

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

**14 July 2005**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Fritzsche  
Commissioner Hunter  
Commissioner Ollivier

The Closed Session was called to order at 6:00p.m. Closed Session adjourned at 6:50 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. Commissioner Fritzsche led those present in the Pledge of Allegiance.

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

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

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

**CEO REPORT**

- √ 7/15: The Change of Command for the skipper of the USCG Cutter Barracuda, BMCM Royce Heckendorn
- √ 6/28: CEO made a presentation about the Harbor District to the Old Town Rotary.
- √ 6/30: CEO made a presentation about the Harbor District to the Chamber of Commerce.
- √ 7/4: CEO reported that Harbor District staff did an excellent job making sure the 4<sup>th</sup> of July celebration on Woodley Island was a safe one. The grounds looked great and the public on the Island enjoyed the fireworks show. CEO thanked SCOP, the Sheriff's Dept. volunteers who helped with the parking. This was the first year the City of Eureka's firework ordinance was in effect. The ordinance prohibits fireworks in Old Town and extends to Woodley Island. CEO reported ONLY one incident of illegal fireworks on the Island.
- √ 7/11-12: Two stevedoring companies are interested in operating on Humboldt Bay since Westfall Stevedore's closing. One company is the largest international company and the other is the largest on the west coast.
- √ 7/13: Harbor Safety Committee meeting. The committee discussed changes to the current navigational chart and establishing a dock address system in order to speed response time for emergency personnel.
- √ WRDA is through the House and off to Conference subcommittee as our amendment was included in the Senate version, but not the House. CEO stated that he heard from lobbyist Will Edington that Transportation Appropriations will not be heard until after the August recess.

**DISTRICT COUNSEL'S REPORT:** None

**STAFF REPORT**

District Treasurer reported on the City of Eureka's Redevelopment Plan Amendment impact on the Harbor District's annual revenue. He stated that if there were no amendment, the Harbor District would receive an additional \$14, 9000/year over 22 years, which averages approximately \$320,000. If amended, revenue in the form of taxes would continue to go to the Eureka Redevelopment Agency.

Commissioner Fritzsche asked when the deadline was for input about the plan amendment. District Treasurer responded that comments should be sent to the City by the end of July. President Pellegrini asked for this item to appear on the Board's next agenda for consideration.

## **COMMISSIONER REPORTS**

Commissioner Curless reported that it is Rodeo Week in Fortuna and urged everyone to "Come on Down".

Commissioner Hunter reported he was asked to do a "Community Comment" on KINS radio on July 15<sup>th</sup>.

Commissioner Hunter stated his wife serves on the Humboldt County Board of Education and attended a recent seminar on the Brown Act. He handed out a copy of the seminar notes to each Commissioner.

## **ADVISORY COMMITTEE REPORTS**

Commissioner Curless reported the Dog Ranch Advisory Committee met with Kurt Kramer to discuss the Harbor District's need to have an easement over the property for the dredge pipeline. Mr. Kramer told the committee a letter would be sent to the Harbor District upon the finalization of the sale of the property stating the Harbor District will be allowed the easement.

Commissioner Fritzsche reported he, Commissioner Pellegrini, Conservation Specialist and Chad Roberts, consultant for the Harbor District, met to discuss the comments received on the Humboldt Bay Management Plan. He said the Plan will be reissued in the first part of August with a Notice of Preparation and a scoping meeting will be scheduled in August for more public comment in going through the EIR process for the Plan. Commissioner Fritzsche stated many comments concerned tsunami preparedness and response even though the County of Humboldt is the lead agency for emergency response.

Commissioner Hunter reported the Human Resources Advisory Committee met on July 12<sup>th</sup> and will meet again on July 15<sup>th</sup>.

Commissioner Hunter also reported the Redwood Dock Advisory Committee met. He had asked Commissioner Pellegrini to attend in his absence.

