

MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
SACRAMENTO, CALIFORNIA
October 6, 2009

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Metz on October 6, 2009 at 9:37 A.M. at the Courtyard Sacramento Cal Expo, 1782 Tribute Road, Sacramento, California.

ROLL CALL

Commissioners Present: Douglas W. Metz, Chairman
 Lenora S. Clark
 Robert Y. Nagata
 H.P. "Sandy" Purdon

Department of Boating and
Waterways Personnel Present: Raynor Tsuneyoshi, Director
 Penny Schulz, Chief Counsel
 Tom Heuer, Attorney, Retired Annuitant
 Steve Watanabe, Chief, Facilities Division
 Keren Dill, Associate Governmental Program Analyst
 Rena Anub, Associate Governmental Program Analyst
 Margarita Sanchez, Administrative Assistant

CONVENE

Chairman Metz convened the meeting and announced commencement of the Closed Session. Following completion of the Closed Session, Chairman Metz continued with the public portion of the meeting.

OPEN SESSION

Chairman Metz welcomed everyone to the meeting. He stated that the Boating and Waterways Commission met in Closed Session and discussed facts that suggest possible litigation pursuant to Government Code Section 11126(e). No action was taken.

APPROVAL OF MINUTES

Commissioner Nagata noted on page three, third paragraph, under "Legislative Report", the word "define" should be deleted.

MOTION: It was moved by Commissioner Purdon and seconded by Commissioner Nagata that the Boating and Waterways Commission minutes of the May 19, 2009, meeting be approved with correction. The motion carried unanimously.

CHAIRMAN'S REPORT

Chairman Metz welcomed everyone. He commended the Department staff for continuing its dedicated work for the recreational boaters of California despite the furloughs and budget constraints placed on them.

DIRECTOR'S REPORT

Mr. Tsuneyoshi reported the Department's budget was reduced by \$1 million and the capital outlay budget was eliminated for FY 2009/10. All Departments' contracts, he said, were reduced by 15 percent.

He also reported on the September 16, 2009, meeting held at the Department regarding the new coastal marinas permit. In attendance were the State Water Resources and Recreational Boaters of California, Pacific Inter-Yacht Club Association, Clean Marinas California Program and the Marina Recreation Association. The meeting was held to discuss the concerns from the boating community regarding the permit, which would implement mechanisms for total maximum loads and management practices aimed at controlling pollutants related to marina activities in impaired waters.

Mr. Tsuneyoshi stated the Department has released the "Non-Motorized Boating in California" report which confirmed that non-motorized boating in California is now the fastest growing segment of recreational boating. He said it is the first in-depth study of non-motorized boating in the United States and is now available to the public.

He gave an update on the Asian Kelp, Quagga/Zebra Mussels, Water Hyacinth and *Egeria densa* and noted the treatment for Hyacinth, which ended October 15th, will continue until November 30.

Mr. Tsuneyoshi welcomed new employee Jeremy Morioka, manager for the Education Unit.

LEGISLATIVE REPORT

Ms. Becerra was not available to report on legislative matters, but Commissioner Clark commented on some of the legislative bills.

Commissioner Clark said there are several bills that are related to the Delta; AB 13; AB 39; SB 12; SB 457; SB 458 and SB 808, but she said the bills have not been moving. She indicated the federal government is attempting to assist California with regards to the Delta.

Commissioner Clark said AB 166, the vessel abandonment abatement bill, is on the Governor's desk and hopes he will sign it. AB 804, Invasive aquatic species: mussels, is opposed by the Department; it will exempt water supply operators from any criminal or civil liability for introduction of dreissenid mussels. SB 459, Tidelands and submerged lands; removal of vessels, the Department has an opposed position on this bill because there is concern that the bill is not a no cost bill.

PUBLIC COMMENTS

Public comments were limited to three minutes.

Ted Warburton, Harbormaster, City of Brisbane commented on the September 24, 2009, invasive species meeting which was held by the Department. He said the meeting was very well attended and he learned much about the invasive species issue.

Mary Hobson, Project Director, San Francisco Marina and Larry White, Marina Manager, San Francisco Marina, gave the Commission an update on the San Francisco Marina West Harbor project. Ms. Hobson said engineers and specialist are finalizing the design for the project and they will be before the Commission in a few months for approval of the final installment of the loan. Mr. White said he is sorry he missed the September 24th, invasive species meeting, but thanked Vivian Matuk for attending the National Marina Day barbeque. He thanked the Department and Commission for their assistance on the West Harbor project.

Dominic Maionchi, concerned boater from San Francisco, commented on the San Francisco Marina West Harbor project. He said he does not want the project to become in five years like Bodega Bay, where they are bankrupt, being sued, and raising boater's slip rates. He said the revenue expenses from the West Harbor are being shifted to the East Harbor in order to increase free cash flow for the loan. Mr. Maionchi said the revenue to pay off the loan should come from the area that is being remodeled, but concessionaire income, which should be shared by both harbors, is included as revenue. He said the Commission has approved \$16 million for this project, and now the estimate for the project is about \$24 million. If the project becomes \$30 million, where is the money going to come from, he asked. The Marina, he stated, has promised the boaters that there will only be a 37 percent increase in the rates once the renovation is done and a 3 percent yearly increase thereafter. Mr. Maionchi would like some guarantees that the 37 percent increase for rates would last for the duration of the loan and he would like an audit done. He would also like some guarantee that the East Harbor revenues will never be used to fund the West Harbor project.

