

**MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
SANTA BARBARA, CALIFORNIA
NOVEMBER 15, 2013**

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Metz on November 15, 2013, at 8:33 A.M. at the Hyatt Hotel, 1111 East Cabrillo Blvd, Santa Barbara, California.

INTRODUCTION OF COMMISSIONERS AND STAFF

All Commissioners were present except Commissioner Livingston. Department staff present was Sylvia Hunter, Deputy Director; Claire LeFlore, Chief Counsel; Tara Lynch, Senior Staff Counsel; Denise Peterson, Manager; Keren Dill, Manager, and Margarita Sanchez, Administrative Assistant.

APPROVAL OF MINUTES

***MOTION:** It was moved by Commissioner Lumian and seconded by Commissioner Madueño, that the Boating and Waterways Commission Minutes of August 7, 2013, meeting be approved.*

Commissioner Bañuelos stated the minutes of August 7, 2013, under the Deputy Director's Report do not reflect what was actually said. He said the Deputy Director had stated that the reason the Commission meeting was moved to the Aquatic Center was due to homeland security. Ms. Hunter responded that the Commission should listen to the recording of the meeting and that she was sure there was no mention of homeland security. Ms. Hunter added that the Division does not have a secured facility and because the meetings are opened to the public she did not want members of the public to come in where staff is working. Chairman Metz and Commissioner Madueño agreed the question of security was raised as an issue for the protection of employees. Chairman Metz suggested approving the minutes as read, subject to a review of the tape of the meeting and as a result and if there are any amendments, they will be taken up at the next meeting.

Ms. LeFlore stated that Commissioner Bañuelos' comments will be on the record for the next meeting and the Commission can then decide whether to vote to approve the minutes or they can be tabled. Commissioner Bañuelos also stated he would like a correction on his inquiry he had about the project at Delta Harbor which was based on the conversation he had with Ms. Hunter on \$40 million and the Harbor wanting \$20 million more. He would like the minutes to reflect what was said. Ms. LeFlore suggested that Commissioner Bañuelos submit something in writing

to add to the minutes and have it on the record. Commissioner Bañuelos stated he did not submit anything because he was told he could not talk to the Deputy Director without counsel present. Ms. LeFlore asked for a recess to have a discussion with Commissioner Bañuelos, Chairman Metz, and Ms. Lynch.

The Commission recessed at 8:30 am and resumed at 8:50 am.

Chairman Metz stated that there were two alternative motions with regard to the August 7, 2013, minutes: to approve the minutes subject to review of the tape and any necessary amendment that would be needed and would be made at the next meeting or to table it and not have any action on the minutes until the next meeting. Chairman Metz suggested approving the minutes subject to a review of the tape. Commissioner Madueño suggested accepting the minutes with the exclusion of the item in question until a review of the tape.

MOTION: *It was moved by Commissioner Lumian and seconded by Commissioner Madueño, that the Boating and Waterways Commission Minutes of August 7, 2013, meeting be approved with the exception of the Deputy Director's Report which is subject to review of the recording. Commissioners Metz, Lumian, Madueño and Peralta voted "Yes". Commissioner Bañuelos voted "No". The motion carried.*

MOTION: *It was moved by Commissioner Lumian and seconded by Commissioner Peralta, that the Boating and Waterways Commission Minutes of September 23, 2013, meeting be approved. The motion carried unanimously.*

CHAIRMAN'S REPORT

Chairman Metz reported he and Commissioner Lumian met with Ms. Hunter at One Capitol Mall and was able to visit with staff. He also reported attending the Marina Recreation Association meeting and met with many stakeholders.

COMMISSIONER'S ACTIVITIES UPDATE

Commissioner Madueño asked to move agenda item number "XI-Information: Mandatory Education", before agenda item "VI-Information: Deputy Director's Report". She would also like to table item number "X-Information: Aquatic Weed Treatment Update", to the next meeting. She said there are several individuals who are concerned and would like to comment on the water hyacinth issue. Ms. Hunter replied that the agenda item will be added to the next Commission meeting as well a possible tour.

Commissioner Madueño reported she is involved with the restoration of the San Joaquin River which will impact the City of Mendota (City). She said a grant was approved for \$1.4 million to the City several years ago by the Commission and it would have provided a new parking lot, boat

ramp and restrooms, but the project did not move forward for a variety of reasons. The City, she said, is now working with the Federal Bureau of Reclamation with the restoration and she would like Mr. Watanabe to attend a meeting with her, the Bureau of Reclamation, and City officials on November 25, to see if the Division could or should be involved to develop a better plan for the City.

