

-AMENDED -

**MINUTES  
BOATING AND WATERWAYS COMMISSION MEETING  
SACRAMENTO, CALIFORNIA  
May 19, 2009**

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by the Chairman Pro Tem, on May 19, 2009 at 8:40 A.M. at the Sterling Hotel, 1300 H Street, Sacramento, California.

**ROLL CALL**

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

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

**CONVENE**

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

**OPEN SESSION**

Commissioner 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), and no action was taken.

**APPROVAL OF MINUTES**

**MOTION:** It was moved by Commissioner Clark and seconded by Commissioner Purdon that the Boating and Waterways

Commission minutes of the February 27, 2009, meeting be approved. The motion carried unanimously.

## **CHAIRMAN'S REPORT**

Chairman Pro Tem Metz welcomed everyone. He said the State budget is still unresolved at this time and more will be known after today's election. He stated that the Senate subcommittee 2, which would have addressed the merging of the Department into Parks and Recreation, was scheduled for May 7 and then rescheduled to May 14, but has now been canceled.

## **DIRECTOR'S REPORT**

Mr. Tsuneyoshi congratulated Commissioner Clark for being named by Boat U.S. as Woman Boater of the Year. Commissioner Clark later corrected Mr. Tsuneyoshi's statement and said she was named one of ten top women in American boating.

He said the department has not received any indication on whether the proposal to merge DBW into Parks and Recreation will be pursued and that DBW's future may depend on how voters vote in today's special election.

Mr. Tsuneyoshi stated that on February 27, 2009, Governor Schwarzenegger issued a drought proclamation and the Department was asked to work with State Parks to develop recommendations on measures to reduce the impacts of drought conditions to water-based recreation, including but not limited to the relocation or extension of boat ramps and the assistance to marina owners. The report is still being reviewed by the Natural Resources Agency and will be submitted to the Governor's Office once it is finalized.

Mr. Tsuneyoshi reported the 2009 Summer Boating Season is officially here and the Department will be carrying out several safety programs this summer to reduce boating fatalities and accidents on the waterways. Programs include the safety media campaign, Wear It California, Tri-State Boating Safety Fair and life jacket trade-in. He said advertising awareness from the safety media campaign on the safety/owner responsibility message was high last year and it actually did better than Cal Trans "Slow for the Cone Zone" campaign. The Department has decided to move forward with the same testimonial campaign this summer and the radio spots will continue to be the same.

Mr. Tsuneyoshi noted the Wear It California campaign kicked off this past Saturday and is the first in a series that will be held throughout the summer to encourage boaters and anglers along the Delta to wear their life jackets. He also noted that this will be the third year in which the U.S. Coast Guard, the National Safe Boating Council and DBW will be teamed up to give away inflatable life jackets to those Delta boaters who pledge to wear one.

Another successful campaign, he said, is the Tri-State Boating Safety Fair. In partnership with 40 local, state and federal entities that patrol the Colorado River, DBW held its sixth annual

Tri-State Boating Safety Fair this past Saturday in Lake Havasu City, Arizona. This area is popularly known as a party zone for boaters who more than often drink alcohol, wear no life jackets and violate boating laws. Many of the boaters travel from Los Angeles, San Bernardino and Riverside counties and 2 out of 3 boating accidents are by boaters from California. The public information officers from Arizona, Nevada and California's boating agencies will continue working with the media throughout the summer to encourage safe boating habits in the area.

Mr. Tsuneyoshi reported on the partnership with Radio Disney and Sam's Club, for the life jacket trade-ins. The Department will be holding life jacket trade-ins around the state this Friday, May 22 at selected Sam's Club locations. Locations include: Natomas, Folsom, Roseville, Citrus Heights, South Sacramento, Yuba City, Sacramento, Vacaville, Concord, Fresno, Bakersfield, Torrance and Riverside. Participants have the opportunity to trade in their old or outgrown life jacket to receive a properly fitted USCG approved life jacket.

