

COMMUNICATIONS AND REPORTS

A. CEO Report

B. Commissioner Reports

Pursuant to the Brown Act, this item allows the Commissioner to briefly discuss activities engaged in since the previous public meeting, and direct staff to place items of importance on a future agenda.



CEO Report for the Board of Harbor Commissioners

19 February 2019 Harbor Commission Meeting

- I spoke with Eli Naffah on Monday 11 February about the possibility of siltation in the harbor generated by the dam removal on the Klamath River. Mr. Naffah is a consultant with the Klamath River Renewal Corporation (KRRC). Following our discussion, he will be proposing to the KRRC that the corporation consider setting aside a million dollars for a mitigation fund to address harbor dredging.

When the dams are removed, if additional silt is deposited into the harbor that can be attributed to dam removal, the Harbor District and the KRRC would negotiate what level of silt generated by the dam removal entered the marina and harbor access channels. Upon agreeing upon what percentage of harbor siltation was generated by dam removal, KRRC would access the mitigation fund to pay for their proportional share of the dredging cost .

- Michael Martz, a mechanic from Pape, has been scheduled to inspect the Harbor District's dredge and assess the mechanical condition of the vessel. Rich Salvaressa, Maintenance Foreman, will accompany the mechanic during the inspection. Mr. Salvaressa had been the dredge operator for the Harbor District and is intimately acquainted with the operating systems of the unit.

Following the inspection, we will receive a report from Mr. Salvaressa in cooperation with the Pape mechanic and the Deputy Harbormaster so that the Harbor Commissioners will have current knowledge about the condition of the dredge.

- George Williamson, Principal Planner, Planwest Partners, and Emily Morris, Assistant Planner, Planwest Partners, in response to a request from the Del Norte County Community Development office prepared a series of documents in response to additional inquiries from the department.

I have attached a copy of the Del Norte Community Development Department's questions based upon their review of the Draft Land Use Plan that was submitted to them.

We are submitting the documentation from Planwest to the County the week of 11 February.

- I will be submitting regular reports on the activities of Arden Shank, the consultant who is assisting the Harbor District in securing funding for Harbor development projects. In addition to making his national funding contacts available to the Harbor District, he is directing Harbor Staff in the preparation of documents that potential funders will find essential in their consideration of our projects. I will attach a report for the Harbor Commission meeting scheduled for 13 March, 2019.
- I contacted Stover Engineering to set up a meeting to discuss creating a set of drawings for the infrastructure needed for the tent/tiny home tourist development site. We'll be getting together the week of 11 February to discuss site layout and get a cost estimate for preparing engineering drawings. Once a price for the service has been determined, I will bring the bid to the Harbor Commission for review and approval.
- I led the California Association of Harbor Masters and Port Captains (CAHMPC) Board meeting in Sacramento on Wednesday 6 February. The Association's 71st Annual Training Conference will be held in Sacramento from Tuesday 3 September through Friday 6 September at the Embassy Suites at 100 Capitol Mall Way in Sacramento.
- Five of the CAHMPC Board Members attended the regular meeting of the Boating and Waterways Commission on 7 February at which the Surrendered and Abandoned Vessel Exchange Grants; Law Enforcement Financial Aid program; Boating Safety Enforcement Equipment Grants and the California Boater Card Program were discussed.
- In the afternoon I presented comments to the California Boater Card Program in front of the special Commission of the Division of Boating and Waterways. I have attached the comment letter to this report.
- On 8 February, I spoke with Debra O'Leary, our Program Manager with the Corps of Engineers who is tasked with getting the Harbor District's 10 Year Dredge Permit. It appears that the only current challenges to the issuance of the permit are:

- National Marine Fisheries Service (NMFS) sign off on the dredging not affecting essential fish habitat - read eel grass - and an Endangered Species non-impact finding. Debra believes the sign off letter is working its way through the NMFS Bureaucracy.
- California Coastal Commission Comment letter. Ms. O'Leary expects this to be in Corps possession very soon
- Regional Water Quality Control Board letter of approval. The Harbor District made its annual payment to the Control Board last year which cover the 2019 Calendar Year .

