MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
SACRAMENTO, CALIFORNIA
AUGUST 7, 2013

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Metz on August 7, 2013, at 8:37 A.M. at the Sacramento State University Aquatic Center, 1901 Hazel Avenue, Gold River, California.

INTRODUCTION OF COMMISSIONERS AND STAFF

All Commissioners were present except Commissioner Lumian. Department staff present was Sylvia Hunter, Deputy Director; Steve Watanabe, Facilities Chief; Geoff Newman, Environmental Scientist; Tara Lynch, Senior Staff Counsel and Keren Dill, Associate Governmental Program Analyst. Chairman Metz asked that the Commissioners be given the opportunity to review the agenda, minutes and the feasibility and program reports in advance of the scheduled meetings.

APPROVAL OF MINUTES

> **MOTION:** *It was moved by Commissioner Livingston and seconded by Commissioner Madueño, that the Boating and Waterways Commission Minutes of June 12, 2013, meeting be approved. Commissioner Metz, Livingston, Madueño and Peralta voted yes. Commissioner Bañuelos voted no. The motion carried.*

CHAIRMAN'S REPORT

Chairman Metz reported he was at the dedication of the San Francisco Marina West Harbor. He said the project was a good example of the use of the public's monies.

Chairman Metz read his questions with regards to AB 737 and requested the Division respond to the questions in writing and with the approval of Parks' Legal unit. The following questions were discussed and Ms. Hunter responded to them as follows:

- Sec. 82(a) Does the division plan "any proposed changes in regulations pertaining to boating functions and responsibilities of the division" and if so, when does the division plan to submit such proposed changes to the commission "for its advice and comment prior to enactment of changes"?
  Response: It is best to bring any regulation before the Commission after a full department review. There will be a regulation with the Quagga/Zebra Mussel Inspection Program which will be on an emergency basis and fast tracked.

- 83(b) What is the division's timetable for submitting to the commission for its advice and comment proposals for transfers, loans and grants as specified in this sub section?
  Response: This was discussed at the in-between meeting and Ms. Dill will be presenting the Calendar of Events today for this new requirement.
- Under Sec. 82 (c), is the division considering approval of any projects "that could have a potentially significant impact on either public health or safety, public access, or the environment for the commission's advice and comment prior to approval by the division"?
  Response: This also was discussed at the in-between meeting and is also on today's agenda. All proposed projects will be brought before the Commission before the Division approves them and the public will be able to comment on this.
- Under Sec. 82 (d), when does the division plan to submit to the commission "a report on its budget and expenditures" for the commission's advice and comment?
  Response: This is also on today's agenda and will be discussed by Ms. Dill.
- Under Sec. 82 (e), what studies and surveys are underway or planned by the division to fulfill its duties to the commission "to cause studies and surveys to be made of the need for small craft harbors and connecting waterways throughout the state and the most suitable sites therefore, and submit those studies and surveys to the commission for advice and comment"? If underway or planned, when might these be submitted to the commission?
  Response: The 2002 Boating Needs Assessment study does need to be updated and the Division will be formally asking for a new study and money for this will be included in the FY 15/16.
- Under Sec 82.3 (b), what are the division's recommended meeting dates for the commission to fulfill its obligations "before the beginning of each program grant cycle, to collect public input concerning the program, recommendations for program improvements, and specific project needs for the system"?
  Response: This is also on today's agenda.
- Under Sec. 82.3 (e), when does the division recommend that the commission meet to "review and comment annually to the division on the proposed budget of expenditures from the revolving fund"? Will the division please provide the commission with its definition of "the revolving fund"?
  Response: The Division receives funds from license registrations, motor fuel tax and interest paid on loans. The Harbors and Watercraft Revolving Fund is the primary fund mentioned in AB737.
- Under Sec. 82.3 (g) (1), it appears that the commission has not met its initial statutory obligation to submit to the Governor and to specified legislative committees a program report on or before January 1, 2013 and every three years thereafter" addressing "the status of any regulations adopted or being considered by the division, any loan or grant that has been or is being considered for approval by the division pending the previous report, and a summary of resource monitoring data compiled and restoration work completed." Going forward, what is the division's proposed timetable so that the report can be adopted by the commission "after discussing the contents during two or more public meetings" prior to the next report deadline of January 1, 2016?
  Response: AB 737 did not go into effect until July 1, 2013.

