

CORRECTED COPY

MINUTES BOATING AND WATERWAYS COMMISSION MEETING SACRAMENTO, CALIFORNIA APRIL 27, 2011

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairwoman Clark on April 27, 2011, at 9:30 A.M. at the Courtyard Hotel, 1782 Tribute Road, Sacramento, California.

ROLL CALL

Commissioners Present: Lenora S. Clark; Douglas W. Metz; H.P. "Sandy" Purdon, and Matthew Webb

Dept. of Boating and Waterways

Personnel Present: Lucia Becerra, Acting Director; Steve Watanabe, Facilities Chief; Sylvia Hunter, Facilities Loans and Grants Chief, and Margarita Sanchez, Administrative Assistant

CONVENE AND APPROVAL OF MINUTES

***MOTION:** It was moved by Commissioner Metz and seconded by Commissioner Purdon that the Boating and Waterways Commission Minutes of March 2, 2011, meeting be approved. The motion carried unanimously.*

CHAIRMAN'S REPORT

Chairwoman Clark welcomed everyone. She asked everyone for patience as the State struggles with many issues and the Department works through new processes. Although, she said, it is a challenging time for boaters due to the rising cost of gas and with less disposable income, which may result in increase slip vacancies and reduce expenditures, the Commission will focus on the future and visualize what the boating community will resemble.

Chairwoman Clark reported she is on the Youth Committee with Recreational Boating and Fishing Foundation (RBFF) which gives grants to groups for youth to learn about boating and fishing. RBFF has also partnered with the Discovery Channel to engage teachers and students across the country in a program called Explore the Blue and as part of the RBFF she and Ms. Becerra attended a meeting with US Fish and Wildlife Service. Chairwoman Clark said at the meeting a presentation was given on the role and responsibility with the States they serve. The US Fish and Wildlife Service administer three grants: Boating Infrastructure Grants, Clean Vessel Act Grant and Boating Access Grant. Chairwoman Clark indicated the Commission is

available to assist the Department staff on utilizing the funds appropriated to California. The total amount in grants available to California is estimated at \$14 million.

Chairwoman Clark mentioned the Federal EPA will have a meeting on May 18 where individuals can give their input on matters that relate to the Best Management Practices of the Clean Boating Act of 2008.

Chairwoman Clark welcomed back Commissioner Purdon who was recently reappointed to the Commission.

DIRECTOR'S REPORT

Ms. Becerra commented that on May 12 the Department's budget will be heard in the Senate Sub Committee regarding facilities loan and grants which totaled \$17 million. The Governor, she said, has put limits on travel, restriction on hiring, reduction on cell phones and vehicles the Department can have. Ms. Becerra thanked the Commission, staff and all the constituents for all the work they have done for the Department and for their patience in these difficult times.

She indicated the Egeria densa treatment season began on April 12 in the Delta and will treat about 3,000 acres for 8-12 weeks, with focus on Franks Tract, Bethel Island and Discovery Bay.

Ms. Becerra also mentioned:

- Applications are being accepted for loans and grants until May 31
- Clean and Green program continues to receive many awards
- May 14 Wear it California Campaign kickoff at Discovery Park in Sacramento
- May 21 National Ready, Set, Inflate event
- May 21 Bay Area Paddle Fest event

Ms. Becerra presented an Award of Merit from the National Water Safety Congress to the Glass Agency.

Commissioner Metz asked for an update on Quagga mussel and Ms. Becerra said she will get back to him with an update. Chairwoman Clark added that the US Fish and Wildlife Service is looking to provide some consistency on boat inspections so boaters will know what is expected at any boat inspection for Quagga.

LEGISLATIVE REPORT

Ms. Becerra spoke briefly on the Legislative Report and copies were made available to the public. There was discussion on SB 623 (Kehoe) Copper in marine paint and Ms. Becerra indicated copies of the report, which was the basis of SB 623, will be given to the Commission.

