

MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
MONTEREY, CALIFORNIA
November 18, 2005

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Sandy Purdon, on November 18, 2005, at 8:30 A.M., at the Hyatt Regency Monterey, Windjammer Room, 1 Old Golf Course Road, Monterey, California.

ROLL CALL

Commissioners Present: H.P. "Sandy" Purdon, Chairman
 Jon S. Fleischman, Vice Chairman
 Lenora S. Clark
 Charles P. "Bud" Johnson
 Robert Y. Nagata

Commissioners Absent: Edward C. Reno III

Department of Boating and
Waterways Personnel Present: Raynor Tsuneyoshi, Director
 Joy Fisher, Staff Counsel
 David Johnson, Deputy Director
 Reinhard Flick Ph.D, Oceanographer
 Steve Watanabe, Acting Division Chief
 Dolores Farrell, Chief of Operations
 Harold Flood, Supervisor of Planning, Facilities Division
 Mary Just, Associate Governmental Program Analyst
 Mike Sotelo, Associate Governmental Program Analyst
 Margarita Sanchez, Administrative Assistant

APPROVAL OF MINUTES

MOTION: It was moved by Commissioner Fleischman and seconded by Commissioner Clark that the Boating and Waterways Commission minutes of the August 25, 2005, meeting be approved. The motion carried unanimously.

MOTION: It was moved by Commissioner Fleischman and seconded by Commissioner Johnson that the Boating and Waterways Commission minutes of the August 26, 2005, meeting be approved. The motion carried unanimously.

CHAIRMAN REPORT

Chairman Purdon reported that the Commission and Department are very proud of Ms. Dolores Farrell, Chief of Operations, who has received the Boating Safety Education National Award from the National Association of State Boating Law Administrators. Mr. Tsuneyoshi added that he is very proud of all the work she has done.

Chairman Purdon thanked everyone who participated in the National Oceanic and Atmospheric Administration's informative presentation yesterday, May 17, 2006.

Chairman Purdon reported he was the keynote speaker at the Marina Recreation Association's (MRA) Annual Education Conference in Santa Barbara. He said he spoke on the Clean Marina Program and had the opportunity to educate people about the Department of Boating and Waterways. Chairman Purdon announced at the conference that the Clean Marina Program, which was initiated in San Diego, is now called the Clean Marinas California Program and will be going statewide. He indicated he can provide a compact disc with information on this to anyone who is interested. Chairman Purdon thanked Ms. Leigh Johnson and everyone who contributed time and energy in developing this program. He reported that there are 25 marinas already certified in the program.

DIRECTOR'S REPORT

Mr. Tsuneyoshi announced that former Boating and Waterways Commissioner Harley Knox passed away October 25, 2005, from bone cancer. He indicated that Mr. Knox, an avid boater and civic leader in Riverside County, was appointed by former Governor Pete Wilson in 1995.

Mr. Tsuneyoshi welcomed back Mr. Brad Gross, President of the California Association of Harbormasters and Port Captains, who had suffered a biking accident over the summer and was not able to attend the Commission meetings.

Mr. Tsuneyoshi reported that Governor Schwarzenegger signed several bills that are very positive for California including SB 232 which eliminated the sunset provisions for the Boating and Waterways Commission.

Mr. Tsuneyoshi stated an issue the Department of Boating and Waterways has been paying close attention to is the trend toward greater support for mandatory boating safety education in California. Mr. Tsuneyoshi said he met with Mr. Mark Rosenker, Acting Chairman of National Transportation Safety Board and Mr. Mike Chrisman, Secretary of Resources Agency, to discuss possible legislation that would require mandatory education for motor boat operators in California. He reported that meetings will be set with boating stakeholders in the near future to discuss this issue.

Mr. Tsuneyoshi reported that the 2005 edition of the "*Layout and Design Guidelines for Marina Berthing Facilities*" has been released. The guide, he said, provides assistance in the development of California public marinas and has been an invaluable resource for marina planners and designers since the first edition in 1968. Mr. Tsuneyoshi stated that Mr. Bill Curry, who retired from the Department in 2002, wrote the first formal guidelines for marinas and boat

launching facilities for DBW in 1968 and has returned as a retired annuitant to continue sharing his expertise. The manual, he said, is now available through our office or on our website at www.dbw.ca.gov.

Chairman Purdon announced that there will be a change in today's agenda. He indicated agenda item, Copper Bottom Paint, under Old Business, will be heard after the Legislative Report and agenda item, Clean and Green Presentation, under New Business, will be heard thereafter.

