

MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
STOCKTON, CALIFORNIA
FEBRUARY 19, 2014

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Metz on February 19, 2014, at 9:00 A.M. at the Residence Inn, 3240 West March Lane, Stockton, California.

II. INTRODUCTION OF COMMISSIONERS AND STAFF

All Commissioners were present, except new Commissioner Pettibone. Department staffs present were Sylvia Hunter, Deputy Director; Tara Lynch, Chief Counsel; Steve Watanabe, Supervising Civil Engineer; Ramona Fernandez, Staff Manager II; Keren Dill, Staff Manager II; Geoff Newman, Environmental Scientist; Angela Llaban, Environmental Scientist; Susan Sykes, Staff Service Analyst, and Margarita Sanchez, Administrative Assistant.

Chairman Metz reported that Commissioners Bañuelos and Lumian were not reappointed. The Governor has appointed two new Commissioners. The Chairman introduced Commissioner Randy Short; he noted that new Commissioner Katherine Pettibone could not attend because she is in the Middle East training women sailors.

Chairman Metz, with the consent of the Commission, changed agenda item "X" Aquatic Weed Control Program to be heard after the approval of the minutes.

III. APPROVAL OF MINUTES

MOTION: *It was moved by Commissioner Livingston and seconded by Commissioner Peralta, that the Boating and Waterways Commission Minutes of August 7, 2013, meeting be approved. The motion carried unanimously.*

MOTION: *It was moved by Commissioner Madueño and seconded by Commissioner Peralta, that the Boating and Waterways Commission Minutes of November 15, 2013, meeting be approved. The motion carried unanimously.*

IV. CHAIRMAN'S REPORT

Chairman Metz reported on his attendance at the Parks and Recreation Commission meeting in January and was asked to the dais to engage in dialog and question and answers. While there, he met the Chairman of the Off Highway Motor Vehicle Commission. Chairman Metz was not able to attend the State Historical Resources Commission meeting in Sacramento, but did attend the

grand opening of the Statewide Museum Collections Center. Chairman Metz stated he will meet with Chief Deputy Director Aaron Robertson to discuss a budget 101 presentation to the Commission.

V. COMMISSIONER'S ACTIVITIES UPDATE

Commissioner Madueño reported she toured the Stockton Marina and said it is a gem and an investment to the economy of Stockton. She also toured the Delta to view the water hyacinth and met with an official of the Port of Stockton. The official stated the water hyacinth is a huge issue and makes it difficult for barges to come in or leave the harbor; last year sonar detected it as land mass. Commissioner Madueño said we need to protect the marina and harbor and ensure their success for Stockton and other communities. She is looking to the business leaders and community to tell the Commission the long and short-term solutions of this issue. Commissioner Madueño said we need to look at the short and long-term solutions and find the best and most efficient way to handle the water hyacinth. Commissioner Madueño thanked staff for the informative tour.

X. RECEIVE PUBLIC COMMENTS REGARDING DIVISION'S PROGRAMS

Aquatic Weed Control Program & Aquatic Invasive Species Program

Ms. Hunter gave a brief introduction on the program and introduced the Division's Environmental Scientists Mr. Newman and Ms. Llaban, who gave a PowerPoint presentation on the Aquatic Weed Control and the Aquatic Invasive Species Programs to the Commission.

Public Comment

Lea Castleberry, Office of Contra Costa County Supervisor Mary Piepho, said it has been a pleasure working with the Department under Lucia Becerra and now Sylvia Hunter. Mary Piepho's office, she said, will continue to work with the Division on the 2014 Aquatic Weed Control treatment plan.

Tom Sawyer, Vice President, Grindstone Joe Association, said in January 13, 2013, he complained about the water hyacinth because they could not get boats in or out of the area. In June the Division's crew came out to spray and educate everyone about the plant. He stated he is very pleased and will continue to support the Division and staff. Mr. Sawyer said as soon as the temperature warms, he will call the Division and work with staff.