Commissioner Purdon read his concerns (Attachment 1) with regards to SB 623 into the record and Commissioner Metz concurred with his concerns.

Linda Bendsen, President of Recreational Boaters of California (RBOC), commented on SB 623. She noted the bill has been amended and the new deadline imposed on the statewide ban is January 1, 2015, on the sale of new recreational boats with antifouling paint containing copper and January 1, 2019, on the use or application of copper based antifouling paints. Ms. Bendsen indicated that RBOC is opposed to the bill due to the fact that there are no alternative paints available that is effective, efficient and affordable. RBOC is opposed unless it is amended to say that the ban on copper antifouling paint should not take effect until there is a proven alternative available that is economical, useful and is efficient in its application.

PUBLIC COMMENT

Brad Gross, Dana Point Harbor, gave an update on Dana Point Harbor and invited everyone to the Harbor's 40th anniversary event on May 11, 2011.

Chairwoman Clark called for a break at 10:30 A.M.; meeting resumed at 11:07 A.M.

CONSIDERATION OF PUBLIC GRANTS

Ms. Hunter and Mr. Watanabe presented to the Commission for its advice and consent the following requests for public grants.

Westside Park and Doran Boat Launching Facility

The County of Sonoma has applied for a \$350,000, Harbors and Watercraft Revolving Fund grant for funding planning, engineering, and permits for rehabilitation of the boating launching facilities at Westside Park and Doran Beach. Elizabeth Tyree, Analyst, Sonoma County Regional Parks, gave a presentation and was available to answer questions from the Commission.

Commissioner Purdon asked about the park fees. Ms. Tyree responded that there is a \$6 daily parking fee but there is no fee for boat launching. There was some concern with the environmental issue of Eelgrass but Ms. Tyree said there will be some ongoing monitoring of the grass.

Commissioner Webb asked what the cost of construction is and Ms. Tyree indicated it will be \$1.5 million for Westside Park and \$800,000, for Doran.

Chairwoman Clark visited the proposed project site and noticed that both sites were heavily utilized. She recommends approval.

Department staff recommends that the Boating and Waterways Commission approve the \$350,000, Harbors and Watercraft Revolving Fund grant for improvements to Westside Park and Doran Boat Launching Facility as described in the Feasibility Report.

MOTION: *It was moved by Commissioner Webb and seconded by Commissioner Metz that the Boating and Waterways Commission approve the \$350,000, grant to the County of Sonoma for the proposed planning project described in the April 27, 2011, Feasibility Report. The motion carried unanimously.*

Sunbeam Boat Launching Facility

The County of Imperial has applied for a \$295,000, Harbors and Watercraft Revolving Fund for construction of a boat launching facility at Sunbeam Lake. Estimated completion date for the proposed project is March 2013. Ralph Cordova, CEO, County of Imperial, and Esperanza Malagon Colio, Community and Economic Development Manager were available for to answer any questions from the Commission.

Commissioner Metz visited the proposed project site and recommends approval.

Department staff recommends that the Boating and Waterways Commission approve the \$295,000, Harbors and Watercraft Revolving Fund grant for construction of a boat launching facility at Sunbeam Lake as described in the Feasibility Report.

MOTION: *It was moved by Commissioner Metz and seconded by Commissioner Purdon that the Boating and Waterways Commission approve the \$295,000, grant to the County of Imperial for the proposed project described in the April 27, 2011, Feasibility Report. The motion carried unanimously.*

Fields Landing boat Launching Facility

The County of Humboldt has applied for a \$300,000, Harbors and Watercraft Revolving Fund grant to fund planning, engineering, and permits for demolition and reconstruction of the Fields Landing Boat Launching Facility.

Jimmy Smith, Supervisor, First District, Humboldt County, was not available to answer questions from the Commission. Ms. Hunter read his letter (Attachment 2) addressed to the Commission regarding Fields Landing.

