

MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
EUREKA, CALIFORNIA
AUGUST 26, 2015

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Livingston on August 26, 2015 at 9:00 a.m. at the Humboldt Bay Aquatic Center, 921 Waterfront Drive, Eureka, California.

INTRODUCTION OF COMMISSIONERS AND STAFF

A quorum among Commissioners present, David Livingston, Chair; Virginia Madueno, Vice Chair, Frank Peralta, Commissioner; Doug Metz, Commissioner. State of California, Department of Parks and Recreation (State Parks) staff present was Christopher C. Conlin, Acting Deputy Director, Division of Boating and Waterways (DBW); Tara Lynch, Chief Legal Counsel; other DBW staff and registered visitors.

Not present: Katherine Pettibone, Commissioner and Randy Short, Commissioner

APPROVAL OF MINUTES

Commissioner Metz announced, "I move to approval with one technical correction. If you would note on page 9, there are two motions, but absent is the name of the person making the motion and absent is the name of the Commissioner seconding the motion. So subject to insertion of that and perhaps any format changes on that page, I move the approval of the minutes."

Vice Chair Madueno announced, "I second the motion."

Chairman Livingston, announced, "We will have a motion and a second. Any further discussion? Again, remind the Commissioners that we'll be taking roll call for all motions now. So we have a motion and a second."

Legal Counsel Lynch to roll call for all motions:

Commissioner Metz: Aye.
Commissioner Peralta: Aye.
Vice Chair Madueno: Aye.
Chairman Livingston: Aye.

MOTION: It was moved by Commissioner Metz and seconded by Vice Chair Madueno, that the Boating and Waterways Commission Minutes of May 13, 2015 meeting be approved. The motion carried, 4-0-0 motion pass, the Commission simultaneously voted, passed unanimously.

CHAIRMAN'S REPORT

Christopher C. Conlin, Acting Deputy Director gave a briefing of the Technical Advisory Group (TAG). Based upon the TAG that we developed approved by the Commission, and approved by the Director. Christopher C. Conlin, Acting Deputy Director announced names to the Commission. The TAG for the California Vessel Operator Cards will consist of: Paul Newman, Coast Guard's 11th District; James "Jim" Goff, the U.S. Coast Guard Axillar; Diane Isley, California Harbor Masters and Port Captain Greg Gibeson, Recreational Boaters of California; Doug Powell, California State Sheriff's Association; Glen Brandenburg, Mission Bay Aquatic Center; Steve Powell, L.A. County Lifeguards; Tom Trainor, California Yacht Brokers Association; Kevin Ketchum, Marina Recreation Association; James Gordon, California Boating Safety Officers Association; David Dickerson, National Marine Manufacturers Association. The DBW staff that will be working with them will be myself, Chris Conlin; Ramona Fernandez, the Boating Operations Chief; and Denise Peterson, the Boating Safety and Education Manager. The purpose of the TAG, again, is to advise the Department and the Division on specifics for the California Vessel Operators Card, such as how we'll be doing the testing, the examinations, the cost of the Vessel Operator Cards, and such other matters as required by the Director.

Chairman Livingston expressed, "Is there any action needed by this body?"

Christopher C. Conlin, Acting Deputy Director, "No, Just for the information of this body, though, we have a budget chain request in that it's going for three additional staff that will be supporting the California Vessel Operator Cards development. We're not going to be actually doing any California Vessel Operator Cards until 2018."

Chairman Livingston, Any questions from Commissioners? " Seeing none, thank you for that report."

COMMISSIONERS' ACTIVITIES UPDATE

Chairman Livingston, "Would any Commissioner like to provide an update?"

All Commissioners expressed, "No updates to provide."

Chairman Livingston, "Seeing none, thank you."

RESOURCES AGENCY GRANT RIVER PARKWAY PROPOSAL

Chairman Livingston announced, "Commissioner Short had requested this item, which we're able to accommodate on the agenda. Unfortunately, Commissioner Short is able to be present today."

Christopher C. Conlin, Acting Deputy Director gave a brief overview of the Owens Valley River Trail Project, "The Commission was previously briefed by Commissioner Short on this project. It is in the Bishop/Inyo area. It is a project being worked by L.A. County Water Authority in conjunction with Inyo County. Basically, they are developing a series of ponds and lakes along the Owens River as they re-water that river. It's a network of trails, both surface trails and water trails. What they are looking for support on a grant. I believe, Chair, that you've got a letter from Commissioner Short. If I could ask, perhaps, that be read, and then we can take whatever action is required."

Chairman Livingston read the requesting support letter to the Commissioners, other DBW staff and registered visitors.

