



# CITY OF MORRO BAY HARBOR ADVISORY BOARD A G E N D A

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*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.  
The City shall be committed to this purpose and will provide a level of municipal service and safety  
consistent with and responsive to the needs of the public.*

## **REVISED**

**Regular Meeting - Thursday, March 6, 2014  
Veteran's Memorial Building - 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Jeff Eckles, Chair	Waterfront Leaseholders
Bill Luffee, Vice-Chair	Marine Oriented Business
Alan Alward	Morro Bay Commercial Fishermen's Organization
Dana McClish	Recreational Boating
Gene Doughty	South Bay/Los Osos
Lynn Meissen	Member at Large
Ron Reisner	Member at Large
Tom Hafer	Alternate to Alan Alward (MBCFO)
Joe Conchelos	Alternate to Alan Alward (MBCFO)

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Board on City business matters other than scheduled items may do so at this time. To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Board meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes.
- All remarks shall be addressed to the Board, as a whole, and not to any individual member thereof.
- The Board respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, Board member and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Board to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Board meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Harbor Department's Office Assistant at (805) 772-6254. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

- A-1 Approval of Minutes from Harbor Advisory Board meeting held on February 6, 2014.  
**Staff Recommendation: Approve minutes.**

B. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

- B-1 Harbor Department Status Report.  
**Staff Recommendation: Receive and file.**
- B-2 Presentation by the Marine Mammal Center on the Center's Activities.  
**Staff Recommendation: Receive and file.**
- B-3 Report on Clean Marina Program and Morro Bay Clean Marina Certification.  
**Staff Recommendation: Receive and file.**

C. UNFINISHED BUSINESS

- C-1 Boatyard Ad-Hoc Committee Report and Recommendations to Harbor Advisory Board.  
**Staff Recommendation: Receive report and make recommendations, if any.**

D. NEW BUSINESS

- D-1 Request by Richard Sylvester for a Waiver of Requirement to Qualify for a Commercial Fishing Slip.  
**Staff Recommendation: Consider request and make recommendation to Harbor Director.**
- D-2 Review and Recommendations on Proposed Tidelands Park Public Boat Launch Facility Renovation  
**Staff Recommendation: Review plan and provide input/recommendations to staff.**

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

This agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the agenda posted at the Morro Bay Harbor Department, 1275 Embarcadero, for any revisions or call the department at 772-6254 for further information.

Materials related to an item on this Agenda are available for public inspection during normal business hours at the Harbor Department and at Mill's/ASAP, 495 Morro Bay Boulevard, or online at [www.morro-bay.ca.us](http://www.morro-bay.ca.us). Materials related to an item on this Agenda submitted to the Board after publication of the Agenda packet are available for inspection at the Harbor Department during normal business hours or at the scheduled meeting.

**CITY OF MORRO BAY**

**HARBOR ADVISORY BOARD**

**SYNOPSIS MINUTES**

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, February 6, 2014 at 6:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

**ESTABLISH QUORUM AND CALL TO ORDER**

Present:           Members:    Alan Alward  
                                                  Gene Doughty  
                                                  Jeff Eckles  
                                                  Bill Luffee  
                                                  Dana McClish  
                                                  Lynn Meissen  
                                                  Ron Reisner  
                          Staff:           Eric Endersby, Harbor Director  
                                                  Polly Curtis, Office Assistant

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS**

Chair Eckles welcomed the two new members to the Harbor Advisory Board, Mr. Alan Alward on the Morro Bay Commercial Fishermen's Organization (MBCFO) seat, and Mr. Ron Reisner on the Member at Large seat. He said the MBCFO seat will now include two alternates, Mr. Tom Hafer and Mr. Joe Conchelos. Chair Eckles asked each new member to introduce himself.

Mr. Alward said he lives in Cambria and has been a Commercial Fisherman in Morro Bay since 1977, though he started in Santa Barbara in 1973. He graduated from Cal Poly with an engineering degree, but returned to fishing for the enjoyment it brings. He said he is happy to be on the Harbor Advisory Board.

Mr. Reisner said he is pleased to be on the Board; he and his wife are residents of Morro Bay. His professional background is a custom boat builder from the late 1960s through the early 1980s; then became a Marine Surveyor and has been a Marine Surveyor since; and in the last decade or so, specializing in representing owners for new and refit vessel construction projects and marine facilities projects.