Ms. O'Leary will be in touch with all of these agencies within the next ten days and will keep us informed of her findings. She believes that the Harbor District should have its permit within the next 60 days.

- The 4th Annual California Boating Congress will be held in Sacramento on Tuesday, 5 March, and Wednesday, 6 March. The California Association of Harbor Masters and Port Captains is one of the presenting sponsors along with the primary sponsor, Marine Recreation Association, and 11 other organizations.

There will be a full slate of presentations ranging from Abandoned Vessel Issues to Water Quality Legal Issues. There are three sessions focused on meeting the representatives from the departments who regulate our industry:

- Department of Parks and Recreation - Law Enforcement & Legislative Director. This is the Department that absorbed the Department of Boating and Waterways
- State Lands Commission -Abandoned Watercraft Unit
- Division of Boating and Waterways - Boating Safety/Accidents Unit

I've attached the promotional flyer for the event to this report. Somehow, my picture with Senator McGuire from last year's event is on the front page of the flyer.

Staff Review of Crescent City Harbor District - Draft Land Use Plan, 2017

General Comments:

1. The Harbor District has not proposed a home for the proposed Land Use Plan. Its implementation plan would be integrated into the County's Title 21 Coastal Zoning, but the question still exists as to where the proposed LUP would be placed. Integration with the County's certified LCP could take place, but that would likely be messy and not feel fluid as a result of the plans being more than 35 years apart in age and organized differently. One option would be designating the proposed LUP a "specific area plan" under the County's LCP. This would allow the Harbor LUP to be a standalone document with its implementation plan (zoning) being integrated into Title 21. After certification by the Coastal Commission, the County's Title 20 Zoning would be amended to eliminate the existing Harbor zoning designations.
2. In Chapter 1 or near the beginning it would be nice to have a map of the harbor with all geographic features referenced in the Plan shown.

Chapter 1: Introduction

Comments:

1. The contents listed in the Table of Contents do not match what was submitted. Reference is made on page 1-1 to the full Chapter 1 being available at the Harbor. As reference to Chapter 1 is made elsewhere in the Plan (2nd paragraph, page 2-9) I would suggest either including the entire contents or repackaging the information as an appendix to the Plan or labeling it a different name. If this information is not incorporated into Chapter 1, amend Table of Contents.
2. The remaining contents of Chapter 1 that were included in the County copy do not seem appropriately placed at this location. Also, the existing County Land Use designations are not accurate as the County's LCP update was not certified by the Coastal Commission. I would rely on the land use descriptions in the 1986 Harbor Land Use Plan when making comparisons.

Chapter 2: Harbor Land Use and Development

Comments:

1. On page 2-3, the heading Harbor Land Use/Zoning Consistency is misleading as the table on the following page is a comparison of acreages between proposed and current land use designations. No zoning is referenced.
2. I would like to see the land use map inserted into this chapter rather than in Chapter 5.
3. On page 2-8 Policy 2.3.1-7, I suggest placing the definition of limited use overnight visitor accommodations in the first paragraph rather than in the third bullet below the first paragraph. In the paragraph that begins "The inner boat basin",
4. There are references to reconstruction on Page 2-9 but no explanation given prior as to why there was reconstruction. Maybe this is mentioned in the full Chapter 1.
5. On Page 2-10 there is a status given as to the number of existing seafood processors. This should be updated with 2019 information

6. No mention of tsunami evacuation structures is provided.

Chapter 3: Access and Recreation

No comments.

Chapter 4: Coastal Resource Protection

Comments:

1. A number of reports are referenced on pages 4-1 and 4-2. The reports should be given titles so the reader is able to locate the documents.
2. Under the eelgrass mitigation discussion, reference is made to annual monitoring reports. This information should be updated. Based on the time period, the monitoring period may be nearing its end.
3. On page 4-4, (c) under ESHA heading, should be 28 species not 2 (28 = Endangered in CA). See also reference in Policy 4.1.1-1.C.
4. Map 1-C referenced on page 4-9 is not included in Chapter 5.
5. The second program listed on page 4-11 seems awkwardly placed under the dredge goal. Is there a better place for it?
6. On Page 4-11 there is the program that calls to replace the dock but the language paragraph 2 of Section 4.5.1 makes it seem like a valuable asset to the community. Feels like a conflict.

