

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

8 September 2005

PRESENT:

Commissioner Pellegrini
Commissioner Hunter
Commissioner Ollivier

ABSENT:

Commissioner Curless
Commissioner Fritzsche

The Closed Session was called to order at 6:03 p.m. Closed Session adjourned at 6:23 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 asked Commissioner Hunter to lead those present in the Pledge of Allegiance.

District Counsel reported that during Closed Session real property negotiations concerning the dredge line access agreement, the Simpson tideland lease assignment, the LP leasehold removal and Evergreen tideland lease negotiations were discussed but no action was taken.

District Counsel also noted that the dredge line and the Security National agreement were on the agenda, but due to the fact that these agreements have not been finalized yet, they will not be acted upon during tonight's meeting.

PUBLIC COMMENT

David Elsebusch asked to pull item 6A of the Consent Calendar. He then read a letter that he received from CEO Hull in response to his public records request after the last board meeting. Mr. Elsebusch asked the Board if they could comprehend his visceral reaction to the letter which stated that the public records he had requested had been transferred to the District Counsel's office and were available for his review at that location. Mr. Elsebusch asked the Board if the Board was going back to a time when the lawyer ran the District. He stated that he thought having to go to the District Counsel's office was preposterous and just plain silly.

District Counsel responded by saying that he had asked for a review of the records to be produced before they were available, as some documents are privileged and do not qualify as public records. He noted that he had examined the documents, and since none of them appeared to be privileged, they would be available for Mr. Elsebusch to review.

Commissioner Hunter asked if there was a reason why the documents could not be returned to the District office. District Counsel responded by stating that they could be returned to the District office.

Pete Oringer complimented the presentation that the CEO had made at the last Citizens for Port Development meeting on the levee in the vicinity of the PG&E power plant. He said he would like to see more of those kinds of presentations as they were very educational and the background information was great.

Melvin McKinney also thanked the CEO for presenting information on the railroad levee. He noted that he will be keeping any eye out because the erosion of the levee could possibly turn into some kind of an emergency this winter.

Kaye Strickland also appreciated the presentation at the Citizens for Port Development meeting and distributed several photos of the eroded area of the levee.

Commissioner Ollivier noted that if the NCRA received the \$5.1 million from SB 792 then a portion of those funds may be used to repair the levee.

CONSENT CALENDAR

COMMISSIONER HUNTER ASKED FOR ITEM 6A OF THE CONSENT CALENDAR TO BE PULLED FOR FURTHER DISCUSSION. COMMISSIONER HUNTER MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR EXCEPT FOR ITEM 6A. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

David Elsebusch noted some corrections that he would like to make to item 6A.

COMMISSIONER HUNTER MOVED FOR APPROVAL OF ITEM 6A WITH THE CHANGES DISCUSSED. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- ✓ CEO reported that on 8/26 he, Ken Davlin and Mitch Stogner made a presentation to the Go21 representative Phil Denny. Also attending the presentation were Commissioner Ollivier, John Woolley and Bob Jehn from the Sonoma Marin Rapid Transit Authority.
- ✓ CEO reported that on 9/3 the fence at Shelter Cove, which had been damaged the previous week, had been repaired and was back in service.
- ✓ 9/7: CEO reported he gave a short presentation at Citizens for Port Development on the history and status of the repair to the shoreline protection just north of the power plant on Humboldt Bay.
- ✓ CEO reported that staff continues to work on the maintenance dredging permit for the Coastal Commission which will be heard at their September 14th meeting.
- ✓ CEO reported that Harbor District staff continues to work on the Fifth Annual Humboldt Bay Maritime Expo to be held on September 24th. The event starts at 10:00 a.m. with a boat parade at noon; bands, boat tours, kid's games, and a lot of other activities will be available that day.

DISTRICT COUNSEL'S REPORT

District Counsel reported he had nothing to report.

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Hunter reported that he had attended the Citizens for Port Development meeting. He also noted that he attended a Redwood Dock Advisory Committee meeting on various Samoa projects and that there was nothing to report on those projects as of yet.