LEGISLATIVE REPORT

Mr. David Johnson reviewed the Legislative Report and gave the Commission an update of legislative matters concerning the Department. Copies of the Legislative Report were available to the public and Mr. Johnson was available to answer questions from the Commission members.

He reported that the Legislature is out of session and it was an excellent boating year for legislation. Mr. David Johnson said all of the bills that the Department wanted to have passed were signed by the Governor including SB 232 which would have eliminated the sunset provisions for the Commission.

Mr. David Johnson stated that the other two boating bills signed by the Governor were SB 255 which doubles the vessel registration renewal fee and the initial fee so more money will be available for boating law enforcement and AB 716 which will make it easier for cities, counties and local agencies to get rid of abandoned vessels.

He spoke on the Commission's Legislative Subcommittee which consists of Commissioners Fleischman and Reno. Commissioner Fleischman said the concept would be to review boating legislation and then the Subcommittee could bring it up to the Commission. Mr. David Johnson said a draft bill analysis of critical boating bills would be sent to the Legislative Subcommittee and they can then send a recommendation to the Commission. Commissioner Fleischman said it would be helpful if the Subcommittee is made aware of bills the Department is going to sponsor or bills that are going to be introduced by the Department or constituency groups.

OLD BUSINESS

Copper Bottom Paint

Mr. Reinhard Flick introduced Ms. Leigh Johnson who spoke on the subject of copper bottom paints. He stated that Ms. Johnson has a bachelor's degree in botany from Iowa State University and a master's degree in Aquatic Marine Ecology and Environmental policies. She has experience, he said, in Florida as a marine agent for the Florida Sea Grant and as a boat owner before moving to California. Mr. Flick said Ms. Johnson has been, for the last 20 years, the San Diego Regency Sea Grant Advisor.

Mr. Flick stated that SB 315 mandated that an economic study be done by the Department of Boating and Waterways in anticipation of State Water Board rulings and other regulations that

were anticipated to reduce the large amount of copper in water in places like Shelter Island and in boat basins throughout the state. Mr. Flick stated that an economic study was done to see how transitions from toxic to nontoxic bottom paints could best be accomplished. He said the Department decided to use the limited study resources that were available to figure out how to make it easier and as economical as possible for the boating industry and for boaters to eventually come to a nontoxic, antifouling strategy. Mr. Flick added that efforts would be made to make it easier for the industry and the boaters to deal with and eventually accommodate what is coming into the regulatory sphere.

Ms. Johnson gave a PowerPoint presentation on nontoxic antifouling strategies for boats. She indicated that she has been working on this issue since 1999 and said that copper bottom paints are pesticides and are regulated not by the regional board but by the Department of Pesticide Regulation. Ms. Johnson said the paint is used to slow not stop the growth of fouling organisms on the bottom of boats and all boaters know it is important to keep the boat bottom clean because if there is too much growth it will slow the boat down and fuel bills will be very high.

Ms. Johnson stated that the way copper bottom paint is designed it continually leaches copper from inside the paint to the surface of the paint so there is continually refreshed toxicant, which is what copper is. The problem, she said, is that the copper then gets out into the water.

She reported that harmful levels of dissolved copper have been found in recreational boat basins and that the State Water Resources Control Board (State Water Board) approved a regulatory program to reduce copper levels in Shelter Islands Yacht Basin of San Diego Bay. Ms. Johnson stated that it has been proposed by the U. S. Environment Protection Agency (EPA) to lower the standard of copper levels in water from 3.1 parts of copper to a billion parts of water down to 1.9 and if it happens then the issue will be going nationwide because part of the problem is that boat basins are enclosed to protect the boats so they do not flush very well and this allows the pollutants to build up in the boat basins. She said the effect of copper is sub-lethal so you will not see dead fish floating but rather it affects the growth, development, reproduction and survival of mussels, oysters, scallops, crustaceans, and sea urchins.

She reported that a conference was held in 2000 on the copper issue and an international audience of 110 attended including Senator Dede Alpert, Assemblymember Howard Wayne, and Assemblymember Christine Kehoe as well as representatives of the U.S. Navy. The meeting she said was followed by a booklet titled *“What You Need to Know About Nontoxic Antifouling Strategies for Boats.”*

Ms. Johnson reported that some of the characteristics of nontoxic bottom paints are:

- Will not slow fouling growth.
- Must withstand more frequent and possibly more aggressive cleaning.
- May last long enough to make up higher application costs and twice as frequent hull cleaning.
- Epoxy coatings are durable and are expected to last many years.
- Silicone-rubber coating is “fouling release” if vessel exceeds 20 knots or are “easy-wipe.”
- Siloxane is slick and durable.

