

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

28 July 2005

PRESENT:

Commissioner Curless
Commissioner Fritzsche
Commissioner Hunter
Commissioner Ollivier

ABSENT:

Commissioner Pellegrini

The Closed Session was called to order at 6:01p.m. Closed Session adjourned at 6:44 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. Vice President Hunter led those present in the Pledge of Allegiance.

District Counsel reported that during Closed Session potential litigation regarding the Louisiana-Pacific tideland lease, negotiations with Evergreen Pulp on a tideland lease, the Simpson Pulp Mill lease and a personnel matter were discussed, but no action was taken.

PUBLIC COMMENT

David Elsebusch commented about the City of Eureka's Redevelopment Agency proposed amendment and its financial impact to the Harbor District. He also said the County's General Fund would shift \$1,135,360 in FY 2005/06 to the City's Redevelopment Agency; but that the County's CAO told him there would be no additional loss to the County for the City adopting their amendment to the Redevelopment Agency. He said he would like to know the timeline the Board of Commissioners was given to consider the Redevelopment Agency's proposed amendment.

Penny Elsebusch stated that during the last Headwaters Fund Board meeting, Kathy Moxon stated she would like to hear a report from the group working with the Port of Oakland. Mrs. Elsebusch suggested to Ms. Moxon that she speak with Ken Davlin. Mrs. Elsebusch told the Board of Commissioners she hopes Mr. Davlin will express to Ms. Moxon the Harbor District's interest in Headwaters Fund grant monies for the Port of Oakland container barging project since, she said, the Headwaters Fund Board has been granting some creative loans.

CONSENT CALENDAR

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR.
COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- ✓ CAPA has been working with Homeland Security for port security grant monies. The State of California applied for \$5 million for 11 California ports. Governor Schwarzenegger announced July 27th the Port of Humboldt Bay has been given \$150,000 to use for port security enhancements.
- ✓ 7:15: CEO and Commissioner Pellegrini attended Change of Command ceremony for USCGC Barracuda.
- ✓ The Change of Command for USCG Captain of the Port will be held in Alameda. Captain Bill Uberti will relieve Captain Jerry Swanson.
- ✓ CSU Monterey Bay's multi-beam sonar survey boat is moored at Woodley Island and will be doing bottom surveying in North Bay.
- ✓ Lobbyist Will Edington has reported that the TEA bill should be approved by the House this evening, approved by the Senate on July 30th and then to the President for approval.

- √ 7/28: CEO and Larry Margler met regarding the Shelter Cove Breakwater Rehabilitation project. Moffatt and Nichol will be requested to provide more clarification on issues resulting from the Board of Commissioners meeting on July 14th.
- √ 8/6: The Coast Guard City Ball will be held.
- √ Humboldt Bay Area Rail-Trail Opportunities and Constraints (HBARTOC) Workshop: Spencer Clifton, Director of HCAOG, told CEO that their Board is considering supporting this workshop in the form of a grant. The grant would be applied to technical assistance only to research putting a bike trail in the railroad corridor between Eureka and Arcata. The trail would not interfere with rail service. Mr. Clifton would like the Board of Commissioners to consider supporting this effort. NCRA has given their support to the "multi-uses idea" on the condition that the trail would not interfere with the rail service. CEO suggested that since this rail-trail idea is supported in the Harbor District's Strategic Plan a letter be written from the Board of Commissioners supporting the HBARTOC Workshop as long as it did not interfere with or limit the use of the rail corridor. Commissioner Hunter suggested CEO contact Rick Littlefield to make a presentation to the Board.

DISTRICT COUNSEL'S REPORT

District Counsel reported he has been working with staff on the Easter Seals MOU and the problem of getting abandoned or illegally parked trailers out of the parking lots on Woodley Island. The Harbor District's Ordinance No. 9 makes trailer abandonment a violation and the City's Vehicle Code allows local public entities the use of their parking ordinance. District Counsel suggested amending Ordinance No. 9 to include a parking ordinance.

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Fritzsche stated that HSU may move the temporary dock east of the Adorni Center that HSU's rowing team uses and place it in front of the Boating Instruction and Safety Center or they may apply to the Department of Boating and Waterways for a grant to build a new dock.

Commissioner Hunter stated the Greater Eureka Chamber of Commerce will hold two forums to discuss the County of Humboldt's Redevelopment Agency project. The forums will be held on August 24th at the Wharfinger Building and on August 31st at the North Coast Inn. He said Eureka City Manager David Tyson, County Supervisor Bonnie Neely and Humboldt Bay Municipal Water District Executive Director Carol Rische representing the local special districts among others will participate in the forums.

Commissioner Hunter reported that he and Harbor District staff will work on the development of a new marina brochure.

Commissioner Fritzsche reported that on August 9th at 7 p.m. at the Wharfinger Building the Fish & Game will sponsor a meeting regarding the master plan framework for the Marine Life Protected Area program.

ADVISORY COMMITTEE REPORTS

District Treasurer reported that the City's Redevelopment Agency amendment was approved by the Eureka City Council. The amendment will not create any additional reduction in tax revenue to the Harbor District. District Treasurer stated the amendment rectified a clerical error made in 1986 when the Eureka Redevelopment Agency was created. There was no official opposition made by any other agency.

