

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

24 August 2006

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Hunter
Commissioner Ollivier

The Closed Session was called to order at 6:07 p.m. Closed Session adjourned at 6:25 p.m.

The regular meeting of the Board of Commissioners was called to order by President Pellegrini at 7:00 p.m.

Humboldt County Supervisor Jimmy Smith led those present in the Pledge of Allegiance.

District Counsel reported on the items discussed during Closed Session: real property negotiations and potential litigation: Shelter Cove Fish Cleaning station; and real property negotiations: Samoa Shops property. No action was taken on these items during Closed Session.

PUBLIC COMMENT

Melvin McKinney told the Board he contacted the State Contracting Board and the maintenance dredging contractor does not have a California license. He also asked when and where the bid request was advertised.

President Pellegrini suggested Mr. McKinney present his concerns in writing to the Board of Commissioners. She then asked Dave Schneider, Pacific Affiliates, to comment on Mr. McKinney's concerns.

Mr. Schneider stated he is the Engineer of Record for the maintenance dredging project. He said the project was advertised three times. In November 2005, a couple of bidders responded; but all the permits had not been received. The project had to be re-advertised and in June 2006 no bids were received. In July 2006, the third advertisement, no bids were received. Because no bids were received from the advertisements, the Harbor District and the City of Eureka were able to negotiate with Roy D. Garren, Inc. to complete the project. Nehalem River Dredging Company will be used for the project and was the dredge contractor used in 1988 for the maintenance dredging of the marina. Mr. Schneider stated Roy D. Garren, Inc. is the prime contractor and is licensed in California. Nehalem River Dredging Company is also licensed in California; however, there is a lag in time from when the bond is submitted to the licensing board, the license is granted and the license shows on the California Licensing Board's website. President Pellegrini thanked Mr. Schneider for his comments.

Ron Fritzsche commented on an article in the Times-Standard regarding the dredging of the Columbia River in Oregon. He said it was interesting to note the environmentalists objected to the plan to dump the sediment in the Pacific Ocean because the sediment would be taken out of the natural system that replenishes the beaches, which is contrary to the argument presented by the environmentalists regarding the maintenance dredging of Woodley Island Marina and several City of Eureka waterfront sites.

Ron Fritzsche stated he had the opportunity to visit Greenville-Spartanburg, NC recently and said it was interesting to see how this once depressed area, previously known for its textile manufacturing, had emerged into a job-rich area when BMW and Michelin relocated their plants to the area. An automobile research center, a part of Clemson University, is also being built there. Mr. Fritzsche urged the Board of Commissioners to encourage business and industry to utilize the benefits of Humboldt Bay.

CONSENT CALENDAR

Commissioner Wilson asked for Items B and C of the Consent Calendar to be pulled for discussion.

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

Commissioner Wilson said there had been several invoices submitted by Pacific Affiliates over the last year and he asked what Pacific Affiliates was providing to the Harbor District.

CEO replied Pacific Affiliates has been providing additional surveying and testing, which resulted from the delay in maintenance dredging caused by the Baykeepers last year. Pacific Affiliates is submitting invoices as the work is done. CEO stated the Board of Commissioners hired Pacific Affiliates to help get the disposal site re-permitted and he currently has a draft of the Mitigated Negative Declaration in the middle of the review process.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF ITEMS B AND C OF THE CONSENT CALENDAR. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- ✓ 8/24: Dredge Yaquina arrived in Humboldt Bay and will work in the entrance for 10 days.
- ✓ The lighthouse glass will be installed tomorrow. CEO stated Hamanaka Painting has done a wonderful job painting the lighthouse and he plans to have pictures to share with the Board of Commissioners at their next meeting.
- ✓ The Boating Instruction and Safety Center will be open in approximately three months. CEO toured the facility with Dave Nakamura from HSU.
- ✓ Staff continues to work on the Humboldt Bay Maritime Expo, which will be held on Saturday, September 30th, from 10 a.m. to 4 p.m.

DISTRICT COUNSEL'S REPORT: None

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Curless reported he continues to get phone calls regarding the Shelter Cove Breakwater Rehabilitation Project and he explains the project is going forward.

Commissioner Curless stated Hops of Humboldt will be held in Fortuna this weekend.

Commissioner Wilson said he would like to attend the California World Ocean Conference '06 in Long Beach, September 17-20 and will cost approximately \$800.

Commissioner Wilson said he will participate on a panel discussing sustainability at the California District Attorney Association "Protect California Water" conference in Sacramento on September 13th.

Commissioner Hunter reported on an August 22nd RAPIT meeting where David Tsang of Evergreen Pulp spoke about the transportation infrastructure in California and the increase in the size of China ports during the next 4 years. Mr. Tsang reported there has been a 20% increase in the number of Evergreen Pulp staff and currently there are two breakbulk ships per month calling on Humboldt Bay. Mr. Tsang has been working with CEO Hull to do a test run of container barges between the Port of Oakland and Port of Humboldt Bay.