Commissioner Fritzsche, Commissioner Pellegrini, CEO, Conservation Specialist, Chad Roberts and Mark Wheatley met with Justin Malen, Executive Director of the California Oceanic Science Trust regarding the Humboldt Bay Management Plan and its use in a statewide capacity. Commissioner Fritzsche stated \$5,000 would be granted to assist with the implementation of the Plan.

Commissioner Ollivier reported that with the acquisition of the public dock Redwood Dock, the Harbor District has an opportunity to open up port investment to create much-needed jobs. He reported the two stevedore companies interested in operating in Humboldt Bay also present an exciting opportunity.

President Pellegrini reported that HSU President Rollin Richmond convened a meeting at the Samoa Cookhouse to discuss future uses of the Redwood Dock property acquired by the Harbor District. CEO and Commissioner Ollivier also attended the meeting where the Timber Heritage Museum and Blue Ox Millworks presented their idea to use the property together. President Pellegrini stated the two organizations would make a proposal for the property's use.

**Port of Oakland Advisory Committee Update: None**

## **OTHER**

**a) Report on County of Humboldt/Environmental Protection Agency Samoa Brownfield Environmental Assessment.**

Tony Shen, County of Humboldt, announced that Phase 2 of the County of Humboldt grant application for the environmental assessment of Samoa is available to the community. Phase 2

focuses on environmental pollutants and contaminants. A public outreach session will be held at the end of August.

Commissioner Fritzsche asked if any surprises came out of Phase 2. Mr. Shen replied that compared to previous studies, there were no surprises.

**NON-AGENDA:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS**

**A. CONSIDERATION OF SELECTING SHELTER COVE BREAKWATER REHABILITATION ALTERNATIVE.**

President Pellegrini postponed the Board's consideration of New Business Item A until Larry Margler, engineer consultant on the project, arrived.

**B. CONSIDERATION OF ACCEPTING FOR FILING PERMIT NO. 05-07 TO LOUISIANA-PACIFIC CORPORATION FOR REMOVAL AND DISPOSAL OF IMPROVEMENTS TO LEASED HARBOR DISTRICT TIDELANDS.**

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF ACCEPTING FOR FILING PERMIT NO. 05-07 TO LOUISIANA-PACIFIC CORPORATION FOR REMOVAL AND DISPOSAL OF IMPROVEMENTS TO LEASED HARBOR DISTRICT TIDELANDS. COMMISSIONER CURLESS SECONDED.

Commissioner Fritzsche asked if consideration had been made for the environmental consequences of the damage to fish habitat by the removal of some of the improvements. He said the pilings are an important habitat for juvenile rockfish.

CEO stated that it is not premature to approve the permit for filing. Comments will be received during the 30-day comment period following the filing. The consultants will begin the CEQA process and permits will have to be received from the Corps of Engineers, which would also contain comments and information from NOAA, and the California Coastal Commission.

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF APPROVING MODIFICATION #2 TO THE US FISH & WILDLIFE SERVICE AGREEMENT.**

COMMISSIONER HUNTER MOVED FOR THE APPROVAL OF MODIFICATION #2 TO THE US FISH & WILDLIFE SERVICE AGREEMENT. COMMISSIONER CURLESS SECONDED.

Commissioner Fritzsche asked if any salmonids had been found yet in the eelgrass in Humboldt Bay. CEO responded no.

CEO reported that Modification #2 is an extension of the existing agreement for one month and there are no additional associated costs.

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF FUNDING LEGISLATIVE VISITS TO HUMBOLDT BAY.**

CEO reported that as a result of discussions with the Port of Oakland and the success of the meeting in Sacramento on the Statewide Goods Movement there is a role for Humboldt Bay in goods movement in California. It is imperative to show legislators and agency representatives Humboldt Bay's assets on

site. Staff recommended \$7,500 be earmarked from the Conference and Meetings line item in the FY 2005/2006 Budget.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF FUNDING LEGISLATIVE VISITS TO HUMBOLDT BAY NOT TO EXCEED \$7,500.