Marshall Wattel, Member, San Joaquin Delta Power Squadron, said they are dedicated to presenting educational information to boaters of Stockton County and anyone from the Bay area who wishes to come in for the training programs. He said they have a facility on an island in the Delta which is used extensively for training, but the hyacinth problem builds up in the area and boats cannot get in or out. Another problem they have is that there is no electricity so most

people use generators, which sucks up the water hyacinth and clogs the generator's filters and creates other mechanical problems for boaters. Mr. Wattel stated his boat is at King Island and he cannot get his boat out due to the plant being so packed. It has grown so tall that it looks like a three-foot tall flower plant. Last winter, he said, there was so much hyacinth that boaters could not get refueled at the fuel docks. Mr. Wattel said it is a problem and the sooner we find a solution, the better it will be for all boaters and for those who use the Power Squadron island for training.

Larry Ruhstaller, Member, San Joaquin County Board of Supervisors and Chairman of the Delta Protection Commission, Delta Stewardship Council, said he is very aware of the water hyacinth issue for a long time. He stated Contra Costa Supervisor Mary Piepho will be taking over both of the positions he now holds at the end of the year. Mr. Ruhstaller stated he and Supervisor Mary Piepho are working to bring additional resources to the problem and will get back to the Commission as soon as it gets mapped out, but, he said, it is a delta wide issue and they need to bring in all of the 5 delta counties supervisors as well as their agriculture people. He said the only way to control this issue is to deal with the entire system.

Leandro Vicuna, Downtown Stockton Alliance, said the Stockton waterfront is a unique destination and the water hyacinth will continue to be an issue there but he is thankful to be able to partner with other agencies to address it using mechanical harvesting. He said he would like to see other alternative solutions proposed, as well as short term and long term ones, so that the growth could be prevented earlier. If it is possible to do mechanical harvesting earlier in the year it may be better for all parties. Fortunately, he said, the harvesting this time was done in time for the boat parade, which was a great event and hope to continue having it year after year. He thanked everyone and would like to continue moving forward exploring different alternatives.

Doug Wilhoit, CEO Stockton Greater Chamber, thanked Ms. Hunter and staff for all that they have done in the past couple of years. He appreciates all the work the Division has done and would like to be a partner.

Randy Welch, Port Captain, Stockton Port Yacht Club, said it is hard to help annex the expectation and frustration level that some of the boaters have. He asked if 5,000 acres the permits allow is enough and how much does 5,000 represents of the total problem. He asked if there are enough resources out there to help address the problem, because when boaters call in sometimes the response time seems to be longer than the expectation. Mr. Welch said the sheriff's department can be a great resource by reporting water hyacinth to the appropriate agency, since they are out in the waterways every day and can spot the plant early. He said boaters are interested in helping participate in this problem and making it work. Mr. Welch said he has a big boat and could not berth it because the underwater plants on low tide would not allow the keel to get into the berth. He noticed by Mildred Island the dead plants have a growth sprout in them and is concerned that they may be ready to burst open because of the weather. He said this year it may be very critical to get ahead of this plant. Mr. Welch said he appreciates all the work the Division has done and will continue to work them.

John Bañuelos, Past Boating and Waterways Commissioner, read a letter he wrote to the Commissioners and the public. He also read a portion of the October 26, 2011, minutes of the Boating and Waterways Commission which was held in Santa Cruz. Mr. Bañuelos said the water hyacinth has been an issue for a number of years and has not been given the attention that it needs. In his two years on the Commission he has heard nothing but problems about the water hyacinth and was ignored because he asked questions. It bothers him that the Division runs smoke screens to the public. Mr. Bañuelos handed the letter to the Commission members and made it available to the public. He thanked and apologized to the Commission and said he has a deep respect for them. He added that he is very supportive on what is going on with the water hyacinth and all other plants. Mr. Bañuelos stated that he is concerned of the takeover of the Division by Parks and knows it is not working well. He apologized to the Division staff for any problems he may have caused.

