

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

5 February 2007

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Ollivier

ABSENT:

Commissioner Hunter

The Closed Session was called to order at 6:12 p.m. Closed Session adjourned at 6:18 p.m. Upon the arrival of District Counsel and attorney Russ Gans, co-counsel to District Counsel, Closed Session was reconvened at 6:36 and adjourned at 6:44 p.m.

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

President Curless led those present in the Pledge of Allegiance.

District Counsel reported on the item discussed during Closed Session: Potential Litigation – the 303(d) listing of Humboldt Bay as impaired for dioxins by the State Water Resources Control Board (SWRCB); Real Property Negotiations – Status of the Fish Cleaning Station at Shelter Cove and Evergreen Pulp's easement as a part of their lease. No action was taken on this item.

PUBLIC COMMENT: None

CONSENT CALENDAR

President Curless stated Items A and C of the Consent Calendar were pulled for further discussion.

President Curless asked that Mike O'Hern's title be changed from appraiser to surveyor in the January 25, 2007 minutes.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF ITEMS A AND B OF THE CONSENT CALENDAR. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson asked CEO to explain the expenditure for aerial photos from 3diWest. CEO stated approximately every 10 years, the City of Eureka has paid for aerial flights of the City for planning purposes. The photos are high quality and to scale. The City limit does not include the area of interest designated by the Samoa Addition, which is an area of interest to the Harbor District; specifically for the consideration of planning projects within the Humboldt Bay Management Plan, such as the Redwood Dock Marine Terminal facility. The Harbor District will also have use of the complete series of photographs taken.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL ITEM C OF THE CONSENT CALENDAR. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- CEO reported the maintenance dredging is progressing well. Currently the dredge is working between B and C docks of Woodley Island Marina and have removed approximately 38,000 cubic yards of sediment.
- The Mitigated Negative Declaration for Coast Seafoods' permit for continued mariculture operations has been mailed to interested agencies. The review period closes on March 6th and the permit approval may be considered at the Board's March 26th meeting.

Commissioner Wilson asked CEO about the beach monitoring invoices from Pacific Affiliates. CEO stated as part of the monitoring cost is the regular analysis of gram size.

DISTRICT COUNSEL'S REPORT: None

STAFF REPORT

Administrative Assistant reported she had spent some time this morning speaking to the Grand Jury.

COMMISSIONER REPORTS

Commissioner Wilson reported the Humboldt Bay Maritime Museum will hold a fund-raising crab feed on February 10th at the Samoa Cookhouse from 3 pm – 7 pm. He said if the Harbor District is not a member of the Maritime Museum, consideration should be given to joining.

Commissioner Wilson reported a workshop on storm water issues for paving and parking will be held on March 14th. He suggested the Harbor District become a member of the North Coast Storm Water Coalition since Humboldt Bay is a receiver of storm water and the resulting information is important.

Commissioner Wilson said he received information on an annual Green Ports conference that will be held in Europe. He said the importance of the information was that European ports routinely have tour guides, which include historical background as a part of their tourism concept. He suggested this as an idea for the Port of Humboldt Bay.

Commissioner Ollivier reported a ship is anticipated for February 12th in Humboldt Bay.

Commissioner Ollivier reported an estimated \$650,000 will be spent on repairs to the rock slope protection along the railroad line at "McKinney Cove."

ADVISORY COMMITTEE REPORTS: None

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF AMENDMENT NO. 1 TO AGREEMENT WITH FIGAS CONSTRUCTION FOR THE FIELDS LANDING STORM DAMAGE AND DEBRIS REMOVAL PROJECT.

CEO reported months ago the Board of Commissioners approved an agreement with Figas Construction for three out of six tasks relative to the storm damage and debris removal at the Harbor District's property in Fields Landing. The approval of the first three tasks were based on the insurance reimbursement for the storm damage. This amendment is to add removal of the spud barge and pilings south of Depot Road and to extend the agreement to December 31, 2007.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT WITH FIGAS CONSTRUCTION FOR THE FIELDS LANDING STORM DAMAGE AND DEBRIS REMOVAL PROJECT. COMMISSIONER OLLIVIER SECONDED.