Chapter 5: Maps and Exhibits

Comments:

1. The table of contents is not complete and there are omitted items. These include maps IA (Area of Harbor Land Use Application), IC (Excerpt from 1939 U.S. West Coast St. George Reef), IE (Harbor Aerial Photo 1989), IG (Harbor Aerial Photo 1948), and IH (Coastal Access Points).
2. Is there a better copy of Map 1-B available? The point the writer was trying to make when referencing it earlier in the plan is lost because one can't read it.
3. A zoning map for the City is included but there is no reference made in the table of contents. The City's zoning map along with the County's would be better placed in Chapter 6.
4. The Harbor Land Use Designations table does not need to be included as it is already found in Chapter 2.
5. Are all of the maps and exhibits referenced in the Plan? If not, do we really need them?

Chapter 6 Harbor Zoning

Comments:

1. Can you provide a tracked version for comparison? Not to be included in the Plan.
2. The format for the added Chapters are not consistent. Some sections are underlined, some in bold, some neither underlined or bold...

3. The LUP Proposed Land Use and Zoning Matrix is great for comparison but is not needed as an element of Plan. Suggest removing it from the Plan and using it as background information to the Planning Commission/BOS Reports and LCP Submittal to the CCC. Also, the headings for the matrix should be carried forward on each page. It makes it easier to read.
4. Regarding the Harbor Land Use Plan Matrix by Existing Policy and APN, was the 2006 CC Harbor Master Plan approved by the CCC? Does it have any regulatory authority? Should it be included in the matrix? Like the other matrix, I see this is a supplementary information and not be included as part of the Plan. Staff has the following comments regarding the matrix :
 - a. P-1: The matrix directs readers to policies 4.3.1-1 and 4.1.1-3 through 4.1.1-6. Policies 4.1.1-3 through 4.1.1-6 do not appear to exist.
 - b. P-2: The matrix directs readers to policy 2.5.1-9. This does not appear to exist. The last policy is 2.5.1-6.
 - c. P- 5: The matrix directs readers to policy 4.3.1-2 on the maintenance and preservation of Citizen's Dock. This policy addresses dredge disposal. The proper reference may be Goal 4.3.1-1.
 - d. P-6: The matrix directs readers to policies 4.3.1-1 and 4.3.1-3 through 4.3.1-6. Again, Policies 4.1.1-3 through 4.1.1-6 do not appear to exist.
 - e. P-9: The matrix directs readers to Chapter 3 and policy 3.1.1 -14 . This does not appear to exist.
 - f. P-12: The matrix directs readers to policies 4.4.1-6 and 4.4.1-7. These policies do not appear to exist.
5. General comment regarding the HVSC Zoning - should fish processing really be a primary permitted use in a zone where we are focusing on visitor serving uses? It seems ripe (no pun intended) for conflict .
6. Public access is deemed essential to the public; in the Coastal Act, and in the County's certified Local Coastal Program . Coastal Act Sections 30210, 30212, 30212.5, and 30214 ensure that public access is provided for. Similarly, current policies found on pages 15-17 of the County LCP attempt to ensure the attainment the maximum amount of coastal access for the public. Given that the list of exceptions to the public access provisions of 21.47 are being added to, further justification may be warranted. Provide staff with further explanation for each of the items to be added to 21.47 .30. Additional clarity may be needed to define what "high levels of commercial activity" constitute on Citizens Dock . Justify that each of these items are consistent with public safety needs.
7. Under 21 .47A.30D: Uses permitted with a Use Permit, "Fisherman's cafe" is listed. **Need clarity on this item.** The Fisherman's Restaurant is located in a proposed HVSC district .

Chapter 7 Environmental Documents

Staff believes Chapter 7 does not need to be included in the Land Use Plan. A reference to the State Clearinghouse number for the Negative Declaration could be provided in Chapter 1 if the Harbor District feels that it is appropriate. The CEQA initial study and negative declaration could be noted as being on

file at the District Office. The "Attachment A" at the end of the initial study is confusing because it looks like the land use plan but it is only a layout. None of this needs to be included in the Land Use Plan .