COMMISSIONER FRITZSCHE MADE A FRIENDLY AMENDMENT TO THE MOTION TO ADD THAT PRIOR TO SPENDING ANY FUNDS FOR THIS ITEM, BOARD APPROVAL WOULD BE OBTAINED.

COMMISSIONER CURLESS ACCEPTED THE FRIENDLY AMENDMENT.

COMMISSIONER FRITZSCHE SECONDED.

David Elsebusch suggested legislators and agency representatives have their own budgets that should allow sufficient funds for such travel.

MOTION CARRIED WITHOUT DISSENT.

**A. CONSIDERATION OF SELECTING SHELTER COVE BREAKWATER REHABILITATION ALTERNATIVE.**

President Pellegrini stated that on January 27, 2005 the Board of Commissioners received and filed the Moffatt and Nichol Engineering Feasibility Study on the Shelter Cove Breakwater Rehabilitation Project, which triggered the beginning of the CEQA process. Larry Margler, the Harbor District's environmental documentation consultant on this project, developed an initial study and the Notice of Preparation (NOP), the NOP was circulated for the mandatory period and over 150 comment letters were received.

Mr. Margler reported that he had analyzed the comments and prepared a summary of the information received for the Board's consideration. He said the next step is to circulate a Draft Environmental Impact Report (EIR) for public comment and then produce a final EIR, which will address all the comments. Mr. Margler stated that now is the time for the Board of Commissioners to give direction to staff to begin the Draft EIR.

President Pellegrini asked the CEO to recount the history of this project. CEO reported that in 1999 there was a meeting of Shelter Cove residents, CEO, and Commissioners Smith and Curless. At that meeting, the District asked the attendees what kinds of projects or improvements the residents thought were needed to the launch ramp area. The results of that meeting indicated that the attendee's highest priority was the rehabilitation of the breakwater. The feeling was that the breakwater was ineffective and at some times dangerous to ramp users. The attendees also noted that they wanted to see improvements to the fish cleaning station, fencing, lights, and buoys. It was made very clear at the meeting that breakwater improvement or rehabilitation must take into account the protection of existing surfing resources. Based on this input the Harbor District submitted a grant application to the CA Coastal Conservancy to fund an engineering feasibility study and complete the environmental documentation on the project. After several years, grant money was received and Moffatt and Nichol was hired to complete the engineering feasibility study. In hiring Moffatt and Nichol the Harbor District was clear that there was no interest in making this a Dana Point or Pillar Point type of project. The idea was to rebuild essentially what was there. If there was some engineering reason to provide more protected space without interfering with surfing resources, we wanted to look at that also. In August 2004, another meeting was held in Shelter Cove, attended by users of the beach and the boat ramp where the engineer presented his findings and discussed three alternative designs. CEO stated the Harbor District did not have a preference as to which alternative to pursue instead leaving that up to input from the local community. Alternative 2 was the least favorable due to possible impacts to the surfing and Alternative 3 was slightly favored by the attendees of the August meeting, therefore the

NOP was written around the Alternative 3 design to start the process. Over 150 comments were received during the NOP process and Larry Margler has analyzed them for the Board's consideration.

COMMISSIONER CURLLESS MOVED FOR THE APPROVAL OF ALTERNATIVE #1 FOR THE SHELTER COVE BREAKWATER REHABILITATION PROJECT. COMMISSIONER HUNTER SECONDED.

Commissioner Curless stated that the breakwater has to be repaired and the least expensive alternative is to fix what is already there which seems to be a balance between what the boaters and surfers want.

President Pellegrini said that her husband has delivered salmon into Shelter Cove in the past and she is aware of the need for the breakwater to be repaired. In 2001 when she was appointed to the Board of Commissioners, her Number 1 issue was to rehabilitate the breakwater and it was also her main election issue. President Pellegrini stated she agrees with Alternative 1, but that Moffatt and Nichol recommended Alternative 3 if the Harbor District could afford the additional expense. President Pellegrini said she did not want to place additional financial burden on the Harbor District so she was supporting Alternative 1.