Ms. Johnson said a demonstration project was done to track silicone, epoxy, and ceramic-epoxy on six recreation boats in San Diego Bay. The purpose of the demonstration project, she said, was to educate and help boat owners make decisions about nontoxic antifouling paint strategies. She stated that underwater hull cleaners reported to her twice a month on coating conditions, fouling growth levels, diver effort levels and cleaning tools used. Ms. Johnson reported the results as follows:

After one year the epoxy coating on the powerboat had a nearly new condition with some wearing on chine edges and the surface was lightly etched. The ceramic-epoxy coating on the sail and diesel-electric boat had a nearly new condition with minor scarring and the coating had sheen but no shine. The silicone-rubber was removed from one boat and another boat owner would recommend the paint for racing sailboats.

After five years the epoxy coating on the sailboat was expected to be good for two or more years and the coating condition rated at three out of five. The coating was smoother and worn by cleaning.

There was a follow-up, she said, in 2005 that had the following results:

After three years the epoxy on the powerboat noted that a slip liner cut the hull cleaning cost and the coating condition was good. The ceramic-epoxy coating on the sail and diesel-electric boat did well in races if cleaned before a race and was costly to clean the hull often; the coating was a good water barrier. The powerboat was cleaned every two weeks and the grooves in the planks were not cleaned to pristine condition. The coating condition was good and the owner recommended it.

After seven years the epoxy coating on the sailboat had more than broken even on the cost to switch and maintain the coating. The condition still was good and the coating was smoother but worn by cleaning.

Ms. Johnson said they held field days at the beginning and the end of the field demonstrations to educate the community on the performance of nontoxic paint coatings. She said it gave the boaters an opportunity to view hull cleaning with an underwater camera and they were able to see and touch the boats when they were hauled out of the water. Individuals who were involved in the project also attended so they were able to answer questions from the boat owners.

Ms. Johnson reported that SB 315 directed the Department of Boating and Waterways to fund a study of incentives for boat owners to switch to nontoxic alternatives and find policy options that could encourage boaters to use nontoxic alternatives to copper bottom paints. She said she had to find other grants to help fund this study and to cover some of the costs. Ms. Johnson stated she subcontracted Professor Richard Carson, University Of California San Diego, Department of Economics, who is experienced in working on the economics of switching to unleaded gasoline.

The study, she said, surveyed 200 randomly selected boaters in San Diego Bay and were asked what kind of bottom paint they are using, how often is it replaced, are they willing to pay more for nontoxic coating paint, and what is their knowledge of the nontoxic paints. Ms. Johnson said information was also obtained from the boat maintenance industry, marinas and paint companies and the information and data that was gathered was on the cost, the technical data, and how paints are maintained and applied.

Ms. Johnson stated the survey results showed that copper based paints were less expensive to apply; boats needed to be cleaned every four weeks; the paint can be reapplied every two to three years in San Diego and stripped on every sixth application on an average every 15 years. The nontoxic paints were more expensive to apply and boats needed to be cleaned every two weeks and may last 5 to 10 years or more; they may never need to be stripped and will not adhere to copper paint so stripping the copper paint is costly.

Ms. Johnson reported that they asked a boatyard owner in San Diego how many years it would take, given their capacity, to have the boats converted to nontoxic paint. It was found, she said, that it would take seven years minimum to convert the boats in San Diego Bay over to nontoxic paint and will cost \$20 million because of the stripping that would be done before it was needed. She said the least cost policy to phase out copper paint in San Diego would be 15 years and cost \$1 million.

Ms. Johnson gave the Commissioners, "*Making Dollars and Sense of Nontoxic Antifouling Strategies for Boats*," a booklet on the economic study of 2003 often called the Carson Report. The booklet, she said, was drawn from the study but written in a format that was much clearer to read and has a worksheet that boaters can use to calculate the cost for using different paints. Another booklet given to the Commissioners was "*Staying Afloat with Nontoxic Antifouling Strategies for Boats*" which is based on the demonstration project and goes through the protocol used to assess how well the different coatings were working, how hard the divers had to work, etc. Copies of both booklets were made available to the public.