Commissioner Ollivier reported Pacific Maritime Association (PMA) yesterday accepted twelve applications for employment for apprentice longshoremen for the area. He said it is important PMA stays involved in Humboldt Bay.

President Pellegrini wished Commissioner Ollivier a Happy Birthday.

President Pellegrini reported she attended a Republican Women's meeting where Mindy Tucker Fletcher of Governor Schwarzenegger's staff spoke.

President Pellegrini reminded everyone of the upcoming Coast Guard Ball on September 30th. The event is open to the public.

Commissioner Wilson reminded everyone of the Brownfields Program Workshop to be held on September 21st at the Wharfinger Building.

ADVISORY COMMITTEE REPORTS: None

OTHER

Presentation by Trails Trust of Humboldt Bay

Trails Trust of Humboldt Bay representatives Rick Littlefield and Jen Rice made a presentation to the Board of Commissioners about a multi-use trails system from Trinidad to Loleta. Originally, the City of Eureka created the Eureka Trails Committee, which transformed into the Trails Trust of Humboldt Bay.

Mr. Littlefield asked the Board of Commissioners to consider at a future meeting the adoption of a resolution supporting the multi-use trails system. He said there is wide business support for the trails project; trails are used as an economic development tool. Since the project does not fall completely under one agencies jurisdiction, the group is encouraging local agencies to work together to bring in the funding for planning and the design of the project.

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF ADOPTION OF RESOLUTION 2006-11 CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ESTABLISHING FINDINGS RELATIVE TO THE ADOPTION OF THE HUMBOLDT BAY MANAGEMENT PLAN.

CEO stated after many years of hard work by many people, the development stage of the Humboldt Bay Management Plan (HBMP) is coming to a close and the work now begins on the implementation of the HBMP policies. He said the need for one main database became apparent 7-9 years ago when the Harbor District's Interagency Coordination Committee began meeting to discuss common projects and areas of concern in and around Humboldt Bay. At that time, there was no one place to pull comprehensive information from and it was determined a Humboldt Bay Management Plan was crucial for planning and mapping efforts.

CEO and Conservation Specialist made a PowerPoint presentation recapping the history of the HBMP and how it will be used in the future.

Dr. Chad Roberts, consultant on the HBMP, stated the Final Environmental Impact Report (FEIR), which is being considered for adoption by the Board of Commissioners, contains the draft EIR distributed for public comment, comments received and the Harbor District's responses to those comments. The public comment period actually was longer than is required by law, Dr. Roberts said, in order to allow the maximum time for the public to submit comments. The HBMP provides many elements for managing Humboldt Bay and is "self-mitigating" in that mitigation requirements are rolled backed into the HBMP as a part of the policies of the HBMP.

Dr. Roberts stated adoption of Resolution 2006-11 by the Board of Commissioners will certify the Statement of CEQA Findings, Statement of Policy Implementation Monitoring and the Statement of Overriding Considerations. Once these Statements are certified, the Plan can be adopted and the Notice of Determination will be filed with the County of Humboldt and the State Clearinghouse.

President Pellegrini thanked CEO, Conservation Specialist and Dr. Roberts for their presentation and work on the Plan. She then thanked Ron Fritzsche, Supervisor Jimmy Smith, Greg Dale, Ted Kuiper, Pete Oringer and all the other members of the Humboldt Bay Management Plan Task Force who put much time and effort into meeting after meeting to establish "bay leadership for the benefit of all."

COMMISSIONER HUNTER MOVED FOR THE ADOPTION OF RESOLUTION 2006-11 CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ESTABLISHING FINDINGS RELATIVE TO THE ADOPTION OF THE HUMBOLDT BAY MANAGEMENT PLAN. COMMISSIONER OLLIVIER SECONDED.

Commissioner Wilson stated the Humboldt Bay Management Plan, DEIR and FEIR have a wealth of good information. Commissioner Wilson said in the HBMP, water quality regulation is deferred to Regional Water Quality Control Board and he asked if cities and counties also promulgate regulations too. Dr. Roberts stated the Porter-Cologne Act is the State's regulatory policy; and there may be a local ordinance, but it would be pre-empted by the State's policy, unless the local policy is more strict or in conflict.

Commissioner Wilson stated the HBMP billboard policy is inconsistent with the State's act on outdoor advertising and asked for that section to be deleted. Dr. Roberts responded the section was written prior to the City of Arcata v. Viacom lawsuit, which is set for Supreme Court review, and local jurisdiction/control has not been settled.

Commissioner Wilson asked for the language in that section be changed to state: "should be consistent with other State law." Dr. Roberts stated the amendment to the resolution will not change the EIR.

Commissioner Wilson asked if there is a timeline for policy implementation. Dr. Roberts stated prioritization will be a part of the implementation.

COMMISSIONER HUNTER MOVED TO RESCIND HIS MOTION. COMMISSIONER OLLIVIER SECONDED.

