

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

27 April 2006

PRESENT:

Commissioner Curless
Commissioner Pellegrini
Commissioner Wilson
Commissioner Ollivier

ABSENT:

Commissioner Hunter

The Closed Session was called to order at 6:38 p.m. Closed Session adjourned at 6:53 p.m.

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

President Pellegrini led those present in the Pledge of Allegiance.

District Counsel reported on the items discussed during Closed Session: real property negotiations on the South Bay portion of Harbor District property in Fields Landing; anticipated litigation on the Badgley-Yankee Girl tenancy. District Counsel also reported the initial tideland lease payment, including back rent, was received from Evergreen Pulp. No action was taken on the items of discussion.

PUBLIC COMMENT

Dennis Mayo presented Certificates of Participation to President Pellegrini and Nancy Flemming, who raced each other in the Harbor District GEM cars on the season opener of "Saturday Night Street Legal Drag Racing" in Samoa. Mr. Mayo said the seasonal event is an aid to local law enforcement because it gives people with a "Need for Speed" a safe place to race and keeps them off the city streets. Over 1,000 people and 200 racing cars were in attendance; and every Saturday night of the season, two local celebrities will race. Mr. Mayo also pointed out the District's CEO made extra effort to decorate, deliver and return the GEM cars.

Nancy Flemming stated the City of Eureka has applied for a Healthy Community award for the Street Legal Drag Racing event.

President Pellegrini said she was impressed with all the young people and their "souped-up" cars.

Marcus Brown of the Timber Heritage Association (THA) said for 30 years a major collection of local old trains and sawmill equipment has been stored on Simpson Timber Company property. Simpson has notified THA they will be selling the property and the collection will have to be moved. Mr. Brown said THA has no other place to store the collection and said Simpson representatives suggested THA ask the Board of Commissioners to consider allowing them to store the collection at the Samoa Shops property, since there would be more public exposure at that site. Mr. Brown invited the Board to contact him for a tour of the collection.

David Elsebusch said his wife, Penny, attended the Headwaters Fund Board meeting and said according to the agenda there was supposed to be an update on the Redwood Dock Modernization grant application, but nothing was said. Mr. Elsebusch said in his opinion it does not look like the Prosperity! idea is working. CEO noted that the Redwood Dock application may be back to the Headwaters Fund Board as soon as their May meeting.

CONSENT CALENDAR

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

CEO REPORT

- ∨ CEO reported he and Ken Davlin are refining the scope of work for the Headwaters Fund grant and they are working toward the May meeting. He said Tony Shen, the Executive Director of the Headwaters Fund, has left his position and currently the existing staff is filling in until someone is hired in his place.
- ∨ 4/18: CEO stood in for Commissioner Hunter at a National Businesswomen's Association meeting and updated them on current Harbor District projects.
- ∨ 4/22-23: The dredges Yaquina and Essayons left Humboldt Bay. The preliminary soundings from April 9th show a few spots in channel in the mid-30's where they should be in the upper 40's. CEO stated there is ongoing work being done to get the restrictions on the number of days lifted the dredges can work in order to get the jobs done once they are started.
- ∨ 4/22: CEO attended the City of Eureka's 150th Birthday Celebration. He said the event was well attended.
- ∨ 4/26: Requests for bids for painting the Lighthouse and glass replacement were circulated. Bids will be accepted until May 18.
- ∨ 4/27: Building #3 is now being rented for storage of fishing equipment. Building #14 was initially set up for storage, until it was damaged by the storm on December 31, 2005.

DISTRICT COUNSEL'S REPORT

District Counsel reported in addition to the Closed Session items, he researched the Government Code regarding the Board of Commissioners traveling to a remote place to conduct a public meeting. District Counsel stated as long as the issue is an interagency interest, the Board of Commissioners can meet outside of their jurisdictional boundaries as long as the meeting is in one of the two jurisdictional boundaries. It is also required that the meeting agenda, including location, be posted.

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Curlless reported he attended the Red Bluff Rodeo, an event he has attended for the last 35 years.

Commissioner Wilson reported he received a draft of the HSU students' report on the water trails. He said the focus of the report is on safety issues and suggested the students present their study to the Board of Commissioners at an upcoming meeting.

Commissioner Wilson said his partner on the Advisory Committee on Advisory Committees is out of commission, so there was nothing to report.

Commissioner Wilson reported he attended a SACER meeting and Conservation Specialist made a presentation about the Harbor District's upcoming website upgrades. He said there was discussion about Fish & Wildlife Service's proposal for assessing tidegates in Humboldt Bay.

Commissioner Ollivier reported earlier there was an incoming ship heading to the Fairhaven Terminal.

Commissioner Ollivier reported the California Transportation Commission today approved \$7.8 million, of the original \$42 million, for the North Coast Railroad Authority.

ADVISORY COMMITTEE REPORTS

a) Port of Oakland Advisory Committee Update

CEO reported he continues to work with Port of Oakland on the Memorandum of Understanding.

b) Long-Term Sediment Management Study Update: None

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF APPROVAL OF THE ENVIRONMENTAL CHECKLIST FOR THE APPLICATION BY KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL PROJECT.

CEO reported Kuiper Mariculture proposes leasing a 3.68-acre area (1.9 acres of upland), which is north of Evergreen Pulp and south of the Redwood Doc for use as an aquaculture terminal. Larry Margler of Winzler & Kelly Engineering Consultants prepared the Mitigated Negative Declaration for the permit; it was circulated and many responses were received. CEO stated staff recommended the approval of Items A-D.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF THE ENVIRONMENTAL CHECKLIST FOR THE APPLICATION BY KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL. COMMISSIONER CURLESS SECONDED.