Ms. Johnson reported that for the future they will keep informed on the new products that are coming out and educate the boaters about them, but they will not be able to test the new products. She said there should be local testing and testing over a period of time on new products.

Ms. Johnson said they are also looking into invasive species being carried on boat bottoms. She said it is clear that ships are bringing in the invasive species across the ocean, but there is increasing evidence that they are being spread up and down the coast on smaller crafts. For example, she reported that Elkhorn Slough has many invasive species but there is no big shipping in the area. Ms. Johnson said we should be ahead of the curve so that when the issue hits there will be some materials that will be available for the boating community to work on. She said she is currently working on a white paper and will be sending it out to the Department and to any Commissioner who would like to take a look at it.

Chairman Purdon said if the move is to non-copper bottom paint, what studies have there been done to see what impact they may have on the environment. Mr. Flick replied that no one knows if there are negative effects to the alternative paints and as they have not been tested. He stated

that there is not any good scientific knowledge to know what the negative effects are of copper paint in the bottom basins or in the water column, but it is not the ecological damage that is driving the regulatory process. Mr. Flick said what is driving the regulatory process is the fact that the concentration of copper ions in the water column are higher than the Environmental Protection Agency standards. Ms. Johnson added that she questioned the regulators on the basis of the Standards and they replied it is based on the California Toxic Rule. She said she found the list of scientific journal articles that were used as the basis for setting the Standards at 3.1 parts per billion. Ms. Johnson stated that in reading the journals it is noted that once you get above 3.1 parts per billion there are effects.

Chairman Purdon stated that with the new bottom paints the growth will grow faster which will result in an increase in fuel consumption and will add to the air pollution. Ms. Johnson said yes, it is all important.

Chairman Purdon asked if the new bottom paints will increase the invasive species. Ms. Johnson stated that she is working on a white paper now and has found out that the species that have come across the ocean on ships are species that are able to tolerate copper better than the natives, so if there is more pollution in the coastal harbors it will give the edge to the invasive species.

Chairman Purdon asked that if copper is regulated under pesticides, why then does the federal government not outlaw copper. Ms. Johnson replied that the State of California has an interagency committee that has been looking at marina and boat pollution and has a subcommittee called the Copper Antifouling Paint Sub-Workgroup which has been meeting for a couple of years and collecting data to try to decide if the State of California should ban copper bottom paint statewide. She added that the EPA is reevaluating registration of copper bottom paint, so there is a possibility that there could be some statewide and federal action on this issue.

Public Comment

Ms. Linda Newland, Director, Recreational Boaters of California (RBOC), stated that RBOC is the statewide advocate group for recreational boating and is dedicated to promoting a safe and responsible use of the California waterways. She said RBOC questions the need for a ban on copper bottom anti-fouling paint which is not being substantiated with good scientific evidence. Ms. Newland stated the ban will have a detrimental effect on the boating industry and that scientific study is needed to determine whether copper present in the San Diego basin is actually adversely affecting the ecology. She added that without the effect of copper based anti-fouling paint, invasive organisms which are not copper resistant will be transferred from harbor to harbor. Ms. Newland said in October, RBOC voted to pursue a request to the Department of Boating and Waterways to fund a scientific study of the effect of copper in the San Diego basin.

Ms. Newland said she is here today to request that a scientific study be undertaken by the California Department of Boating and Waterways on two levels. First, she said, to determine if actual harm has been done to the ecology in the San Diego basin from copper residue and second to determine the actual source of the copper found in the basin. Ms. Newland thanked the Commission for its time and consideration on the matter.

Chairman Purdon asked if there are funds available for such studies. Mr. David Johnson replied that such a study could take up to five years and cost \$50,000. The Department, he said, would need to prepare a budget change proposal for the 07/08 fiscal year and submit it to the Administration for consideration.

Commissioner Fleischman stated that the Commission's ability to influence what the Environmental Protection Agency does is a circuitous process, because EPA will listen to the members of Congress but the Commission and Department can play a vital role in educating the members of Congress as to the negative impacts of a change in this regulation and what effect it can have on the boating community.

Commissioner Clark stated that she agrees with Commissioner Fleischman and that the Department needs to look at the scientific and the economic role of banning copper. She asked if SB 315 is going to provide an economic study on incentives for boaters to change to the nontoxic paints. Commissioner Clark stated that in the presentation there were not any incentives only disincentives for the boaters to make the costly change. She added that what is happening in Northern California's inland fresh waters is very different to what is happening to off-shore boating in Southern California.

