

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

**22 February 2007**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Wilson  
Commissioner Hunter  
Commissioner Ollivier

The Closed Session was called to order at 6:18 p.m. Closed Session adjourned at 6:29 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 – status of the Newby barge Anchorage Ordinance violation; 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 these items.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

President Curless pulled Item A of the Consent Calendar for further discussion.

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

President Curless asked for the wording "President Pellegrini" be changed to "President Curless" in the meeting minutes of February 5, 2007.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF ITEMS A OF THE CONSENT CALENDAR, INCLUDING THE REQUESTED CHANGES. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

**CEO REPORT**

- Ø 2/6: CEO attended a Shellfish Technical Advisory Committee (STAC) meeting. He said this committee had been in "hibernation", but due to the dioxin interest recently, interest in the committee may be "renewed". At the recent State Water Resources Control Board (SWRCB) meeting on the pre-2008 listings, it was suggested the STAC could be used as a local tool for the Regional Water Quality Control Board.
- Ø CEO attended an informational meeting at the RREDC office regarding the discharge from the pulp mill and how the Regional Water Quality Control Board is changing the standards for discharge due to the change in materials produced.
- Ø 2/7-9: CMANC Winter Meeting in Long Beach. Attendees developed a list of appropriations for the Corps of Engineers. Former Harbor District CEO Jack Alderson received the lifetime achievement award from CMANC.
- Ø 2/20: CEO traveled to Sacramento for the State Water Resources Control Board meeting on the 303(d) listing of Humboldt Bay as impaired for dioxins. The Board acknowledged there were technical and procedural flaws in the listing, but not to the extent the Board wanted to revisit the determination. CEO stated the next step is to gather data for the 2008 de-listing. The data is due to the SWRCB Wednesday, February 28<sup>th</sup>.  
Commissioner Hunter stated CEO's presentation to the Chamber of Commerce Board was well received. He said at issue is the debate on whether the appropriate testing was used (sediment and fish) and whether the appropriate testing method will be utilized in the next listing cycle. Commissioner Hunter also asked where the 14 fish samples were taken. CEO replied the samples were taken in North Bay.

Commissioner Pellegrini asked if the North Bay sampling of fish would be considered Harbor District or City of Arcata jurisdiction. CEO replied it is the jurisdiction of both agencies. Commissioner Pellegrini asked who sampled the fish. CEO replied Environ was hired in 2004 by Sierra Pacific Industries (SPI), but OEHHA questioned these samples and insisted that they be resampled. Geomatrix was hired to do the second set of samples according to OEHHA standards.

Commissioner Pellegrini asked which agency is responsible to make sure the clean-up is complete. CEO stated the Regional Water Quality Control Board, but they were left out of the loop. The SWRCB did not ask them for the data they had.

- Ø The Harbor Safety Committees around the State are working on legislation to allow OSPR to administer a statewide Physical Oceanographic Real Time System (PORTS), which will ensure statewide information for safe navigation, environmental protection and recreational ocean users. Senator Lowenthal from Long Beach has agreed to carry the bill to legislation.
- Ø CEO reported currently the dredge is not working at this time due to a broken part. The dredge has 37 days left in the contract period to complete the job.
- Ø CEO has been working with Washington DC lobbyist Will Edington regarding appropriations. He said \$5.600 million was included for O&M for Humboldt Bay's bar and entrance in the President's FY 2008 budget.

Andy Colonna asked if there was any clue how the Regional and State Board's will work out discrepancies about procedures. CEO said the process will be followed correctly in the future, which will eliminate any differences that may occur. The Regional Board will be in the lead, will collect information, hold workshops and analyze all the information available to submit to the State Board to make a determination. The EPA then takes the State Board's recommendations and rubber-stamps them.

Commissioner Hunter asked if there would be a better appeal process in 2008. CEO stated if the appropriate process were followed, there would have been an appeal period.

**DISTRICT COUNSEL'S REPORT:** None

#### **STAFF REPORT**

Administrative Assistant stated the Budget Schedule for FY 2007/08 starts with the Budget workshop on March 8<sup>th</sup> and ends with the Second Reading and consideration by the Board of Commissioners to adopt the final Budget for FY 2007/08.

#### **COMMISSIONER REPORTS**

Commissioner Wilson stated he felt a Technical Advisory Committee should be formed to address the issue of dioxins, but he said he does not yet have enough information to be able to bring it to the Board of Commissioners for their consideration. He said the goal should be a localized response to address the issue. Commissioner Pellegrini stated this issue was addressed in the development of the Humboldt Bay Management Plan.

Commissioner Wilson said he continues to participate in the inter-government group discussion regarding bay trails, specifically between Eureka and Arcata. He said he is hopeful for a successful plan in the near future. CEO asked Commissioner Wilson if he knew if RCAA had found a biologist for the water trails and Commissioner Wilson responded he was not aware of the outcome.

Commissioner Hunter reported he attended a Chamber of Commerce meeting where CEO was the guest speaker.

Commissioner Hunter stated he voted for infrastructure bonds in the November election and was disappointed to see Humboldt County is not on the list to receive funds. He said there has been much work put into establishing a partnership with the Port of Oakland and he does not want the momentum to slow. Commissioner Wilson said the text of the bond narrative did not include Humboldt County. CEO stated the California Transportation Commission holds the purse strings and Humboldt County is still eligible.

Commissioner Ollivier said he spent Valentine's Day in Willits at a NCRA meeting. He said there are 50,000 railroad ties to be replaced and work is being done on the lines between Schellville and Ignacio. Commissioner Ollivier also said the railroad's new operation, John Williams, is positive about working with Wilson Lacy and the Port of Oakland. There is a big interest that Humboldt Bay may attract the small container ships. Commissioner Ollivier said approximately \$690,000 will be spent in July to fix the breach in the rock slope protection at Buhne Point.

**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 was 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 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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 File\_\_\_\_\_  
Patricia L. Tyson, Admin. Assistant