Commissioner Fritzsche stated that when the breakwater was originally built, the transporting of small boats through the breakwater area was dangerous. Would it once again be dangerous if the breakwater repairs left it in the same place? CEO responded that questions like that should be included in the recommendations to be addressed to the engineers.

Commissioner Fritzsche asked about the wave reflection and refraction within the breakwater area. Mr. Margler responded that Moffatt and Nichol addressed this in their study. There would be no change (to existing waves) if Alternative 1 were accepted. Mr. Margler said that the decision at this meeting is to state the Board's preference for the process going forward, not to approve the project – that will be decided at a later date. More changes could result from the Draft EIR.

Roger Boedecker, a resident of Shelter Cove and the President of the Resort Improvement District read a resolution passed by their Board, which supported Alternative 3. He said the boat launching facility in Shelter Cove is one of their most important amenities and is used by thousands of people per year. Mr. Boedecker stated that Alternative 3's L-shaped design provided the greatest protection of the immediate launch area.

David Elsebusch stated that six recommendations by Mr. Margler should be stated.

Richard Culp, resident of Shelter Cove, stated he felt Alternative 3 was the wisest choice from an engineering perspective to minimize the wave action. He commended the Board's consideration of the project. He urged the Board not to fall back on Alternative 1 just because it is the least controversial and less expensive, but to consider the consultant's work and the fishermen's needs.

Meeka Ferretta, resident of Shelter Cove, stated there is not much fishing going on in Shelter Cove because the commercial and recreational fishing has declined. She supported Alternative 1 because Alternative 3 seemed more like expansion than helping the residents of Shelter Cove.

Dave Moehlman stated fishing was what brought him to Shelter Cove. He supported Alternative 3 because it would allow the breakwater to be better maintained and not break down from wave action easily.

Randy Adams, resident of Shelter Cove, is a general contractor and involved with building many houses in Shelter Cove. He owned Mario's Marina Bar & Grill for 3 years and never once saw a surfer at Wash Rock during that time. He said surfers would be out around Dead Man's, but not Wash Rock. Now Wash Rock is used all the time and pictures are taken of people using the area just to make a point. He

supported Alternative 3 since he has seen boats flip upside down and the tractor drivers hurt launching boats. He has seen more accidents with boats than surfers.

Lee Self, owner of Lost Coast Landing, said Alternative 3 will allow a large staging area with deeper floating area for boats to stay out of the way of launching boats. He said at this point it is dangerous when trying to launch or haul a boat; and if the crest of the breakwater is raised, it will lessen the waves breaking over the top.

Chet Edeline stated he has used the boat launch area many times and considers it very dangerous. He supported Alternative 3 and urged the Board to do nothing would be irresponsible.

Glenn Stockwell, resident of Loleta, is a fisherman and surfer and said Alternative 1 seems like a great opportunity for compromise in order to launch safely without impacting surfing at Wash Rock.

Dan York, recent resident of Shelter Cove, said that his observations of the last six months were that surfers do not surf around Wash Rock and the youngsters play in the water south of Wash Rock. He said that the concern for safety indicated Alternative 3. He purchase property in Shelter Cove, mostly for fishing, and has had trouble in the past hauling his boat due to the wave action. Alternative 3 would allow for more water inside the breakwater in order to clear boats out of the launch area.

Cheryl Antony, resident of Shelter Cove, has been a volunteer with the Fire Department and Ocean Rescue Team for more than 3 years. She said the team practices at the launch area, but it is not safe due to the wave action. Alternative 3 offers more safety and less chances for boats bottlenecking to launch or haul.

Commissioner Hunter asked for the difference in cost between Alternative 1 and 3. Alternative 1 = \$725,000 and Alternative 3 = \$1,348,500.