Commissioner Clark noted that the stripping and cleaning frequency seems to be developing another industry for cleaning boats. Ms. Johnson replied that the advisory committee wanted the study to focus in San Diego Bay because that is where the regulatory action is, so the information in the study is site specific. She said the ability to reduce the cost to convert was an incentive and if you have to convert, how would you reduce the cost to do it. Ms. Johnson said the environmentalists were dismayed because they thought the study would have a suggestion to give boaters a cash reimbursement for converting. Mr. Flick added that the environmental lobbyist wanted the Department to subsidize the conversion and that would have been the incentive.

Commissioner Clark said part of the adoption by the regional and State Water Board is that if nothing happens to change the Total Maximum Daily Loads (TMDL) within the next two years, they would take this action and there would be a 17-year implementation on the ban. She said a scientific study can be done in the interim of two years so that there will be information to show that there may be copper but is the copper a harmful ingredient to the flora and fauna or is it just a natural occurring mineral. Mr. Flick replied that he agrees with Commissioner Clark's statement and he would love to fund more oceanography studies, but he asked, what would be the best way to spend the limited resources that are available?

Ms. Johnson stated that if the TMDL goes through there will be a need for a system that would have a list of paints and description of what the leach rate is or whether they are nontoxic so the boatyards can provide some kind of certificate and the marinas can easily verify what is the nature of the paint on the boats coming in.

Commissioner Clark replied she disagrees with that because it changes the dynamics between the marina owner/operator and the tenants. She said the marina operators would become cops and they are not equipped to do so. Ms. Johnson said she is not proposing that, but it is proposed in the TMDL, and that she was just suggesting it as a way to help them if they are put in that role.

Mr. David Johnson stated that the earliest a study can be completed would be 2010 because of the budget process.

Public Comment

Mr. Brad Gross, California Harbormasters and Port Captains, stated that he and his constituents have concerns that the enforcement will fall on the marina operator and it would be very difficult since they can not arbitrarily set policies and procedures that exclude a segment of the boaters, especially those who do not have a high level of environmental awareness. Mr. Gross stated as marina operators, they do not want to be placed in that position because they do not have the training, the expertise, and the budget to be placed in the enforcement role.

Mr. Tsuneyoshi asked if the proposals from the State Water Board mention anything about enforcement, penalties or who will level the penalties? Mr. David Johnson replied that at a State Water Board workshop that he attended there was much opposition from the boating community. He said the State Water Board put the item on the consent calendar two weeks later and it passed, so the order is for the Shelter Island Yacht Basin and the copper has to be reduced. Mr. David Johnson said the next step is that the San Diego Regional Water Board has to develop an implementation plan and we do not know what that plan will be but more likely it will be a 17-year implementation schedule. He said the regional water board will be developing the details on the enforcement and how it will be implemented and that is where we can interface and make sure the boating community is represented.

MOTION: It was moved by Commissioner Clark and seconded by Commissioner Fleischman that the Commission recommends that the Department of Boating and Waterways conduct the necessary scientific and objective studies that will produce facts regarding the presence and levels of dissolved copper in impaired water bodies of the State of California and the sources of the presence of the copper, the effects of the copper on the flora and fauna, and that the first study should commence immediately with regards to the Shelter Island Yacht Basin. The motion carried unanimously.

Commissioner Nagata stated that it is beyond the scope of the Commission under section 82.2 of the Harbors and Navigation Code which requires the Department to do such a study. He added that the Commission could recommend but not require the Department to do the study. Commissioner Clark responded that her motion is a recommendation.

Commissioner Fleischman asked that more information be obtained for the Commission on the EPA regulation before the next meeting and he would like to have this item on the next meeting's agenda.

CONSIDERATION OF PUBLIC LOAN TIME EXTENSION

Boyd Pump Construction Time Extension

County of Sutter is requesting a two-year extension for their boat launching facility project. Mr. Flood indicated the project time frame was originally extended one year to May 1, 2006, due to delays in acquiring permits and that a two-year extension to May 1, 2008, is required to complete the project.

Mr. Flood stated that staff recommended that the Commission consent to the two-year time extension which would extend the project until May 1, 2008.

MOTION: It was moved by Commissioner Fleischman and seconded by Commissioner Johnson that the Boating and Waterways Commission approve the two-year time extension request to May 1, 2008, from the County of Sutter for their boat launching facility project. The motion carried unanimously

CONSIDERATION OF PUBLIC LOAN

Mr. Flood presented to the Commission for its advice and consent the following request for a public loan.