Commissioner Madueño stated that she has been approached by business and community leaders of the Stockton area that would like to present a long-term plan at the February meeting on how the Commission can look at better mitigating the water hyacinth throughout California.

Commissioner Lumian reported he was in Annapolis, Maryland for the training instructor trainers for the American Sailing Association and had training for stand up paddleboard (SUP) instruction through the American Canoe Association. He took SUP lessons at Mission Bay, Long Beach and other areas. Commissioner Lumian said he is on the Los Angeles County Small Craft Harbor Commission and will push the idea of developing a strategic recreational boater management plan for creating more access for more communities to water activities in Marina del Rey. Commissioner Lumian added he will be attending the Navigation Safety Advisory Council meeting to discuss needs to navigation and drone shipping containers and is invited to the International Sailing Schools Association working group meeting in Turkey to develop standards for instructor training. He is also in the process of implementing a program for the Sandals Corporation.

INFORMATION: MANDATORY EDUCATION

Ms. Hunter gave a brief legislative history on mandatory education in California and gave Commissioners a copy of the *A Course for Safe Boating* and handouts which shows states requiring motorboat operator or PWC proof of certification and reciprocity requirements for visiting boaters. She said the Division has consulted for Senator Desaulnier's office and other legislative representative on mandatory education. Ms. Hunter's legislative history included:

- AB 3536, passed by the Assembly but failed in the Senate
- AB 545- enacted
- AB 1287, vetoed by Governor Gray Davis
- SB 387
- AB 2045- enacted
- AB 2005

Commissioner Madueño introduced Marion Irving de Cruz of Stop Propeller Injuries Now (SPIN). Ms. Irving de Cruz said she is the mother of Emilio, who was killed by a propeller of a rental houseboat. She reported on the need for legislation to stop propeller injuries and has spoken on this subject with the National Boating Safety Advisory Council; National Association of State Boating Law Administrators; the United States Coast Guard, and many legislators. She said California is one of five states that do not have mandatory boating education and second in fatalities and injuries. Ms. Irving de Cruz gave the Commissioners a copy of boating accident

statistics and California fatalities by location. She asked if she could have a copy of the history report on mandatory education which was given by Ms. Hunter. Ms. Hunter responded she will send it to her.

Shirl Koop who lost her daughter on a rental houseboat 18 years ago spoke on mandatory education with regards to rental houseboats and other rental crafts.

Commissioner Bañuelos said he has spoken to Senator Desaulnier's office and they said they will propose legislation next year on mandatory education and if anyone has more information on this topic to please call the Senator's office.

Commissioner Lumian spoke on life jacket wear and would like the Commission to get other entities and stakeholders involved and hold a series of hearings and recommend specific ideas on creating a safer California to the Governor and Legislature. He is concerned that many on-the-water programs are excluded by the National Association of State Boating Law Administrators.

Commissioner Madueño asked if it possible to make a motion on Commissioner Lumian's suggestion. Chairman Metz commented that the Commission can set this topic for the next meeting. Commissioner Madueño and the Commission thanked Marion Irving de Cruz.

The Commission recessed at 10:12 am and resumed at 10:22 am.

ADVICE AND COMMENT REGARDING PUBLIC LOAN

Santa Barbara Marina

Ms. Dill gave a presentation on the proposed Santa Barbara Marina project to the Commission for their advice and comment. The City of Santa Barbara has requested a \$5.4 million public loan from the Harbors and Watercraft Revolving Fund for replacement of Fingers A through I on Marina One at the Santa Barbara Harbor. Karl Treiberg, Waterfront Facilities Manager, and Scott Riedman, Waterfront Director, were available to answer questions from the Commission. Mr. Treiberg also gave a presentation. Commissioner Lumian asked how this project will expand public access to boating and the coastline and if Santa Barbara has considered attracting cooperative sailing clubs such as Sail Time or Fairwind.