Commissioner Ollivier noted that he had nothing to report at this meeting and will be in France during the next meeting.

Commissioner Pellegrini reported that a few of the salmon boats that have been fishing south of Shelter Cove are returning, tuna are still far offshore and the short local commercial salmon season is now open.

Commissioner Hunter noted that he is aware of a one owner fishing boat named *Winga* that was originally bought in 1939 and is now for sale.

Commissioner Ollivier introduced Chad Roberts, the Harbor District's environmental consultant.

ADVISORY COMMITTEE REPORTS

Port of Oakland Advisory Committee Update

Ken Davlin reported that there were a number of ongoing items before this committee.

Mr. Davlin reported that the Goods Movement Action Plan, Phase One, has been released. Mr. Davlin noted that this is a great improvement over the draft plan in that the Port of Humboldt Bay and the North Coast Railroad Authority are both prominently mentioned as the northern gateway to California as far as good movement is concerned.

Mr. Davlin reported that the container barging negotiations are continuing and that he is searching for feedback from the Go21 meeting. He also noted that the Port of Oakland Advisory Committee will discuss setting up the legislative visits and port tours coming up.

Mr. Davlin reported that he is also working on the Headwaters Grant submittal and coordinating the Harbor District consultant's visit to China. Mr. Davlin noted that the Goods Movement Action Plan suggests the next step will be to form several work groups to develop implementing strategies for the Goods Movement Plan and he suggested that the Board of Commissioners participate in the upcoming work groups.

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF APPROVAL OF AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY AND THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR THE HUMBOLDT BAY LONG-TERM SEDIMENT MANAGEMENT STUDY.

Commissioner Hunter introduced this item and noted that he was disappointed that a Corps of Engineers representative was not able to attend the meeting to explain the project from the Corps prospective.

CEO made a short power point presentation detailing the history, process, and costs associated with the long term sediment management study. CEO indicated that the project was initiated by the Harbor District following the El Nino winters of 1998 and 1999, when shoaling of the harbor entrance became extensive. Last year, the Corps of Engineers performed a reconnaissance study, which was 100% funded by the Corps of Engineers and detailed eleven possible solutions to alleviate winter shoaling in Humboldt Bay. CEO detailed the options which included everything from extended dredging to physical improvements, such as lengthening the south jetty or building underwater groins south of the south jetty to divert the sediment laden currents generated from the Eel River. CEO noted that with the reconnaissance study completed, the next phase is the feasibility study. The feasibility study as per Congress is to be cost shared 50/50 between the Corps of Engineers and the local sponsor. In this case, the local sponsor would be the Harbor District and the estimated cost of the feasibility study is approximately \$1.6 million. It would take approximately thirty-nine months to examine all of the possible options and develop a preferred plan. The local sponsor would then be required to cost share any additional engineering and design during the construction of the project.

District Treasurer Mark Wetzel sounded a cautionary note and warned about the Harbor District's obligation to keep one million dollars in reserve as a condition of our recent refinancing of the deepening project loan. His concern was that with the marina maintenance dredging estimated at approximately \$1.6 million and a similar number as the cost share for this project, that the Harbor District's reserve would be close to the one million dollars.

Commissioner Hunter recounted the Harbor District's experience with the deepening project where the feasibility study costs increased dramatically over time. Commissioner Hunter also noted that this was a serious discussion and that if the District decided to go ahead with the feasibility study agreement with the Corps, the District was essentially also agreeing to fund whatever the project construction costs might be.

Commissioner Pellegrini noted that she would like to have a Corps of Engineers representative present to ask questions and was uncomfortable making a decision without the full board present. She noted that this is also a Humboldt County and regional problem.

Commissioner Ollivier noted that the cost share process and the need for dredging is a nation wide problem.

Commissioner Pellegrini asked District Counsel if there was a provision in the agreement in which the Harbor District could terminate the agreement.

District Counsel responded by stating that there is a provision and that at any time, with thirty days notice, the Harbor District could terminate this agreement.