Lenora Clark, Past Boating and Waterways Commissioner, said the Division has performed admirably as far as the aquatic invasive species is concerned. She noted that she lives in Discovery Bay and is a 25 year resident of the Delta and an avid boater in the Delta and Bay. Ms. Clark said she understand that it is not about eradicating the water hyacinth and *Egeria densa* but of controlling it. She stated that she, Supervisor Mary Piepho, Lucia Becerra, and Ms. Hunter, did try to maintain and keep under control both of the plants. She is concerned about what will happen this year, but is convinced with Ms. Hunter's lead and Chairman Metz's tenacity the Division and Commission will look after the boaters, businesses, and residents of the Delta. She added she will continue to speak up when navigable waterways are impeded and it becomes a safety hazard to boating.

Commissioner Madueño said while she was having coffee with Leandro Vicuna, she met an old friend who is a reporter of KXTV Channel 10. The reporter told her that he has worked as a reporter for 18 years and has seen the water hyacinth issue year after year and has no faith that it will be taken care of because Stockton is in the Valley. He said if we were in the Bay, Southern California or the Coast, this would not be an issue. She responded to him that she was from the Valley and will represent the Valley and the Governor and as long as she serves on the Commission, the hyacinth issue will be taken care of. Commissioner Madueño said this plant cannot be eradicated but the Commission should be taking a look at long-term solutions. She asked that Mr. Lee Grover of Clear Wave Energy give a brief presentation on a long-term solution to the hyacinth issue. She said it may be possible to take the plant and create something useful with it. Commissioner Madueño said when she took the tour she was told there was mountains of the hyacinth that will need to be disposed of.

The Commission recessed at 10:05 am and resumed at 10:14 am.

Lee Grover gave a presentation on Clear Wave Energy.

Chairman Metz asked if treatment of the water hyacinth can start before March 1. Ms. Hunter responded that mechanical harvesting has proving to be effective and is the best choice. The Department will be starting 2014 treatment with harvesting.

Commissioner Madueño asked if long term solutions is something the Division and Commission should be looking at and should start discussing. Ms. Hunter said we should not rule out any options and adapt to conditions and advancement of research as well as having an opened dialog.

Commissioner Livingston stated that in Contra Costa County the sheriff's marine patrol on occasions reports large masses of water hyacinth that need treatment. With two new Commissioners on board, he offered to host the Commission and take them and staff out in boats to see the problems in the Delta.

VI. DEPUTY DIRECTOR'S REPORT

Ms. Hunter notified the Commission that she is preparing a legal services request on behalf of the Commission regarding Harbors and Navigation Code 80.6 and will have a response at the next meeting.

Ms. Hunter said that the Director of Parks and Recreation sends his regards to the Commission and acknowledges the two new Commissioners. She gave Commissioner Short some correspondence from the Director and will deliver the same to Commissioner Pettibone.

Department Budget

Ms. Hunter gave a brief update on the Division's budget and said she is now able to get information on the budget with State Parks internal Fiscal Tracking System. The Division's management team is reviewing each set aside pot of funding to ensure that the boating public receives full benefit of the funding designated to serve them.

Legislative Report

Ms. Hunter gave a brief report on AB 8 and SB 491.

Division Activities Update

Ms. Hunter reported that the Division is now planning for boating season which begins on Memorial Day and ends on Labor Day. She said the 2014 Law Enforcement Education courses have been scheduled and a copy was included in the Commissioners packets. She said a well-attended stakeholder roundtable meeting was held to discuss a way to deliver more courses and ensuring that the Division's courses meet a national curriculum standard and satisfactory to the US Coast Guard and the National Safe Boating Council. She will keep the Commission informed.

Ms. Hunter thanked Commissioner Madueño for her interest and participation of the water hyacinth issue and looks forward into finding solutions together to the problem.

Ms. Hunter reported that the Division is moving forward in developing a Sponge Plant Control Program and held a public scope meeting on February 6.

Mussel Fee Regulation Update

Ms. Hunter said that DMV has reported that as of January 14, 2014, there were 432,465 registered vessels paying the mussel fee which is 90% of the current registered vessels. This generated approximately \$6.9 million in totaled revenue and after administrative cost to DMV and funding to the Department of Fish and Wildlife; the Division expects about \$2.7 million as projected. This will support one staff position and award \$2.5 million in grants. The Division is working on a final grant package which will include a grant scope of work, award criteria, and funding use timelines. The funding should be available in July.