Kim Marth stated he has fished out of Shelter Cove since 1982 in order to help feed his family. He said the Board of Commissioners has done a great job considering all of the people involved and his concern was that he did not want the surfers to be impacted. He said the Board should take advantage of the information in the study and he supported Alternative 3.

John Santella, commercial fisherman and surfer at Wash Rock, has had trouble in the past at the boat launch. He said Alternative 3 would not affect the wave action, many different swells that break differently. He said he did not know what was his preference.

Jack Sanford, RV park owner was born and raised in Shelter Cove, said he supported Alternative 3 due to safety issues, even if it attracts more people to the area by making the beach area safer. Growth of the area cannot be stopped.

Steve Mobley, Shelter Cove resident, said that currently only 1 boat can be launched at a time due to the wave action inside the breakwater. Alternative 3 would make the area safer and allow for more boats at one time to be launched/hailed.

Diana Cistaro, owner of Mario's Marina, stated Alternative 3 would allow for boats to go out and come in more safely. Alternative 3 enhances both waves at Wash Rock for the young and at Dead Man's for the more experienced surfers.

John Dowd stated he has been surfing 25 years and feels Alternative 1 would be a compromise between surfers and boaters. Alternative 3 doesn't prove there would be no change to the wave at Wash Rock. He said "either study the wave action more or fix what is already there".

Pat Williamson has been fishing Shelter Cove since 1964 and said that Shelter Cove "has been found". He said that the number of people utilizing the Shelter Cove harbor over the years has grown significantly. He supported Alternative 3 for safety.

Robert Schmid, Shelter Cove resident, said the breakwater area is a dangerous area to launch and haul boats. He said the termination point of Alternatives 1 and 3 are the same, so the swell affecting Wash Rock would be the same. He said that even though Alternative 1 is less expensive, it would not change

the safety of the launch area and Alternative 3 enlarges the safety area. As a building contractor, his motto is "pay once, cry once". He said if you don't pay the amount for the best alternative, you will have to pay again later. Mr. Schmid said it would be money well spent to protect the Shelter Cove fishing community. He supported Alternative 3.

COMMISSIONER FRITZSCHE DISSENTED. MOTION CARRIED TO APPROVE ALTERNATIVE 1.

President Pellegrini then stated the discussion would center on the engineer's study and the recommendations presented by Mr. Margler.

Mr. Margler stated the recommendations as follows:

1. Supplement the Feasibility Study with additional justification for the necessity of breakwater rehabilitation.
2. Supplement the Feasibility Study with additional justification for the preference for Alternative 3. Alternative, the Board could determine its preference for Alternative 1 instead, or even another alternative. If the Board determines its preference for Alternative 1, staff could move forward with the CEQA process by preparing the Draft EIR as planned, making changes to account for the change in preferred alternative.
3. Supplement the Feasibility Study with additional analysis of waves, sediment transport and maintenance dredging, bluff erosion, etc., as expressed in some of the NOP comments.
4. Supplement the Feasibility Study with additional information on construction timing, methods, traffic, etc., as expressed in some of the NOP comments.
5. Develop information on whether the project would increase visitation to Shelter Cove, induce growth, increase the need for more parking, solid waste collection, restrooms, etc., as expressed in some of the NOP comments.
6. Clarify the following discrepancy expressed on page 5 of the Initial Study: "There are no other aspects of this project. However, the Engineering Feasibility Study noted that there are possibilities of related projects such as dredging (other than maintenance dredging as described above), minor navigational markers, and bluff-top improvements such as parking, road improvements, and other facilities. None of those activities are in the Harbor District's plans, they are not considered in this Initial Study, nor are they to be considered in the EIR."

Mr. Margler stated the recommendation is for the Board of Commissioners to direct staff and the consultant to prepare additional information based on the above recommendations.

