

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

10 March 2005

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Hunter
Commissioner Ollivier

ABSENT:

Commissioner Fritzsche

The Closed Session was called to order at 6:03p.m. Closed Session adjourned at 6:50 p.m.

The regular meeting of the Board of Commissioners was called to order by President Pellegrini at 7:00 p.m. Roll call was taken. President Pellegrini led those present in the Pledge of Allegiance.

District Counsel reported that during Closed Session real property pertaining to the Dog Ranch property and potential litigation regarding the Louisiana-Pacific tideland lease were discussed, but no action was taken. District Counsel also reported that Louisiana-Pacific paid their late fees and interest due on their past-due tideland lease payment.

PUBLIC COMMENT

David Elsebusch asked if there was an advisory committee meeting on the Dog Ranch property. Commissioner Curless responded yes there was. Mr. Elsebusch stated that at the last Board meeting he and several others requested notification of the advisory committee meeting. District Counsel stated that advisory committees are not subject to the Brown Act requirements of public notification.

Kaye Strickland stated the Navy would like to bring visiting ships into Humboldt Bay, but there are several improvements/modifications needed in order to prepare the docks. She urged the Board of Commissioners to help in any way they could to get the ships here because they are such a popular attraction. Commissioner Hunter asked if Dave Schneider of Pacific Affiliates had been consulted as to what is needed to ready his dock. Ms. Strickland stated that the Citizens for Port Development is not an official non-profit and does not have clout, but they are asking public agencies to help their cause in any way. Commissioner Hunter asked once again if Mr. Schneider had been contacted.

Leroy Marsh stated that some of the improvements needed are a gangway, sewer connections, and telephones. He said Mr. Schneider is a private entrepreneur and would have to make the improvements himself, which is why the public agencies are being asked to help. Mr. Marsh said that MARAD has a gangway in Benicia that may be available and they are trying to get a ship to visit during the Rhododendron Festival in April. Commissioner Ollivier suggested there is an old gangway at Fairhaven that could possibly be used.

CONSENT CALENDAR

Commissioner Hunter asked for item A of the Consent Calendar be pulled for further discussion.

COMMISSIONER HUNTER MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR EXCEPT FOR ITEM A. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Hunter noted that Moss Bittner, not Marcus Brown, gave a presentation on the railroad to the Chamber of Commerce. Commissioner Curless also made a correction that he and Commissioner Fritzsche volunteered to be on the advisory committee for the Dog Ranch property.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF ITEM A OF THE CONSENT CALENDAR WITH THE NOTED CORRECTIONS. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- √ 3/2-3: CEO attended the CAPA conference in Palm Springs where the State legislation that has been introduced for 2005 and statewide port cargo networking was discussed..
- √ 3/7-9: CEO attended the CMANC Annual Conference in Washington DC. CEO stated that PNWA had their annual conference in WADC the week before and he was able to follow up their meeting with some of the attendees. PNWA has the same common interest as the Harbor District in the government-owned dredges. CEO reported that he met with staff of California legislators, MARAD staff, Corps of Engineers representatives, and Paul Kirchner of the American Pilots Association to name a few. CEO stated that the main issues of discussion were to protect Humboldt bay's O&M money in the President's budget, request appropriations for the feasibility phase of long-term shoal management of Humboldt Bay and follow up on the MARAD grant for the Port of Oakland container barge project. The TEA projects on the Harbor District's legislative priorities list went through the House on March 9th. Also, CEO stated that the California harbors contribute \$250 million through the Harbor Maintenance Tax and only \$50 million is returned to the State, when actually \$120-130 million is needed for upgrades, maintenance, etc.

Commissioner Ollivier asked if the MARAD grant for \$45,000 for the Port of Oakland project is still in process. CEO stated that Senator Feinstein has a keen interest in the success of this project and she is working with her staff. There is a network of ports interested in relieving congestion and diversifying cargoes and it becomes a leadership issue when two or more ports begin to work together. CEO stated that the Port of Stockton would also like to pursue container barging through the Port of Humboldt Bay.

DISTRICT COUNSEL'S REPORT

District Counsel reported that he and District staff met with two Marine Deputies of the Humboldt County Sheriff's Department to discuss procedural details of Ordinance No. 17. District Counsel stated he felt the Sheriff's Department's enforcement of this ordinance will be a smooth operation.

STAFF REPORT

District Treasurer presented the December 31, 2004 Management Report and Treasurer's Report.

COMMISSIONER REPORTS

Commissioner Ollivier reported that he spoke to a reporter from the Press Democrat newspaper in Santa Rosa regarding port activities. He stated Governor Schwarzenegger will be visiting China and pursuing the possibilities of using this port for the China trade.

President Pellegrini reported she met with Pete Nichols of the Baykeepers to discuss and clarify the issues of both the Harbor District and the Baykeepers. Mr. Nichols will give a presentation to the Board of Commissioners at their April 14th meeting.

ADVISORY COMMITTEE REPORTS

Dog Ranch Advisory Committee Report:

Commissioner Curless reported that he and Commissioner Fritzsche met with representatives of the Friends of the Dunes (FOD) to discuss how the FOD would manage the Dog Ranch property if the Harbor District were to purchase the property through grant financing. Commissioner Curless stated that Simpson was under a time restraint to sell the property by June in order to take advantage of a tax exchange on their purchase of the dock from Louisiana-Pacific. Commissioner Curless stated there has not been an appraisal of the property and by the Board of Commissioners' next meeting, the Board should know if grant financing through the California Coastal Conservancy is feasible.

Commissioner Hunter stated that if the grant financing cannot be secured, the Letter of Intent is null and void.