Chairwoman Clark visited the site and was impressed that Humboldt County has partnered with various agencies and organizations to make the project a reality. She noted the redesign of the parking area with a barrier that would keep a person who is unfamiliar with the area from driving into the water. She recommends approval.

Department staff recommends that the Boating and Waterways Commission approve the \$300,000, Harbors and Watercraft Revolving Fund grant for improvements to Fields Landing Boat Launching Facility as described in the Feasibility Report.

MOTION: *It was moved by Commissioner Webb and seconded by Commissioner Purdon that the Boating and Waterways Commission approve the \$300,000, grant to the County of Humboldt for the proposed project described in the April 27, 2011, Feasibility Report. The motion carried unanimously.*

Chairwoman Clark asked that the feasibility reports in the future contain information on when funds will be used for a proposed project before the Commission. The funds should be used within three years.

Ruth Lake Boat Launching Facility

Ruth Lake Community Services District has applied for a \$650,000, Harbors and Watercraft Revolving Fund grant for improvements to the existing Ruth Lake Marina Boat Launching Facility. Improvements include a restroom, boarding floats, log boom, and ADA improvements. Steve Canale and Loren Fleming, Board Members, Ruth Lake Community Services District were available to answer questions from the Commission.

Chairwoman Clark visited the proposed project site and recommends approval.

Department staff recommends that the Boating and Waterways Commission approve the \$650,000, Harbors and Watercraft Revolving Fund grant for improvements to Ruth Lake Boat Launching Facility described in the Feasibility Report

MOTION: *It was moved by Commissioner Purdon and seconded by Commissioner Webb that the Boating and Waterways Commission approve the \$650,000, grant to the Ruth Lake Community Services District for the proposed project described in the April 27, 2011, Feasibility Report. The motion carried unanimously.*

OLD BUSINESS

Alamitos Bay Loan-Related Issues Update

Ms. Becerra gave an update on the Alamitos Bay loan. She indicated the two contingencies approved by the Commission, language between the City of Long Beach and the Long Beach Yacht Club, and request for full spending plan, has not taken place.

Ms. Becerra read from City Auditor's letter to the Mayor and City Council dated April 12, 2011. She read the following excerpts: "Overall, we found several important issues related to the funding of the Rebuild Project that raise questions whether moving forward with this considerable project is in the best interest of the City of Long Beach. Specifically, we found the total costs for the entire Rebuild Project at the close of our field work were estimated to be over \$96 million of which \$90 million will be paid through debt - \$40 million in Department of Boating and Waterways (DBAW) loans and \$50 million in municipal revenue bonds."

Ms. Becerra read excerpts of the City Auditor's recommendation: "...Request City Management to review the recommendations, develop strategies for implementation, and update the City Council and City Auditor as to the status of the Rebuild Project within six months from the date of receipt and filing of this report."

Ms. Becerra reported the Department will have to wait for the City of Long Beach's auditors request and completion of the analysis before going forward with the project. Commissioner Purdon asked for the total amount that has been approved for Alamitos Bay to date. Ms. Becerra said she will get the figures to the Commissioners.

Commission Workshops: Loan Process Abandoned Vessels

Chairwoman Clark said June 14, 2011 is the date for the Boating and Waterways Commission loan workshop in Sacramento. She asked everyone interested in making suggestions or attending the workshop to contact Margarita Sanchez. Notices will be mailed with all the information. Chairwoman Clark added that the workshop for the Abandoned Vessels process is scheduled for July 27, 2011, in Sacramento and asked for everyone interested to contact Margarita Sanchez.

NEW BUSINESS

Department Program Presentation-Non-Motorized Boating Report Update

Mr. Watanabe gave a presentation on Non-Motorized Boating. Commissioner Metz asked if a brochure can be developed to show where non-motorized facilities are located. Ms. Becerra said yes, one can be developed.