San Francisco Marina

Request from the City and County of San Francisco for a \$3,700,000, Phase II, Department of Boating and Waterways public loan to improve the West Harbor at the San Francisco Marina. The total amount of the loan will be \$16,500,000. The San Francisco Marina is located on the northern waterfront of the City of San Francisco in the Marina District. The marina is 1.5 miles east of the Golden Gate Bridge and west of Fort Mason and adjoins lands of the Golden Gate National Recreational Area.

Mr. Flood indicated the proposed project would entail the following: 1) demolition of existing berths and construction of reconfigured berths in the West Harbor, 2) upgrading electrical and water dock utilities, 3) installation of new barrier-free access gangways with security gates, 4) construction of a new breakwater, 5) replacement of revetment, 6) removal of mole, 7) dredging, and 8) improvement of buildings.

Mr. Brad Gross, Manager of Marina Operations, San Francisco Marina, was available to answer questions from the Commission.

Mr. Flood indicated that Commissioner Clark visited the proposed project site a year ago.

Chairman Purdon asked what is being done with the current rents and the waiting list. Mr. Gross responded that in July 2005 the marina was able to implement a five-year fee increase program where the rates will be increased 23% in the West Harbor and 20% in the East Harbor

and next year there will be an additional 20% in the West Harbor and a 4% raise per year for the next five years. He added that the waiting list is still frozen with 475 people on the list.

Commissioner Clark asked if the waiting list was frozen so that demolition can begin. Mr. Gross responded that the list was frozen because the new plan called for a reduction in the number of berths by 40 slips in the Marina.

Chairman Purdon asked about the transfer of slips at the marina. Mr. Gross responded that someone can not sell their space, but if their vessel is the same quality or condition as a new vessel coming into the marina they are able to request to have the new owner transfer the berth to that vessel.

Commissioner Johnson asked about the breakwater. Mr. Gross responded that it is a new breakwater which will protect the boats.

Mr. Flood stated that staff recommended that the Commission consent to the project.

MOTION: It was moved by Commissioner Clark and seconded by Commissioner Nagata that the Boating and Waterways Commission approve the request from the City and County of San Francisco for a \$3,700,000, Phase II, Department of Boating and Waterways public loan to improve the West Harbor at the San Francisco Marina. The motion carried unanimously.

Mr. Gross thanked the Commission for the approval of the loan and thanked Mr. Tsuneyoshi for his kind comments.

CONSIDERATION OF PUBLIC GRANTS

Mr. Flood presented to the Commission for its advice and consent the following requests for public grants.

Port of Redwood City Boat Launching Facility

Request from the Port of Redwood City for a \$1,080,400, Department of Boating and Waterways public grant to make improvements to the Port of Redwood City Boat Launching Facility. The Redwood City Boat Launching Facility is located one mile north of Highway 101, at the northerly terminus of Chesapeake Drive.

Mr. Flood indicated the proposed project would entail the following: 1) removal of the existing ramp and construction of a new boat launching ramp, 2) installation of one boarding float on the south side of the ramp, 3) construction of a retaining wall, 4) the addition of slope protection, 5) construction of a concrete turnaround, 6) construction of a ready-lane, 7) relocation of utilities, 8) lighting for the boat ramp, 9) the addition of walkways/curbs, 10) the installation of

storm drainage, 11) renovation of the existing restroom, 12) the installation of a pay station and information kiosk, and 13) signs.

Mr. Donald K. Snaman, Manager of Operations, was available to answer questions from the Commission.

Mr. Flood indicated that Commissioner Clark had visited the proposed project site.

Commissioner Clark indicated there are concerns about the turnaround for boats with trailers at the proposed site. She added that the signage coming into the site is not very obvious to let boaters know of the boat ramp and the signage coming out of the parking lot indicated that there is a fee to be paid. Commissioner Clark agrees with staff's recommendation on this proposed project. Mr. Flood noted that there are funds in the grant request for signs.

Mr. Flood stated that staff recommended that the Commission consent to the proposed project.

MOTION: It was moved by Commissioner Clark and seconded by Commissioner Johnson that the Boating and Waterways Commission consent to request of the Port of Redwood City for a \$1,080,400, Department of Boating and Waterways public grant to make improvements to the Port of Redwood City Boat Launching Facility. The motion carried unanimously.

Mr. Snaman thanked the Commission.