Christopher C. Conlin, Acting Deputy Director, “The support letter is subject for your approval of an endorsement for this project, then we would go ahead and draft the final letter and have you sign it, Mr. Chair.”

Chairman Livingston continues, “That brings it back to the Commission for action.”

Commissioner Metz announced, “I move that the Commission endorse the Owens Valley River Trail Project and that an appropriate letter of support be drafted and then sent.”

Vice Chair Madueno, “I second that motion.”

Chairman Livingston All right, “We have a motion and a second, any further discussion?”

Vice Chair Madueno expressed, “Kudos is to Commissioner Short for bringing this forward. It is truly not just for Owens, that region, but it's for the entire State of California for those who want to access it. So kudos to our fellow Commissioner.”

Chairman Livingston, “I agree. We will call for the vote, please.”

Legal Counsel Lynch to roll call for all motions:

Commissioner Metz: Aye.

Commissioner Peralta: Aye.

Vice Chair Madueno: Aye.

Chairman Livingston: Aye.

Christopher C. Conlin, Acting Deputy Director, “Okay.”

Chairman Livingston, “Great. Thank you very much.”

MOTION: It was moved by Commissioner Metz and seconded by Vice Chair Madueno, The motion carried, 4-0-0 motion pass to endorse the Owens Valley River Trail Project and that an appropriate letter of support be drafted. The Commission simultaneously voted, passed unanimously.

DEPUTY DIRECTOR’S REPORT

Christopher C. Conlin, Acting Deputy Director announced to the Commission, I would like to ask, since Commissioner Metz might have to depart early for a flight, that we do a slight reorder of my report. I'd like to move the discussion of the Coastal Data Information Program by Dr. Flick, and make that Item No. 1. The Boating Needs Assessment, I'd like to make that Item No. 2 under my report. Then we'll continue on with the rest of the agenda items as it's listed.

No objection from Chairman or Commissioners.

Christopher C. Conlin, Acting Deputy Director introduced, Dr. Reinhard Flick, Oceanographer, Division of Boating and Waterways.

Dr. Flick presented a brief overview of his Antarctica planned trip for research and finding one year ago.

Christopher C. Conlin, Acting Deputy Director expressed, “For the benefit of the Commission and the public, so quite often we see where we wind up having to expend, you know, Harbors & Watercraft Revolving Fund money on research and all that. In this case, this trip was all funded by the NSF. NSF came to us. Because of the expertise that they find in places like Scripps and Dr. Flick, they wanted us to be involved in it. But it's very beneficial to California because a lot of what this research will show are effects on Pacific waters and wave technology and all of that that will ultimately wind up helping us here in California. So, essentially, we got a free ride, and we got the benefit of the science. Dr. Flick mentioned, Antarctic example the Bromirski Study and Stephen Study as an example of the best use of the Oceanography Program's limited State funding.”

Coastal Data Information Program (CDIP) Developments:

Dr. Flick gave a brief overview of the Coastal Data Information Program (CDIP), focusing on the criteria for delaying redeployment of buoys that cannot be re-installed because of a funding shortage. The criteria are to avoid redundancies, to advance cooperation, especially with the National Weather Service, to provide better, more useful products with fewer resources to advance the science, through better understanding and modeling. There is never enough funding to put buoys everywhere we want wave information. The only way and the original purpose of CDIP was to make enough measurements to create models that are reliable and to support boating safety and now casts and to optimize the buoy constellation in California.

Commissioner Metz asked, Dr. Flick, Is your assessment of relative need and placement of the buoys shared by any of the other funders or partners in the project?

Dr. Flick answered, “If we could get them to engage, that would be wonderful. The National Weather Service is going to be someone we can discuss this with, and I believe an important partner. The Corps of Engineers has been reluctant, for some reason, to discuss this directly with the State.”

Christopher C. Conlin, Acting Deputy Director expressed, “The Corps has kind of given us their vote by their reallocation of resources. The whole of U.S., this is important to note. There are 59 stations; 29 of them are in California. It's a nationwide program. So what the Corps is doing is they're looking at this as a nationwide program, and they're saying, we need to reallocate our resources so that we better cover the nation. I don't know that anybody would argue with that. Scripps Institute works with the Corps on not just California, but the whole country. This program is run out of Scripps. So it they're also looking at it more the national view. We as boaters in California, obviously we have the benefit of having most of the buoys, but we have to make a determination as to how much we can afford in California to maintain up here, and that's where we're trying to make these decisions right now. And that's why issues like redundancy, investing in science is important. We have not changed our funding allocation.”