Port of Oakland Advisory Committee Update

CEO reported Ken Davlin is working on a grant application and has met with Headwaters Fund Board members. CEO has had conference calls with Evergreen Pulp and the Port of Oakland to recast the container barge service now that Westfall Stevedore is no longer in business. CEO also stated a letter had been sent to HCAOG asking them to re-form their Goods Movement Advisory Committee. The HCAOG Board has endorsed the re-formation of the Goods Movement Advisory Committee based on the Harbor District's recommendation.

Commissioner Fritzsche asked if there was funding available to study the potential of invasive species that may be carried on barge hulls. CEO responded that the Smithsonian was interested in conducting this research since they had just done a study on biofouling of container vessels calling at the Port of Oakland. Funding requests for this research were prepared by the Harbor District approximately three months ago and sent to both Congressman Thompson's office and the US EPA. There has been no response to-date.

OTHER

a) Wiyot Tribe Programs on Humboldt Bay.

Andrea Davis was not available; therefore the item was postponed.

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF RESOLUTION 2005-07 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY ROGER AND JOHANNA RODONI FOR THE LOWER ROCKY GULCH ANADROMOUS SALMONID ACCESS AND HABITAT RESTORATION PROJECT.

CEO reported that previously an emergency permit and an administrative permit had been granted to the Rodoni's for their estuary and stream restoration project.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF RESOLUTION 2005-07 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY ROGER AND JOHANNA RODONI FOR THE LOWER ROCKY GULCH ANADROMOUS SALMONID ACCESS AND HABITAT RESTORATION PROJECT. COMMISSIONER OLLIVIER SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – ABSENT
COMMISSIONER CURLESS – AYE
COMMISSIONER FRITZSCHE – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER OLLIVIER – AYE

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF PERMIT 05-04 TO ROGER AND JOHANNA RODONI FOR THE LOWER ROCKY GULCH ANADROMOUS SALMONID ACCESS AND HABITAT RESTORATION PROJECT.

Commissioner Fritzsche asked if there was protocol for the handling of the fish. Aldaron Laird, consultant for the project, answered that it is hoped there would be no handling of the fish; but if required, protocols were in place.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF PERMIT 05-04 TO ROGER AND JOHANNA RODONI FOR THE LOWER ROCKY GULCH ANADROMOUS SALMONID ACCESS AND HABITAT RESTORATION PROJECT. COMMISSIONER FRITZSCHE SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPOINTING BOARD MEMBERS TO A SHOAL MANAGEMENT ADVISORY COMMITTEE.

CEO reported in 1998 and 1999 shoaling in Humboldt Bay was problematic due to the El Niño weather. Since then, there has been ongoing research to determine ways to prevent the shoaling. Two phases to this process have been developed. Phase 1 is the Reconnaissance Phase. Over a year ago, eleven alternatives for preventing shoaling were identified, from doing some accelerated dredging for short periods to altering the South Jetty's design; and it was determined that nine of the alternatives would be

pursued during the Phase 2 feasibility study. CEO stated the Corps of Engineers would pursue the feasibility study if there was a local sponsor.

Phase 2, the feasibility study, would pare the alternatives down to 4 or 5, and finally a preferred project would be determined based on design, cost, effectiveness, etc. The local sponsor (the Harbor District) would share the cost 50/50 with the Corps. For FY 2006, the Harbor District's match would be approximately \$160,000; however, during the Harbor Deepening Project, the Harbor District's match started out low and then escalated rapidly.

CEO suggested an advisory committee be appointed to analyze the project plan, focusing on commerce and navigation safety, and to make the decision to recommend to the Board whether or not to sign the agreement with the Corps to proceed with the feasibility phase.

Commissioner Fritzsche stated his concern over the Harbor District's control over the cost if consent to sign the agreement with the Corps of Engineers.

Commissioner Fritzsche and Commissioner Hunter both agreed to serve on the advisory committee.

D. CONSIDERATION OF APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE EASTER SEALS OF NORTHERN CALIFORNIA FOR EASTER SEALS' FIRST ANNUAL DAY ON THE BAY EVENT IN CONJUNCTION WITH THE HUMBOLDT BAY MARITIME EXPO.

Commissioner Hunter stated he served on the Easter Seals Board of Directors and recused himself from this item.

District Counsel stated he had reviewed the MOU, had clarified some of the insurance requirements and is satisfied with the document brought to the Board of Commissioners for their approval.

COMMISSIONER OLLIVIER MOVED FOR APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE EASTER SEALS OF NORTHERN CALIFORNIA FOR EASTER SEALS' FIRST ANNUAL DAY ON THE BAY EVENT IN CONJUNCTION WITH THE HUMBOLDT BAY MARITIME EXPO.
COMMISSIONER FRITZSCHE SECONDED.

Penny Elsebusch asked whose boat(s) would be involved. CEO responded that Easter Seals is coordinating the event with the Humboldt Yacht Club.

David Elsebusch asked if there was a cost to the Harbor District and CEO responded that there is no cost and the Easter Seals is helping to advertise the Expo.

Commissioner Fritzsche asked who would be responsible for providing personal flotation devices. District Counsel responded that Easter Seals would be responsible.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 7:51 p.m.

APPROVED BY:

Signature on File
Roy Curless, Secretary

RECORDED BY:

Signature on File
Patricia L. Tyson, Admin. Assistant