Broderick Boat Launching Facility

Request from the City of West Sacramento for a \$653,000, Department of Boating and Waterways public grant to make improvements to the Broderick Boat Launching Facility. The Broderick Boat Launching Facility is located in the northeast corner of West Sacramento on the west bank of the Sacramento River, just downstream from its confluence with the American River.

Mr. Flood indicated the proposed project would entail the following: 1) widening the existing boat ramp, 2) installing a boarding float, 3) installing anchoring systems for the proposed boarding float and the existing boarding float, 4) installing lighting for the boat ramp, 5) constructing a fish cleaning station, 6) installing security gates, 7) upgrading the sewer system, 8) constructing two 24' by 24' shade gazebos with walkways, 9) adding picnic tables and barbeques, 10) adding a drinking fountain, 11) constructing a trash/recycling area, 12) installing backflow device cages, and, 13) adding a project sign.

Mr. Lenard LaChappell, Engineering Construction Manager, was available to answer questions from the Commission.

Mr. Flood indicated that Commissioner Clark had visited the proposed project site.

Commissioner Clark reported that it was busy the day when she visited the site and had a good opportunity to see a lot of tidal action. She agreed with the recommended improvements. Commissioner Clark noted that the fish cleaning area was far away from the launch ramp and the parking area. Mr. LaChappell responded that it is and that it can not be moved because it is impacted and restricted by the existing sewer lines.

Mr. Flood stated that staff recommended that the Commission consent to the proposed project.

Commissioner Johnson asked if there was a 26' limit on the launch ramp as stated in the Feasibility Report under Economic Analysis. Mr. LaChappell responded that it is unrestricted.

MOTION: It was moved by Commissioner Clark and seconded by Commissioner Nagata that the Boating and Waterways Commission consent to the request of the City of West Sacramento for a \$653,000, Department of Boating and Waterways public grant to make improvements to the Broderick Boat Launching Facility. The motion carried unanimously.

Mr. LaChappell thanked the Commission on behalf of the City of West Sacramento.

Live Oak Riverfront Park Boat Launching Facility

Request from the County of Sutter for a \$561,000, Phase I, Department of Boating and Waterways public grant to make improvements to the Live Oak Riverfront Park Boat Launching Facility. The total amount of the grant will be \$1,118,000. Live Oak Riverfront Park Boat Launching Facility is located on the Feather River just east of the City of Live Oak.

Mr. Flood indicated the proposed project would entail the following: 1) replacement of a single-lane boat launching ramp with a new two-lane boat launching ramp, 2) installation of a boarding float, 3) rock slope protection, and 4) a project sign.

Mr. Flood indicated that Commissioner Clark had visited the proposed project site.

Commissioner Clark reported the area is beautiful except for the launch ramp. She said the ramp was built in 1968 and is in dire need of refurbishing and needs to be made safer with present technology.

Mr. James Walton, Public Works Engineer, was available to answer questions from the Commission.

Mr. Flood stated that staff recommended that the Commission consent to the proposed project.

Chairman Purdon asked if the reason this proposed project is being done in phases is due to no grant money being available. Mr. Flood responded that the reason it is done in phases is there are not sufficient construction funds available to fund it all in one year.

Commissioner Clark asked if the funds are not available in the revolving fund. Mr. Tsuneyoshi responded that all of the projects that were put in the budget last fiscal year were cut leaving \$18 million in reserve and, he added, this may happen in the next budget also. He stated that money that is transferred into Parks and Recreation cannot be spent on these projects as well.

MOTION: It was moved by Commissioner Clark and seconded by Commissioner Fleischman that the Boating and Waterways Commission consent to the request of the County of Sutter for a \$561,000, Phase I, Department of Boating and Waterways public grant to make improvements to the Live Oak Riverfront Park Boat Launching Facility. The motion carried unanimously.

Mr. Walton thanked the Commission on behalf of the County of Sutter.

NEW BUSINESS

Strategic Planning Update

Mr. David Johnson gave an update on the strategic planning session of trying to expand the duties and responsibility of the Commission. He said in having the Commission involved early in the boating facilities projects, the Department decided that when Mr. Flood receives the initial call from a city, county, district, or private marina operator, he will contact the Chair of the Commission and the Chair can then select one Commissioner to attend the initial meeting with Mr. Flood.

The issue of obtaining information about NOAA was discussed yesterday at the NOAA presentation and the other issue of copper bottom paints was covered this morning.

Mr. David Johnson said there was not time available on the agenda for Mr. Flood to make a presentation on the Boating Facilities Needs Assessment Report, so it will be done at the next Commission meeting.