COMMISSIONER WILSON MOVED TO STRIKE THE SENTENCE ON PAGE F9-2, PARAGRAPH 4 OF THE FINAL EIR "WHILE NOT IDENTIFIED AS A RELEVANT REFERENCE IN THE DRAFT EIR, THE DISTRICT NOTES THAT ANY DISTRICT REGULATORY APPROACH TO BILLBOARD MANAGEMENT WOULD NEED TO BE CONSISTENT WITH THE STATE'S OUTDOOR ADVERTISING ACT (BUSINESS AND PROFESSIONS CODE SECTION 5200 ET SEQ.)". COMMISSIONER HUNTER SECONDED. MOTION CARRIED WITHOUT DISSENT.

COMMISSIONER HUNTER MOVED FOR THE ADOPTION OF RESOLUTION 2006-11 CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ESTABLISHING FINDINGS RELATIVE TO THE ADOPTION OF THE HUMBOLDT BAY MANAGEMENT PLAN AS AMENDED. COMMISSIONER OLLIVIER SECONDED.

Gordon Leppig asked about a timeline for implementation of the policies. Dr. Roberts responded there are no timelines included in the Plan and timelines will be established during the implementation of the Plan policies. Mr. Leppig asked if there will be ramifications if the policies are not implemented within 15 years. Dr. Roberts responded the policies are effective tomorrow, if the Plan is adopted. Mr. Leppig then asked how the policies will be implemented since there are no specific rules at this time. Dr. Roberts stated the Board of Commissioners will determine how the policies are implemented, most likely through an ad hoc committee.

Supervisor Jimmy Smith said he was honored to be a part of the team involved with the development of the Humboldt Bay Management Plan. He said he supported the certification and adoption of the Plan and is grateful for the vision for the future for all agencies to use. Supervisor Smith stated we all have an obligation to the public trust; and maybe the HBMP is not perfect, but it was a major task and a comprehensive effort by many.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER OLLIVIER – AYE

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2006-12 APPROVING AND ADOPTING THE HUMBOLDT BAY MANAGEMENT PLAN.

COMMISSIONER CURLESS MOVED FOR THE ADOPTION OF RESOLUTION 2006-12 APPROVING AND ADOPTING THE HUMBOLDT BAY MANAGEMENT PLAN. COMMISSIONER OLLIVIER SECONDED.

Ron Fritzsche thanked all of the people involved in the development of the Humboldt Bay Management Plan for their time, acknowledging the HBMP took a long time to put together. He said the Plan is a living document with plenty of opportunity for future comments and discussion.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER OLLIVIER - AYE

MOTION CARRIED WITHOUT DISSENT.

President Pellegrini thanked CEO, Conservation Specialist and Dr. Chad Roberts for their presentation and for all their work writing the Humboldt Bay Management Plan.

C. CONSIDERATION OF ADOPTION OF RESOLUTION 2006-13 ESTABLISHING VARIOUS OPERATIONAL POLICIES.

District Counsel stated Policies 1-4 relate to the Harbor District's administrative staff and Policies 5-6 relate to the Commissioners use of District resources and expense reimbursement. He said the need for this resolution arises out of the enactment of Government Code Section 53232.3.

Discussion centered around reimbursement to the Commissioners for local travel.

COMMISSIONER HUNTER MOVED FOR THE ADOPTION OF RESOLUTION 2006-13 ESTABLISHING VARIOUS OPERATIONAL POLICIES. COMMISSIONER OLLIVIER SECONDED.

David Elsebusch said it is sad to be forced by law to establish these procedures. He said he has suggested in the past to develop a policy procedure manual and the Board of Commissioners should consider the development of such a manual. He also said he was glad to see the Commissioners' expense reimbursement form as a public record because he will be requesting a review of them.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER OLLIVIER – AYE

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF RESOLUTION 2006-14 MAKING FINDINGS RELATIVE TO THE APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE NATURAL GAS LINE 137B GANNON SLOUGH EROSION CONTROL PROJECT.

COMMISSIONER HUNTER MOVED FOR THE ADOPTION OF RESOLUTION 2006-14 MAKING FINDINGS RELATIVE TO THE APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE NATURAL GAS LINE 137B GANNON SLOUGH EROSION CONTROL PROJECT. COMMISSIONER OLLIVIER SECONDED.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER OLLIVIER – AYE

MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF PERMIT NO. 2006-03 TO PACIFIC GAS AND ELECTRIC COMPANY FOR THE NATURAL GAS LINE 137B GANNON SLOUGH EROSION CONTROL PROJECT.

COMMISSIONER OLLIVIER MOVED THE APPROVAL OF PERMIT NO. 2006-03 TO PACIFIC GAS AND ELECTRIC COMPANY FOR THE NATURAL GAS LINE 137B GANNON SLOUGH EROSION CONTROL PROJECT. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 9:10 p.m.

APPROVED BY:

RECORDED BY:

Signature on File
Roy Curless, Secretary

Signature on File
Patricia L. Tyson, Admin. Assistant