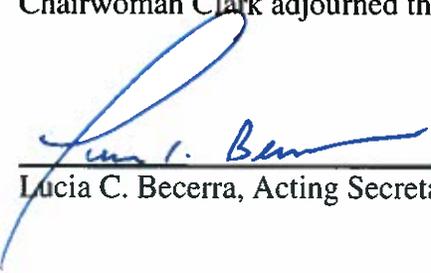
COMMISSIONER ANNOUNCEMENTS

Boating and Waterways Commission Hall of Fame Champion

Chairwoman Clark asked everyone to submit names of individuals who qualify for the Hall of Fame Champion. These are individuals who are making an impact on boating and /or the Department. She indicated the next meeting will be August 23 & 24, 2011, the location to be determined.

ADJOURN

Chairwoman Clark adjourned the meeting at 12:51 P.M.



Lucia C. Becerra, Acting Secretary

Attachment 1

Boating and Waterways Commission
April 27, 2011

Comments on Senate Bill 623(Kehoe)

**By
Commissioner Purdon**

1. The science shows that our waters in the San Diego Yacht Harbor have copper in our water column that is presumably created by boat bottom leaching and cleaning on recreational boats, as well as upland runoff and storm drains.
2. People seem to have assumed that we have a problem with copper in our water but it doesn't seem to be creating a problem in our bay. No one has developed a scientific consensus that we have a real problem. They are implying that because copper is found in the bay in small parts per billion that we have a problem and everyone seems to be accepting it. I say we should develop the environmental issues about copper before we turn San Diego Bay and the rest of California upside down.
3. There are significantly fewer boats in this area than there were 10 years ago due to vacancies in the marinas. If the copper in San Diego Bay has increased but we have less boats in our bay due to the economy, how did this happen? Could there be another reason that the copper in our water has increased over time?
4. Although I have not seen it added yet, this bill apparently will not affect commercial boats or the US Navy, Coast Guard, or Super Yachts that are foreign flagged. That grouping represents over half of the bottom square footage of bottom paint than the bottom paint on recreational boats in San Diego. But if she included these groups, the Navy for one will probably move their business for ship repair and ships out of San Diego to some other state. This is just another example of how this bill could kill jobs and hurt the California Economy. Ship building in San Diego is a huge job creator and positive economic impact business. If the Navy were to leave, these shipyards would leave and cause negative economic impacts to San Diego.
5. If copper is really that bad for the water quality and sediment, then the prohibition should apply to everybody, including the Navy, commercial vessels, foreign flagged vessels (Super Yachts), and any others to be excluded. The good thing is that there may be federal regulation that will prevent this bill from affecting the Navy and Coast Guard.
6. The Port of San Diego and the San Diego Super Yacht Association has sent letters to Senator Kehoe regarding her bill. While they recognize the issue, they are concerned that the bill does not address "transient" yachts visiting San Diego for less than six months and are not "home ported" in San Diego. Her bill if enacted as proposed would significantly hurt boatyards and jobs in San Diego. San Diego would become a "no visitors welcome" port.
7. Another way this bill might kill jobs is the fact that the cost of replacing copper bottom paint with non-toxic bottom paint is very high. You have to in most cases remove all the