COMMISSIONER CURLESS MOVED TO DIRECT STAFF AND THE CONSULTANT TO PREPARE ADDITIONAL INFORMATION ON ALTERNATIVE 1 BASED ON THE CONSULTANT'S RECOMMENDATIONS. COMMISSIONER OLLIVIER SECONDED.

Commissioner Fritzsche asked if the CEQA process was beginning, where does the list of recommendations fit. Mr. Margler responded that the recommendations are part of the cumulative impacts that are identified in the EIR and could be part of future discussions.

Commissioner Hunter stated he would be in favor of supporting the recommendations as long as it did not mean getting into more projects. He said the Board has already stated its favored alternative.

Commissioner Ollivier stated the safety factor should prevail. He asked if there was any additional funds in the State's budget.

Commissioner Fritzsche asked if Mr. Margler should research more safety issues in his report since the Board selected Alternative 1. Mr. Margler responded the first two items of the recommendations would address Commissioner Fritzsche's question. He said there would be more research into the safety aspect of Alternative 1 and that additional supplemental information would be valuable to the Board in recommending one alternative over the others.

Commissioner Hunter said that everyone agrees safety is of the utmost concern. If it turns out that the preferred Alternative 1 is not as safe as everyone would like, then the Board will consider a different alternative.

CEO stated that at some point, Mr. Margler will need the project to be defined in order to proceed with the EIR.

President Pellegrini said that the least environmentally damaging alternative is preferred. Mr. Margler stated that unless there are overriding benefits, that would be the case.

Commissioner Fritzsche said he would like Mr. Margler to research Alternative 3 as well as Alternative 1. Mr. Margler responded that consideration could be made for another alternative, but the preference needs to be stated prior to the EIR.

CEO asked if the Board wanted the information to be developed on both alternatives or Alternative 1 only. He said if the Board desired the alternative with the biggest improvement on safety with the least impact to surfing, Moffatt and Nichol might need to do more research.

Commissioner Curless suggested the Board stay with Alternative 1 until the study is completed and then decide if another alternative should be considered.

Dave Moehlman said that Alternative 1 would be safer than the present, but Alternative 3 would be 3 times safer. Commissioner Curless stated that has not been proven and that the engineers stated Alternative 1 address safety concerns.

Dan York suggested he could clarify the safety issue. Currently only 1 boat at a time can be launched or hauled within the breakwater area. If there are rough seas, there may be many boats waiting to come in and are in peril as they wait outside the breakwater area. Commissioner Curless said that if the Alternatives 1 and 3 terminate in the same spot, then what is the difference. Mr. York stated that Alternative 3 provides an area where several boats can wait safely inside the breakwater area and Alternative 1 allows only 1 boat at a time.

Commissioner Hunter asked Mr. Margler what his preference would be at this time, hearing what he has heard and reading what he has read. Mr. Margler responded that if there is adequate justification for Alternative 3 and additional safety measures have been demonstrated, then he would prefer Alternative 3. But, he said, there is not enough justification at this time for any alternative. A part of the engineer's study is economic feasibility. If the project meets the needs and costs less, then you pick that alternative. If you get more value by paying extra, then perhaps you should reconsider.

Commissioner Fritzsche stated he is still conflicted between Alternatives 1 and 3. He is concerned about the transported sediment and the wave refraction. He said more research is needed for both issues.

COMMISSIONER CURLESS MOVED FOR A FRIENDLY AMENDMENT TO DIRECT STAFF AND THE CONSULTANT TO PREPARE ADDITIONAL INFORMATION ON ALTERNATIVES 1 AND 3 BASED ON THE CONSULTANT'S RECOMMENDATIONS. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

The Regular Meeting of the Board of Commissioners adjourned at 9:25, p.m.

APPROVED BY:

\_\_\_\_Signature on File\_\_\_\_  
Roy Curless, Secretary

RECORDED BY:

\_\_\_\_Signature on File\_\_\_\_  
Patricia L. Tyson, Admin. Assistant