Educator of the Year Award-Brian Dulgar

Ms. Hunter and Mr. Watanabe presented the National Association of State Boating Law Administrators' California Boater Educator of the Year Award to Brian Dulgar.

VII. PUBLIC COMMENTS

Donna Pozzi and Mike Lynch, Interpretation and Education Unit, Parks and Recreation, gave a presentation on Parks 150th Anniversary and made a brochure available to the public. Ms. Pozzi said she hopes the Boating and Waterways Commission will pass a resolution as other Commissions under Parks have done. Chairman Metz asked if Ms. Pozzi could provide suggested language for the resolution and Ms. Pozzi responded she will.

Patrick Kittle, Colusa Boat Ramp Committee, spoke on the need for a boat launching facility in the City of Colusa (City). The City is in partnership with State Parks and has forged out an agreement to share land to facilitate a new ramp due to the current ramp being silted in. He said activity and recreation has been depleted extensively. Mr. Kittle owns a sporting goods store near the park and has seen a drastic decrease in the number of fishing activity. He said in 2002 he met with the City and with Boating and Waterways in 2003 to start the quest of a new launching facility and through the ups and downs with the economy, the project is still waiting to be approved. He said they are now at 65% in the plans and the Division is near the point to turn it over to the permitting agencies. Mr. Kittle added that Federal and State agencies have implemented new recreational sites up and down the Sacramento River but many are only accessible by boats and there is no reliable boat ramp available. This boat ramp, he said, is needed yesterday. He thanked the Commission for their time and commitment to the State and is proud to live in a nation that can address the government.

Lenora Clark said now that the Division of Boating and Waterways has completed the realignment with State Parks, it is time for the Division to provide some stakeholder involvement. She said she is on the Board of Directors and Past President of Recreational Boaters of California and President of Pacific Inter-Club Yacht Association, all stakeholders and recreational boaters would like to see if the Commission and Division would establish a system at meetings so that there could be some information exchanged from the stakeholders and from the Division on how the realignment is going and what the stakeholders can anticipate.

Chairman Metz stated today's agenda has an item regarding having a regular system of agenda items reporting from the stakeholders.

VIII. AFFIRMATION OR MODIFICATION OF COMMISSION POLICY REGARDING COMMISSION SITE VISITS PRIOR TO COMMISSION CONSIDERATION

Chairman Metz asked the Commission to reaffirm or modify the standing policy of visiting a proposed project site of \$500,000 or more before the Commission formally considers it for its advice and comment.

MOTION: *It was moved by Commissioner Peralta and seconded by Commissioner Short, that the Boating and Waterways Commission reaffirm the standing policy of visiting a proposed project site of \$500,000 or more. The motion carried unanimously.*

IX. ADVICE AND COMMENT REGARDING PUBLIC GRANTS

Ms. Dill gave a presentation on the following proposed boat launching facilities projects to the Commission for their advice and comment.

Berenda Reservoir Boat Launching Facility

The City of Chowchilla has requested a Harbors and Watercraft Revolving Fund grant of \$833,000 for planning and construction to renovate the existing Berenda Reservoir Boat Launching Facility. The proposed project will demolish the existing boat launch ramp, boarding floats, and restroom and construct a new two lane v-groove boat launch ramp and restroom, install a pile guided boarding float, and overlay and stripe the parking area.

Andrew Benelli, Public Works Director, City of Chowchilla, was available to answer questions from the Commission.

Commissioner Short commented that the Commission needs to reach out to communities like the City of Chowchilla and create opportunities for everyone.

Division staff seeks the Commission's advice and comment on the proposed project described in the February 19, 2014, Feasibility Report.

