

**MINUTES**  
**BOATING AND WATERWAYS COMMISSION MEETING**  
**LONG BEACH, CALIFORNIA**  
**August 26, 2005**

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Sandy Purdon, on August 26, 2005, at 8:30 A.M., at the Coast Long Beach Hotel, 700 Queensway Drive, Almeria Room, Long Beach, California.

**ROLL CALL**

Commissioners Present:           H.P. "Sandy" Purdon, Chairman  
  Jon S. Fleischman, Vice Chairman  
  Lenora S. Clark  
  Charles P. "Bud" Johnson  
  Robert Y. Nagata  
  Edward C. Reno III

Department of Boating and  
Waterways Personnel Present:   Raynor Tsuneyoshi, Director  
  Joy Fisher, Staff Counsel  
  David Johnson, Acting Deputy Director  
  Steve Watanabe, Acting Division Chief  
  Debra DeVerter, Chief of Administrative Services  
  Dolores Farrell, Chief of Operations  
  Harold Flood, Supervisor of Planning, Facilities Division  
  Margarita Sanchez, Administrative Assistant  
  Greg Pacheco, Boating Facilities Analyst

**CHAIRMAN'S REPORT**

Chairman Purdon welcomed the public and thanked everyone who attended the Strategic Planning Session of August 25, 2005. He thanked the City of Long Beach for hosting an informative field trip yesterday and gave special thanks to Mr. Mark Sandoval, Mr. Dick Miller, and Mr. Scott Mitchell for arranging the field trip.

Chairman Purdon announced that the Senate confirmed on a 38-0 vote, Ms. Lenora Clark, Mr. Charles Johnson and himself as members of the Boating and Waterways Commission.

Chairman Purdon reported that yesterday's Strategic Planning Session was very productive and the Commission plans to work with the Department and the entire boating community to advocate boating projects and become more involved in raising the visibility of boating needs throughout the State of California.

Chairman Purdon stated that in the San Diego region there is a push for a clean marina program that would satisfy the needs of the Water Control Board. He added that there is a need across the nation to establish clean marina programs which would address the potential and existing environmental problems in marinas. Chairman Purdon stated the Department of Boating and Waterways has endorsed the San Diego's Clean Marina Program and the Coastal Commission's Tool Kit. He said the Clean Marina Program, which he assisted in developing, is available to anyone on the internet and he invited everyone to read it. The website address, he said, is [www.cleanmarinaprogramsd.org](http://www.cleanmarinaprogramsd.org).

Chairman Purdon said that as Chairman of the Clean Marina Program, he has reviewed and certified several marinas in the Lake Tahoe and Ventura area and next month he will review three marinas in the Los Angeles area. He added that he also has reviewed a marina in Puerto Vallarta, Mexico. Chairman Purdon stated that to date, there have been 22 marinas that have been certified as clean marinas. He mentioned that he hoped that the Department of Boating and Waterways will be more involved with a statewide program similar to the Clean Marina Program.

## **APPROVAL OF MINUTES**

**MOTION:** It was moved by Commissioner Fleischman and seconded by Commissioner Clark that the Boating and Waterways Commission minutes of the June 24, 2005, meeting be approved. The motion carried unanimously.

## **DIRECTOR'S REPORT**

Mr. Tsuneyoshi congratulated Commissioners Purdon, Johnson and Clark on their recent Senate confirmation.

Mr. Tsuneyoshi reported that he was nominated for a second term to the National Boating Safety Advisory Council. The Council, he said, advises the Secretary of Transportation and the Commandant of the United States Coast Guard on matters related to recreational boating safety.

Mr. Tsuneyoshi stated that Lake Perris in Riverside County will reduce the water level to evaluate potential seismic safety risks at the base of the dam. He added that the Department is working on a plan which may include extending existing boat launching ramps or placing temporary boat launching ramps at Lake Perris.

Mr. Tsuneyoshi said that Department of Parks and Recreation has announced a decision to start enforcing designated mooring areas for overnight camping at Lake Tahoe's Emerald Bay, and that Parks and Recreation will hold public meetings on the subject.

Mr. Tsuneyoshi reported that Congress and the President have recently approved the Federal Highway Bill which includes funding for the Wallop-Breaux Aquatic Resources Trust Fund.