Chair Eckles announced a community event on Saturday, February 15<sup>th</sup> presented by the Morro Bay Community Foundation, which will be a two-person play called "Love Letters." The performance will be held at the Vet's Hall, and proceeds benefit the local Youth Recreational Activities. For further information, go to [www.eventbrite.com](http://www.eventbrite.com)

## **PUBLIC COMMENT**

Mr. Garcia from Spain thanked the Board for their work on fisheries issues. He said in the last ten years, Spain's fisheries have faced a lot of problems, such as impacts on the ecosystem, and the number of fishermen and fisheries have decreased. Conversations began a couple of years ago among the fisheries program of World Wildlife Fund Spain (WWF) and Environmental Defense Fund (EDF) to improve sustainability of Spain's small-scale coastal fleet.

Mr. Garcia said his group of seven people have chosen Morro Bay as a site to visit, seeing that this is one area where elements have been working well and many positive things are beginning to happen. The group is visiting fishing communities in the U.S. and other countries to see what solutions to problems have been found, and to implement the successes in Spain. He thanked the Board and Morro Bay again for the great opportunity to see and to understand the progress here in Morro Bay.

## **A. CONSENT CALENDAR**

### **A-1 MINUTES**

Mr. Doughty moved the December 5, 2013 Harbor Advisory Board minutes be approved. The Motion was seconded by Mr. McClish and carried unanimously.

## **B. PUBLIC HEARINGS**

### **B-1 Harbor Department Status Report**

Mr. Endersby briefed the Board on the following topics:

#### **New Harbor Patrol Vessel and Fire Pump North T-Pier Maintenance and Repair Project**

#### **Lease Site News:**

**Bay Front Marina**

**Salt Building**

**La Roche**

**Harbor Front Suites**

#### **Grants: AWAFF, VTIP, and Boating Safety (for Boat Trailer)**

#### **Events:**

**Polar Bear Dip January 1**

#### **On Patrol:**

**Panga Boats/Drug Smuggling**

**Ocean Safety on Jetty**

#### **Drought and Water Restrictions**

### **B-5 Presentation on the FishLine Seafood App**

Chair Eckles with consensus of the Board requested Item B-5 be moved forward, to be heard as the next Public Hearings Item.

Mr. Joe Falcone, founder and managing partner of Phondini Partners, presented his new seafood application for computer pads and smart phones called FishLine. Mr. Falcone showed two videos of trailers for the new app, saying this is a powerful medium connecting the public with fresh seafood and with fishermen who are currently selling fish off their boats. He said there are about a dozen different contributors who post to this app, and in the past year the Facebook posts have been seen over 249,000 times.

Mr. Falcone said the second app called CrabLine connects people to boats selling freshly caught crab; orders for crab can be placed on this site. This app also has surf forecasts, seafood recipes, pictures of various seafood being served at restaurants, fishery news and events, as well as links to community programs. The web version is [www.FishLineApp.com](http://www.FishLineApp.com) as well as the app on Facebook, Twitter, YouTube, Amazon, Google, and Apple.

## **B-2 Presentation of the Draft Morro Bay Fishing Community Sustainability Plan for Harbor Advisory Board Review and Recommendations**

Mr. Henry Pontarelli, owner of Lisa Wise Consulting, Inc. (LWC), thanked all the people who assisted with the project. He said in 2008 he began working with commercial fishermen and the community on fisheries issues, and in 2011 began the Community Sustainability Plan (CSP).

Mr. Pontarelli said the current Draft of the CSP is the first of its kind on the West Coast, and the focus is on the fishing communities of Morro Bay and Monterey. He said CSPs are cited in the Magnuson Stevens Fishery Conservation and Management Act (MSA) as a requirement for communities that wish to remain eligible to participate in programs such as Individual Transferable Quota (ITQ) which was instituted in the federal groundfish fishery in 2011.

Mr. Pontarelli said this Draft CSP is seen by leaders in Morro Bay as an opportunity to assess current baseline conditions and plan strategically for a stable and vibrant fishing industry and waterfront infrastructure.

Mr. Pontarelli summarized the 107-page Draft of the CSP through presentation of economic findings with graphs of the local dock earnings, landings of all species, as well as groundfish landings. He reviewed the Critical Infrastructures and Services:

1. Boatyard/Haulout Facility
2. Fuel
3. Refrigerated Storage and Deep Freeze
4. Promotion and Marketing
5. Regulation and Community Participation
6. Berth and Slips
7. Processing
8. Vehicle Access
9. Managing Sea Level Rise
10. Implement and Update

Mr. Pontarelli reviewed some of the potential funding opportunities such as through grant sources, local sources such as the Central Coast Joint Cable/Fisheries Liaison Committee, and government programs.

Chair Eckles asked for Public Comment. There was none. Discussion by the Board along with Mr. Pontarelli, Mr. Algert, and Mr. Endersby.