MOTION: *It was moved by Commissioner Lumian and seconded by Commissioner Peralta that the Boating and Waterways Commission approve their advice and comment for the \$5.4 million public loan of the Harbors and Watercraft Revolving Fund for the proposed project described in the November 15, 2013, Feasibility Report. The motion carried unanimously.*

ESTABLISH COMMISSION MEETING DATES FOR 2014

The Commission set the following dates for future meetings: February 18 and 19, in the Delta area; May 6 and 7, in the Redding area; August 19 and 20, area to be determined, and November 18 and 19, area to be determined.

DEPUTY DIRECTOR'S REPORT

Division Activities Update

Ms. Hunter reported the Egeria Densa program has concluded and there was positive feedback from everyone and that the water hyacinth program will conclude on November 30. She added the Division is working on emergency contracts to obtain mechanical harvesters to remove the water hyacinth in areas that have blocked the waterways.

She reported that DMV has begun billing for the Quagga Mussel fee and the Division will be having interviews to fill the vacant analyst position that will manage the program and work on permanent regulations.

Ms. Hunter stated the boating fatalities and accidents are down in California as well as in other states.

She said the Division has hired Ramona Fernandez, Staff Services Manager II, who will supervise the Division's Operations Unit and Keren Dill was promoted to Staff Services Manager II and she will supervisor the Loans and Grants Unit.

Ms. Hunter said Mr. Robertson, Chief Deputy Director, would like to work with the Boating and Waterways Chairman to develop a budget 101 course and once developed it will be presented to the Commission.

Chairman Metz asked when the next public hearing on the emergency regulations will be. Ms. Hunter responded when the analyst is hired, a calendar will be set and the Commission will be notified.

RECEIVE PUBLIC COMMENTS REGARDING DIVISION'S PROGRAMS

Ms. Peterson gave a presentation on the following:

Boating Safety and Education Program

- Boating Clean and Green
- Aqua SMART

Boating Safety and Enforcement Program

- Boating Safety and Enforcement Financial Aid Grants
- Boating Safety and Enforcement Training Grants

Commissioner Lumian commented that he was at an Aquatic Center meeting in Santa Cruz where Ms. Matuk gave a presentation and noticed that many boaters were not wearing lifejackets. He said the Division should have a unified message and when presentations are given, everyone should be wearing lifejackets. Commissioner Lumian added that all Coastal Cleanup participants should wear lifejackets, follow established safety procedures and be trained in safe boating courses such as the American Canoe Association’s Smart Start for Paddlers course. Ms. Peterson responded she has a meeting with Ms. Matuk and Ms. Miranda to see where their programs overlap and where there may be an opportunity to discuss both boating safety and clean and green at events. She will also discuss lifejacket wear.

PUBLIC COMMENTS

There were no public comments. Chairman Metz asked that the agenda item “Public Comment” be at the beginning so that the public does not have to wait long to make any comments.

Commissioner Bañuelos left the meeting, due to illness.

RECEIVE PUBLIC COMMENTS REGARDING DIVISION’S PROGRAMS (Cont.)

Ms. Dill gave a presentation on the following:

- Local Assistance Floating Restroom Grant Program**
- Local Assistance Pumpout Facility Grant Program**
- Local Assistance Boat Launching Facility Grant Program**

- Statewide Ramp Repair and Modification Grants
- Statewide Non-Motorized Boat Launching Facility Grants
- Statewide Sign Grants

Local Assistance Public Small Craft Harbor Loan Program

- Statewide Emergency Loans
- Statewide Planning Loans

Private Small Craft Harbor Loan Program

Chairman Metz would like more information on the boating trails program. Ms. Hunter responded that Mr. Watanabe, who is familiar with the program, will be able to give a presentation on this at the next meeting.

Commissioner Madueño left the meeting due to a scheduling conflict.

Chairman Metz suggested having "Future Agenda Items" on all future agendas and that it be placed right before adjournment. He would like the item "Stakeholders Report" to be added under this. Chairman Metz also would like to have a brief summary on the Bagley Keene Act, ex-parte communications, conflict of interest, and sexual harassment.

Commissioner Lumian would like to add developing a statewide strategic plan for recreational boating safety. He also requested that legal counsel provide a definition for "recreational boater" and the definition of recreational boater, since AB 737 has this as a requirement for commissioners. He also would like the Boater Hall of Fame be resurrected and requested that this be on a future agenda and that the Commission consider Steve Watanabe's suggestions for awards.

ADJOURN

Chairman Metz adjourned the meeting at 12:44 P.M.



Sylvia Ortega Hunter, Secretary