Mr. Tsuneyoshi noted that the terms for Boating and Waterways Commissioners Rupf and Reno came to an end on March 15. He said their contributions and dedication to the Commission, DBW and to California's boaters was admirable. Mr. Tsuneyoshi noted that the Governor's office has decided not to fill the vacancies on the Commission due to the state's financial crisis.

## **LEGISLATIVE REPORT**

Ms. Becerra 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 Ms. Becerra was available to answer questions from the Commission members.

Ms. Becerra reported on:

AB 166, Lieu, 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, 4) allow a public agency to dispose of a surrendered vessel immediately upon acceptance from the surrendering party, and 5) prohibit the state from assuming any liability resulting from the processing or disposal of surrendered vessels, as defined. The bill would also allow the Department of Boating and Waterways (DBW) to provide Abandoned Watercraft Abatement Fund (AWAF) grants to local agencies for disposal of surrendered vessels, 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. This bill would also sunset all of the above requirements on January 1, 2012.

SB 459 (Wolk) Tidelands and submerged lands: removal of vessels. As amended, this bill would streamline administrative requirements to allow the State Lands Commission (SLC) to more easily remove and dispose of vessels and other watercraft from public lands or waterways under its jurisdiction. Such a vessel or other watercraft would be removed if it is left on state lands without permission or when it poses a hazard to navigation, is a public nuisance or poses a significant threat to public health, safety, or welfare or to sensitive habitat, wildlife, or water

quality. The April 21, 2009 amendments would require the SLC to deposit any funds received via this program into the General Fund rather than the Land Bank Fund. This bill would lessen the administrative requirements for removing vessels from state lands and this bill has been proposed as a no cost bill. DBW has raised the issue of whether this will be a no cost bill.

SB 717 (Runner) Boating and Waterways: Department of Boating and Waterways. This bill would make several changes to update the Harbors and Navigation Code (HNC). This bill would help modernize, streamline and clarify DBW business processes, especially as related to boating facilities loans made to public and private entities. This bill would also clean up obsolete language, establish consistent penalties for HNC misdemeanor and felony violations, and amend provisions regarding life jacket minimum age requirements and court ordered boating safety courses.

## **CONSIDERATION OF PUBLIC LOAN**

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

### **Santa Barbara Marina**

The City of Santa Barbara Waterfront Department has applied for a Boating and Waterways public loan in the amount of \$4,781,000 to make improvements to the Santa Barbara Harbor Marina One. Santa Barbara Harbor is located on the Pacific Ocean in the City of Santa Barbara and consists of four marinas with slips for 1,133 recreational and commercial vessels. The requested loan is intended to fund the first four phases to the Marina One project.

Ms. Dill indicated the proposed project would fund improvements to the first four phases to the Marina One project and would include improvements to the head walk and fingers "N"- "P" (phases 1-3) and the replacement of fingers "L" and "M" (phase 4).

Karl Treiberg, Waterfront Facilities Manager and Scott Reidman, Waterfront Business Manager, were available to answer any questions from the Commission.

Mr. Treiberg said the dock system which is over 30 years old are deteriorating and need of replacement. He indicated the reason for phasing the project is to minimize the loss of revenue and any disruption to boaters.

Mr. Reidman stated revenues to repay the DBW loan will be generated from marina fees, property management revenue from landside leases, parking fees and interest income. He indicated the slip fees rates will increase by 2% every two years, except this year they will propose, to the city council, a 4% increase.

Commissioner Metz visited the site last year and said the docks are in bad condition and in need of renovation. He recommends approval.

Ms. Dill stated staff recommends that the Boating and Waterways Commission approve the public loan of \$4,781,000, to the City of Santa Barbara Waterfront Department to make improvements to the Santa Barbara Harbor Marina One.

**MOTION:** It was moved by Commissioner Purdon and seconded by Commissioner Metz that the Boating and Waterways Commission approve the Department of Boating and Waterways public loan of \$4,781,000 to the City of Santa Barbara Waterfront Department to make improvements to the Santa Barbara Harbor Marina One. The motion carried unanimously.