The bill, he said, will restore the final 4.8 cents of the 18.3 cents per gallon motorboat fuel tax to the Fund and will result in an additional \$110 million annually for fishing and boating safety programs.

Mr. Tsuneyoshi reported that he attended the Northwest Association of Networked Ocean Observing Systems (NANOOS) Industry Workshop in Seattle, Washington. He said NANOOS has a system in place that has valuable information on sea and weather conditions and is currently available free of charge to merchant ships, recreational boaters, ferry boats, wind surfers, etc., but, he added, users at some point will be asked to pay for the use of the system.

## **LEGISLATIVE REPORT**

Mr. Johnson 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 Mr. Johnson was available to answer questions from the Commission Members.

Mr. Johnson indicated it is the last two weeks for the Legislative session and that the Legislators will reconvene in January 2006.

Mr. Johnson reviewed the following bills: AB 676 (Berg): Mr. Johnson indicated that this bill is a spot bill related to the Spud Point Marina and is not moving forward this year. He reported that he has called the author's office to discuss the bill, but has not had a response to date. AB 716 (Canciamilla): He reported that the bill would make it easier for local agencies to remove abandoned vessels from public waterways and should pass the Legislature in the next couple of days. He added that it is expected to be signed by the Governor. SB 232 (Figueroa): He stated the bill places back into law the operational provisions of the Boating and Waterways Commission. SB 255 (Torlakson): The bill, he said, would double the renewal registration fees and the initial fee and is moving forward and should pass the Legislature.

Commissioner Fleischman asked if the Commission can take a position on bills that were just reviewed. Ms. Fisher responded, yes. Commissioner Fleischman stated he would like the Commission to take a support position on SB 232.

Commissioner Clark asked if it would be appropriate for the Commission to send a letter for support of SB 232. Mr. Johnson responded he would draft a letter for the Chairman's signature.

Commissioner Fleischman stated that it would be standard procedure for the Commission to take a position on this bill.

**MOTION:** It was moved by Commissioner Fleischman and seconded by Commissioner Johnson that the Boating and Waterways Commission support SB 232 (Figueroa) as it is currently written. The motion carried unanimously.

Commissioner Fleischman asked that the Commission oppose SB 255 because of the State's economic climate. He said the Commission should not be supporting an increase in fees at this time. Mr. Johnson responded that the entire boating community and the California State Sheriffs Association are in support of the bill. He added there has not been a fee increase since 1979.

Commissioner Clark stated that Recreational Boaters of California has historically taken a position opposing any registration fee increase and or taxes levied against boaters, however, she said, in looking at the bill it was noted the monies are slated to return to programs benefiting boaters.

Commissioner Reno asked for an explanation on the term "Neutral if Amended." Mr. Johnson responded that the Governor's Office prefers to provide neutral positions on bills because they may want to oppose or veto a bill at a later date. He added that SB 255 has received an approved position from the Governor's Office for some of the amendments to the bill, so the Department is not supporting or opposing SB 255. Mr. Johnson explained that the State Controller's office audit of the Department of Motor Vehicles (DMV) stated that DMV was losing money on two types of transactions, because \$15 was charged for the transaction fee, but it was actually costing DMV \$18.50 to process. He said the amendments were to change the transfer fee and the duplicate fee from \$15 per transaction to \$20 per transaction. Mr. Johnson indicated the amendments were included late in the Legislative process, so they may not be accepted by the committee the bill is in and the Department may have to try again next year.

Commissioner Fleischman asked if the \$20 fee is an internal amount that is billed between two agencies. Mr. Johnson responded that there are many vessel registration fees, including initial, renewal, transfer, duplicate, historic and penalties fees. The funds from these fees less the DMV administrative expenses are provided to the Harbors and Watercraft Revolving Fund which the Department uses for the law enforcement grant programs.

Commissioner Johnson asked if it would be appropriate for the Commission to take an oppose position on AB 676. Mr. Johnson responded that yes, the Commission would be in sync with the Governor's Office.

**MOTION:** It was moved by Commissioner Johnson and seconded by Commissioner Clark that the Boating and Waterways Commission oppose AB 676 (Berg) as it is currently written. The motion carried unanimously.

Chairman Purdon asked that a letter be drafted by Department staff for his signature.

