

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

11 May 2005

PRESENT:

Commissioner Curless
Commissioner Fritzsche
Commissioner Hunter

ABSENT:

Commissioner Pellegrini
Commissioner Ollivier

The Closed Session was called to order at 6:02p.m. Closed Session adjourned at 6:20 p.m.

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

District Counsel reported that during Closed Session real property pertaining to the Dog Ranch property and the dredge pipeline easement and potential litigation regarding the Louisiana-Pacific tideland lease were discussed, but no action was taken.

PUBLIC COMMENT

Daniel Pearce stated his concern of ships dumping their ballast water in Humboldt Bay. He requested the Board of Commissioners address this issue because of the exotic species that can be brought in to the bay in ballast water.

Commissioner Fritzsche stated that some years ago, the Harbor District enacted the first ballast water exchange program on the west coast of North America, which has been used as a model throughout the state. The purpose of the ballast water exchange program is to prevent the introduction of exotic species to Humboldt Bay by requiring ships to dump their ballast water outside of Humboldt Bay. The program is now administered by the state of California.

Penny Elsebusch stated that she shares Mr. Pearce's concerns about ballast water and ships entering Humboldt Bay should be monitored. She mentioned a class action lawsuit against Evergreen for dumping bilge water containing oil.

The following are comments concerning the Shelter Cove Breakwater Rehabilitation project:

Carol Sullivan: she prefers no action, Alternative #3 or the least amount of construction as in Alternative #1, which fixes what is already there. She stated she is a surfer and also has used the boat launch in the past.

Bill Hoopes: The waves at Wash Rock are a minor miracle – a safe place for beginning surfers. He opposes Alternative #3 because it is too expensive, the dredging will affect the wave patterns, and the abalone and clam populations will be lost forever. If the breakwater is extended, the wave patterns will be ruined and it will not make the area safer for boaters. He also thanked the Board of Commissioners for extending the public comment period.

John Mason: He has been a surfer for many years, part of a "fraternity" of surfers. His suggestion was to fix what is already there, save "The Rock".

Steve Mitchell: He is the captain on the tug that brings the gas barge into Humboldt Bay and has launched boats at Shelter Cove. He said the breakwater is now a great hazard, backfilled with sand. Waves are now reflected down the beach sideways as a result of the original breakwater. He doesn't object to improvements as long as the situation is not made worse. The alternatives do not address the reflected waves rolling sideways; resulting from the fact there is no outlet. He suggested taking the seawall over to the cliff underneath the fish grinder.

Meeka Ferretta: She is concerned with the reflected waves. She appreciates the public access of the boat launch and says the issue is one of safety for the local fishermen. Rehabilitation of the breakwater is necessary if it maintains the safety of the fishermen and maintains beach access. She is concerned about the amount of money that would be spent on Alternative #3.

Jason Andrews: His family surfs and Wash Rock and is a family activity that is invaluable. Surfing is a part of life for the children and adults at Shelter Cove and is an easily accessible recreation.

Richard Barnick: Thanked the Board of Commissioners for the public comment period extension. This is a project of great magnitude and cost. He suggested more interaction was needed between the residents and the engineers to discuss the alternatives. He said everyone is concerned about safety, especially the local people who "live the life." He said that around Shelter Cove there are few reported accidents concerning fishermen. Alternative #1 has the least potential to harm "The Rock" and he requested more time for consideration. A better basin means more people coming to Shelter Cove and the area is not equipped for an influx of people.

Erica Steinman: Alternative #1 or no action.

James Andrews: He is not a good surfer and feels Alternatives #2 and #3 would not be as safe as Alternative #1 for beginning surfers, but suggested an even safer option – no rehabilitation.

Daniel Pearce: He has earthquake concerns and he wrote a movie script whose plot starts in Shelter Cove. Shelter Cove is a place for the fishermen, not big boats. Since the 1964 flood, it has taken until now to rehabilitate the abalone. Through the grapevine, half the houses in Shelter Cove are full of "weed."

Lozie Gibbs: Wash Rock is a mellow, learning area for beginning surfers. She is in favor of Alternative #1.

Gina Mees: She is concerned for the fishermen, but wants the least impact to the beach. She is in favor of Alternative #1.

Keith Gifford: Doesn't want impact to the beach. He owns a boat and uses the boat launch. No detrimental results, keep low impact, low cost, but safe. Shelter Cove has the only beach locally for families. Other beaches are one hour to the north and two hours to the south. Don't fix what is not broken.