Christopher C. Conlin, Acting Deputy Director expressed, “Eight hundred and fifty thousand dollars has gone into this program for at least the last four years, and the only thing that we do is we have a split. We have a split of \$425,000 between maintenance of the buoys and between development of the science, the models and all of that the buoys are out there to do. What has changed is, again, the allocation of federal funds. No longer are we doing the 60/40 split; they have reallocated their funds to more of the United States.”

Update - Boating Needs Facilities Needs Assessment

Christopher C. Conlin, Acting Deputy Director introduced Sacramento State representatives Dr. David Rolloff to give a brief overview of the Boating Needs Assessment. This is an opportunity for the Commission as well for the public, to give your guidelines and what you would like to see in this Boating Needs Assessment.

Dr. David Rolloff, Professor and Dr. Beth Erickson, Professor, Recreation, Park and Tourism Administration Program, Sac State presented a brief overview of their goal and objective to assist State Parks, Division of Boating and Waterways of launching a new Boating Needs Assessment surveys. To interact with you all to understand your business as well as hear your thoughts on what needs to be studied as part of this Boating Needs Assessment. Good social research is not simple. It's also not cheap. We are very cautious and considerate about the spending of public dollars and public money on social research efforts. The study objectives are at this point fairly broad.

Dr. Beth Erickson expressed, we normally don't visit you all at this point; we usually are visiting you at the end and we're giving you the results of everything that we found. But this is actually a better set up because we can kind of tell you what we're going to do a little bit, but nothing is set in stone yet. We could sort of get a feel for the culture and start identifying what your needs are. As time progresses in these next couple months, we're going to be really getting these surveys completed and passed around and figuring out we want it to be the best bang for your buck, you know to get as much information as we can without impeding too much on the visitor, if that makes sense.

Dr. Beth Erikson continues, regional boating workshops will be conducted. We will do about twelve; We will do one per district. Those will be focus groups, finding out what people are thinking. I think that's really important. Also include law enforcement survey. This is really of great interest to us. Bottom line is starting with a base from the previous study used.

Dr. David Rolloff and Dr. Beth Erickson requested to set a meeting with State Parks, Executive staff to discuss in detail to begin launching a new Boating Needs Assessment study.

DEPUTY DIRECTOR'S REPORT – PUBLIC COMMENT

Chairman Livingston announced, I will now invite public comment on the two agenda items that was just covered, The Coastal Data Information Program (CDIP), as well as what we just heard, the Boating Facilities Needs Assessment, and would ask speakers to come forward, please.

Public Comment were heard from the following individuals regarding CDIP buoys:

- Mr. Casey Allen, Humboldt Area Saltwater Anglers, Humboldt Harbor Safety Committee, Eureka, California
- Mr. Troy Nicolini, Meteorologist, National Weather Service, Eureka, California
- Brian Garcia
- Eric Stockwell, Loleta, California
- Dennis Mayo, California Commercial Fisherman's Association, McKinleyville, California
- Cliff Hart, Humboldt Area Saltwater Anglers, Eureka, California
- Tom Marking, Humboldt Area Saltwater Anglers, Eureka, California

Christopher C. Conlin, Acting Deputy Director expressed, Thank you very much to the public, and for those of you who came and provided the comments. Again, you know, on the CDIP buoys, this is this is a decision that we're not going to make without a lot of input. This is we've already addressed several of the boating leadership out there and folks from the Recreational Boaters of California and Harbor Captains, Coast Guard, and we opened the venue here. We'll continue to take the input.

Ultimately we will have to make a decision on some of these buoys just because that's the reality of a change in the funding mechanism. When this was a shared 60/40 thing, it wasn't a problem. Now that it's fully funded by California, the budget is already written and we have what we have.

However, we will continue to take all your information. We're not going to do anything that is not in the best interests of the folks that use the Coast that are out here in the waves on a daily basis.

Again, what we're saying is these are delayed re-deployments on the buoys that we pick. If we make a determination that that buoy needs to be replaced or we need to do a movement or we need to do something else to optimize the constellation out there, we will do that. But that will could incur a budget increase, and that's the kind of thing we're going to have to bring in front of the legislature and get approvals for. We don't have that kind of liquidity in our cash that we can come up with an extra 2, \$300,000 when we have a shortfall.