Department of Parks and Recreation
BOATING AND WATERWAYS COMMISSION
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Sacramento, California 95814
Telephone: (916) 327-1916/Fax: (916) 327-1770

Lisa Ann L. Mangat, Director

COMMISSION MEMBERS
Randy Short, Chair
Katherine Pettibone, Vice Chair
Virginia Madueno
Brian Cooley
David O. Livingston
Douglas Metz
Frank Peralta

AGENDA
Regular Meeting of the Boating and Waterways Commission
February 7, 2019

California State Parks
Stanford Gallery
111 I Street
Sacramento, CA 95814
(Located in Old Sacramento)

All items on this Agenda are subject to action by the Commission.
Items noted with an asterick concern an administrative matter related to the operations of the
Boating and Waterways Commisison.

All items on this Agenda will be conducted in Open Session unless noted.
Public Comment Period for Items Not on the Agenda (2Hb1) will be held at 11:15 a.m.

- | | | |
|------|--|------------------|
| I. | CONVENE MEETING - 9:00 am | Chairman Short |
| II. | INTRODUCTION OF COMMISSIONERS, STAFF, & DIGINITARIES | Chairman Short |
| III. | CHAIRMAN'S REPORT | Chairman Short |
| IV. | COMMISSIONERS' ACTIVITIES | Chairman Short |
| V. | DIRECTOR'S REPORT | Lisa Mangat |
| | A. DEPUTY DIRECTOR'S (ACTING) UPDATE | Ramona Fernandez |
| VI. | DBW PROGRAM BUDGET REPORT | Will Schaafsma |
| VII. | DIVISION PROJECT(S) REPORT(S) | |
| | A. Local Assistance Boat Launching Facility Grant | |
| | 1. Pittsburg Public Boat Launching Facility | Casey Caldwell |
| | 2. Rio Vista Boat Launching Facility | Lisa Fernandes |

VIII. DIVISION PROGRAM(S) REPORTS

A. Aquatic Invasive Plant Control Program Edward Hard

8. Surrendered and Abandoned Vessel Exchange Grants Ron Kent
(Abandoned Watercraft Abatement Fund Grants and Vessel Turn-In Program)

C. Boating Safety and Enforcement Program

1. Law Enforcement Financial Aid Program Joanna Andrade

2. Boating Safety Enforcement Equipment Grants Joanna Andrade

D. California Boater Card Program Evan Becker

IX. ADMINISTRATIVE ITEMS Chairman Short

A. Election of Officers for 2019

8. Reminder of future meeting dates and locations

X. ACTION ITEMS

A. (Open) Chairman Short

XI. SUGGESTED AGENDA ITEMS FOR NEXT MEETING Chairman Short

XII. ADJOURN MEETING Chairman Short

(1) Unless the agenda is revised by majority vote, the Commission will proceed through the agenda in order until the agenda is completed. *The Commission may take action following presentation, public comment, and Commission discussion of those matters listed on the agenda. [Gov. Code §§ 11122, 11125 (a) and (b)].* The Commission will take a lunch recess at approximately 12:00 p.m.

(2) PUBLIC COMMENT

(a) Agenda items: The Chair will entertain public comment as the Commission takes up agenda items. Comments will be limited to three (3) minutes. Those individuals wishing to comment on agenda items should fill out the pink "Public Comment - Agenda Items" form and submit it to the Commission recording secretary.

(b) Public comment period for all items not on the agenda: Those persons wishing to address the Commission on items not on the agenda during the public comment period should fill out the yellow "Public Comment Form for Items Not on the Agenda" form and submit it to the Commission recording secretary.

(c) Written materials: Members of the public presenting written or graphic materials as part of their public comments to the Commission are requested to provide eight (8) copies to the Commission recording secretary.

Visual aids: Members of the public presenting visual aids (projected media) as part of their public comments to the Commission are requested to submit the material(s) to the Department of Parks and Recreation five (5) days prior to the scheduled meeting. The Department reserves the right to decline to show photographs that violate personal privacy (photos without a release from the person/people shown in the photograph) or other valid reason in the opinion of the Department and its legal counsel.

