

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

**26 April 2007**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Wilson  
Commissioner Hunter  
Commissioner Ollivier

**ABSENT:**

Commissioner Curless

The Closed Session was called to order at 6:02 p.m. Closed Session adjourned at 6:40 p.m.

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

Vice President Hunter led those present in the Pledge of Allegiance.

District Counsel reported the action taken at the April 12, 2007 meeting that rejected the claim made by Martin Steyn was rescinded. The item was not listed on the Closed Session agenda and, therefore the Board could not take action. The item has now been added to the Closed Session agenda. District Counsel reported on the items discussed during Closed Session: Potential Litigation – claim by Martin Steyn was rejected by the Board of Commissioners and referred to dredge contractor; Real Property Negotiations – Shelter Cove Fish Cleaning Station and Evergreen Pulp easement, but no action was taken on these two items.

**PUBLIC COMMENT**

David Elsebusch stated at the last Board of Supervisor's meeting, the Board voted against a bill, which would enhance the Brown Act. He said Martin Steyn deserves empathy because he says his truck was destroyed (allegedly) in the dredge spoils on Samoa beach. Mr. Elsebusch suggested the Board of Commissioners take a personal collection to help pay for a new truck for Mr. Steyn.

Melvin McKinney said May 19<sup>th</sup> would be the City of Eureka's Mayday Community Clean-Up. He also said the City of Eureka filed a claim against Bob Figas of Figas Construction for non-compliance on lack of permits to perform work for the City.

Moss Bittner stated he is assisting John Williams of Northwestern Pacific Railroad in collaboration with NCRA to obtain funding for the rail. He said SB861 contains \$5.5 million for the railroad and encouraged the Harbor District to make its presence known through education of the legislators. Mr. Bittner also suggested the Harbor District make its own application for bond dollars.

**CONSENT CALENDAR**

Vice President Hunter pulled Item A for further discussion.

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

Vice President Hunter asked for clarification of the minutes of the March 8, 2007 meeting and suggested the following wording under Public Comment: "President Curless apologized to David Elsebusch, stating he (President Curless) ....."

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF ITEM A OF THE CONSENT CALENDAR TO INCLUDE THE REQUESTED CHANGE. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

## **CEO REPORT**

- Ø 4/16: CEO traveled to Sacramento to testify on behalf of SB965, the CalPORTS bill. SB965 passed out of the Senate Committee, 8-0.
- Ø 4/17-18: US Coast Guard deployment exercise was held at Redwood Marine Terminal Facility.
- Ø 4/17: Strategic Plan Advisory Committee Meeting was held. This was the first in a series of community outreach sessions and it focused on government.
- Ø 4/19-20: TranSystems, consultants for the Redwood Marine Terminal Facility Feasibility Study, were here and met with various stakeholders. They will return on the 10<sup>th</sup> of May.
- Ø 4/23: CEO met with representatives from California Department of Boating and Waterways (DBAW) at Shelter Cove. When DBAW awards a grant of more than \$500,000 for a project, such as the Shelter Cove Breakwater Rehabilitation Project, one of its Board members visits the site.
- Ø 4/24: CEO attended a NCRA meeting to discuss Prop 1B funds.
- Ø Suzie Howser, Harbor District Dockmaster, is on the Board of Pacific Coast Congress of Harbor Masters and Port Captains (PCCHMPC). She has arranged to hold a PCCHMPC meeting here in October, which will be attended by approximately 80 port people from California, Oregon, Washington and Alaska.
- Ø Bonsai Society will hold their annual show in the Woodley Island Meeting Room this weekend.

## **DISTRICT COUNSEL'S REPORT**

District Counsel reported he created a form, which complies with the Tort Claim Act, for the Harbor District to use when a tort claim is filed against the Harbor District, such as the claim presented by Martin Steyn for destruction of his truck.

## **STAFF REPORT**

District Treasurer presented the Treasurer's Report for the month ended February 28, 2007 and Administrative Assistant presented the Management Report for the same period.

Administrative Assistant reported she attended the two-day Board Secretary training presented by California Special Districts Association.

## **COMMISSIONER REPORTS**

Commissioner Pellegrini reported she met with members of the Yurok tribe on April 23<sup>rd</sup> to discuss fishing on the Klamath River and the effects of the dams. She stated she would be traveling to Omaha, NE to attend a stockholders meeting of Berkshire-Hathaway, the corporation owned by Warren Buffett and which owns the dams located on the Klamath River, to voice her concerns on the depletion of fishing on the Klamath due to the location of the dams.

Commissioner Wilson reported he attended a Northcoast Environmental Center auction on April 28<sup>th</sup> and a Humboldt Bay Trails Committee meeting on April 23<sup>rd</sup>.

Commissioner Hunter reported he attended the Strategic Plan meeting on April 17<sup>th</sup> and stated the next meeting, focusing on conservation, will be held on May 14<sup>th</sup> at 6 p.m. Commissioner Hunter also reported he attended a Chamber of Commerce Board meeting, where Bill Bertain, representing RAPIT, spoke on support for the port and rail locally.

Commissioner Hunter noted a thank you letter was received from Larry Margler, PhD, who has been working with staff on the Shelter Cove Breakwater Rehabilitation Project. Mr. Margler expressed his appreciation for the Harbor District staff and Board of Commissioners.