Yar Lei, business consultant, stated he rents a slip on the San Francisco Marina East Harbor and is concerned that the renovation for the West Harbor will exceed its funding of \$16.5 million. He would like in writing that the East Harbor slip fees rates will not be raised for the renovation of the West Harbor project.

Bright Winn, tenant on the East Harbor, said he has been waiting for the renovation of the marina for over 20 years. He is not worried the slips will not go unoccupied since the area is pristine and a wonderful place to have a boat in. He would not like the project to be delayed.

CONSENT CALENDAR

Ms. Dill presented the Consent Calendar to the Commission for approval.

Commissioner Clark asked if the Statewide Ramp Repair & Modification is part of the drought report. Mr. Watanabe replied that it is a standard item on the Consent Calendar and is not tied to the drought report. He said the money is used to repair damage due to storms and low water due to drought. He added the \$550,000.00 listed in the Consent Calendar will take care of about 2 to 5 grants a year, depending on how much money is needed to make repairs.

Commissioner Nagata asked what the maximum amount of money is allowed in order for an item to be placed on the Consent Calendar. Mr. Watanabe replied it has to be under \$3 million. He added that these are not new grants, but ones that have already been approved by the Commission.

Chairman Metz asked that the Department staff clarify the procedure and authority for Consent Calendar items.

Commissioner Purdon asked that a detailed report on monies that were used from the Consent Calendar be included in the feasibility reports. After discussion, a motion was made.

MOTION: It was moved by Commissioner Clark and seconded by Commissioner Purdon that the Boating and Waterways Commission approve the Consent Calendar as presented with the condition that Department staff update the Commission with a periodic detailed report on the money that has been used and a final detailed report on the money that was or was not used. The motion carried unanimously.

CONSIDERATION OF PUBLIC GRANT

Ms. Dill presented to the Commission for its advice and consent the following request for a public grant.

Balls Ferry Boat Launching Facility

The County of Shasta has applied for a Boating and Waterways public grant in the amount of \$631,000.00 to make improvements to the Balls Ferry Boat Launching Facility. The requested grant is intended for the construction portion of the project and no further funding requests are expected for this facility.

Ms. Dill indicated the proposed project would include demolition of the existing deteriorated ramp and the construction of a new single-lane boat launch ramp vertical curve, installation of a new boarding float, resurfacing of the existing parking area, construction of a pre-cast vault restroom, new sidewalks and lighting, a concrete project credit sign and low maintenance landscaping and ancillary items.

Shawn Ankeny, Associate Civil Engineer, and Bill Ramsdale, Senior Planner, of Shasta County, were available to answer any questions from the Commission. Mr. Ankeny gave a Power Point presentation on the Boat launching facility.

Ms. Dill stated staff recommends that the Boating and Waterways Commission approve the public grant of \$631,000.00, to the County of Shasta for completion of the Balls Ferry Boat Launching Facility.

MOTION: It was moved by Commissioner Purdon and seconded by Commissioner Nagata that the Boating and Waterways Commission approve the Department of Boating and Waterways public grant of \$631,000.00 to the County of Shasta for completion of the Balls Ferry Boat Launching Facility. The motion carried unanimously.

NEW BUSINESS

Election of Vice Chair

After a brief discussion, a motion was made.

MOTION: It was moved by Commissioner Metz and seconded by Commissioner Purdon that Commissioner Clark will be the Vice Chairman for 2009. The motion carried unanimously.

OLD BUSINESS

Old Business agenda items were not heard and were deferred to the next Commission meeting.

COMMISSIONER ANNOUNCEMENTS

The Commission discussed having a summit for the boating community in the coming year. Vice Chairman Clark said Department staff can make a presentation at the summit on the various departmental programs and their value to the boating community. The summit, she said, would also give those who rallied for the department an opportunity to come together as a coalition so that when issues arise there can be support from everyone. She said Recreational Boating of

California is interested in a summit and it was suggested it be done in conjunction with a boat show or other event that draws in people.

After discussion, it was decided to add this issue to the next Commission meeting's agenda.

Vice Chairman Clark gave Mr. Tsuneyoshi a copy of the Recreational Boating & Fishing Foundation booklet of which she is a member of the Board of Directors.

It was decided that the next Commission meeting will be December 1, 2009, with a workshop on November 30, 2009. It was also decided to convene the next Commission meeting at 8:30 A.M.

ADJOURN

Chairman Metz adjourned the meeting at 12:24 P.M.

Original signed by:

Raynor Tsuneyoshi, Secretary