

**DEPARTMENT OF BOATING AND WATERWAYS**

2000 EVERGREEN STREET, SUITE 100  
SACRAMENTO, CA 95815-3888  
Tele: (916) 263-0780  
Fax: (916) 263-0648  
[www.dbw.ca.gov](http://www.dbw.ca.gov)



To: Boating and Waterways Commission Members

From: Department of Boating and Waterways, Legislative Unit

Subject: **LEGISLATIVE REPORT, June 12, 2008**

This report was prepared on May 28, 2008. This is the middle of the second year of a two-year legislative session.

**ASSEMBLY BILLS**

**AB 990 (Berg) Spud Point Marina.** AB 990 would allow Sonoma County to provide facilities at the Spud Point Marina for commercial or recreational vessels in numbers that it determines appropriate, reduce the authority of an existing advisory committee to influence berthing rates at the marina, allow the county to establish different berthing rates for commercial and recreational vessels, and delete existing law from 1982 related to provisions of loans made by the Department of Boating and Waterways (DBW) to Sonoma County for the development of the Spud Point Marina.

Sponsor: Sonoma County

Status: Amended 4/28/2008, Passed the Assembly 1/29/2008 (70-2-7), In the Senate Natural Resources and Water Committee

Department Position: Support

**AB 1950 (Lieu) Vessels: abandonment: abatement.** AB 1950, as amended March 24, 2008, would 1) define the term "surrendered vessel", 2) establish conditions under which public agencies could accept such vessels from willing owners, 3) increase the minimum fine for abandonment of a vessel, and 4) allow a public agency to dispose of a surrendered vessel immediately upon acceptance from the surrendering party. The bill would also allow DBW to provide grants to local agencies for disposal of surrendered vessels under the existing Abandoned Watercraft Abatement Fund (AWAF), and would require DBW to track the grant program activity between January 1, 2009 and January 1, 2011, and to report that information to legislative committees, as specified, by July 1, 2011. The bill would also set all the above requirements to expire on January 1, 2012, unless another measure deletes or extends that date.

Sponsor: CA Association of Harbor Masters & Port Captains, Marine Parks & Harbors Association, CA Yacht Brokers, Marina Recreation Association, Northern CA Marine Association, Southern CA Marine Association, Western Boaters Safety Group

Status: Amended 3/24/2008, passed the Assembly Appropriations Committee 5/22/2008 (17-0), in Assembly

Department Position: No approved position

**AB 2110 (Duvall). Vessel operator cards.** This bill, as amended April 22, 2008, would establish a Vessel Operator Certification Account, into which all testing and certification fees would be deposited, and which would be made available to DBW, upon appropriation by the Legislature, to administer the program. This bill would also require operators of vessels powered by an engine, unless specifically exempted, to pass an examination—approved by DBW—which demonstrates the operator's knowledge of boating safety and existing boating laws, and to obtain and carry a vessel operator card developed and issued by DBW. An implementation schedule would phase in this requirement by age group, starting on January 1, 2012.

AB 2110 would require the Department to either: (1) develop and provide an online vessel operator certification exam, and implement the associated information technology infrastructure, or (2) contract with two or more vendors to provide online vessel operator certification exams on the Department's website.

Sponsor: Recreational Boaters of California

Status: Amended 4/22/2008, held in Assembly Appropriations Committee

Department Position: No approved position

**AB 2763 (Laird) Invasive pests: advance planning: assessments.**

This bill would require the state Department of Food and Agriculture (CDFA) to develop and maintain a list of invasive (non-native) animals, plants, insects and diseases that may enter California, and to identify appropriate control, eradication or management measures. In cases where pesticide use is identified as the appropriate response, the CDFA would be required to notify the Governor, affected local agencies and the public, as specified. Certain state agencies would be required to participate in the planning process, in their areas of expertise. The CDFA would be required to seek federal funds for implementation, and would be authorized to use certain state funds, as specified.

Sponsor: Author

Status: Amended 5/23/2008, Passed Assembly Appropriations Committee 5/6/2008 (17-0), In Assembly

Department Position: No approved position

**AB 2873 (Solorio/Silva) Counties: sheriffs' duties: coastlines, harbors, and inland waterways.** This bill would make a legislative intent declaration and would require that authority for the security and safety of Orange County's coastlines, harbors and inland waterways be granted to a law enforcement entity that employs peace officers, as defined in §830.1 of the Penal Code, who are trained to the same minimum standards and using the same staffing levels currently employed by the Orange County Sheriff's Department harbor patrol. This bill is not intended to affect other contracts or City services provided by the County.

Sponsor: Author

Status: Amended 4/14/2008, In Assembly Inactive File

Department Position: No approved position

**AB 3029 (Tran) Small craft harbors and boating: grants.** This bill, as amended April 8, 2008, would make federally recognized Indian tribes eligible for funding under the DBW small craft launching facility and vessel pumpout station grant programs, if they agree to waive their sovereign immunity as a condition of receiving grant funds.

Sponsor: Chemehuevi Indian Tribe

Status: Amended 4/8/2008, Passed Assembly Appropriations Committee 5/22/2008 (17-0), in Assembly

Department Position: No approved position

**SB 1159 (Cox) Alcoholic beverages: possession: Truckee River.** This bill, as amended May 21, 2008, would prohibit possession or consumption of alcohol—by anyone in a vessel or by a bather, as defined—on certain portions of the Truckee River during summer holiday periods when the Placer County Board of Supervisors makes a similar ban on the shore, to improve public safety and the environment.