MOTION: *It was moved by Commissioner Madueño and seconded by Commissioner Short that the Boating and Waterways Commission approve their advice and comment for the \$833,000 grant of the Harbors and Watercraft Revolving Fund to the City of Chowchilla for the proposed project described in the February 19, 2014, Feasibility Report. The motion carried unanimously.*

Lodi Lake Boat Launching Facility

The City of Lodi has requested a Harbors and Watercraft Revolving Fund grant of \$710,000 for planning and construction to renovate the Lodi Lake Boat Launching Facility. The proposed project will demolish the existing single-lane boat launch ramp and boarding pier, construct a new single-lane v-groove boat launch ramp, accessible boarding pier, accessible path of travel between boat launching facility components, and expand the parking area to accommodate more vehicle-trailer parking.

Jeff Hood, Director of Parks, Recreation, and Cultural Services Department, City of Lodi, was available to answer questions from the Commission. He hoped everyone enjoyed the tour of the facility and thanked the Commission and staff for being very supportive of this project. He especially thanked Mr. Watanabe for his information on the availability of the grant.

Division staff seeks the Commission's advice and comment on the proposed project described in the February 19, 2014, Feasibility Report.

MOTION: *It was moved by Commissioner Peralta and seconded by Commissioner Madueño that the Boating and Waterways Commission approve their advice and comment for the \$710,000 grant of the Harbors and Watercraft Revolving Fund to the City of Lodi for the proposed project described in the February 19, 2014, Feasibility Report. The motion carried unanimously.*

Rio Vista Boat Launching Facility

The City of Rio Vista has requested a Harbors and Watercraft Revolving Fund planning grant of \$300,000 for improvements to the Rio Vista Boat Launching Facility. The proposed grant will fully engineer, design, permit, and establish an engineer's estimate of probable construction costs to demolish and reconstruct the boat launching facility.

David Melilli, Director of Public Works and community Development, City of Rio Vista, was available to answer questions from the Commission. He thanked the Commission and staff, especially Mr. Watanabe for his assistance.

Division staff seeks the Commission's advice and comment on the proposed project described in the February 19, 2014, Feasibility Report.

MOTION: *It was moved by Commissioner Livingston and seconded by Commissioner Madueño that the Boating and Waterways Commission approve their advice and comment for the \$300,000 grant of the Harbors and Watercraft Revolving Fund to the City of Rio Vista for the proposed project described in the February 19, 2014, Feasibility Report. The motion carried unanimously.*

Contra Loma Lake Boat Launching Facility

The East Bay Regional Parks District's has requested a Harbors and Watercraft Revolving Fund grant of \$373,000 for planning and construction to improve the Contra Loma Launching Facility. The proposed improvements include installing a concrete section at the top of the boat launch ramp, removing existing chemical restrooms and replacing them with a vault-type restroom, adding accessible boater parking and path of travel between boat launching facility components, improving the existing boater parking by adding a layer of aggregate base, and installing a new concrete project credit sign.

Jeff Rasmussen, Grants Manager, East Bay Regional Parks District, was available to answer any questions from the Commission. He thanked the Division and Commission for their consideration.

Division staff seeks the Commission's advice and comment on the proposed project described in the February 19, 2014, Feasibility Report.

MOTION: *It was moved by Commissioner Short and seconded by Commissioner Peralta that the Boating and Waterways Commission approve their advice and comment for the \$373,000 grant of the Harbors and Watercraft Revolving Fund to the East Bay regional Parks District for the proposed project described in the February 19, 2014, Feasibility Report. The motion carried unanimously.*

Lake McClure Boat Launching Facility

The Merced Irrigation District has requested a Harbors and Watercraft Revolving Fund grant of \$2,104,000 for construction of a new boat launching facility at McClure Point North on Lake McClure. The proposed project will construct a two-lane boat launch ramp, parking area, sidewalks, and restroom; install a boarding float, lighting, and project credit sign. The proposed McClure Point North Boat Launching Facility will be located one-half mile northeast of the existing McClure Point South Boat Launching Facility.

Jay Mills, Director of Parks and Recreation, Merced Irrigation District was available to answer questions from the Commission.

Division staff seeks the Commission's advice and comment on the proposed project described in the February 19, 2014, Feasibility Report. Chairman Metz visited the proposed project and supports it.