DEPUTY DIRECTOR'S REPORT – DIVISION ACTIVITIES UPDATE

Christopher C. Conlin, Acting Deputy Director expressed, a few key highlights:

- **Online Grants Application up.** What that means is that now as you apply for grants in the State of California for Boating and Waterways, no longer is it a paper drill; now you can do it online. An example the VTIP, AWAC, for the Vessel Turn-In and for the Abandoned Vessel Programs. It optimized the system.
- **Loans and Grants Program,** have had an opportunity to sit down with some of the boating groups and talk about how we can make things work out better. In those programs to make them better, to make them more effective, more efficient. We sat down with APEX Group and input from MAR and RBOC. Also sitting down with the Economic Development Bank, IBank, for the State of California and asked them, How do we make the Loan Program work like a commercial loan program? How do we optimize it and how do we create more security in it so that we don't have the faults and wind up kind of holding the bag. How do we adjust interest rates etc. They have pledged to help us. So that's going to be a great benefit to us.
- **Aquatic Weed Program,** we had a \$4 million boost. That money is now being spent we are in the midst of hiring several additional people that will be sprayers and scientists that are going to support that program. We're in the midst of purchasing additional boats and engines. The Weed Program this year, we've got pretty darn good success in the central and south areas of the Delta.

DEPUTY DIRECTOR'S REPORT – LEGISLATIVE UPDATE

Christopher C. Conlin, Acting Deputy Director gave a brief highlight of a couple of Bills:

- **Passed. Assembly Bill 638,** Assemblyman Frazier, Personal flotation devices. Essentially what the bill did was where previously children under 13, when they're on board a vessel, the vessel's over 26 feet, private vessel, they didn't have to wear the preservers. It is changed now. A child, under 13 is wearing that life preserver on any size vessel. There are some considerations for commercial vessels like ferries. But I believe it is good news. Again, re-doubling our efforts to make sure that kids are staying safe, that we've got responsible parents out there watching out for them, and that we've got them in the best protection we can.
- **Assembly Bill 1323,** Assemblyman Frazier. Marine debris removal and disposal. This facilitates to some extent of those removal efforts that are going on out there. Expedite in some cases the turn-around on being able to get the one of these boats actually taken out reporting

that the boat is abandoned, then going through the process of advertising and notifications. This should help to kind of make a quicker turn-around time.

- **Assembly Bill 1528** Changes our name. It protects the innocent by changing our name. Getting this from the Department to officially recognizing that we are in Department of Parks & Recreation.
- **Senate Bill 223**, Senator Galgiani, Proposal to create an oversight committee for chronic invasive species for the work that we're doing down in the Delta. *I don't think that's been approved yet.* They're working on an Assembly version of that. We'll see how that comes out.

PUBLIC COMMENTS - ON SUBJECTS OTHER THAN AGENDA ITEMS LISTED HEREIN

Chairman Livingston, I'm not sure if there are. Would anybody like to speak to the Commission on items that are not on the agenda?

Mr. Dennis Mayo again, Thank you, very briefly, speaking as a water agency person. I just wanted to thank whoever made sure we got our good local water here and we weren't using local bottled water. Thank you very much.

Christopher C. Conlin, Acting Deputy Director, Noted.

Chairman Livingston, Thank you, sir.

Chairman Livingston, Introduced Dave Nakamura, Director, and Humboldt Bay Aquatic Center. On behalf of a grateful Boating and Waterways Commission and staff, we thank you very much for hosting us yesterday and today. It's been a great tour, It's been educational, a lot of fun. You have a wonderful facility here. Thank you.

RECEIVE PUBLIC COMMENTS REGARDING DIVISION PROGRAMS

Boating Infrastructure Grant Program	Ms. Keren Dill
DBW Accident Reporting Program	Ms. Rigby/ Ms. Naughton
Media Campaign	Ms. King
AquaSMART Program	Ms. Miranda
Life Jacket Awareness Program	Ms. Miranda
Life Jacket Loaner Program	Ms. Miranda
Boating Safety Course	Ms. King
Boating Safety and Education Program / Aquatic Grant Program	Ms. Rigby
o Aquatic Center Grants	Ms. King
Quagga and Zebra Mussel Grant Program	Mr. Ramos

Programs described in handout at the August 26, 2015 meeting.

DETERMINATION OF FUTURE MEETING DATES AND LOCATIONS

Chairman Livingston, Vice Chair, Commissioners, and Christopher C. Conlin, Acting Deputy Director agreed the next meetings are scheduled for:

November 17 & 18, 2015 in San Diego, California
February 16 & 17 or 23 & 24, 2016 in Colusa, California
May 10 & 11, 2016 in San Francisco, California
August 2016 - TBD

SUGGESTED AGENDA ITEMS FOR NEXT MEETING

Chairman Livingston expressed, all the members of the public that were here and all other staff, Thank you. We are adjourned.

Meeting Adjourned at 11:43 a.m.