

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**  
**Held in the City of Eureka Wharfinger Building**

**26 June 2008**

**PRESENT:**

Commissioner Curless  
Commissioner Wilson  
Commissioner Hunter  
Commissioner Higgins

**ABSENT:**

Commissioner Pellegrini

President Hunter announced there was no Closed Session.

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

President Hunter led those present in the Pledge of Allegiance.

**PUBLIC COMMENT**

Melvin McKinney said he heard that recently a Harbor District bar pilot steered a container ship into a dock dolphin and reportedly the bar pilot was told to get off the ship and never come back. He asked what the liability was to the Harbor District.

CEO responded even though the dolphins at the Fairhaven terminal have deteriorated over the years, they did exactly what they are supposed to do: act as a buffer during heavy currents between the ship and the dock. CEO stated there is no liability to the District.

Will, from Avenue of the Giants, commented on the deep ecology and relativity of Humboldt Bay. Humboldt Bay is a bio-intensive body of water; but is now a dead zone. There are no sardines. He asked that Humboldt Bay be protected from industrial devastation.

Marcus Brown said environmentalism underlies progress. It has been demonstrated, i.e. Arcata Marsh, an environmentally sound project can and will be done on Humboldt Bay. He said the Harbor District's Strategic Plan notes green way port development. Are we up to it? Mr. Brown said a model should be developed to show the rest of the world. He said the Board has the expertise with which to work and he is looking forward to civil dialogue.

Marvin Baker said Humboldt Bay is the opportunity for good things to come to Humboldt County. He asked the Board to not waste the bay, make it what it should be for Humboldt County.

Kaye Strickland spoke about the economic and environmental value of Humboldt Bay and the opportunity with the railroad to bring back jobs to Humboldt County.

Anna Hamilton, Shelter Cove, said this Commission does not have a mandate to give away local control of the bay. She said she did not want to see junk from China shipped into Humboldt Bay and fuel-oriented industry is not the future for Humboldt Bay. Ms. Hamilton said the rail component will never happen because it is too expensive.

**CONSENT CALENDAR:** None

**CEO REPORT**

- ❖ Adam Wagschal, Director of Conservation, is currently working on a number of grant projects and is making good progress.
- ❖ Staff continues to plan for the Humboldt Bay Maritime Expo on September 27<sup>th</sup>.

**DISTRICT COUNSEL REPORT:** None

**STAFF REPORT:** None

**COMMISSIONER REPORTS**

Commissioner Wilson:

- ❖ 6/25: met with Jeff Holt, Goldman Sachs.

Commissioner Hunter:

- ❖ Attended a meeting in Fort Lauderdale, Florida.

Commissioner Higgins:

- ❖ Reviewed the Draft Redwood Marine Terminal Business Plan and will submit written comments later in the meeting.
- ❖ Participated with Conservation Specialist in drafting a letter to Minerals Management Service regarding wave energy and its potential side effects.

**ADVISORY COMMITTEE REPORTS:** None

**OTHER**

**Presentation of the Draft Redwood Marine Terminal Business Plan by representatives of TranSystems**

Carin Saunders and Dennis Sheridan of TranSystems made a presentation to the Board of Commissioners on the Draft Redwood Marine Terminal (RMT) Business Plan, a guiding document to the Board, flexible in nature and with the potential of change over time.

Mr. Sheridan stated the timeline for action on the RMT Business Plan. A 30-day written comment period, closing July 26, 2008, follows the presentation to the Board; oral comments will be received by the Board at their meetings of June 26, July 10 and July 24; TranSystems will then review the public comments; make revisions to the RMT Business Plan if necessary and then submit the revised plan to the Board of Commissioners.

Commissioner Higgins presented questions and comments. President Hunter invited the public to speak to the item. The public presented thirty oral and written comments. Commissioner Wilson then presented his comments and asked questions of the consultants. He also asked the Board of Commissioners to consider a more flexible schedule on the RMT Business Plan and suggested an ad hoc committee of himself, President Hunter and CEO to review the schedule and recommend possible changes.

President Hunter stated the next Board of Commissioners meeting would be held on July 9<sup>th</sup>, not July 10<sup>th</sup> as regularly scheduled since he will be out of town on that date.

President Hunter acknowledged Eureka City Council member Larry Glass in the audience.

President Hunter called for a five-minute break.

**NON-AGENDA:** None

**UNFINISHED BUSINESS**

**A. SECOND READING AND ADOPTION OF FY 2008/09 BUDGET.**

District Treasurer corrected some errors in the Projected 2007/08 column of the summary page. He then read the summary for FY 2008/09 Budget as follows: Revenue \$3,461.412; Operating Expenses

\$2,456,740; Non-Operating Expenses \$1,547,387; Excess Revenues Under Expenses (\$542,715); Transfers to Fund Balance Designations \$53,800; Total after Transfers (\$596,515). District Treasurer stated the Board of Commissioners can and should consider revising the budget as the fiscal year progresses.

President Hunter asked what would be any negative impacts if the budget were not adopted before July 1<sup>st</sup>. District Treasurer stated the Harbor District would continue to operate without a budget. He said the Board could modify the budget in the future as often or as soon as necessary.

Commissioner Curless suggested the Board adopt the budget at this meeting and then consider modifications at the July 9<sup>th</sup> meeting. Commissioner Wilson said he would prefer to wait and would abstain from voting at this meeting.

COMMISSIONER WILSON MOVED TO TABLE THE SECOND READING AND ADOPTION OF FY 2008/09 BUDGET UNTIL THE BOARD'S NEXT MEETING ON JULY 9, 2008. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITH COMMISSIONER CURLESS DISSENTING.