COMMISSIONER OLLIVIER MOVED TO TABLE THIS ITEM AND BRING IT BACK WITH A FULL BOARD PRESENT. COMMISSIONER HUNTER SECONDED AND SAID THAT HE WANTED TO HEAR FROM THE PUBLIC.

Commissioner Hunter asked that this item be on future agendas as a sediment management report.

Penny Elsebusch acknowledged that costs can escalate, but that this project has to be done to create shipping opportunities. She also noted that there is a provision in the agreement that allows for the Harbor District to conduct some of the studies itself. She noted that with the GIS capabilities of the Harbor District, maybe that task and some of the real estate analysis could be part of the Harbor District's match.

Pete Oringer asked that since there is a drop dead date of July 2006, could the Board assign someone to try and get additional match funding from the State of California.

Melvin McKinney noted that this is a man made situation, he does not see a crisis right now, and there is not enough shipping traffic anyway. He noted he would like to see an erosion study for the proposal, since an erosion study was never funded by the Corps. Mr. McKinney noted that if the Board wants to go into this million dollar project that it ought to have a county wide ballot since it is a county wide matter.

David Elsebusch agreed with Mr. McKinney about this being a county wide issue and that the District should look to other local agencies to help fund the local share of this project.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF A ONE YEAR EXTENSION TO PERMIT 01-05 FOR THE EUREKA PIER PROJECT.

COMMISSIONER OLLIVIER MOVED FOR A ONE-YEAR EXTENSION OF PERMIT 01-05 FOR THE EUREKA PIER PROJECT. COMMISSIONER HUNTER SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL OF TASK ORDER NO. 1 WITH ROBERTS, KEMP AND ASSOCIATES FOR THE HUMBOLDT BAY MANAGEMENT PLAN PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT AND FINAL HUMBOLDT BAY MANAGEMENT PLAN.

CEO noted that this task order finishes the CEQA process for the Humboldt Bay Management Plan. Staff and the Humboldt Bay Management Plan Advisory Committee have met with consultant Chad Roberts and recommends approval of this task order.

COMMISSIONER HUNTER MOVED FOR APPROVAL OF TASK ORDER NO. 1 WITH ROBERTS, KEMP AND ASSOCIATES FOR THE HUMBOLDT BAY MANAGEMENT PLAN PROGRAMMATIC

ENVIRONMENTAL IMPACT REPORT AND FINAL HUMBOLDT BAY MANAGEMENT PLAN.
COMMISSIONER OLLIVIER SECONDED THE MOTION. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROVAL OF SITE ACCESS AGREEMENT WITH SECURITY NATIONAL SERVICING CORPORATION FOR MAINTENANCE DREDGING PURPOSES.

District Counsel noted that the Harbor District had submitted a draft agreement to Security National representatives, but had not yet received a response and therefore recommended tabling the item to a future agenda.

E. CONSIDERATION OF SUPPORTING Go21 AND THEIR STATEMENT OF PRINCIPLES.

CEO noted that at the last Board meeting there was a presentation by Go21 representative Phillip Denny and that Commissioner Ollivier had asked to bring this back on this agenda.

COMMISSIONER OLLIVIER MOVED FOR THE SUPPORT OF Go21 AND THEIR STATEMENT OF PRINCIPLES. COMMISSIONER HUNTER SECONDED THE MOTION.

Commissioner Hunter noted that the Citizens for Port Development had also supported Go21 and their statement of principles.

Kaye Strickland of the Citizens for Port Development noted that she saw a presentation and agreed to support the principles and encouraged the board to do the same.

MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF ASSIGNMENT, CONSENT OF ASSIGNMENT AND AMENDMENT TO LEASE PRC 3303.1 FROM SIMPSON PAPER COMPANY TO SECURITY NATIONAL SERVICING CORPORATION

District Counsel noted that as with item 10D, the final agreement has not been received by the Harbor District and recommended continuing the item on a future agenda.

G. CONSIDERATION OF APPROVAL OF A MEMORANDUM OF AGREEMENT TO ESTABLISH AND IMPLEMENT THE CENTRAL AND NORTHERN CALIFORNIA OCEAN OBSERVING SYSTEM.