HARBOR MASTERS AND PORT CAPTAINS

INCORPORATED

I'm Charlie Helms, President of the California Association of Harbor Masters and Port Captains. We represent over 70 harbors and marinas, both public and private throughout the state and work closely with our boaters on a day-to-day basis. We are committed to making our marinas and harbors safe environments for all boaters who navigate our waters.

Today, I would like to address our concerns with the proposed regulations regarding the California Boater Card. We applaud Senator Monning for the passage of SB 941, which created the California Vessel Operator Card known as the California Boater Card in 2014. I want to emphasize the word *card* because it was never intended to be a *license*. I brought with me a copy of the Senate Floor Analysis on the bill SB 941 for your review. Let me read an important section of this analysis for you, "... SB 941 strikes a good balance between ensuring that vessel operators are sufficiently educated on boating safety and vessel operation *without imposing excessive burden* that would serve as a barrier to entry and harm this critical aspect of our state's economy."

Along with our colleagues, we share the same concerns with Section 8200.6 Violation.

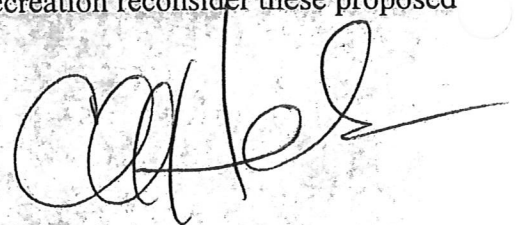
If a vessel is stopped by a law enforcement officer for suspected violation of any provision of law and the Operator cannot provide evidence of a valid California Boater Card or proof of an exemption to possessing a California Boater Card, the law enforcement officer may require the Operator to terminate the voyage by removing their vessel to the shore or to a safe moorage or anchorage or transferring control of the vessel to a person legally authorized to operate the vessel.

These proposed violations are inconsistent with the intent of SB 941 and infers the California Boater Card is a Boater License, which it is not. Furthermore, these violations are imposing a greater burden that would serve as a barrier to operating a vessel.

Our harbor officers already have the authority to terminate the operation of a vessel if it is found to be unsafe for operation, pursuant to the Harbor and Navigation Code Section 6550.5 and is primarily used if a harbor officer finds a vessel operator is being reckless or hazardous to those around or is impaired by alcohol. Harbor officers have the authority to stop the vessel and remove an operator, which is a misdemeanor in the court of law.

They do not need additional authority to ensure public safety in our harbors, although we agree that there should be some recourse for those not having a California Boater Card. We believe a more appropriate course of action would be to allow the Harbor officer the discretion to give the vessel operator a warning which requires they obtain a California Boater Card before issuing a citation or immediately removing them from a vessel.

For the reasons stated above, we insist that the Department of Parks and Recreation reconsider these proposed regulations and remove Section 8200.6 - Violations from the proposal.





★ Help chart the future of boating policy in California.



Please join us on March 6, 2019 for the 4th annual "California Boating Congress." This event is where the marine industry and boating community come to Sacramento to advocate on issues affecting this important part of our State's economy and culture. There will be industry and government leaders speaking in the morning and participants will have the chance to meet with their Legislators in the afternoon. Don't miss this opportunity to chart the future of boating policy in California!"

**Embassy Suites by Hilton | 100 Capitol Mall
Sacramento CA 95814**

Single or Double Room: \$239.00+tax/night
Room Block Cut-Off Date: **Tuesday, February 12, 2019**



Enjoy the best of historic Old Town Sacramento and the modernity of downtown. The centrally-located Embassy Suites Sacramento-Riverfront Promenade hotel provides a comfortable all-suites experience. Stroll along the Riverfront Promenade and walk to the iconic Tower Bridge. Enjoy the plethora of shows featured at the Golden 1 Center, located within walking distance of the hotel.

Reservations can be made by calling 888.421.1442. Please let them know that you are with the *California Boating Congress*.

Online reservations can be made at <https://aws.passkey.com/go/CBC2018>.