Cynthia O'Kane Dimmick: Surfing promotes health and well-being and interaction with the environment. She is also concerned with the already depleted fisheries in Shelter Cove and is worried that an "explosion" of people fishing will make the problem worse.

Robert Dann: He does not surf and does not fish, but feels the Cove "works" now. There is no place like it from San Diego to Crescent City. There are so many restrictions on fishing now that it would not be reasonable to improve the Cove for fishing. But if the breakwater should be rebuilt as it is, that would be all right.

David Mari: He is a new resident to Shelter Cove. He learned to surf on Wash Rock. He is in favor of no action until further studies are done.

CONSENT CALENDAR

COMMISSIONER CURLLESS MOVED FOR APPROVAL OF THE CONSENT CALENDAR. COMMISSIONER FRITZSCHE SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- √ 5/5: CEO attended several meetings in Sacramento – CMANC Summer Meeting, California Maritime Infrastructure Authority and California Maritime Infrastructure Bank. Commissioner Hunter mentioned that CEO had been nominated to replace him on the CMANC Board.
- √ 5/10: CEO made a presentation to the Sierra Club about the Harbor District and the Humboldt Bay Management Plan.
- √ 5/11: Harbor Safety Committee Meeting

DISTRICT COUNSEL'S REPORT

District Counsel reported that CEO has requested him to begin action on evicting a Woodley Island Marina tenant.

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Fritzsche stated that the introduction of invasive species through ballast water is a current hot topic. San Francisco has reported up to 250 invasive species. Commissioner Fritzsche said he had watched a television program sponsored by the Smithsonian Environmental Resource Center, which suggested modes of entry for invasive species other than ballast water, such as fishing bait and aquamarine release, etc.

ADVISORY COMMITTEE REPORTS

Port of Oakland Advisory Committee Update

CEO reported that on May 4th, Commissioner Pellegrini, Ken Davlin and CEO met in Sacramento to make a presentation to the legislature and various agencies on the role of the Port of Humboldt Bay in statewide goods movement. CEO reported it was an opportune time to highlight underutilized port assets. CEO also made a testimony to Senate and Assembly committees on goods movement. Coincidentally, it was also State Maritime Day and a perfect time to discuss port issues and strategies on the current state problem of goods movement. The marketing brochure created by Commissioner Hunter was distributed and was well received.

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS

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

Commissioner Hunter reported that he, CEO, District Treasurer and Administrative Assistant met with Paula Mushrush from the County of Humboldt to discuss the County's Redevelopment Agency project. He said the discussion zeroed in on the projected annual cost to the Harbor District if the County of Humboldt adopts the Redevelopment Agency. The Harbor District will realize a loss of approximately \$282,000 over 45 years by the approval of the County for the Redevelopment Agency. Commissioner Hunter stated the advisory committee recommends that the Board of Commissioners should not oppose the development of the Redevelopment Agency, but make the County aware of the costs to the Harbor District.

COMMISSIONER FRITZSCHE MOVED TO DIRECT VICE PRESIDENT HUNTER TO COMMUNICATE TO THE COUNTY OF HUMBOLDT THAT THE HARBOR DISTRICT DOES NOT OPPOSE THE COUNTY'S REDEVELOPMENT AGENCY, BUT OPPOSES THE AMOUNT OF MONEY THE HARBOR DISTRICT WOULD LOSE DUE TO THE FORMATION OF THE REDEVELOPMENT AGENCY. COMMISSIONER CURLESS SECONDED.

Commissioner Curless stated he realizes that often opposing things doesn't make a difference, he just wants to make sure the Harbor District doesn't lose any more revenue.

Daniel Pearce said that Redevelopment Agencies make sense for cities, not the County. Pulling revenue from many districts is not a good idea because it cannot be undone. He suggested that the County should be asked how much the Redevelopment Agency would cost them.

David Elsebusch stated he is positively flabbergasted that the Board of Commissioners would consider the motion on the table. He said the Board of Commissioners represent the public and is the Board sure the public approves of the County's Redevelopment Agency? Mr. Elsebusch stated he feels the County is creating a Redevelopment Agency in order to benefit the owners of the town of Samoa. He stated the McKinleyville Community Services District Board voted to oppose the Redevelopment Agency until the State stops shifting their revenue.

Penny Elsebusch said that Redway Community Services District is opposing the Redevelopment Agency because their fire department consists of volunteers and if there is more population to serve, there would not be enough firemen to respond to emergencies. She said the Arcata Fire Department is in danger of closing due to lack of funds. Many districts are opposing the Redevelopment Agency until the State stops shifting their tax revenue. Mrs. Elsebusch also stated that Kirk Girard, County of Humboldt, stated that the renovation of the town of Samoa will not happen without a Redevelopment Agency.

