

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

**October 30, 2008**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Wilson  
Commissioner Hunter

**ABSENT:**

Commissioner Higgins

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

Commissioner Curless led those present in the Pledge of Allegiance.

Commissioner Curless asked for a Moment of Silence in honor of Fortuna Mayor John Campbell who recently passed away.

President Hunter announced there was no Closed Session.

President Hunter reported that prior to this Board meeting, Commissioner Higgins e-mailed the Board members with his comments about this meeting's agenda items and how he would vote on specific items if he were in attendance, which constitutes a potential Brown Act violation. President Hunter said Commissioner Higgins is a very dedicated and enthusiastic commissioner and he was certain Commissioner Higgins did not intend the violation.

District Counsel stated he reviewed Commissioner Higgins' e-mail and was certain it was an inadvertent communication. He said the three commissioners who received the e-mail realized the Brown Act violation and contacted him without contacting each other. District Counsel told the Board members to disregard Commissioner Higgins' comments when making their decisions tonight; and if they cannot disregard them, then that commissioner should disqualify him/herself. He commended the Board of Commissioners for their actions and stated Commissioner Higgins' memo will be attached to the minutes of this meeting.

Commissioner Pellegrini stated comments about agenda items should be directed to CEO if the commissioner is not able to attend the meeting. District Counsel stated the Board President would also be appropriate.

**PUBLIC COMMENT:** None

**CONSENT CALENDAR**

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR.  
COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

**CEO REPORT**

- ❖ 10/13: CEO met with Assistant Secretary of the Army J.P. Woodley and others at the Crescent City Harbor District to talk about shoaling issues and dredge cycles. Secretary Woodley was in town to speak at the Fall CMANC meeting hosted by the Harbor District.
- ❖ 10/14-15: CEO chaired the CMANC meeting. He said there were 87 attendees and he received many favorable comments regarding the importance of the issues addressed and the hospitality of the District.
- ❖ 10/20-21: CEO attended Cruise the West meeting in Los Angeles. CEO and representatives from Port of Los Angeles, Port of San Francisco and Catalina met with itinerary planners for Princess Cruise Lines. CEO stated there is interest in putting Eureka on their regular itinerary.
- ❖ Director of Maritime Commerce attended the Upstate California meeting in Graeagle.
- ❖ 10/22: Director of Conservation, Bar Pilots, CEO and HSU representatives met at the Fairhaven Terminal to talk about installation of a current meter on the dock. The meter would record important current information for the bar pilots and for tracking tsunami activity.

- ❖ This week Director of Conservation, Bar Pilot John Powell and US Fish & Wildlife representatives have been gathering information in the bay for the SeaGrassNet monitoring effort. Their work will be completed today.
- ❖ Recreation crab season opens November 1<sup>st</sup>.
- ❖ Final Draft of the Redwood Marine Terminal Business Plan will be available for review tomorrow, in hard copy and on the District's website; two weeks ahead of the next Board meeting: November 14<sup>th</sup> at the Eureka Public Marina Wharfinger Building. CEO reported this draft of the Business Plan is a more robust version of the plan that was released in June.  
President Hunter urged the public to review and comment on the draft Business Plan.

**DISTRICT COUNSEL REPORT:** None

**STAFF REPORT:** None

### **COMMISSIONERS REPORTS**

Commissioner Pellegrini

- ❖ Asked CEO about the status of the Evergreen Pulp closure. CEO stated he, Director of Administrative Services and District Treasurer will meet next week to discuss the impact on the Harbor District's finances if Evergreen Pulp does not open up again for business. Commissioner Pellegrini asked if Evergreen Pulp's lease payments are current. CEO stated they are. Also, in the absence of pulp freighters calling on Humboldt Bay, the Bar Pilots have made arrangements with the San Francisco Bar Pilots to ride-along on San Francisco bound ships in order to keep their skills honed.
- ❖ Asked about status of the honorary doctorate degree for former Director of Conservation Jeff Robinson. CEO reported the process of applying for an honorary doctorate degree is arduous and includes strict timeframes, but he continues to work to achieve this honor. Also, CEO ordered a plaque to be placed outside the Jeff Robinson Memorial grove of trees in the Woodley Island Wildlife Area.
- ❖ Reported October 26<sup>th</sup> was the one-year anniversary of her kidney donation. She was proud to say both recipient and donor are doing very well.