MOTION: *It was moved by Commissioner Peralta and seconded by Commissioner Madueño that the Boating and Waterways Commission approve their advice and comment for the \$2,104,000 grant of the Harbors and Watercraft Revolving Fund to the Merced Irrigation District for the proposed project described in the February 19, 2014, Feasibility Report. The motion carried unanimously.*

The Commission recessed at 11:42 am and resumed at 11:50 am.

X. RECEIVE PUBLIC COMMENTS REGARDING DIVISION'S PROGRAMS (Cont.)

Abandoned Watercraft Abatement and Vessel Turn-In Programs

Ms. Sykes gave a presentation on the Abandoned Watercraft Abatement Fund and Vessel Turn-In Program (VTIP). Commissioner Short asked if there is a way to make the public aware of the program and if there is a mechanism in place to move money from the Abatement Fund to the Vessel Turn-In Program. Ms. Sykes replied now that the program is permanent; she will be developing an awareness program. Ms. Hunter added that money can be increased through the budgetary process. Chairman Metz asked what is being done for the counties to have more flexibility for local matching requirements. Ms. Sykes replied it has gone from a 10% cash requirement to an in-kind acceptance.

Deputy White, Los Angeles County Sheriff, spoke in support of both programs. Commissioner Short said it seems since VTIP there appears to be less boats on the beach in Marina del Rey.

Lenora Clark commented that VTIP has been in existence since 2010 and the longer it is in place; there will be less abandoned boats to remove, as there are VTIP vessels to pull out.

Boating Enforcement Equipment Program

Ms. Fernandez gave a presentation on the Boating Enforcement Equipment Program.

Beach Erosion and Restoration Program

Mr. Watanabe gave a presentation on the Beach Erosion and Restoration Program.

XI. BOATING TRAILS PROGRAM

Mr. Watanabe gave a presentation on the Boating Trails Program. He stated the term Boating Trails Program is the same as Non-Motorized Boating Program which is the term being used today.

XII. LIFEJACKET WEAR

Ms. Hunter reported there will more information on lifejacket wear and lifejacket giveaways, as the boating season approaches.

XIII. BOATER EDUCATION

Ms. Hunter reported on SB 941. She stated the bill will require the Division to develop and issue a vessel operator card and rental vessel operator card for a person who provides proof to the

Division that they have passed a vessel operator examination. The Division, among other things, will have to adopt regulations to implement the provision of the legislation and establish a fee for the operator card. More information will be provided as they become available.

XIV. ELECTION OF OFFICERS FOR 2014 AND TIMING OF 2015 ELECTION

After discussion a motion was made.

MOTION: *It was moved by Commissioner Peralta and seconded by Commissioner Madueño that Chairman Metz continues as Chairman and Commissioner Livingston as Vice Chair for 2014. The motion carried unanimously.*

XV. FUTURE AGENDA ITEMS

Summary on the Bagley-Keene Act

Chairman Metz asked that staff modify “Future Agenda Items” to read “Future Meetings and Agenda Items” and to include “Next Meeting” on the agenda as well, so the Commission can discuss.

Ms. Lynch, Chief Legal Counsel will give a summary on the Bagley-Keene Act at the next meeting.

Stakeholder Report

Chairman Metz said there should be an agenda item “Stakeholder Report” which will be from or about a major stakeholder to brief the Commission regarding their programs and give any suggestions to the Commission and Division on how to be more effective. Ms. Hunter said staff can send out the invitation and try to coordinate it.

Commission Hall of Fame Champion

Chairman Metz said he would like staff to work with the suggested Commission Hall of Fame Champion list and bring pick one or more individual which will then trigger the preparation of a resolution.

Commissioner Madueño suggested whenever possible to meet in a local jurisdiction such as a city hall.

Chairman Metz asked to see the mailing list for the May Commission meeting. He said the next meeting will be May 6 and 7 in Redding.

XVI. ADJOURN

Chairman Metz adjourned the meeting at 12:58 P.M.

Original signed by;

Sylvia Ortega Hunter, Secretary