COMMISSIONER FRITZSCHE AMENDED HIS ORIGINAL MOTION AS FOLLOWS: DIRECT VICE PRESIDENT HUNTER TO COMMUNICATE TO THE COUNTY OF HUMBOLDT THAT THE HARBOR DISTRICT DOES NOT OPPOSE THE COUNTY'S REDEVELOPMENT AGENCY, BUT OPPOSES THE AMOUNT OF REVENUE THE DISTRICT WOULD LOSE AND WOULD LIKE THE COUNTY TO DELAY THE FORMATION OF THE REDEVELOPMENT AGENCY UNTIL THE STATE STOPS SHIFTING DISTRICT'S PROPERTY TAX REVENUE. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF RECEIVING AND FILING THE DRAFT HUMBOLDT BAY MANAGEMENT PLAN, INCLUDING WRITTEN COMMENTS, AND PROVIDING DIRECTION TO STAFF.

Vice President Hunter commended Commissioners Fritzsche and Pellegrini, CEO, Conservation Specialist, Chad Roberts, the members of the Humboldt Bay Management Plan Task Force and many others for their many hours of hard work and dedication to develop the Humboldt Bay Management Plan.

Commissioner Fritzsche stated that this agenda item of receiving and filing the draft Humboldt Bay Management Plan is a monumental occasion. He recounted the Plan's history as follows: Several years ago, the Interagency Coordination committee (IAC) was formed in order to bring together agencies with permitting jurisdiction to work together and share ideas. Eventually the IAC grew to a larger group and it was apparent that an accurate map of Humboldt Bay was needed. With money from the Harbor District, USFWS, EPA and the Coastal Conservancy, HSU built a GIS map of Humboldt Bay with overlays. Out of this committee, came the idea of a management plan for Humboldt Bay. The Task Force was developed and included Commissioners Fritzsche and Smith, later Commissioner Pellegrini; Jeff Robinson was hired as the Conservation Specialist; and representatives from the City's of Eureka and Arcata, County of Humboldt, CA Fish & Game, Fish & Wildlife Service, Resource Conservation District, California Coastal Commission and stakeholders representing the areas of recreation, environment, mariculture, commerce and industry, fishing, education. Many Task Force meetings were held and all the information obtained at those meetings was coalesced into the Humboldt Bay Management Plan, which was organized into three divisions: harbor, recreation and conservation – the three mandates of the Humboldt Bay Harbor, Recreation and Conservation District. The main purpose of the Plan is to develop policies to guide the Harbor District into the future. Roberts, Kemp & Associates was hired to help Conservation Specialist compile the information into the document it is today. The public comment period was extended and over 200 pages of public input was compiled into Appendix J.

Commissioner Fritzsche stated that many of the comments received were negative and disrespected the work that has been done by many people.

Chad Roberts, consultant on the HBMP, said the Plan was created as a guidance document for the Harbor District to use in managing Humboldt Bay. Many comments suggested the Plan did not comply

with state and federal environmental laws. Mr. Roberts stated that actually the laws referred to do not require that a plan such as the HBMP be developed. Once the Plan is received and filed by the Harbor District, it enters into the CEQA compliance period because some of the actions within the Plan may affect the environment and could require programmatic mitigation measures. Mr. Roberts recommended the Board of Commissioners receive the comments as part of the draft plan and receive and file the Draft Humboldt Bay Management Plan. There are elements/policy matters in some of the comments that need to be addressed and will be brought back to the Board of Commissioners for consideration at a later date. The Board will then make changes to the Plan and the final Plan will be considered.

Within the CEQA process, there will be environmental assessment of the affects of the draft Plan and there will be a public comment period. Some time around the end of the year, the Board of Commissioners will consider adopting the final Plan for guidance of the management of Humboldt Bay.

David Elsebusch stated he was flabbergasted about the attitude towards the public comments. He said it sounded like the Board should forget the public comments, it was the Harbor District's plan; but it took a lot of people a long time to produce. He did not feel the development of the Plan has been well publicized and there should have been contributions from more people.

Commissioner Hunter asked Mr. Elsebusch if he had attended the public hearing in March, to which Mr. Elsebusch said he had been. Commissioner Hunter reminded him that at that public hearing the time period for public comment had been extended.