Commissioner Curless:

- ❖ Was happy to report deer-hunting season is over and both his tags were filled.

Commissioner Wilson:

- ❖ Attended the CMANC dinner and thanked President Hunter for hosting the event.
- ❖ Reported RREDC has hired a new director.
- ❖ Asked if the Klamath dam removal issue could be a future agenda item.
- ❖ Asked if the Bar Pilots can be "rented" out to other ports as a way to increase revenue. CEO stated that they could not be rented out due to the demanding training requirements for the bar pilots, which are specific to each port.

Commissioner Higgins:

- ❖ President Hunter read the portion entitled "Commissioner's Report" of Commissioner Higgins' e-mail letter.

Commissioner Hunter:

- ❖ Reported he recently attended an Easter Seals conference in Orlando, Florida and was honored there, receiving an award for his volunteer service for many years.

**ADVISORY COMMITTEE REPORTS:** None

### **OTHER**

#### **Humboldt County General Plan Update Presentation**

Tom Hofweber, County of Humboldt, gave an update on the County's General Plan. He said the update will be released at the end of November and he described the four alternatives being discussed at this time.

A brief question and answer period followed. Commissioner Wilson asked when would be the appropriate time for comments to be submitted to the Board of Supervisors. Mr. Hofweber said the time is now.

President Hunter thanked Mr. Hofweber for his report.

### **Presentation on Annie and Mary Railroad Railbanking Process**

CEO introduced John Murray, who gave a report on the railbanking process as it pertains to the Annie and Mary Railroad. Mr. Murray said a public agency must be the manager of a railbank and that a local agency would be preferable. HCAOG has sent out interest letters to local agencies.

CEO stated that railbanking may fall under the Harbor District's recreation mandate however there are State Lands and Department of Boating and Waterways guidelines that may complicate or prohibit such activity. He sent the information to both agencies asking for comments on the District's potential role in railbanking and has not heard back from either.

A question and answer period followed.

**NON-AGENDA:** None

### **UNFINISHED BUSINESS**

#### **A. CONSIDERATION OF ESTABLISHING A DISTRICT ECONOMIC DEVELOPMENT COMMITTEE AND APPOINTING TWO BOARD MEMBERS TO SERVE ON THE COMMITTEE.**

Commissioner Wilson said he would like a multi-agency task force be formed to look at the land use recommendations of the 2003 Harbor Revitalization Plan.

Commissioner Pellegrini asked how this would not duplicate efforts already in place by RREDC? Commissioner Wilson said there could be an MOU between the two agencies.

President Hunter asked how much staff time would be involved. Commissioner Wilson said there should be minimal staff time. He volunteered as one of the committee members.

COMMISSIONER WILSON MOVED TO ESTABLISH A DISTRICT ECONOMIC DEVELOPMENT COMMITTEE AND GIVE THE BOARD PRESIDENT THE AUTHORITY TO APPOINT TWO BOARD MEMBERS TO SERVE ON THE COMMITTEE. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

President Hunter appointed Commissioners Wilson and Higgins to serve on the Economic Development Committee.

#### **B. CONSIDERATION OF RESOLUTION 2008-14 SUPPORTING MORATORIA ON NEW OFFSHORE OIL AND GAS LEASING OFF THE HUMBOLDT COUNTY COAST.**

Commissioner Wilson stated this resolution was originally put forth due to Congress's move to lift the moratoria. He said there were a couple of wording changes to the resolution.