## **CONSIDERATION OF PRIVATE LOAN**

Ms. Anub presented to the Commission for its advice and consent the following request for a private loan.

### **Glen Cove Marina**

Mr. Nima Gabbay, owner and operator of Glen Cove Marina has applied for a Boating and Waterways private marina loan in the amount of \$965,000 for improvements and dredging to Glen Cove Marina. Glen Cove Marina is located on the Sacramento River in Vallejo with easy access from San Francisco Bay, the California Delta and the Napa River.

Ms. Anub indicated the proposed project would remodel public restrooms bringing them up to ADA access standards, dredge the harbor and marina slips to provide access for boaters and tenants and add to the landscaping of the Marina for better public use and access to the Bay Trail.

Mr. Gabbay was available to answer questions from the Commission. He indicated the only way to get a boat in and out of the marina is during high tide. The marina has 75% occupancy and many boaters are willing to buy a slip once the dredging is completed. He said the slip rates are \$7.35 for the open slips and \$8.25 a foot for the covered slips.

Commissioner Metz visited the site and said the silting is bad and dredging is critical and badly needed. He recommends approval.

Ms. Anub stated staff recommends that the Boating and Waterways Commission approve the private loan of \$965,000, to Nima Gabbay, owner and operator, for improvements and dredging to Glen Cove Marina.

**MOTION:** It was moved by Commissioner Clark and seconded by Commissioner Purdon that the Boating and Waterways Commission approve the Department of Boating and

Waterways private loan of \$965,000 to Nima Gabbay, owner and operator, for improvements and dredging at Glen Cove Marina. The motion carried unanimously.

## **PUBLIC COMMENTS**

Larry White, Harbormaster, San Francisco Marina, updated the Commission on his marina.

## **NEW BUSINESS**

### **Election of Officers**

After discussion, a motion was made.

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

A Vice Chair was not elected at this time.

## **OLD BUSINESS**

### **Budget Update**

Ms. Becerra reported that the Governor's proposal of merging the Department with Parks and Recreation is still being considered and nothing has been finalized. She mentioned that there will be some conference committee hearings next week to develop a new budget proposal.

### **Loans and Grants Update**

Ms. Becerra reported that the Department of Finance has been conducting a review of the Department's loan and grants program and the report should be done by September. She said the Commission will be given a copy of the report once it is done.

Ms. Becerra reported that the Department has received some loan and grant applications and she has been working with Mr. Watanabe to set up visits to view the proposed projects. She indicated she has received about 10 telephone calls inquiring about Department loans, two of which were for private loans, and about 10 telephone calls for Department grants.

### **Boating Needs Assessment Update**

Ms. Becerra reported there is no contract to have the Boating Needs Assessment done at this time. She said it may be possible to have a contract done sometime in the fall, but it may depend on workload and budget availability. Ms. Becerra added that she has received some boating needs feedback from RBOC and Port Captains and Harbormasters and will make the comments available to the Commission at the next meeting.

### **Application Review Process**

Ms. Becerra went over the application review process handout. She will bring a summary of the applications to the next Commission meeting.

Ms. Becerra discussed the handouts given to the Commissioners. The handouts consisted of two capital outlay project summaries and one completed capital outlay project, life jacket loan program locations and Wear It California locations in the Delta.

### **COMMISSIONER ANNOUNCEMENTS**

After discussion of the Commission meeting schedule for the remainder year, the following was decided. The June meeting will be canceled and the Commission will meet on July 7, September 22, and November 9. All meetings will be one-day meetings and will convene at 9:30 A.M.

Commissioner Clark reported that she will be on the Boat U.S. National Advisory Council and Boat U.S. has put her name forward for a seat on the Recreational Boating and Fishing Foundation.

### **ADJOURN**

Chairman Metz adjourned the meeting at 11:25 A.M.

*Original signed by:*

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Raynor Tsuneyoshi, Secretary