Ron Derr, a tenant at Woodley Island Marina, stated the tenants are still concerned about the rate increases even though the Board has decreased the rate increases from 30% to 12.5%.

Susan Penn asked about a change indicated for slip rent revenue. Director of Administrative Services responded the figures were refined due to the availability of more current information.

**B. CONSIDERATION OF ADOPTION OF RESOLUTION 2008-08 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY THE WIYOT TRIBE FOR THE TULUWAT VILLAGE RESTORATION PROJECT.**

Commissioner Wilson recused himself because the Wiyot Tribe has been one of his clients.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2008-08 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY THE WIYOT TRIBE FOR THE TULUWAT VILLAGE RESTORATION PROJECT. COMMISSIONER CURLESS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – ABSENT  
COMMISSIONER CURLESS – AYE  
COMMISSIONER WILSON – RECUSED  
COMMISSIONER HUNTER – AYE  
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF GRANTING PERMIT NO. 07-05 TO THE WIYOT TRIBE FOR THE TULUWAT VILLAGE RESTORATION PROJECT.**

COMMISSIONER HIGGINS MOVED TO GRANT PERMIT NO. 07-05 TO THE WIYOT TRIBE FOR THE TULUWAT VILLAGE RESTORATION PROJECT. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF APPROVAL OF THE ENVIRONMENTAL CHECKLIST FOR THE APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE FUEL OIL PIPELINE REMOVAL PROJECT.**

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF THE ENVIRONMENTAL CHECKLIST FOR THE APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE FUEL OIL PIPELINE REMOVAL PROJECT. COMMISSIONER HIGGINS SECONDED.

Commissioner Wilson asked about toxins sampling. Deems Padgett, consultant for the PG&E project responded there is no human health risk associated with the project, most of the toxins are non-detectable and further testing is not warranted by current guidelines. He said the Regional Water Quality Control Board does not have concerns about the data.

Commissioner Wilson said he is looking forward to the time data reporting of the bay is standardized.

MOTION CARRIED WITHOUT DISSENT.

**E. CONSIDERATION OF FINDING ADEQUATE THE MITIGATED NEGATIVE DECLARATION FOR THE APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE FUEL OIL PIPELINE REMOVAL PROJECT.**

COMMISSIONER HIGGINS MOVED FOR FINDING ADEQUATE THE MITIGATED NEGATIVE DECLARATION FOR THE APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE FUEL OIL PIPELINE REMOVAL PROJECT. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**F. CONSIDERATION OF ADOPTION OF RESOLUTION 2008-09 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE FUEL OIL PIPELINE REMOVAL PROJECT.**

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF RESOLUTION 2008-09 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE FUEL OIL PIPELINE REMOVAL PROJECT. COMMISSIONER WILSON SECONDED. ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**G. CONSIDERATION OF GRANTING PERMIT NO. 07-08 TO PACIFIC GAS AND ELECTRIC COMPANY FOR THE FUEL OIL PIPELINE REMOVAL PROJECT.**

COMMISSIONER CURLESS MOVED FOR THE GRANTING OF PERMIT NO. 07-08 TO PACIFIC GAS AND ELECTRIC COMPANY FOR THE FUEL OIL PIPELINE REMOVAL PROJECT. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**NEW BUSINESS**

**A. CONSIDERATION OF AGREEMENT WITH BROOKS APPRAISAL SERVICE FOR APPRAISAL SERVICES IN SHELTER COVE.**

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF AGREEMENT WITH BROOKS APPRAISAL SERVICE FOR APPRAISAL SERVICES IN SHELTER COVE NOT TO EXCEED \$5,000. COMMISSIONER CURLESS SECONDED.

CEO reported staff had been working with the owners of Mario's Marina to maintain the location of the fish cleaning station. At one point, District Counsel presented eminent domain documents to the owners in order to obtain rights to the property where the fish cleaning station is located to ensure that it remained available to the public. The owners then offered to the Harbor District the purchase of a portion of the Mario's Marina property. CEO stated because the Harbor District is a public entity, an appraisal of the property is required to determine the market value. State Coastal Conservancy (SCC)

has agreed to pay \$5,000 of the appraisal, one-half the required amount, to John Brooks who has previously worked with the SCC.

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF ACCEPTING FOR FILING PERMIT APPLICATION NO. 08-02 TO THE US COAST GUARD FOR THE MOTOR LIFE BOAT PIER DISMANTLING PROJECT.**

COMMISSIONER CURLESS MOVED TO ACCEPT FOR FILING PERMIT APPLICATION NO. 08-02 TO THE US COAST GUARD FOR THE MOTOR LIFE BOAT PIER DISMANTLING PROJECT. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF A LETTER TO MINERALS MANAGEMENT SERVICE REGARDING WAVE ENERGY PERMITS.**

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF A LETTER TO MINERALS MANAGEMENT SERVICE REGARDING WAVE ENERGY PERMITS. COMMISSIONER CURLESS SECONDED.

Commissioner Higgins stated even though it is early in the process, this is a good time for input and to remind agencies to be mindful of the wave energy effects on fisheries.

Dave Gurney said he felt PG&E has not been forthcoming in their wave energy proposal off the Fort Bragg coast. He said he would like to make a presentation in the near future to the Board of Commissioners and thinks solar or wind energy may be a better alternative.

Commissioner Higgins said MMS is trying to determine the issues for this area and the time is now to introduce them to the Harbor District and offer collaboration and concerns.

Vicki Frey stated the Federal Register notice asks local agencies to comment on the wave energy proposal.

MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS: None**

The Regular Meeting of the Board of Commissioners adjourned at 10:16 p.m.

APPROVED BY:

RECORDED BY:

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

\_\_\_\_Signature on File\_\_\_\_\_  
Patricia L. Tyson  
Director of Administrative Services