Commissioner Reno asked if the Department is opposing SB 153. Mr. Johnson responded that SB 153 is a bond act that would provide money for various park issues and does not involve the Department. He added the reason he included the bill in the Legislative Report was because the Department is trying to obtain money for the Department's Beach Erosion Control Program.

## **CONSENT CALENDAR**

Mr. Flood introduced and explained to the Commission the Consent Calendar. He reported that the Commission has previously approved the project contracts listed on the Consent Calendar.

**MOTION:** It was moved by Commissioner Fleischman and seconded by Commissioner Johnson to approve the Consent Calendar as presented by Mr. Flood. The motion carried unanimously.

Commissioner Clark asked for an explanation of the “Blanket Authorizations” loans as listed on the Consent Calendar. Mr. Flood responded that the “Blanket Authorizations”, which include emergency loans, ramp repair and modification and signs, are authorizations to spend funds for a type of project rather than a specific project. This is useful, he said, when the Department does not have time to go back through the line item process in the budget. He added, for example, the Santa Cruz Harbor was hit by a rogue wave which destroyed a dock; going through the line item process in the budget for funds to repair the dock would take two years or more. Mr. Flood stated funds were available within a few months by using the funds from the emergency loans.

Commissioner Clark asked if there are any criteria set up for emergencies. Mr. Flood responded that the same guidelines are used for emergencies as for the loan program.

Commissioner Fleischman asked if there is any notification to the Commission when the funds are used. Mr. Flood responded that he is not sure if the Commission is ever notified. Commissioner Fleischman requested that the Commission be notified when emergency loans are made. He added that staff can update the Commission at the next Commission meeting on the emergency loans that have been made since the beginning of the fiscal year. Mr. Flood answered that he would give the Commission an update on this.

## **CONSIDERATION OF PUBLIC LOANS**

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

### **Dana Point Harbor Marinas**

Request from Orange County for a \$3,700,000, Phase II, Department of Boating and Waterways public loan to improve the Dana Point Harbor Marina. The first phase funding was for \$1,500,000 and the total amount of the loan will be \$15,000,000. Dana Point Harbor is located in the City of Dana Point along the shoreline of Orange County. The Dana Point Harbor Marina is divided into two marinas, the East Marina constructed in 1971 and the West Marina constructed in 1975.

Messrs. Tom Townsend, Manager, General Services; Doug Whitlock, Marina Manager; and Paul Lawrence, Manager, Dana Point Harbor, were available to answer questions from the Commissioners.

Mr. Flood indicated the proposed project would entail the following: 1) demolition and reconstruction of 240 berths in the East Marina, 2) demolition and reconstruction of 500 berths in the West Marina, 3) installation of gangways in both marinas, 4) fortification of the bulkhead, 5) replacement of dock utilities, 6) reconfiguration of a parking area, and 7) remodeling and expansion of the harbormaster/public restroom building.

Mr. Flood stated that staff recommended that the Commission consent to the project.

Commissioner Fleischman reported that he has visited the project site on numerous occasions and pointed out that facilities at the marina are in need of repair and recommends approval.

Commissioner Purdon asked about the slip rates. Mr. Lawrence responded that the rates are different between the West and East Basins as noted in the Feasibility Report. He said the West Basin Marina began a 30-year ground lease in 1975, and will end on October 31, 2005.

Mr. Lawrence stated that there will be about an 8 percent increase this year and he will work on equalizing the slip rates in the East and West Basins.

Chairman Purdon stated that Dana Point Harbor should look into the square footage rate rather than the linear rate when setting slip rates. He indicated most marinas in San Diego are looking into this, because larger boats should be paying their fair share for the amount of water space being used. Chairman Purdon asked if there is a waiting list. Mr. Lawrence responded that in the East Basin Marina there are over 1,000 on the list and it is about the same in the West Basin Marina. He concurred with Chairman Purdon's analysis on the square footage rate.

Chairman Purdon stated that the Dana Point Harbor Marina has not responded to the Clean Marina Program to date and encouraged Mr. Lawrence to adapt a program. Mr. Whitlock responded that they have already formulated the Clean Marina Plan for the marina and will get on board and certified by the end of the year.

Commissioner Fleischman announced that for the record, he is an employee of Orange County and that there is no conflict of interest so he is able to vote on this project.

