

MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
SAN DIEGO, CALIFORNIA
December 12, 2008

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Rupf, on December 12, 2008, at 8:30 A.M. at the Marriott Hotel, 333 West Harbor Drive, San Diego, California.

ROLL CALL

Commissioners Present: Warren E. Rupf, Chairman
 Douglas W. Metz, Vice Chairman
 Lenora S. Clark
 Robert Y. Nagata
 H.P. "Sandy" Purdon
 Edward C. Reno III

Department of Boating and
Waterways Personnel Present: Raynor Tsuneyoshi, Director
 Lucia Becerra, Chief Deputy Director
 Penny Schulz, Chief Counsel
 Debra DeVerter, Chief, Administration
 Harold Flood, Manager, Facilities Division
 Margarita Sanchez, Administrative Assistant

COVENE

Chairman Rupf welcomed everyone to the December 12, 2008, Boating and Waterways Commission meeting.

APPROVAL OF MINUTES

Chairman Rupf pointed out an item in the October 24, 2008, minutes which needed to be corrected. On page two, second paragraph, under "Director's Report" the minutes should read "...includes \$85.5 million..."

MOTION: It was moved by Commissioner Purdon and seconded by Commissioner Clark that the Boating and Waterways Commission minutes of the October 24, 2008, meeting be approved with correction. The motion carried unanimously.

CHAIRMAN'S REPORT

Chairman Rupf publicly recognized Department staff for all the work done in 2008 and with regards to next year's budget, he hoped the coming year will be better.

DIRECTOR'S REPORT

Mr. Tsuneyoshi welcomed everyone to the last 2008 Boating and Waterways Commission meeting. He stated the Commission has approved \$23 million in grants and loans and the Department has completed 11 projects totaling close to \$14 million. Mr. Tsuneyoshi reported Department advertising awareness of the safety and owner responsibility message promoted through the safety media campaign has continued to increase dramatically. He added that the latest attitude and awareness tracking study indicated that in 2008 three out of four boaters recalled seeing or hearing boating safety advertising in the past six months; that is an increase of 15% from 2007 and 22% over the 2006 study.

Mr. Tsuneyoshi indicated as of December 8, 2008, 48 boating related fatalities have been reported to the Department; during this time last year the state had 54 fatalities. He said the low numbers usually correspond with a low water year; and, this year gasoline prices were high which discouraged boating.

Mr. Tsuneyoshi wished everyone a "Mele Kalikimaka me ka Hau'oli Makahiki Hou" (Merry Christmas and a happy New Year)!

Chairman Rupf acknowledged and thanked Commissioner Purdon for his hospitality on yesterday's field trip.

LEGISLATIVE REPORT

Ms. Becerra reported the Department is working with Agency on proposed legislation for the coming year. She said there may be only three or four submitted proposals; surrendered vessels, formalizing the Department's name of "Cal Boating", mandatory education, and abandoned watercraft. She indicated that States Lands Commission is very interested in the abandoned watercraft issue, especially on the issue of responsibility.

Commissioner Metz asked about the legislation proposal regarding the "Cal Boating" name. Ms. Becerra responded the name "Cal Boating" is not in statute and is not a legal name that can be used in business. She added that Cal Fire and Cal Trans had to have their name in statute in order to be used in business.

With regards to the interest in the abandoned watercraft issue, Mr. Tsuneyoshi reported that the Lieutenant Governor, after taking a boat ride on the Sacramento River, called the Department and asked who has jurisdiction over the abandoned vessels and other hazardous debris he saw in the Sacramento River. Mr. Tsuneyoshi informed the Lieutenant Governor that the Department

takes care of some of the abandoned vessels, but other hazardous debris is not covered by any agency. Mr. Tsuneyoshi informed him that the Department should be the agency who should be the lead over abandoned vessels. After further discussion, he said, the Lieutenant Governor asked that the Department's legislative unit work with his unit on this issue.

Chairman Rupf reminded the Department staff that Commissioner Metz has asked for a future meeting to discuss the issue of abandoned vessels. Mr. Tsuneyoshi responded that a committee has been meeting on this and more meetings can be scheduled. Ms. Becerra added that the Delta Protection Commission is also interested in this issue. She indicated a meeting will be arranged.

CONSIDERATION OF PUBLIC GRANT

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

Brite Valley Boat Launching Facility

Tehachapi Valley Recreation & Parks District has applied for a Boating and Waterways public grant in the amount of \$100,000 to make improvements to the Brite Valley Aquatic Recreation Area Boat Launching Facility. The Brite Valley Aquatic Recreation Area Boat Launching Facility is located in the Tehachapi Mountains, six miles from the City of Tehachapi.

Mr. Flood indicated the proposed project includes demolition of the existing eroded boat ramp which will be replaced by a new, single lane, V-groove boat launching ramp with a vertical curb and paved road at the top of the ramp.

Gary Opfermann, District Manager, Tehachapi Valley Recreation & Parks District, was available to answer any questions from the Commission.

