Bay Harbor, Recreation and Conservation District.
9. **New Business**
 - a. Consideration of Amendment to District Counsel Contract.
 - b. Consideration of Request for Public Information Campaign Budget not to exceed \$5,000- Commissioner Higgins.
 - c. Discussion of Process and Timeline to Fill Commission Vacancy upon Commissioner Wilson's Resignation to take Position on Board of Supervisors.
10. **Administrative and Emergency Permits**
 - a. Administrative Permit to Ron Kuhnel to replace forty-foot section of existing floating dock located on APN 405-021-08 Indian Island.
11. **Adjournment**

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

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AMENDMENT NO. 6 TO ORDINANCE 6

**ESTABLISHING PROCEDURES FOR THE CONDUCT OF MEETINGS, ELECTION OF
OFFICERS AND THE PASSAGE OR APPROVAL OF ORDINANCES AND
RESOLUTIONS FOR THE HUMBOLDT BAY HARBOR, RECREATION AND
CONSERVATION DISTRICT**

**THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT DOES HEREBY AMEND ORDINANCE
NO. 6 AS FOLLOWS:**

The following words are hereby deleted from Article III, Meetings, Section 2:

Regular meetings shall be held without notice on the 2nd and 4th Thursday of each month from January through October of each year, on the 2nd Thursday of November each year and the 1st and 3rd Thursday of December each year at 7:00 PM at the Office of the District, until otherwise provided by Ordinance or Resolution of the Board of Commissioners of the District. In the event a regular meeting day shall be a legal holiday, said meeting shall be held on the next succeeding Thursday.

AND the following words inserted:

Regular meetings shall be held on the 4th Thursday of each month at 7:00 PM at the Office of the District, until otherwise provided by Ordinance or Resolution of the Board of Commissioners of the District. In the event a regular meeting day shall be a legal holiday, a special meeting of the Board of Commissioners may be called to conduct time-sensitive business.

**PASSED AND ADOPTED THIS 28th DAY OF JULY, 2016 BY THE BOARD OF
COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND
CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:**

AYES:

NOES:

ABSENT:

PATRICK HIGGINS, PRESIDENT
Board of Commissioners

ATTEST:

GREG DALE, SECRETARY
Board of Commissioners

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AMENDMENT TO DISTRICT COUNSEL CONTRACT

July 28, 2016

The Humboldt Bay Harbor, Recreation and Conservation District and Paul A. Brisso, District Counsel, amend their agreement for legal services as follows:

District shall pay the law firm of Mitchell, Brisso, Delaney & Vrieze LLP the following hourly rates for counsel's legal services:

1. \$175 per hour for Paul A. Brisso (and other partners of the firm as needed) general consultation, transaction, litigation, and related legal services;
2. \$135 per hour for attorney participation; counsel and representation at Commission meetings;
3. \$150 per hour for associate attorneys;
4. \$85 per hour for paralegal services;

This change in hourly rates shall be effective July 1, 2016.

The remaining provisions of the existing contract for legal services are not affected by this Amendment.

**HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT**

By Patrick Higgins, President

ATTEST

Greg Dale, Secretary

**PAUL A. BRISSEO, DISTRICT COUNSEL
Mitchell, Brisso, Delaney & Vrieze LLP**

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Request for Public Information Campaign Budget

The Humboldt Bay Harbor, Recreation and Conservation District is a unique and important governmental entity that can help promote commerce around Humboldt Bay while still protecting the health of the bay. However, the Harbor District is constantly confronted with regulatory impediments to progress that can cost a lot of money in permitting processes and can delay or even render much needed projects infeasible. To a large degree many of the impediments are related to Coastal Commission regulations and permitting. The request for resources here is to clearly address some of the regulatory hurdles we face by making a logical case for our needed actions that both prevent harm to the environment and allow commerce to be conducted. The budget for the following two 30 minute videos would be not to exceed \$5000 and would be for Access Humboldt with assistance from Sirius Studios. Cost would include at least 4 You Tube length videos for PR with Coastal Commission and posting to Harbor District website.