He stated that on October 24, 2005, a list of Department programs were sent to all Commissioners so that at future meetings there can be discussions and or presentations on them.

Mr. David Johnson reported that with the completion of this meeting the Commission has approved all public loans and grants for the 2005/2006 fiscal year. He added there could be some private marina loans that could apply through June 30, but the Department anticipates only two additional meetings through June 30, 2006 and there will be program briefings at those meetings.

After discussion, it was decided that the next Commission meeting will be held March 9 and 10 in San Francisco.

Commissioner Fleischman asked that the Mandatory Education Stakeholders' meeting be set to coincide with the Commission meeting. Mr. David Johnson responded that two meetings have been tentatively scheduled for December. Commissioner Fleischman asked that the Commission be notified of the dates of the meetings.

Commissioner Fleischman asked that the Mandatory Education issue be put on the next Commission's agenda to obtain information on the December Stakeholders' meetings. Mr. David Johnson responded that he will add it to the next agenda. Commissioner Fleischman stated he would like to add NOAA to the next agenda as well.

NEW BUSINESS

Public Marina Loans – Proposed Regulations

Mr. Sotelo reported that the Department is proposing amendments to the small craft harbor loan programs specifically to sections 5101(n), which is the definition and 5104(c), which is prioritizing or ranking criteria for the small craft harbor loan program. He said this is being done as a result of legislation SB 649 that required amendments to Harbors and Navigation Code 71.4(b), which allows the Department to make loans to cities, counties, and districts through the public small craft harbor loans program for the planning, construction or implementation of small craft harbor.

Mr. Sotelo stated that the proposal provides for both policies and standards in the form of an additional ranking criteria related to the environmental facilities. He said the Department would be required to use the ranking criteria in prioritizing funding for loan applications for small craft harbor loan programs. Mr. Sotelo stated that presently the Department has gone through the notice process which ends the written comment period.

Commissioner Nagata asked why is the proposed amendment under (c) instead of (a) or (b). Mr. Flood responded that the SB 649 requires that it will be given priority in our ranking. He said it was put ahead of demand and behind phase-funding because those projects have already been approved.

Public Comment

Mr. Brad Gross stated that at the meeting with his legislative lobbyists the placement of the proposed amendments were discussed and they disagreed with the Department's suggestion. He suggested and recommended that item (c), which is the pumpout issue, be set below item (e) which is the demand. Mr. Gross said the demand should be a much greater ranking in the decision making than the addition of the environmental items in marina constructions. Mr. David Johnson said he would take that suggestion under advisement.

Commissioner Fleischman asked that a meeting date be set for May 2006 and if the Commission could meet at the Colorado River where there are so many boating issues. Mr. Tsuneyoshi indicated that there will be a Colorado River Law Enforcement Association meeting soon and will get back to him.

Clean and Green Presentation

Ms. Vivian Matuk, Boating Program Coordinator, California Coastal Commission, gave a PowerPoint presentation on the Clean and Green Program. She gave an overview of the program's components, objectives, and funding.

Ms. Matuk gave the Commissioners a packet which contained: "*The Changing Tide*", flyers; "*Boating Clean & Green*", "*Keep the Delta Clean*", "*The California Clean Boating Network*" and a Delta map.

Commissioner Fleischman thanked Ms. Matuk for her comprehensive presentation.

PUBLIC COMMENT

Mr. Brad Gross, California Association of Harbormasters and Port Captains, informed the Commission that this is his last meeting as President of the Association. He said it was a pleasure to work with the Commission and he stated that Mr. Eric Endersby, Harbormaster for Morro Bay will be the new President of the Association. Mr. Gross also introduced the Vice President of the Association, Ms. Diane Isley, Harbormaster of Emeryville.

COMMISSIONER ANNOUNCEMENTS

Commissioner Clark asked that the Department try to keep on schedule so that calendars can be in sync. She asked for an update on the emergency loans. Mr. Flood responded that there have not been any emergency loans this year.

Commissioner Fleischman reported the meeting he had with the County of Sonoma on Spud Point has shown him how the County continues to stall and delay on this issue. He thanked Joy Fisher for the hard work she has done on Spud Point.

Commissioner Fleischman noted that Commissioner Nagata's term will expire in January and thanked him for all his work on the Commission and hoped he will apply again.

ADJOURNMENT

Vice Chairman Fleischman adjourned the meeting at 11:27 A.M.

Raynor Tsuneyoshi, Secretary

Attachment