Mr. Flood stated staff recommends that the Boating and Waterways Commission approve the public grant of \$100,000, to Tehachapi Valley Recreation & Parks District for improvements to the Brite Valley Aquatic Recreation Area Boat Launching Facility.

MOTION: It was moved by Commissioner Metz and seconded by Commissioner Purdon that the Boating and Waterways Commission approve the Department of Boating and Waterways public grant of \$100,000 to the Tehachapi Valley Recreation & Parks District for improvements to the Brite Valley Boat Launching Facility. The motion carried unanimously.

Mr. Opfermann thanked the Commission for its consideration and approval.

CONSIDERATION OF FEE INCREASE

City of San Diego

Mr. Flood indicated the City of San Diego is requesting approval to increase their boat launching fees above \$15 at their boat launching facilities. Mr. Flood reported the Department had done a study in

FY 01/02 to determine what the average boat launching fee was for boating launching facilities. By law, facilities that are built with Department funds can only charge amounts sufficient to cover operations and maintenance of the facility. At the time the average boat launching fee was \$5.00. After the study and with Commission's approval, it was determined to increase the boat launching fee up to \$13.00, and with inflation up to \$15.

Mr. Flood said no action is required today by the Commission because Department staff did not have sufficient time to review the proposal. He indicated the City of San Diego will come before the Commission for approval of a boat launching fee increase at a later date.

City of San Diego staff, Jim Fisher, Water Department and Joe Weber, Lakes Program Manager, was available to answer any questions from the Commission.

Mr. Fisher reported the City of San Diego (City) was losing about \$2 million a year under the recreation program, so on December 1, 2008 the City approved an increase of fees to \$7 for boat launching, \$8 for user, which totals the \$15 fees allowed by the Department. Mr. Fisher said the water contact user fee will be increased to \$10 and this would exceed the limit of \$15 by \$2. He said the City of San Diego is requesting to increase the user fee to \$10 to cover the cost of the program.

Commissioner Metz asked how many San Diego County reservoirs are in the City's jurisdiction and what the comparative cost is. Mr. Fisher responded the City of San Diego owns nine reservoirs and operates recreational programs on eight and the county operates one recreational program for the City of San Diego. Mr. Fisher noted the City of San Diego is the only municipality that has water contact sports. He agreed to give the comparative costs and baseline data to Department staff.

Commissioner Reno said it is his understanding that the increase will not fully recoup the cost associated with the program. Mr. Fisher responded that with the user fee increase the City of San Diego will be about \$240,000 short.

PUBLIC COMMENTS

Leigh Taylor Johnson, Marine Advisor, University of California Cooperative Extension, thanked the Department and Commission for approving funds for various projects on copper bottom paints and invasive species; the projects assist and inform boaters, policy makers, and the boating industries. She introduced her staff members Scott Parker and Kevin Campbell. She indicated Mr. Parker is doing field study that is looking into the ecology of invasive fouling species and

how it affects the ability to control them. Mr. Campbell, she said, is working on the economic study which is funded jointly by the Department and Department of Pesticide Regulation. Ms. Johnson made available to the public the booklet titled "*Alternative Antifouling Strategies Sampler*".

Chairman Rupf called for a break at 9:28 A.M.; meeting resumed at 9:48 A.M.

NEW BUSINESS

Election of Officers

Commissioner Purdon proposed that the Boating and Waterways Commission change the yearly election period of officers to a two-year period.

Commissioner Clark stated it is her understanding that this would require making the change a Commission policy. Ms. Schulz suggested the two-year change can be done at anytime and entered into as a Commission policy.

MOTION: It was moved by Commissioner Purdon and seconded by Commissioner Nagata that the Boating and Waterways Commission approve the term of office of the Chair and Vice Chair to a two-year period with this current term being the middle of the two-year term. The motion carried unanimously.

Commissioner Metz stated he supports this new policy because of his experience being on many boards; he knows the first year as Chair is a learning experience and the second year is an opportunity for leadership.

2009 Meeting Schedule

After discussion, the 2009 Boating and Waterways Commission meeting schedule will be as follows:

- February 26 and 27, 2009 in Orange County
- April 27 and 28, 2009 in Mendocino County
- June 11 and 12, 2009 in San Bernardino County
- August 27 and 28, 2009 in Sacramento
- October 22 and 23, 2009 in South Lake Tahoe

Commission Loan and Grant Approval Process

Ms. Becerra reported on the letter Chairman Rupf wrote to Secretary of Resources Mike Chrisman on the Commission's involvement with the decision making of the loan and grant approvals and how it ties in with the Department's budget process. In response, Mr. Chrisman directed the Department to look into moving the approval process up so that the loan and grant applications can be considered by the Commission before being introduced into the Department's budget.

Ms. Becerra indicated the Department is working on the details of making the application packages and the Department's recommendations available to the Commission. She added the Commission will be informed once completed. Chairman Rupf thanked the Department and staff for making the process possible.