Sponsor: Placer County Board of Supervisors

Status: Amended 5/21/2008, Passed the Senate 4/1/2008 (27-4-9), in the Assembly Appropriations Committee

Department Position: No approved position

**SB 1435 (Ducheny) Marinas and harbors: funding.** This bill would expand the existing private marina loan program administered by DBW by allowing loan funds to be used for non-construction expenses associated with marina construction, such as permits and appraisals.

Sponsor: Department of Boating and Waterways

Status: Introduced 2/21/2008, Passed the Senate 4/28/2008 (38-0-2), in Assembly Water, Parks and Wildlife Committee

Department Position: Support

**SB 1462 (Maldonado) Navigable waters: seaplanes.** This bill, as amended on March 24, 2008, would require the Department of Transportation (CalTrans) to adopt regulations establishing requirements for landing, docking and take-off of seaplanes on the State's navigable waters. This amendment removes DBW responsibility from the bill, which in its original version had assigned full responsibility to DBW.

Sponsor: Author

Status: Amended 3/24/2008, held in Senate Transportation and Housing Committee

Department Position: No approved position

**SB 1685 (Kehoe) Regional comprehensive plan: San Diego County.** This bill would amend the purposes for which San Diego County's 1% regional sales tax revenues could be used, to include implementation of the County's regional comprehensive plan, water quality improvement, beach sand nourishment projects and other purposes. The bill would also allow the County to increase the regional sales tax rate up to the maximum allowable under existing law, subject to voter approval. The April 22, 2008 amendment specifies that any extension, expansion or increase of the sales and use tax shall apply to issues approved by voters on or after January 1, 2009.

Sponsor: SANDAG

Status: Amended 4/22/2008, Passed the Senate 4/28/2008 (23-15-2), in Assembly Transportation Committee

Department Position: No approved position

## **FEDERAL BILLS**

**HR 1187 (Woolsey). Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act.** This bill would declare it is U.S. policy to protect and preserve living and other resources of the Gulf of the Farallones National Marine Sanctuary (Farallones NMS) and Cordell Bank National Marine Sanctuary (Cordell Bank NMS) marine environments and make certain adjustments to expand the boundaries of the Farallones NMS and the Cordell NMS.

The bill would prohibit within the Farallones NMS and the Cordell Bank NMS: (1) the leasing, exploration, development, production, or transporting by pipeline of minerals or hydrocarbons; (2) the conduct of aquaculture (with exceptions); and (3) subject to limitation, the discharge of materials, substances, or introduced species or a harmful change in the salinity. The bill also prohibits the conduct of aquaculture within Monterey Bay National Marine Sanctuary and directs the Secretary of Commerce to complete: (1) an interim supplemental management plan for each sanctuary that focuses on protective resource management in the areas added by this Act; and (2) a revised comprehensive management plan for each of the sanctuaries. The bill also requires the Secretary to review the operations of the Farallones NMS to determine whether area added to it by this Act shall be designated as a new and separate NMS.

Status: Amended 3/31/2007. 5/15/2008 in the Senate Committee on Commerce, Science, and Transportation

Department Position: No approved position

**HR 2550 (Taylor). Recreational Boating Act of 2007.** This bill would redefine the term “pollutant” under the federal Clean Water Act to specifically exempt from regulation engine cooling water, bilge water and other incidental discharges from recreational vessels. This bill was introduced by the author in response to a recent federal appellate court decision stating that the provisions of the Clean Water Act shall be applicable to both commercial and recreational vessels, which would make individual boaters subject to the federal Environmental Protection Agency’s (EPA) strict National Pollutant Discharge Elimination System (NPDES) permit process.

Status: Introduced 5/24/2007. In Subcommittee on Water Resources and Environment.

Department Position: No approved position

**HR 3223 (Allen). Keep Our Waterfronts Working Act of 2007.** This bill would amend the Coastal Zone Management Act of 1972 to establish a grant program to coastal states to ensure coastal access for commercial and recreational purposes. The grant program would appropriate \$25 million for fiscal year 2008, \$50 million for fiscal year 2009, and \$75 million for fiscal year 2010 and would have a 25% matching requirement.

Status: Introduced 7/30/2007. 2/28/2008 House Subcommittee Hearings Held

Department Position: No approved position

**HR 5949 (Latourette). Clean Boating Act of 2008.** This bill would amend the Federal Water Pollution Control Act to specifically exempt from permitting incidental discharges of engine cooling water, bilge water and other wastewater from recreational vessels, as specified.

Status: Introduced 3/13/2008. Passed House Committee on Transportation and Infrastructure 5/15/2008. In Committee on Environment and Public Works

Department Position: No approved position

**S 2067 (Martinez). Recreational Boating Act of 2007.** This bill would make changes similar to HR 2550, with the same intent, which is to remove recreational boaters from the requirements of the NPDES permit process, as explained above.

Status: Introduced 9/18/2007. In Committee on Environment and Public Works

Department Position: No approved position

**S 2766 (Nelson). Clean Boating Act of 2008.** This bill would amend the Federal Water Pollution Control Act to include an exception for recreational vessels from permitting requirements of the Act, and would define recreational vessels and management practices associated with the exception.

Status: Introduced 3/13/2008. Passed Committee on Environment and Public Works 5/21/2008.

Department Position: No approved position