

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

**6 December 2007**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Wilson  
Commissioner Hunter  
Commissioner Ollivier

The Closed Session was called to order at 6:02 p.m. Closed Session adjourned at 6:14 p.m.

President Curless called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

Commissioner Ollivier led those present in the Pledge of Allegiance.

District Counsel reported the Closed Session items as follows: Real Property Negotiations – the lease with Samoa Properties, Inc.; assignment of Kuiper Mariculture leases A, B and original WHD Enterprises leases from Kuiper Mariculture, Inc. to Todd Van Herpe, dba Humboldt Bay Oyster Co.; and Kuiper Mariculture lease (formerly PRC lease 4728.1 partial assignment from Simpson to Kuiper Mariculture, Inc.). No action was taken during Closed Session, but the items will be considered under New Business later in the meeting.

District Counsel stated under the Brown Act the Board of Commissioners has the power to consider and approve the leases in Closed Session and then report the action out of Closed Session; however the Board of Commissioners' policy is to allow public input on these items. The Board operates in the manner that they negotiate the leases and then gives the public the opportunity to discuss the item and then the Board considers approval in open session.

**PUBLIC COMMENT**

Kaye Strickland said CEO spoke about the Harbor District's Strategic Plan at the Citizens for Port Development meeting on Wednesday. She said the Redwood Marine Terminal Feasibility Plan was also discussed. Ms. Strickland said the NCRA representatives would attend the California Transportation Commission meeting on Thursday, December 13<sup>th</sup> where discussion will be held on the balance of funds previously promised to NCRA.

Louis Robbinette said he favored the establishment of a container port and felt there was no reason to pursue bringing the railroad here.

Sid Berg asked why our legislators were not fighting for a piece of the \$2 billion rail and harbor infrastructure package. He asked the Board of Commissioners to approve a resolution asking for the legislators' help.

Tim Daniels, an HSU student and retired US Coast Guard, said he was opposed to the development of a deepwater port because there is no infrastructure and the railroad has not been proven to be reliable.

David Elsebusch said the Harbor District is running on a deficit budget, the same as every other year. He also asked why so much money was being spent on advertising. He suggested the Board of Commissioners be more prudent on their spending.

**CONSENT CALENDAR**

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

**CEO REPORT**

- 12/3: Director of Maritime Commerce, CEO and City of Eureka representatives met with representatives of the consulate for the Republic of Indonesia. Indonesia already imports \$5 billion worth of goods through California ports now and is looking for other trade partners.

- 12/5: CEO spoke at the Citizens for Port Development meeting about the Harbor District's Strategic Plan and the Redwood Marine Terminal Feasibility Study.
- CEO reported there is a couple of grant projects being finalized: the Humboldt Bay Integrated Wetland Project for \$130,000 and the Vessel Simulation Project underwritten by OSPR for \$37,000.
- Crab season opened on December 1<sup>st</sup>.

## **DISTRICT COUNSEL REPORT**

District Counsel reported he recently worked with representatives for Coast Seafoods on the transference of 50 acres of tidelands, a condition of Coast Seafoods' Coastal Development Permit. Coast Seafoods has designated the Harbor District as their recipient for the donated tidelands. District Counsel expects to present a resolution accepting the tidelands to the Board of Commissioners at an upcoming meeting.

**STAFF REPORT:** None

## **COMMISSIONER REPORTS**

Commissioner Pellegrini asked CEO or the Harbor Safety Committee to talk to the HSU rowing team about increasing their visibility now that crab season is open and there is more boat traffic in the channel.

Commissioner Pellegrini stated crab season has started slowly due to the inclement weather.

Commissioner Wilson thanked CEO for working on a recent Saturday with others to complete the grant application for a \$902,000 grant entitled Restoring Humboldt Bay/Eel River Delta's Historic Estaurine Habitats project.

Commissioner Wilson asked CEO about the Indonesian visitors. CEO responded they were traveling the west coast, touring various ports.

Commissioner Wilson said he could identify with a member of the public's comment about Deadwood, SD and the railroad. He said his family was from Edgemont and his father rode on the last train from Edgemont to Deadwood. He said the 150j-mile former track is one of the premier rail trails.

**ADVISORY COMMITTEE REPORTS:** None

**OTHER:** None

**NON-AGENDA:** None

**UNFINISHED BUSINESS:** None

## **NEW BUSINESS**

### **A. CONSIDERATION OF ADOPTION OF RESOLUTION 2007-12 COMMENDING CHARLES OLLIVIER FOR HIS SERVICE AS COMMISSIONER FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.**

COMMISSIONER PELLEGRINI MOVED FOR THE ADOPTION OF RESOLUTION 2007-12 COMMENDING CHARLES OLLIVIER FOR HIS SERVICE AS COMMISSIONER FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT. COMMISSIONER WILSON SECONDED.

CEO read the resolution aloud.

Commissioner Ollivier said he has enjoyed working with the staff over the years and has never given up on the industrialization of the port. He thanked everyone for their support over the years.

Commissioner Pellegrini said she was appointed to take Commissioner Smith's place and Commissioner Ollivier was her mentor teaching her about the port. She said she would always cherish their friendship.

Commissioner Curless said he has enjoyed all the teasing from Commissioner Ollivier over the years how Orick Rodeo is better organized than the Fortuna Rodeo. He said it has been a pleasure to know Commissioner Ollivier and his family.

Commissioner Hunter said he and Commissioner Ollivier have respectfully agreed and disagreed over the years and Commissioner Ollivier taught him the true meaning of the word "passion".

Commissioner Wilson said no one on the Board of Commissioners is more passionate about his beliefs and he commended Commissioner Ollivier on his years of service. He said he has enjoyed Commissioner Ollivier's many stories and thanked him for the experience.