- old copper paint before putting on the non-toxic paint. Recreational boats will then go to Ensenada, 55 miles to the south, to Mexican boat yards to get paint that has copper in it and save considerable money.
8. The Clean Water Act that Senator Kehoe's bill refers provides clean drinking water to protect humans. While we all want our marine life to flourish, I can tell you that San Diego Bay is very clean but actually the Clean Water Act that drives all this thinking was enacted ostensibly to protect humans, not the environment per se. Studies performed by San Diego, Oceanside and Dana Point as part of the regional harbor monitoring program shows that state water quality has indeed improved.
 9. This bill would put a hardship upon a few without demonstrating benefit to the many. It is being applied with discrimination to recreational boaters who represent a smaller portion of the overall contribution of the problem if there is a problem. A strong and compelling case of scientific support seems to be absent.
 10. One issue that is forgotten is that some copper helps keep invasive species off boat bottoms which helps limit the spread of invasive species. It also helps considerably with keeping a boat's bottom smooth so the boat doesn't use as much fossil fuels to get from point A to point B. Therefore copper helps to clean up our air and actually helps our human health condition.
 11. Bottom line is we need a consensus of the science to prove the necessity of this bill. Everyone needs to consider the unintended consequences of bills like this. Does this bill do more good fairly or does it create issues that might be more harmful to our environment and humans in the final analysis.
 12. We need to think through regulation carefully to be sure it's fair and it doesn't create more problems than it solves both environmentally and financially.
 13. The California association of Harbor Masters and Port Captains, the California Marine Parks and Harbors Association, the California Yacht Brokers Association, the Marina Recreation Association, the Northern California Marin Association, and the Western Boaters Safety Group have stated in a letter delivered to Senator Kehoe yesterday that expresses support of the bill "if amended".
 14. These groups want the bills dates to be changed to make the requirement for the application of paint containing copper to commence in 2025 instead of 2019.
 15. They want the bill to authorize the Department of Boating and Waterways to consider extending the ban on copper dates. The DBW Director could find that if there are an insufficient number of effective antifouling paints in 2025, the ban on the sale of antifouling paint containing copper shall be delayed for five years.
 16. This group also would like the bill to include a mandate that every marina in the coastal zone post a sign indicating the "best practices" for hull cleaning and this will be added to the Health and Safety Code. The divers are extremely concerned about this. They say the signage restricts their ability to clean some bottoms even though their methods would not put copper in the water.
 17. These groups suggest that the State Water Resources Control Board be allowed to review and possibly continue the use of copper-based hull paints if a copper-based product is the best solution at some point in the future. This addresses my concern about "unintended consequences."



April 25, 2011

BOARD OF SUPERVISORS

Attachment 2
BWC Meeting 4/27/11

COUNTY OF HUMBOLDT

825 5TH STREET

EUREKA, CALIFORNIA 95501-1153 PHONE (707) 476-2390 FAX (707) 445-7299

Lenora S. Clark, Chair
California Department of Boating & Waterways Commission
2000 Evergreen St. Suite 100
Sacramento, CA 95815

Dear Chair Clark:

First, thank you for your recent trip to the North Coast. It was a pleasure to tour Fields Landing with you and Sylvia. I very much wanted to be there with the Commissioners and staff to discuss our Fields Landing Boat Ramp project. Unfortunately, my wife became very ill over the weekend and I need to be here with her.

I would like to convey some important points about Fields Landing. A few years ago you helped us with a major improvement project. We added floats, did a nice walk-way and placed new concrete pilings. Since that work, we secured a Wildlife Conservation Board grant that allowed us to enlarge our parking area and install modern security lighting. In addition, we worked with NOAA, PG&E and the Humboldt County Office of Emergency Services to install a modern tsunami warning system. This facility is located in a protected area but is close to the entrance to Humboldt Bay. The tsunami siren serves the boating public as well as the residents in the town of Fields Landing. Our latest project is the construction of modern ADA compliant restrooms and a complementary picnic area. All these projects were prompted by increased public use.

Our final project wish is for a new launch ramp. The old one is cracked and was described as "very tired" by your staff. A modern ramp would accommodate today's larger boats and dramatically expedite launching and safety. Fields Landing hosts the most boaters in Humboldt County as well as visitors from out of the area. With an expanded salmon season, a special recreational crab season, more waterfowl use and a greater paddle craft demand, we can expect a lot more boating use.

I deeply appreciate the great partnership that Humboldt County shares with the Commission. Please let me know if I can provide you with any additional information related to the Fields Landing facility application. Thank you in advance for your consideration.

Sincerely,

Jimmy Smith, 1st District Supervisor
County of Humboldt

JS:kh

cc: Humboldt County Board of Supervisors