Protecting Our Amazing Eel Grass and Adapting to Climate Change – This video would stress the overall good health of Humboldt Bay eel grass beds with high quality photographic images and experts on fish and wildlife characterizing the flourishing ecosystem. Maps will be used to show the extent of eel grass in Humboldt Bay and its historic footprint. Information will also be presented on the challenges for eel grass mitigation that require creating more within Humboldt Bay and why that isn't necessary because of the amazing regenerative capacity it has here. The video will then point out a much more serious problem, the loss of salt marsh, which has declined 95% since 1850. The Harbor District, in its attempt to help the community cope with climate change, would like to create new salt marsh habitat around the fringes of Humboldt Bay where shore-line retreat takes place. Clean sediment from dredging can help with shoreline adaptation as it is used to shore up levees that will be maintained in the face of climate change. That same sediment can also be used in shoreline recontouring as part of salt marsh restoration. The Harbor District and the community want to restore Humboldt Bay ecosystem function and be allowed to prudently manage response to climate change. The Coastal Commission needs to know that we want to do what is best for the bay, but that we also need flexibility on eel grass regulations and a shift in their policies to emphasizing salt marsh restoration. This reflects scientific information that has come available since their policies were crafted and they should be practicing adaptive management and allowing our community to be co-managers.

Coastal Dependent Industrial Zoning: This video would summarize the Harbor District's heroic efforts to clean up the Samoa Pulp Mill in partnership with the U.S. EPA and our vision for creation of hundreds of living wage jobs that will pose no risk to the health of Humboldt Bay. The policy of CDI zoning and its history would be shown on a map and the area currently in active use for CDI (also vs. Oakland). Next the video would touch on the lack of support by marine trade and very low prospects for a rebound, except for wood products. Charts of trade levels since 2008, new enlarged Panama Canal, Port of Oakland 160 acres and 6 hammerhead cranes idle. Current lack of compliance with CDI zoning would also be mentioned. Adoption of Interim zoning measures would be recommended, but longer term accommodation called for because of lack of need for strictly marine endeavors. However, the video will stress the importance of keeping a working waterfront not inconsistent with the current interim zoning categories.

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COMMISSIONERS
1st Division
Larry Doss
2nd Division
Greg Dale
3rd Division
Mike Wilson
4th Division
Richard Marks
5th Division
Patrick Higgins

Humboldt Bay
Harbor, Recreation and Conservation District
(707) 443-0801
P.O. Box 1030
Eureka, California 95502-1030

July 21, 2016

ADMINISTRATIVE PERMIT

Ron Kuhnel
1604 G Street
Eureka, CA 95501

RE: Replace forty-foot section of existing floating dock located on APN 405-021-08

Administrative Permit No. A-2016-02

Dear Mr. Kuhnel,

This is to inform you that the Humboldt Bay Harbor, Recreation and Conservation District (District) has approved your application as detailed in the attached Exhibit A for the above referenced purpose, with the following conditions:

1. The repairs shall not result in enlargement or expansion of the existing dock.
2. All construction debris shall be removed from the site and disposed of only at an authorized disposal site. Sidecasting of such material or placement of any such material within Humboldt Bay or any wetland area is prohibited.
3. To prevent and address spill of equipment fuels, lubricants, and similar materials the repair and work shall incorporate the following measures:
 - a. No equipment fueling, except vessels, shall occur on, within or immediately adjacent to the bay.
 - b. All equipment used during construction shall be free of oil and fuel leaks at all times.
 - c. All spills shall be reported immediately to the appropriate public and emergency services response agencies.
 - d. Equipment working over water, below mean high water, shall use non-petroleum hydraulic fluid.

4. That there shall be no unreasonable interference with navigation by the work herein authorized.
5. That Permittee shall not interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the work.
6. Any other permits or approvals required by other agencies must be obtained before commencing work.
7. Any change from the proposed study detailed in Exhibit A must be submitted in writing and coordinated and approved in advance by the District Planner.

Neither the Humboldt Bay Harbor, Recreation and Conservation District, nor its Board of Commissioners, nor any Officer of the District, shall be liable to any extent, for the injury or damage to any person or property, or for the death of any person arising out of or connected with, the work authorized by this Permit, and the Permittee shall indemnify and hold this Harbor District, its Commissioners and Officers free and harmless from any liability for any such injury, death or damages.

This Permit is valid as of this date for a period of one (1) year. Appeals may be made at the next regular session of the Board at 7:00 p.m. in the Woodley Island Marina Conference Room.

Please sign and return the original of this letter if this Permit and its content are fully understood. A copy is enclosed for your files. The acknowledgement should be returned within ten (10) days following Permit issuance.

Permittee/Agent

Date

If there are any questions with regards to this permit, please contact this office referring to the Permit number indicated above.

Sincerely,

George Williamson, AICP
District Planner

Cc: Board of Commissioners
Executive Director