COMMISSIONER WILSON MOVED TO APPROVE RESOLUTION 2008-14 SUPPORTING MORATORIA ON NEW OFFSHORE OIL AND GAS LEASING OFF THE HUMBOLDT COUNTY COAST, INCLUDING THE RECOMMENDED WORDING CHANGES. MOTION DIED DUE TO LACK OF A SECOND.

Commissioner Pellegrini said the fishermen's wives took the lead in opposing offshore oil drilling previously, but she doesn't feel it is necessary at this time.

President Hunter stated the only way to prevent oil spills offshore is to stop shipping. He said it is most important to protect the environment, but oil derricks create fisheries habitats so they could enhance the local fishing.

Melvin McKinney said in the 1960's Shell Oil did some soundings along the coast and he thinks the oil companies will return in the future.

Andy Colonna said in the 1980's a risk spill analysis was done by MMS. It was predicted there was a 75% chance of a 1.5 million gallon oil spill in a 25-year span.

Commissioner Curless stated a friend of his in the geology field said the possibility of oil production in this area is so slim it would not be worth mobilizing the equipment.

## **NEW BUSINESS**

### **A. CONSIDERATION OF EXTENSION OF PERMIT NO. 03-03 TO CALIFORNIA DEPARTMENT OF FISH AND GAME FOR *ZOSTERA JAPONICA* ERADICATION PROJECT.**

COMMISSIONER CURLESS MOVED FOR THE EXTENSION OF PERMIT NO. 03-03 TO CALIFORNIA DEPARTMENT OF FISH AND GAME FOR *ZOSTERA JAPONICA* ERADICATION PROJECT. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

### **B. CONSIDERATION OF APPROVAL OF FUNDING FOR ARCATA BAY NON-MOTORIZED DOCK REPLACEMENT.**

**COMMISSIONER WILSON MOVED FOR THE FUNDING FOR ARCATA BAY NON-MOTORIZED DOCK REPLACEMENT, NOT TO EXCEED \$7,500. MOTION DIED DUE TO LACK OF A SECOND.**

**Commissioner Pellegrini said philosophically she is concerned with giving the already slim Harbor District funds to the City of Arcata.**

**COMMISSIONER PELLEGRINI MOVED FOR THE FUNDING FOR ARCATA BAY NON-MOTORIZED DOCK REPLACEMENT, NOT TO EXCEED \$7,500 AND TO BE SPLIT OVER TWO FISCAL YEARS. COMMISSIONER WILSON SECONDED.**

**Mark Andre, City of Arcata, said the project is partially funded by a McLean Foundation grant.**

**President Hunter stated there is no question the project is an important one for the bay and the funds being split was a good compromise.**

**MOTION CARRIED WITHOUT DISSENT.**

### **C. CONSIDERATION OF APPOINTMENT OF TWO BOARD MEMBERS TO A HUMAN RESOURCES COMMITTEE FOR THE PURPOSE OF LABOR NEGOTIATIONS WITH THE INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL #14A.**

COMMISSIONER PELLEGRINI MOVED FOR THE FORMATION OF A HUMAN RESOURCES COMMITTEE FOR THE PURPOSE OF LABOR NEGOTIATIONS WITH THE INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL #14A AND TO AUTHORIZE THE PRESIDENT TO APPOINT TWO BOARD MEMBERS. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

President Hunter stated in the interest of being consistent, since he and Commissioner Pellegrini were involved in the last round of labor negotiations, he appointed the two of them to the Human Resources Committee.

**ADMINISTRATIVE AND EMERGENCY PERMITS**

CEO said an administrative permit, A-2008-03, was issued to US Fish & Wildlife Service for the Hookton Slough Emergency Dike Repair Project.

President Hunter reported the next Board of Commissioners meeting will be held on November 14, 2008 at the Eureka Public Marina Wharfinger Building at 7:00 p.m.

The Regular Meeting of the Board of Commissioners adjourned at 9:15 p.m.

APPROVED BY:

RECORDED BY:

\_\_\_\_ Signature on File \_\_\_\_\_  
Roy Curless  
Secretary

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