David Elsebusch asked if this project is occurring in the County's Redevelopment area. When CEO responded affirmatively, Mr. Elsebusch stated private projects are happening in the Redevelopment area; therefore, to him, the County's Redevelopment project is unnecessary.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF FINDING ADEQUATE THE MITIGATED NEGATIVE DECLARATION FOR THE APPLICATION BY KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL PROJECT.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF FINDING ADEQUATE THE MITIGATED NEGATIVE DECLARATION FOR THE APPLICATION BY KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL PROJECT. COMMISSIONER OLLIVIER SECONDED.

Commissioner Wilson asked Larry Margler if he responded to the questions submitted during the Mitigated Negative Declaration review period. Mr. Margler responded that while the questions and comments submitted by various agencies were useful in an advisory context, no further exchange was necessary. Mr. Margler also stated the Coastal Commission permit process will take from one to two years, even though the project is fairly benign – existing location, existing facilities.

Melvin McKinney asked how the outfall water could be monitored so that "critters" and micro-carcinogens are not deposited in the water. Ted Kuiper responded the USDA has approved his mariculture process and the product is free of the 20 most-known diseases that affect shellfish. Mr. Kuiper also stated his company is one out of seven in the United States that is approved for exporting product. Also the State Regional Water Control Board will require monitoring that meets bay and estuary policies.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF ADOPTION OF RESOLUTION 2006-05 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL PROJECT.

COMMISSIONER CURLESS MOVED FOR THE ADOPTION OF RESOLUTION 2006-05 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL PROJECT. COMMISSIONER OLLIVIER SECONDED.

Melvin McKinney said he liked the wording of the resolution, but felt it was missing some wording about economic interest and conflict of interest issues. He said the Harbor District should add some wording that they will commit to rezone the North Bay and set up zones for aquaculture.

ROLL CALL VOTE WAS TAKEN:

Commissioner Pellegrini – Aye
Commissioner Curless – Aye
Commissioner Wilson – Aye
Commissioner Hunter – Absent
Commissioner Ollivier – Aye

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF GRANTING PERMIT NO. 05-06 TO KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL PROJECT.

COMMISSIONER OLLIVIER MOVED TO GRANT PERMIT NO. 05-06 TO KUIPER MARICULTURE, INC. FOR THE AQUACULTURE TERMINAL PROJECT. COMMISSIONER CURLESS SECONDED.

Commissioner Wilson said he felt this is a great project!

MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF APPROVAL OF ENGAGEMENT LETTER WITH AYCOCK & EDGMON, CPAs, TO PERFORM THE HARBOR DISTRICT ANNUAL AUDITS FOR YEARS ENDING JUNE 30, 2006 AND JUNE 30, 2007.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF ENGAGEMENT LETTER WITH AYCOCK & EDGMON, CPAs, TO PERFORM THE HARBOR DISTRICT ANNUAL AUDITS FOR YEARS ENDING JUNE 30, 2006 AND JUNE 30, 2007. COMMISSIONER CURLESS SECONDED.

Commissioner Curless said Aycock & Edgmon have done a good job for the Harbor District in the past and many CPA firms do not want small jobs, like the District's, if they can get the larger companies.

David Elsebusch asked if the cost of the annual audit would go down from last year because Aycock & Edgmon are already familiar with the Harbor District's financial statements.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE AT WOODLEY ISLAND MARINA WITH GARY BLASI, dba *FULL THROTTLE SPORTFISHING*.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE AT WOODLEY ISLAND MARINA WITH GARY BLASI, dba *FULL THROTTLE SPORTFISHING*. COMMISSIONER CURLESS SECONDED.

CEO stated this agreement was the same as last year's agreement and for a one-year period only.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE AT WOODLEY ISLAND MARINA WITH PHILLIP GLENN dba *CELTIC CHARTER SERVICE*.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE AT WOODLEY ISLAND MARINA WITH PHILLIP GLENN dba *CELTIC CHARTER SERVICE*. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF ADOPTION OF RESOLUTION 2006-06 REQUESTING A 2006 SALMON DISASTER DECLARATION AND A COMPREHENSIVE BASIN-WIDE KLAMATH RIVER RESTORATION PLAN.

President Pellegrini said originally a letter had been sent to the Department of Commerce. Congressman Thompson requested a Resolution be sent to the local legislators as well.

COMMISSIONER OLLIVIER MOVED FOR THE ADOPTION OF RESOLUTION 2006-06 REQUESTING A 2006 SALMON DISASTER DECLARATION AND A COMPREHENSIVE BASIN-WIDE KLAMATH RIVER RESTORATION PLAN. COMMISSIONER CURLLESS SECONDED.

ROLL CALL VOTE WAS TAKEN:

Commissioner Pellegrini – Aye
Commissioner Curless – Aye
Commissioner Wilson – Aye
Commissioner Hunter – Absent
Commissioner Ollivier – Aye

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS

CEO reported Administrative Permit A-2006-01 was issued to US Fish & Wildlife Area for Salmon Creek Anadromous Salmon Access.

The Regular Meeting of the Board of Commissioners adjourned at 7:46 p.m.

APPROVED BY:

RECORDED BY:

____Signature on File_____
Roy Curless, Secretary

____Signature on File_____
Patricia L. Tyson, Admin. Assistant