District Counsel suggested Commissioner Ollivier abstain from voting on the resolution due to a potential conflict of interest.

A ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

Three binders full of pictures and agendas and minutes from all the meetings during Commissioner Ollivier's tenure was presented. Also CEO presented Commissioner Ollivier with a cake.

President Curless called for a 15-minute break.

**B. CONSIDERATION OF RECEIVING AND FILING TRANSYSTEMS REDWOOD MARINE TERMINAL FEASIBILITY STUDY AND AUTHORIZING TRANSYSTEMS TO PROCEED WITH REDWOOD MARINE TERMINAL BUSINESS PLAN.**

Commissioner Hunter suggested the Board take no action at this meeting. He also suggested the Board of Commissioners take public comment, discuss the report and consider receiving and filing at a future Board meeting, possibly in a larger venue.

COMMISSIONER WILSON MOVED TO TAKE NO ACTION AT THIS MEETING ON THE TRANSYSTEMS REDWOOD MARINE TERMINAL FEASIBILITY STUDY AND TO CONTINUE THE ITEM TO A FUTURE MEETING AT A LARGER VENUE. COMMISSIONER HUNTER SECONDED. MOTION CARRIED WITHOUT DISSENT.

Carin Saunders, TranSystems, introduced Dennis Sheridan and Christopher Matsen of TranSystems, Amy Weber and Gary Simpson of SHN Engineering Consultants. Ms. Saunders, Mr. Sheridan and Mr. Matsen made a Powerpoint presentation to the Board of Commissioners, presenting two options for the Board to consider. Option A centers around a single multipurpose berth and Option B entails a single multipurpose berth with larger terminal development.

The consultant team stated the current report is a draft and the final report will be developed after discussions are finalized. After the Board of Commissioners decides on which option they would like the consultants to pursue, a business plan will be developed and funding, marketing, internal resources, implementation schedule, contract provisions and issues will be developed.

The Commissioners asked the consultants several questions to which the consultants responded

Written and stated comments relative to the plan were provided by 23 people. The consultants will analyze and address those comments of the Board of Commissioners and public in the next version of the plan.

Commissioners Hunter and Wilson agreed to develop a schedule for future consideration of the feasibility study.

**C. CONSIDERATION OF APPROVAL OF LEASE WITH SAMOA PROPERTIES, INC. (FORMERLY LEASE PRC 4728.1).**

COMMISSIONER HUNTER MOVED FOR THE APPROVAL OF LEASE WITH SAMOA PROPERTIES, INC. (FORMERLY LEASE PRC 4728.1). COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION APPROVAL OF CONSENT TO ASSIGNMENT MARICULTURE LEASES PARCEL A, PARCEL B AND ORIGINAL WHD ENTERPRISES LEASE FROM KUIPER MARICULTURE, INC. TO TODD VAN HERPE, DBA HUMBOLDT BAY OYSTER CO.**

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF CONSENT TO ASSIGNMENT MARICULTURE LEASES PARCEL A, PARCEL B AND ORIGINAL WHD ENTERPRISES LEASE FROM KUIPER MARICULTURE, INC. TO TODD VAN HERPE, DBA HUMBOLDT BAY OYSTER CO. COMMISSIONER HUNTER SECONDED.

Commissioner Wilson asked if the Redwood Marine Terminal Feasibility Study would impact the aquaculture business. Ted Kuiper responded the key issue is highest and best use. If there is cargo activity, aquaculture is compatible.

MOTION CARRIED WITHOUT DISSENT.

**E. CONSIDERATION OF APPROVAL OF LEASE EXTENSION OF MARICULTURE LEASES PARCEL A AND PARCEL B TO TODD VAN HERPE, DBA HUMBOLDT BAY OYSTER CO.**

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF LEASE EXTENSION OF MARICULTURE LEASES PARCEL A AND PARCEL B TO TODD VAN HERPE, DBA HUMBOLDT BAY OYSTER CO. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

**F. CONSIDERATION OF APPROVAL OF LEASE EXTENSION OF ORIGINAL WHD ENTERPRISES MARICULTURE LEASE TO TODD VAN HERPE, DBA HUMBOLDT BAY OYSTER CO.**

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF LEASE EXTENSION OF ORIGINAL WHD ENTERPRISES MARICULTURE LEASE TO TODD VAN HERPE, DBA HUMBOLDT BAY OYSTER CO. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

**G. CONSIDERATION OF APPROVAL OF LEASE EXTENSION OF MARICULTURE LEASE PARCEL C TO KUIPER MARICULTURE, INC.**

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF LEASE EXTENSION OF MARICULTURE LEASE PARCEL C TO KUIPER MARICULTURE, INC. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

**H. CONSIDERATION OF APPROVAL OF LEASE (FORMERLY PRC LEASE 4728.1 PARTIAL ASSIGNMENT FROM SIMPSON TO KUIPER MARICULTURE, INC.) TO KUIPER MARICULTURE, INC.**

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF LEASE (FORMERLY PRC LEASE 4728.1 PARTIAL ASSIGNMENT FROM SIMPSON TO KUIPER MARICULTURE, INC.) TO KUIPER MARICULTURE, INC. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

Commissioner Ollivier said he wanted to make a privileged motion to send two Commissioners and CEO to Prince Rupert, Canada to visit the renewed port. Commissioner Hunter stated the Board could not act on this motion because it was not agendized.

The Regular Meeting of the Board of Commissioners adjourned at 10:00 p.m.

APPROVED BY:

RECORDED BY:

\_\_Signature on File\_\_\_\_\_  
Ronnie Pellegrini  
Secretary

\_\_\_\_Signature on File\_\_\_\_\_  
Patricia L. Tyson  
Director of Administrative Services