Commissioner Ollivier reported he attended a NCRA Board meeting on April 25<sup>th</sup>. He said he would like to see a MOU between the Harbor District and NCRA relative to a joint application for rail funding.

## **ADVISORY COMMITTEE REPORTS**

Commissioner Pellegrini reported the Human Resources Advisory Committee met to discuss the Harbor District reorganization.

**OTHER:** None

**NON-AGENDA:** None

## **UNFINISHED BUSINESS**

### **A. CONSIDERATION OF APPROVAL OF THE ENVIRONMENTAL CHECKLIST FOR THE REMOVAL OF STORM DAMAGE AND DEBRIS FROM FIELDS LANDING MARINE TERMINAL.**

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF THE ENVIRONMENTAL CHECKLIST FOR THE REMOVAL OF STORM DAMAGE AND DEBRIS FROM FIELDS LANDING MARINE TERMINAL. COMMISSIONER OLLIVIER SECONDED.

Melvin McKinney asked where the pilings would be disposed. CEO responded there are several approved sites.

MOTION CARRIED WITHOUT DISSENT.

### **B. CONSIDERATION OF FINDING ADEQUATE THE MITIGATED NEGATIVE DECLARATION FOR THE REMOVAL OF STORM DAMAGE AND DEBRIS FROM FIELDS LANDING MARINE TERMINAL.**

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF FINDING ADEQUATE THE MITIGATED NEGATIVE DECLARATION FOR THE APPLICATION FOR REMOVAL OF STORM DAMAGE AND DEBRIS FROM FIELDS LANDING MARINE TERMINAL. COMMISSIONER OLLIVIER SECONDED.

Commissioner Wilson, in response to Mr. McKinney's earlier public comment, stated Figas Construction is required to obtain certain permits prior to commencement of the work.

MOTION CARRIED WITHOUT DISSENT.

### **C. CONSIDERATION OF ADOPTION OF RESOLUTION 2007-04 WHICH ESTABLISHES FINDINGS RELATIVE TO THE STORM DAMAGE AND DEBRIS REMOVAL FROM FIELDS LANDING MARINE TERMINAL.**

COMMISSIONER OLLIVIER MOVED FOR THE ADOPTION OF RESOLUTION 2007-04 WHICH ESTABLISHES FINDINGS RELATIVE TO THE STORM DAMAGE AND DEBRIS REMOVAL FROM FIELDS LANDING MARINE TERMINAL. COMMISSIONER PELLEGRINI SECONDED. ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

## NEW BUSINESS

### A. CONSIDERATION OF APPROVAL OF DISTRICT REORGANIZATION.

Vice President Hunter tabled this item until the May 14, 2007 Board meeting.

### B. CONSIDERATION OF APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE FOR GARY BLASI DBA *FULL THROTTLE SPORTFISHING*.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE FOR GARY BLASI DBA *FULL THROTTLE SPORTFISHING*. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

### C. CONSIDERATION OF APPROVAL OF FUNDING AGREEMENT WITH US FISH & WILDLIFE SERVICE FOR COHO RESIDENCE TIMING AND HABITAT USE IN HUMBOLDT BAY VIA ACOUSTIC TELEMETRY AGREEMENT #2007101.

CEO stated this is an exciting opportunity to complete a missing piece of essential information for Humboldt Bay. He said information is available on the salmonids when they are in the streams and ocean, but there is little information about where the salmonids go in the bay.

Bill Pinnix, US Fish & Wildlife Service, gave a Powerpoint presentation on the mobile tracking system, which will be used in this study.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF FUNDING AGREEMENT WITH US FISH & WILDLIFE SERVICE FOR COHO RESIDENCE TIMING AND HABITAT USE IN HUMBOLDT BAY VIA ACOUSTIC TELEMETRY AGREEMENT #2007101, NOT TO EXCEED \$17,796. COMMISSIONER OLLIVIER SECONDED.

Commissioner Wilson suggested the information from this study will be useful in future estuarine restoration.

Melvin McKinney asked if Elk River, Freshwater Creek, and Salmon Creek are included in the study. Mr. Pinnix stated additional funds would be needed for those areas, but it is a possibility for the future.

Andy Colonna asked if Chinooks will be included. Mr. Pinnix stated the tag technology is not small enough for insertion into Chinook and there is more interest in the Coho due to their endangered status.

Penny Elsebusch asked if the gender of the fish can be detected and if they will be able to tell if the fish go to the oyster beds or why they don't. Mr. Pinnix replied the gender cannot be detected at the early age of the fish and the surgery to insert the tag is done very rapidly. He also said one of the goals of the study is to find the fish at low tide, stay with them and see where they go during the bay flood tide.

David Elsebusch asked if Humboldt State University is involved with the study or if they are providing any funding. Mr. Pinnix responded HSU is not directly involved, but there is opportunity for the students to learn the technology and develop projects.

MOTION CARRIED WITHOUT DISSENT.

## ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:05 p.m.

APPROVED BY:

RECORDED BY:

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Signature on File  
Ronnie Pellegrini, Secretary

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Signature on File  
Patricia L. Tyson, Admin. Assistant