Mr. Elsebusch stated it was his impression that the Board of Commissioners was saying they did not like the public comments that were received and the Board was going to "sail the Plan through" without consideration of the comments received.

Pete Oringer asked if the Plan will now be modified or is it set in stone. Mr. Roberts responded that he predicted 10% of the policies will be modified and another 10% may be modified after a thorough review. As a result of the Environmental Impact Report, policies will be changed to reduce impacts.

Pete Oringer stated that as a member of the Task Force he saw a lot of biases and a broad spectrum of agendas in the beginning. As time went on, the group discussed those biases and agendas. The result was that there was a genuine interest in creating a community-based product. It is not perfect, but it is a start; the Plan is a living document. Within the Task Force, there was a broad spectrum of interests and there were many honest discussions. Those discussions and the public comments that were received are invaluable in creating a better product. Mr. Oringer acknowledged that the Board of Commissioners would have a comprehensive plan to guide them in making decisions about various projects that come before them for permitting.

Melvin McKinney suggested that a ladder chart or mile post diagram should be made to show the public at what stage the Plan is and an approximate time for the final Plan to be adopted.

Tara Pruga thanked the Board of Commissioners for taking on the project, and she hoped the Board of Commissioners would take the public comments seriously. She said that many recreation and conservation projects are affected by water quality. It is important to know how to address current water quality projects and how to mitigate future water quality projects. (?) Ms. Pruga stressed the importance of including the Native American influence in the Plan.

District Counsel stated that by making the public comments into an appendix, they then become a permanent part of the Plan document.

Shirley Shelburn said she thought it was reassuring to hear how the public comments will be regarded within the Plan. She also suggested the Harbor District's website and website headings should be more user-friendly.

Penny Elsebusch said that many people spent a lot of time in preparing the document and there are many good points included. She also said the Plan is a moving document, a plan for the future.

Chad Roberts said the Plan has already worked in the fact that many people have engaged in discussing topics that had not been discussed in the past. He anticipates that future meetings will be well attended because essentially the Harbor District is proposing to adopt its "Constitution." Mr. Roberts expects the final Draft Plan and Notice of Preparation should be ready in 1-2 months. Next would come the environmental documentation and a 45 day review period and then to the Board of Commissioners for their consideration after another 45 days; therefore, he expects the final Plan to be done by the end of the year.

Mr. Roberts stated he had read all the comments; some comments concerned things the Harbor District does not have control over, they are outside the District's jurisdiction. By the time the EIR is prepared, the public will have a better idea of the Harbor District's role.

Andy Colona stated the Baykeepers asked him to videotape the meeting to air on Channel 12. He asked if the Plan is a General Plan and in the draft stage, would the EIR also be a draft. Mr. Roberts responded that the Plan is not a General Plan document and therefore is not controlled by the same requirements as a General Plan. What the Harbor District is doing is developing a management plan for the areas for which it has legal authority under the State legislative act. Currently the Harbor District is looking at the comments to get to the final draft plan, which will be the draft plan. Then the process goes to the draft EIR based on the draft plan. At some point the process will get to the final EIR, which will incorporate the changes made in the draft plan, the final plan at that point.

Mr. Colona asked about the Harbor District's legislative authority. Mr. Roberts said he has a clear understanding of the Harbor District's enabling legislation and assumes there will be future discussions.

COMMISSIONER FRITZSCHE MOVED TO RECEIVE AND FILE THE DRAFT HUMBOLDT BAY MANAGEMENT PLAN, INCLUDING WRITTEN COMMENTS, AND PROVIDING DIRECTION TO STAFF. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Hunter congratulated all for this accomplishment.

B. CONSIDERATION OF AMENDMENT NO. 3 OF CONTRACT WITH ROBERTS KEMP & ASSOCIATES FOR CONSULTING SERVICES PERTAINING TO THE CEQA PROCESS OF THE HUMBOLDT BAY MANAGEMENT PLAN.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF AMENDMENT NO. 3 OF CONTRACT WITH ROBERTS KEMP & ASSOCIATES FOR CONSULTING SERVICES PERTAINING TO THE CEQA PROCESS OF THE HUMBOLDT BAY MANAGEMENT PLAN. COMMISSIONER FRITZSCHE SECONDED.

David Elsebusch stated that he thought the Conservation Specialist should do the environmental documentation required by the CEQA process.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:50 p.m.

APPROVED BY:

RECORDED BY:

__Signature on File__
Roy Curless, Secretary

__Signature on File__
Patricia L. Tyson, Admin. Assistant