- Under Sec. 82.3 (g) (2), "A report required to be submitted pursuant to paragraph (1) shall be submitted in compliance with Government Code Sec. 9795." What are the requirements of Government Code Sec. 9795?
  Response: LegInfo is a good place to look for information on this type of question. It discusses the format and process for submitting reports to the legislature.

Chairman Metz mentioned that Commissioner Lumian could not attend the meeting due to his wife's illness.

COMMISSIONER'S ACTIVITIES UPDATE

There were no comments.

DIRECTOR'S REPORT

Ms. Hunter stated she was uncomfortable in opening the Division to the public so a field trip to the new offices was not on the agenda. She welcomes visits from the Commissioners any time.

Department Activities Update

Ms. Hunter reported on the ribbon cutting of the San Francisco Marina West Harbor. She indicated the harbor is home to the Saint Francis Yacht Club and the Golden Gate Yacht Club which is the host to the America's Cup. She reported on the following:

- Integration with State Parks has been completed; Division continues to operate smoothly
- This year there were 19 boating fatalities 73 injuries and 159 accidents; last year there were 35 fatalities, 155 injuries, and 293 accidents
- Egeria densa treatment began June 4 and will continue through August 23
- Water Hyacinth treatment began March 18 and will continue through November 30

Ms. Hunter reported the following topics are being looked into by the Division:

- Remote control boats
- Mandatory education
- Jet Pack regulations
- Mandatory life jacket-wear for boating safety officers

She reported on the Boating Law Administrator Academy training she attended in Lexington, Kentucky.

Legislative Report

Ms. Hunter reported that there were no changes since the last report.

Chairman Metz called for a break.

PUBLIC COMMENTS

There were no public comments.

CALENDAR OF EVENTS

Ms. Dill presented the Calendar of Events, project list with contract information and scope, agendas for future meetings, and site visit questions to the Commission for discussion.

Commissioner Madueño asked for a list of where fund money has been invested throughout the state for the last five years.

Chairman Metz asked for a chart which will have the commission's responsibilities for 18 months so he can see if the commission is meeting at the right time to fulfill the Commission's responsibilities. He also asked for a list of individuals who receive the meeting notice.

Chairman Metz asked if the proposed budget can be discussed prior to being released to the public and Ms. Lynch responded she will look into it.

Commissioner Bañuelos inquired about the project at Dana Point Harbor.

Chairman Metz stated he would respond to the Calendar of Events if staff will send the Commission an 18-month guideline referencing the provisions of AB 737. Ms. Hunter responded that she will also email him all the documents discussed at today's meeting.

TREATMENT OF AQUATIC INVASIVE SPECIES IN THE DELTA

Mr. Newman gave a presentation on the aquatic invasive species program.

Chairman Metz stated he would like the business cards to be modified. Ms. Hunter asked that the Commissioners send staff a copy of their business cards with suggested modifications.

DELINQUENT LOANS

Ms. Hunter reported that there are 10 private loans that are delinquent. Public loans are due on August 1 of every year. Delinquent loans are City of Martinez, Martinez Marina; County of Los Angeles, Marina del Rey; City of Redondo Beach, King Harbor; City of Sacramento, Sacramento Marina; Oceanside Small Craft Harbor District, Oceanside Harbor; County of San Mateo, Coyote Point Marina; Santa Cruz Port District; City of Petaluma; City of Suisun, and City of Stockton, Stockton Marina. She said the City of Stockton has filed bankruptcy and the Division has been involved in discussions with them. Santa Cruz has a 15-day grace period and they are hoping to repay the loan. City of Martinez is a distressed loan and the Division is in discussions with them as well. The City of Petaluma has been in default for a sometime.

Ms. Hunter said staff will be sending the Commission the feasibility reports as well as the minutes ten days prior to the meetings. Teleconference will be looked into and the distribution list for the meeting notice will be sent to the Chairman. Ms. Hunter will put Commissioners Madueño, Metz, Peralta in contact with Sedrick Mitchell, External Affairs, on the programs.

ADJOURN

Chairman Metz adjourned the meeting at 11:03 A.M.

Sylvia Ortega Hunter, Secretary