**MOTION:** Chair Eckles moved that the Harbor Advisory Board recommend to City Council to accept the Draft Morro Bay Fishing Community Sustainability Plan as presented and direct Staff to implement the Plan with special consideration to Recommendation #1 (Boatyard/Haulout Facility), #2 (Fuel), and #5 (Regulation and Community Participation) in no particular order. The Motion was seconded by Mr. Reisner, and failed with a vote of 2 to 5.

Further discussion by the Board. Mr. Luffee asked Mr. Endersby if the community will be able to make comments, corrections, or suggest changes such as those by Board Member Alward to the Plan within the next thirty days. Mr. Endersby answered, "absolutely."

**MOTION:** Mr. Doughty moved that the Harbor Advisory Board recommend to City Council to accept the Draft Morro Bay Fishing Community Sustainability Plan as presented with changes suggested by Board Member Alward, and to direct Staff to implement Plan recommendations as priorities, funding and Staff resources allow. The Motion was seconded by Mr. McClish and carried unanimously.

### **B-3 Presentation on the Morro Bay Quota Fund**

Mr. Rick Algert, Special Projects/Fisheries Coordinator for the City of Morro Bay, summarized the purpose of the Morro Bay Community Quota Fund. He said the Morro Bay Community Quota Fund is a Board of seven-members which is non-profit and community based. The purpose is to permanently secure fishing privileges historically associated with the Central Coast, and the long-term goal is to create a financially stable and environmentally sustainable Morro Bay fishery, built on local stewardship of groundfish resources.

Mr. Algert said groundfish are the backbone of landings in the harbor, and trawl is the largest sector in the groundfish fishery. He defined the fishery success and increased landings after The Nature Conservancy (TNC) purchased six local trawl permits in 2005, saying TNC is now a willing seller to the Quota Fund. He discussed the processes necessary to purchase those permits in an attempt to secure long-term social, economic and conservation gains within the community.

Mr. Algert pointed to four highlights of the Morro Bay Quota Fund: 1) to preserve fishing heritage, 2) community access to fish, 3) fishing jobs, and 4) to encourage new entrants. He said the key is they must have a way to get new entrants. The Quota Fund will try to expand consumer's access to fresh local seafood; protect and improve ocean health and productivity; and advance cooperative work amongst diverse partners to improve the economic and environmental performance of smaller boat fleets such as in Morro Bay.

Discussion by the Board and Mr. Algert.

### **B-4 Presentation by the Central California Seafood Marketing Association**

Mr. Jon Griesser, Executive Director of the Central California Seafood Marketing Association (CCSMA) made a presentation to the Board defining this Association. He said there are six members who are independent vessel owners and operators in local, wild and sustainable fisheries. He said the main catch are black cod, petrale and Dover sole, rockfish (various), thornyhead and sanddabs. Other fisheries are Dungeness crab, salmon, and squid. Mr. Griesser said the local fishermen made a detailed presentation of their gear and fisheries at the October 3, 2013, Harbor Advisory Board meeting, and so he would not need to discuss the gear tonight.

Mr. Griesser briefly reviewed the Quota Shares program, referring to Mr. Algert's presentation, adding that new entrants are needed in the groundfish fishery as well as the fishing industry in general. He discussed direct fish sales off boats and sales docks, along with the need of a haulout facility in Morro Bay. Mr. Griesser asked people to contact him at the following e-mail address: [jon@wildcaliforniaseafood.org](mailto:jon@wildcaliforniaseafood.org)

## **C. UNFINISHED BUSINESS**

### **C-1 Update from Boatyard/Haulout Ad-Hoc Committee on Committee's Recent Activities**

Mr. McClish reviewed the last meeting of the Ad-Hoc Committee on January 21, 2014, saying the members present were Mr. Doughty, Mr. Cunningham, Mr. Hafer, Mr. O'Brien, and Ms. Wise. The Committee reviewed the three possible sites for a boatyard as well as locations for a haulout in Morro Bay. They also discussed the proposal of Virg's Landing. Mr. McClish said the Morro Bay Commercial Fishermen's Organization (MBCFO) is very proactive; they hired Lisa Wise Consulting, Inc., to do a feasibility study for a boatyard. At the Committee meeting, the MBCFO members also discussed possible funding from a cable grant.

Mr. McClish said that it is the Ad-Hoc's conclusion that the primary location for consideration of the boatyard/haulout ways should be the original location north of the power plant intake structure.