Commissioner Reno asked if the new process will be ready by the February Commission meeting. Ms. Becerra responded a proposed plan will be available at the February meeting. She added the proposed FY 08/09 budget will also be sent to Commissioners before the February meeting.

San Mateo County Harbor District-Oyster Point and Water Emergency Transit Authority Lease

Ms. Becerra reported that the Department recently received a request to approve a lease that was signed between San Mateo County Harbor District (County) and the Water Emergency Transportation Authority (WETA). The lease was not approved because the terms of the contract did not indicate adequate revenues for the County to make their payments. She stated the Department is having ongoing discussion with the County and WETA to try and work out an agreement that will benefit everyone. Ms. Becerra reported a final contract may be entered in sometime next week.

Mr. Flood added that in 1998, the County came before the Commission and requested a half a million dollar increase to a loan that it already had to build 71 new berths in one of its marinas. He said the Commission did not like the way the loans were structured at that time and asked the Department to work with the County in restructuring the loans. Restructuring of Oyster Point and Pillar Point was done and they were made into one large loan. The County then prepared a business plan which included a payment structure to pay off the loan. Mr. Flood said the Commission approved the payment structure plan which included interest only payments for a few years then the payments were raised to \$2.4 million per year over the remainder of the loan term. The County, he said, had been making its payments, but recently the County had contacted the Department and said they were not sure if they could continue to make future payments. The Department was looking into this when WETA contacted the County to say it was looking into putting a ferry terminal at the facility. Mr. Flood said the Department is working with the County so that the loan is repaid and the ferry terminal can be built. Mr. Flood indicated this information does not require Commission approval and is given as information only.

Chairman Rupf indicated he would like to see the terms of the agreement when completed.

OLD BUSINESS

Update-Shelter Island Boat Basin TMDL San Diego Regional Quality Control Board

Ms. Becerra introduced Dave Gibson, Senior Environmental Scientist, San Diego Regional Quality Control Board, who gave the Commission an update on the Shelter Island Basin's TMDL.

Mr. Gibson indicated the first two years of the TMDL was a break in period and not much was accomplished in that time frame. He added the Shelter Island Basin is now in the 7-year second phase period in which a 10% reduction is supposed to be obtained. Mr. Gibson indicated the total number of years for compliance of the TMDL is 17.

Budget Update

Ms. Becerra gave the Commission an update on the Department's FY 08/09 budget and indicated the Department is working with Agency on the FY 09/10 budget.

Ms. Becerra reported that due to the State's budget problems, the Department's Harbors and Watercraft Revolving Fund is being looked at by the Administration as a source of funding for other departments. She pointed out that the Harbors and Watercraft Revolving Fund is separate from the Department's budget and that monies from the fund can be directed by the Administration or the Legislature to any department that has boating related activity.

Chairman Rupf asked that staff send a strong message to Agency and the Administration for the need of the Department to finance studies such as, boating statistic/data and a needs assessment report.

Commissioner Metz asked for status on the needs assessment report. Ms. Becerra responded the Department will proceed with a contract so that the assessment report can be done. Commissioner Metz asked that the needs assessment report be put on as an agenda item under Old Business. Ms. Becerra stated the item would be better suited under "Old Business" in Budget Update.

Commissioner Clark asked that a list be compiled to reflect what projects have been approved by the Commission. Ms. Becerra pointed out that the list is on the second page in the feasibility report.

Chairman Rupf stated that at three or four prior commission meetings it was decided to have a needs assessment study done as well as the loan and grant programs reviewed by a contractor. At a subsequent meeting, he said, it was reported that the study and program review would have to be contacted out, and subsequently, the Commission was then told that due to the budget these types of services were not allowed. Now, he added, the Commission is being told that contracts will be allowed. Ms. Becerra responded that his statement is duly noted.

Commissioner Metz asked that a strategic planning meeting be done, possibly yearly, so that the Commission can prioritize issues and guidance with regards to the Department's budget process. He suggested a two-member committee be formed to have this done. Commissioner Clark agreed and volunteered to sit on the committee. Ms. Becerra suggested this be discussed at the mid-term meeting.

COMMISSIONER ANNOUNCEMENTS

Commissioner Clark shared with the Commission the priority list that Recreational Boaters of California has developed. She mentioned that she has been appointed to the BoatU.S. National Advisory Committee and will be putting forth California boating issues.

Commissioner Metz suggested that a summit meeting of various boating advocacy groups be held to advocate the Commission's core mission in light of the encroachment on the Harbors and Watercraft Revolving Fund.

Commissioner Reno stated that with regards to the budget, 2008 was a hard year and more than likely 2009 will also be difficult economically. He thanked staff and wished everyone a happy and safe holiday and looks forward to seeing everyone in 2009.

Chairman Rupf thanked everyone and stated 2009 will be very challenging. He wished everyone a happy holiday season.

ADJOURN

Chairman Rupf adjourned the meeting at 11:36 A.M.

Original signed by:

Raynor Tsuneyoshi, Secretary