District Counsel stated that it should be determined as soon as possible if grant funding can be secured. He said considerable time and money will have to be spent in the due diligence phase; and if the grant funding is not possible, there would be no need to pursue due diligence.

Tim Ayers stated he thought it was important to include the Stapleton's in any meeting concerning the Dog Ranch property since the Stapleton's home is situated on the property. CEO stated that the advisory committee met with the FOD to discuss the organization of the joint committee, appoint a chairman, and to set a time schedule; there was nothing discussed at this meeting that involved the Stapleton's.

President Pellegrini stated that until the LOI has been returned, signed by Simpson, there is no contract.

Kaye Strickland asked if this item would be an on-going agenda item. She also suggested the property should go to the Friends of the Dunes, save the Harbor District from the work of obtaining the grant funding, but protect the Harbor District's easement for the dredge pipeline.

David Elsebusch stated that generally Board's don't call for public comment under Advisory Committee Reports. President Pellegrini responded that this item is listed specifically on the agenda in order to accommodate public discussion.

President Pellegrini reported that she, Commissioner Ollivier and CEO met with Ken Davlin to discuss information to be given to Governor Schwarzenegger for his China visit. She suggested that CEO give the information resulting from the advisory committee meeting with Mr. Davlin to Commissioner Hunter to prepare the marketing information to give to the Governor.

CEO reported he met with Jerry Bridges and Wilson Lacy of the Port of Oakland at the CAPA meeting in Palm Springs. He stated that they are willing to help the Harbor District in the acquisition of funds for the partnership project. Mr. Bridges will be going to China with the Governor and will hand-carry the Port of Humboldt Bay's marketing information.

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF FIRST READING OF ORDINANCE 18, THE REDWOOD DOCK AND FACILITY RULES AND REGULATIONS ORDINANCE.

President Pellegrini stated that is the first reading of this ordinance, it will be considered at the next Board of Commissioners meeting for the second reading and adoption, will be printed in the paper and thirty days after publication, will become effective. The resolution setting the prices will be considered at the next Board of Commissioners meeting.

B. CONSIDERATION OF ACCEPTING FOR FILING PERMIT APPLICATION NO. 05-03 TO EUREKA FOREST PRODUCTS FOR MAINTENANCE DREDGING OF THE SIERRA PACIFIC DOCK.

COMMISSIONER HUNTER MOVED FOR ACCEPTING FOR FILING PERMIT APPLICATION NO. 05-03 TO EUREKA FOREST PRODUCTS FOR MAINTENANCE DREDGING OF THE SIERRA PACIFIC DOCK. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF A ONE-YEAR EXTENSION OF AMENDED PERMIT NO. 99-6 TO THE CITY OF EUREKA FOR THE INNER CHANNEL DOCK AND BOARDWALK REVITALIZATION PROJECT.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF A ONE-YEAR EXTENSION OF AMENDED PERMIT NO. 99-6 TO THE CITY OF EUREKA FOR THE INNER CHANNEL DOCK AND BOARDWALK REVITALIZATION PROJECT. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF ACCEPTING FOR FILING PERMIT APPLICATION NO. 05-04 TO ROGER AND JOHANNA RODONI FOR THE LOWER ROCKY GULCH ANADROMOUS SALMONID ACCESS AND HABITAT RESTORATION PROJECT.

COMMISSIONER CURLESS MOVED FOR ACCEPTING FOR FILING PERMIT APPLICATION NO. 05-04 TO ROGER AND JOHANNA RODONI FOR THE LOWER ROCKY GULCH ANADROMOUS SALMONID ACCESS AND HABITAT RESTORATION PROJECT. COMMISSIONER HUNTER SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF COMMENTING ON THE PRELIMINARY REPORT FOR THE PROPOSED HUMBOLDT COUNTY REDEVELOPMENT PROJECT.

President Pellegrini stated the advisory committee has not had a chance to meet to discuss this item because the information was only recently received; therefore, she referred this item back to the Redevelopment Advisory Committee.

Commissioner Hunter stated there is a lot of information to digest and the issue is important to many public agencies because of the tax revenues that will be affected.

Paula Mushrush, County of Humboldt, stated she had sent the report via e-mail, but was apparently too large to receive. She said she would be happy to give a presentation to the advisory committee and that pre-meetings are often beneficial.

Commissioner Hunter suggested Ms. Mushrush work through the CEO to set up a time for her presentation to the committee. Ms. Mushrush stated the comment period runs for 90 days from the receipt of the report if the Board of Commissioners wants their comments included in the report; therefore, May 10th is the deadline.

David Elsebusch asked if the public would be allowed to attend the advisory committee meeting during which Ms. Mushrush will give her presentation. Commissioner Hunter responded that Ms. Mushrush will give a presentation to the committee and the committee will then make its recommendations to the Board of Commissioners. Ms. Mushrush will also give her presentation to the full Board of Commissioners at a public meeting during which time the public will have a chance to make comments.

President Pellegrini reported the Draft Humboldt Bay Management Plan is now available on-line, at Kinko's, and at the local public and college libraries for review. She announced a public meeting to be held on March 17th at 7:00 p.m. at the Woodley Island Meeting Room where comments from the public and the Task Force will be heard. President Pellegrini thanked CEO and Conservation Specialist for their efforts on this multi-year project. She also stated that the Plan must go through the CEQA process and public comments will be welcome during that process also.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:07 p.m.

APPROVED BY:

RECORDED BY:

____Signature on File_____
Roy Curless, Secretary

____Signature on File_____
Patricia L. Tyson, Admin. Assistant