Commissioner Wilson asked about the timeline and required permits. CEO responded within 30 days the CEQA document for the project will be available and Figas Construction should be ready in June to commence the work with all required permits obtained.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF AGREEMENT WITH GEOMATRIX CONSULTANTS TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE CLEAN WATER ACT SECTION 303(D) LISTING PROCESS.

CEO stated there is still an issue of whether or not the State Water Resources Control Board (SWRCB) used the correct process and proper technical analysis in making their determination to list Humboldt Bay as impaired for dioxins. The SWRCB will include the listing on their next Board agenda to be discussed at their February 20th meeting.

CEO reported staff recommends the Board of Commissioners retain Geomatrix Consultants to collect all relevant data and assist Harbor District staff in developing and presenting information at the February 20th SWRCB meeting. Also, staff recommends Geomatrix Consultants collect and summarize all of this existing data and submit it to the SWRCB for the 2008 listing cycle.

COMMISSIONER PELLEGRINI MOVED TO APPROVE THE AGREEMENT WITH GEOMATRIX CONSULTANTS TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE CLEAN WATER ACT SECTION 303(D) LISTING PROCESS, NOT TO EXCEED \$17,200, DIRECTING GEOMATRIX TO FOLLOW COUNSEL'S RECOMMENDATIONS, MAKE AN ASSESSMENT IF PROTOCOL WAS FOLLOWED AND TO MAKE CERTAIN ALL RELEVANT AND PERTINENT DATA IS ASSEMBLED FOR REVIEW FOR THE 2008 LISTING PROCESS. COMMISSIONER OLLIVIER SECONDED.

David Elsebusch said he was surprised there was so much money involved in the agreement compared to the description of the activity. He said he assumed it was discussed in Closed Session. District Counsel responded it was not. Mr. Elsebusch asked if the costs would be shared with others. He also asked how Geomatrix Consultants was selected and why.

CEO stated Geomatrix Consultants has done continual work on this issue, originally retained by the forest products industry to research the listing process. Geomatrix is no longer working for the forest products industry. CEO said sharing the costs with other agencies is a possibility; however, at this time, there is not sufficient time to engage the other agencies. CEO stated it is a shame to expend more money on this issue since there has been hundreds of thousands of dollars spent on testing and monitoring.

Commissioner Wilson asked if the February 20th meeting will determine if there will be a formal listing meeting at the SWRCB meeting in March. CEO responded the goal is to have the item placed back on the SWRCB agenda in March as an action item. CEO also stated this issue may not be included in the March meeting if the District does not take the opportunity to present the best information possible at the February 20th meeting.

Commissioner Pellegrini said staff has a couple of very large, important projects ongoing – maintenance dredging, Redwood Dock Marine Terminal RFQ and Fields Landing storm damage and debris removal, among others - and staff has time constraints.

Commissioner Wilson said the White Paper being used by Geomatrix Consultants was paid for by the forest products industry and said there is a perceived bias.

MOTION CARRIED WITH COMMISSIONER WILSON DISSENTING.

Commissioner Wilson requested an agenda item for the next Board meeting: Consideration of forming a technical advisory committee to address the issue of dioxins in Humboldt Bay.

C. CONSIDERATION OF AGREEMENT WITH BELLINGHAM MARINE FOR STORM DAMAGED FLOAT REPLACEMENT AT WOODLEY ISLAND MARINA.

CEO reported the marina breakwater and floats sustained damage during the December 31, 2005 storm. Bellingham Marine was the designer and builder of the original breakwater and was contacted to

assess the damage. Steve Cannady from Bellingham Marine has met with the insurance investigators to determine the extent of the damage due to the storm and damage due to normal wear.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF AGREEMENT WITH BELLINGHAM MARINE FOR STORM DAMAGED FLOAT REPLACEMENT AT WOODLEY ISLAND MARINA. COMMISSIONER WILSON SECONDED.

Commissioner Pellegrini asked if the damage to the breakwater and the broken floats have been affected by the maintenance dredging. CEO responded they have not.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 7:40 p.m.

APPROVED BY:

RECORDED BY:

____Signature on File____
Ronnie Pellegrini, Secretary

____Signature on Fil_____
Patricia L. Tyson, Admin. Assistant