Commissioner Nagata stated that as a boat owner not all Boating and Waterways Commissioners are in favor of higher berthing rates.

**MOTION:** It was moved by Commissioner Fleischman and seconded by Commissioner Nagata that the Boating and Waterways Commission approve the request from Orange County for a \$3,700,000, Phase II, Department of Boating and Waterways public loan to improve the Dana Point Harbor Marina. The motion carried unanimously.

## **Long Beach Downtown Marina**

Request from the City of Long Beach for a \$8,125,000, Phase V, Department of Boating and Waterways public loan to improve the Long Beach Shoreline Marina (previously known as the Downtown Marina) and the Rainbow Marina (previously known as the Shoreline Village Marina). This is the final phase funding of the \$31,718,000 public loan. The Downtown Marinas are located in the northwest portion of the City of Long Beach on Shoreline Drive.

Mr. Mark Sandoval, City Manager, was available to answer questions from the Commissioners.

Mr. Tsuneyoshi thanked Mr. Sandoval and his staff for yesterday's informative field trip.

Mr. Flood indicated the proposed project would entail the following: 1) replacement of docks and fingers, 2) replacement of utilities, 3) replacement of piles, 4) widening and replacement of gangways and docks for barrier-free access, and 5) ancillary items.

Mr. Flood stated that staff recommended that the Commission consent to the project.

Chairman Purdon asked about the berthing rates and if Long Beach has a clean marina program in place. Mr. Sandoval responded that in October 1, the rates will be increased to \$8.90 and up to \$10.55 and that the City of Long Beach has submitted a consumer price index adjuster in 2001. He added a clean marina program is an area they will look into.

Commissioner Clark asked if the rates that are now in effect, are enough to repay the loan. Mr. Sandoval responded, yes.

Commissioner Reno asked about the transitory docks and the rental docks. Mr. Sandoval responded that there are no docks for guests, but about seven years ago there were two docks available in anticipation of this project. He added that there has been pressure to have guest docks at the Rainbow Marina and the Rainbow area. Mr. Sandoval stated that the City of Long Beach is going to design two long docks in the Rainbow Harbor area and may have to get some Department of Boating and Waterways funds for it.

**MOTION:** It was moved by Commissioner Clark and seconded by Commissioner Fleischman that the Boating and Waterways Commission consent to the City of Long Beach request for a \$8,125,000, Phase V, Department of Boating and Waterways public loan to complete the Long Beach Shoreline Marina (previously known as the Downtown Marina) and the Rainbow Marina (previously known as the Shoreline Village Marina). The motion carried unanimously.

Mr. Sandoval thanked the Commission.

## CONSIDERATION OF PUBLIC GRANTS

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

### **Bonelli Park Boat Launching Facility**

Request from Los Angeles County for a \$100,000, Department of Boating and Waterways public grant to make improvements to the Frank G. Bonelli Regional County Park Boat Launching Facility (Bonelli Park BLF). The total amount of the grant will be \$1,303,500. Bonelli Park BLF is located in Puddingstone Lake in the San Gabriel Valley in eastern Los Angeles County.

Mr. Keith Garrison, Grants Administrator, and Mr. Kimel Conway, Regional Operations Manager, were available to answer questions from the Commission.

Mr. Flood indicated the proposed project would entail the following: 1) extension of the two 2-lane powerboat launch ramps, 2) installation of two boarding floats, 3) construction of a new overflow parking area, 4) construction of a restroom, 5) utilities, and 6) a project credit sign.

Mr. Flood reported that Commissioner Fleischman had visited the site.

Mr. Flood stated that staff recommended that the Commission consent to the project.

Commissioner Nagata asked about the “Escalation Item” in the Feasibility Report. Mr. Flood responded that the “Escalation Item” is an escalation factor based on construction cost index increases. He said an additional 5 percent, per year, is added for anticipated construction timeline to the construction cost, and that it is an increase for inflation. Mr. Flood said it has been added to all the projects and was included in the numbers in the past, but now it is taken out and listed as an item in the Feasibility Report.

Commissioner Fleischman indicated that the Bonelli Park Boat Launching Facility is in need of repair and recommends approval.