Commissioner Pellegrini introduced Jeff Robinson, Conservation Specialist for the Harbor District, to explain this agenda item.

Mr. Robinson noted that there are a number of ocean observing systems established throughout the country and CENCOOS is tied into a number of these integrated systems. Mr. Robinson noted that CENCOOS projects provide a variety of oceanographic information including temperature, currents and various biological resource information. Mr. Robinson noted that the Harbor District has already been a leader in supplying data to other entities and other ocean observing system operations, and is a member of another coastal observation group called CI-CORE.

Commissioner Hunter noted that this is one of many examples of the conservation work that the Harbor District is engaged in.

COMMISSIONER HUNTER MOVED FOR APPROVAL OF THE MEMORANDUM OF AGREEMENT TO ESTABLISH AND IMPLEMENT THE CENTRAL AND NORTHERN CALIFORNIA OCEAN OBSERVING SYSTEM. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

H. CONSIDERATION OF AMENDMENT NO. 4 TO AGREEMENT 2000-A FOR HUMBOLDT BAY GIS MAPPING SERVICES.

Conservation Specialist Jeff Robinson noted that this project is approximately two thirds done so he is aware of the high quality of the effort. Mr. Robinson noted that eelgrass in the Pacific Northwest estuaries is poorly documented and that this effort is aimed at determining a number of different technological and biological parameters for future eelgrass mapping. Humboldt Bay has been flown over during different seasons using a number of proven methodologies and utilizing a variety of technologies. In addition, we now have high resolution bathymetry of the channels in north bay, which has never been done. Also, we now have access to hyper spectral data that had been obtained earlier this year. Mr. Robinson noted that this effort is a collaborative process between Humboldt State University, Simon Fraser University and a number of different educational institutions. He recommended that the Board approve this item.

COMMISSIONER OLLIVIER MOVED FOR APPROVAL OF AMENDMENT NO.4 TO AGREEMENT 2000-A FOR HUMBOLDT BAY GIS MAPPING SERVICES. COMMISSIONER HUNTER SECONDED THE MOTION ADDING THAT IT NOT EXCEED \$10,000.

David Elsebusch asked what the expected benefits would be. Mr. Robinson responded by stating that eelgrass is of particular interest to the management of Humboldt Bay's natural resources and that previous methods to determine the spatial extent and density of eelgrass in Humboldt Bay had lacked certain information. Mr. Robinson noted that eelgrass was last mapped by the Harbor District in 2000, and that this technique is more scientific and has been used in other estuaries such as Yaquina Bay.

Chad Roberts noted that in an ever-rising regulatory curve, this methodology is a regulatory tool in technology that will greatly assist the Harbor District in its management of Humboldt Bay. He recommended that the Board approve this item.

Penny Elsebusch suggested that this contribution could be used toward the sediment management project match.

Melvin McKinney noted that he had attended a seminar on CENCOOS and that they could map the bottom of the ocean.

MOTION CARRIED WITHOUT DISSENT.

I. CONSIDERATION OF AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE FOR AND ON BEHALF OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT ANY ACTIONS NECESSARY FOR THE PURPOSE OF OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED BY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY AND SUBGRANTED THROUGH THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES.

CEO noted that the Harbor District has been the recipient of a \$150,000 grant from the State Department of Homeland Security and that this authorization form authorizes the CEO to provide the information to the Department of Homeland Security to access those funds for port security purposes.

COMMISSIONER OLLIVIER MOVED TO AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE FOR AND ON BEHALF OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT ANY ACTIONS NECESSARY FOR THE PURPOSE OF OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED BY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY AND SUBGRANTED THROUGH THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES. COMMISSIONER HUNTER SECONDED THE MOTION. MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:40 p.m. to closed session.

APPROVED BY:

RECORDED BY:

____Signature on File____
Roy Curless, Secretary

____Signature on File____
Patricia L. Tyson, Admin. Assistant