REGISTRATION

Early Price

If Received on or before February 15, 2019

\$179

Regular Price

If Received after February 15, 2019

\$229



For more information go to www.calboatingcongress.com or contact Mariann Timms at 209.334.0661 or email at timms@marina.org



SCHEDULE OF EVENTS

Tuesday, March 5, 2019

5:30- 7:00 PM Welcome Reception

Wednesday, March 6, 2019

8:30 AM **Welcome** - Mark Sandoval, President, MRA

Welcome to Sacramento - Assembly Member Wood

8:45 AM **Recreational Boating Trends and the Economy in California**

Robert Newsome, Senior Vice President, Strategy, Engineering Standards & Membership, National Marine Manufacturers Association

9:30 AM **Legislative Summary & Legislator Meeting Instructions** (*Schedules will be handed out at this time*)

Bret Gladfelty, Lobbyist, The Apex Group

9:45 AM **Coffee Break**

10:00 AM **Issue Briefings**

10:00 - 10:40 Session 1

Room 1: Abandoned Vessel Issues

We will be discussing proposed legislation to support the abandon and derelict vessel fund for private marinas and exploring options for new methods and procedures in resolving ADVs. Your input will be invaluable in shaping the solution to this issue.

Bret Gladfelty, Lobbyist, The Apex Group

Room 2: Permit Processing in the Marina Industry

A brief look at the various regulatory issues in the time consuming, frustrating, and very expensive permitting processes involving in-water work in the California Bay-Delta.

Gilbert Labrie, AJA, Architect, DCC Engineering Co., Inc.

Room 3: 2018 Election: Does Political Change Present Anglers Sunny Skies or Rough Waters?

As a leading advocate for recreational anglers at the State Capitol, the California Sportfishing League (CSL) has assessed California's ever evolving political environment and its potential impact on recreational fishing an industry that generates over \$4.6 billion in economic activity in California each year. With the recent election of Governor Gavin Newsom and Democrats who gained a two-thirds majority in the State Legislature, are there opportunities to protect access and increase fishing participation rates? CSL's executive director will explore this question, and introduce the organization's mission and 2019 Sportfishing Legislative Agenda.

Marko Mlikotin, Executive Director, California Sportfishing League

10:45 - 11:25 Session 2

Room 1: Reducing Sales & Use Tax Reduction - California Coalition for Maritime Development

The California Coalition for Maritime Development (CCMD) is looking for additional members to support a campaign to reduce sales and use tax on all watercraft sales in California, and create a cap on the amount of sales and use tax paid for by larger yacht sales. We will be discussing the general plan of action and how members can join the coalition. The state is in the best fiscal shape since the recession, now is the time to take action!

Bret Gladfelty, Lobbyist, The Apex Group

Room 2: Water Quality Legal Issues

Navi Dhillon, Special Counsel, Baker Botts LLP

Paul Kaplan, Founding Partner, KKMI

Room 3: BCDC - Yesterday, Today & the Future

RBOC supports the audit being conducted by the Joint Legislative Audit Committee regarding the San Francisco Bay Conservation and Development Commission [BCDC]. RBOC is concerned that recent actions of the commission are contrary to the vital objectives of BCDC that was created in 1965 to protect the Bay, safeguard endangered species and provide public access and enjoyment of the Bay's waters.

Ray Durazo, President, Recreational Boaters of California

11:30 -11:55 Meet Your Regulators

Room 1: Department of Parks and Recreation - Legislative Director/ Law Enforcement

Room 2: Division of Boating and Waterways - Boating Safety/ Accidents Unit

Room 3: State Lands Commission & Division of Boating and Waterways - Abandoned Watercraft Unit

Noon **Lunch**

1 - 4:30 PM **Meetings at the Capitol**

CBC Staff will also schedule your meeting for you. Because some participants will be more comfortable in group meetings, CBC staff will be scheduling group meetings based on the districts represented by the participants that RSVP to attend. **If you want CBC to schedule meetings with your representative you MUST RSVP BY FRIDAY, FEBRUARY 8, 2019.** This is critical as there are many demands on the schedule of Legislators and it is very difficult to get a meeting last minute. **If you are unable to RSVP by that date, you will need to schedule your own meeting.**

Adjournment

Adjournment to the Board of Harbor Commissioners next regular meeting scheduled for Wednesday, March 13, 2019 @ 5:30 P.M. at the Harbor District Office, 101 Citizens Dock Rd. Crescent City, California