**MOTION:** It was moved by Commissioner Fleischman and seconded by Commissioner Johnson that the Boating and Waterways Commission consent to the request from Los Angeles County for a \$100,000, Department of Boating and Waterways public grant to make improvements to the Frank G. Bonelli Regional County Park Boat Launching Facility. The motion carried unanimously.

## **NEW BUSINESS**

### **Project Update**

Mr. Watanabe presented to the Commission an update on recently completed Department of Boating and Waterways projects. He showed a PowerPoint presentation on boating facilities located at: Cuttings Wharf; Jack Smith Park; Moabi Regional Park; Lake Port; Benicia; Diamond Valley; Shoreline Park and the Boating Trails Program.

Mr. Watanabe stated he would do other presentations on Department programs at future Commission meetings.

Chairman Purdon asked if a feasibility study on the Clean Marina Program will be statewide. Mr. Johnson responded that Ms. Matuk and the Department of Boating and Waterways are working on a marina recognition issue and looking into State bond money from the Coastal Conservancy, but at the present time it can not be done under existing resources due to staffing concerns.

Chairman Purdon asked about the marina recognition program. Mr. Johnson responded that some marinas do not want to be certified because then there would be some monitoring of their marinas on a regular basis. He said at the present time the idea is for a marina recognition program based on the clean and green best management practices. Mr. Johnson suggested waiting until the availability of the bond money and then he would report back to the Commission.

Commissioner Fleischman stated that he has been trying for the past year to get notifications to the Commissioners of any dedications and ribbon cuttings the Department of Boating and Waterways may be participating in. He noted that a ribbon cutting ceremony was held in the Napa area this year and he would have attended since he was in the Napa area at that time. Mr. Tsuneyoshi responded that he would make sure that the Commission is notified of any future events.

## **PUBLIC COMMENT**

Mr. Brian Roney, Parks Services Manager, Casitas Municipal Water District (District), spoke on the raid of the Department's revolving fund of \$27 million to State Parks. He indicated that State Parks is using the money for nonrelated boating purposes. Mr. Roney said State Parks was recently audited on their Off-Highway Funds and it was found that State Parks was using funds for non off-highway purposes. He indicated that the Commission should take some action to protect the Department's funds so they can be available for boat loans and grants for the public. Mr. Roney indicated that his district is pursuing legislation to try to accomplish this and he will report back to the Commission on the status.

Chairman Purdon thanked Mr. Roney and said the Commission needs and welcomes the comments from the public.

Mr. David Breninger, Recreational Boaters Association of California, stated that he concurred with the Commission's support on SB 232. He said the Commission is a good advocate for boaters and marina operators. Mr. Breninger thanked the Department and staff for their prompt and immediate action with regards to the Lake Tahoe issue. He said he appreciated the time given to him to speak at yesterday's strategic session.

Mr. Breninger stated an area that Department staff could take a proactive role on is Shelter Island Cove with regards to copper base antifouling bottom paint. He said there are individuals there who have done little to no research on copper base paint, but hold regulatory authority that boaters and marina operators would have to adhere to. Mr. Breninger said it would be appropriate for the Commission to consider, at the next meeting, a status report from staff on this issue or if the Department could fund or collaborate with others on a study to determine what impacts, if any, there are from recreational boaters in the Shelter Island Cove. He said he would urge the Commission as appropriate during a subsequent meeting, coming back with a report on the issue and an actionable item.

Chairman Purdon stated that because of the open meeting law Commissioner Nagata has agreed not to serve on the Spud Point Marina Subcommittee. He added the Subcommittee now consists of Commissioner Fleischman and Commissioner Clark.

Commissioner Clark said if there are going to be regulations proposed and imposed by the State Water Quality Control Board, then the Commission should at least look into studying the impact on antifouling copper based paint. Ms. Fisher stated that it would be proper for this issue to be placed on the next meeting's agenda.

## **COMMISSIONER ANNOUNCEMENTS**

It was decided that the next Commission meeting will be held October 13 and 14, 2005 in Monterey.

Commissioner Fleischman asked that the Department notify the stakeholders and everyone who is involved with the Monterey issue about the next Commission meeting.

Chairman Purdon asked that the Monterey issue be put on the next Commission meeting's agenda.

## **ADJOURNMENT**

Chairman Purdon adjourned the meeting at 10:25 A.M.

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Raynor Tsuneyoshi, Secretary

Attachment