Mr. McClish said that at the Ad-Hoc meeting, Mr. Cunningham resigned. **Chair Eckles appointed Mr. Alward to the Boatyard/Haulout Ad-Hoc Committee.**

Chair Eckles opened the Item to Public Comment.

Ms. Cathy Novak of Novak Consulting, on behalf of Sharon Moores of Virg's, read a statement to the Board saying the City Council had delayed taking action on the Virg's Landing proposal until after the Boatyard/Haulout Ad-Hoc Committee had met and discussed the proposed location of Virg's Landing. Ms. Novak asked the Board to recommend the Virg's Landing proposal to the City Council again, now that the Ad-Hoc Committee has met.

Mr. John Gillespie, local fisherman, said a boatyard/haulout in Morro Bay is much needed, but that he recommended it be operated by the Morro Bay Harbor Department. He defined two categories of boatyards, and noted that the "for-profit" boatyards tend to be far less helpful to boat owners than those operated by a port such as Ilwaco and Eureka.

Further discussion by the Board. Chair Eckles said the Board passed a motion to support the Virg's Landing Project at their December 5, 2013 meeting, and since this is not a current Agenda Item, the Board would not be able to hold a discussion or make a further motion.

#### **D. NEW BUSINESS**

##### **D-1 Election of Harbor Advisory Board Chair and Vice Chair**

**MOTION:** Mr. Luffee nominated Mr. Eckles for Chair of the Harbor Advisory Board. The Motion was seconded by Mr. Doughty and carried unanimously.

**MOTION:** Mr. McClish nominated Mr. Luffee for Vice Chair of the Harbor Advisory Board. The Motion was seconded by Mr. Doughty and carried unanimously.

#### **E. DECLARATION OF FUTURE AGENDA ITEMS**

**Future:**

**Intra-Agency Presentation on Panga Boat Landings Locally  
State Park Marina, Result of City Council Meeting  
Harbor Advisory Board By-Laws Changes, Result of City Council Meeting  
Coast Guard Building Location Plans  
Marine Mammal Center Informational Report  
Planning for Power Plant Property  
Clean Marinas Program  
Harbor Department Budget (May)  
Review of Liveaboard Ordinance Regarding Marine Surveyor Certification and  
Standardization of Liveaboard Permit Inspections**

#### **F. ADJOURNMENT**

This meeting was adjourned at 9:35 PM.

Submitted by,

Polly Curtis  
Harbor Department



**Other City Council Action:** At their December 10, 2013 meeting, the City Council adopted Resolution No. 60-13 that approves of changes to the Harbor Department Rules and Regulations to allow for fishermen owning up to two qualified commercial fishing vessels to keep either vessel in their slip. This action was a result of requests from commercial fishermen to make the change, and subsequent Harbor Advisory Board recommendation to Council to adopt the changes. To date we have one fisherman taking advantage of the change.

Also at the December 10 meeting, the Council adopted Resolution No. 61-13 that made a change to the Harbor Advisory Board By-Laws that allows for alternate members to the Commercial Fishermen's Organization seat on the Board. This action was a result of Harbor Advisory Board recommendation to Council to implement such a change.

At their January 14, 2014 meeting the City Council voted to approve that the State Park Marina Operating Agreement be brought back to Council in six months and again in 12 months after further Harbor Advisory Board hearing and review.

**California Marine Affairs and Navigation Conference (CMANC) Annual Washington D.C. Week:** The CMANC annual meeting in Washington D.C. provides an opportunity for City staff to discuss appropriations for the Federal fiscal year budget and to discuss marine-related issues facing Morro Bay. The Mayor and Harbor Director will meet key Congressional and Senatorial representatives and staff, as well as with high-level staff of the Army Corps of Engineers, Coast Guard, NOAA Fisheries and others to present information regarding the multitude of issues facing Morro Bay and area fishermen. In addition to stressing the need for continued Federal funding for dredging for our harbor safety and commerce reasons, City representatives endeavor to address other critical issues facing the community and commercial fishermen. This year as in past years, the City is applying for a grant from the Joint Cable Fisheries Liaison Committee to fund the bulk of the trip's costs. This year's trip is scheduled for March 25-27.



AGENDA NO: B-2

MEETING DATE: March 6, 2014

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** February 26, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Presentation by the Marine Mammal Center on the Center's Activities

### **RECOMMENDATION**

Receive and file.

### **DISCUSSION**

A representative of the Marine Mammal Center will be providing a presentation on the Center's activities and efforts.

Prepared By: EE

Dept. Review: EE



AGENDA NO: B-3

MEETING DATE: March 6, 2014

# Staff Report

**TO:** Harbor Advisory Board

**DATE:** January 27, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Report on Clean Marinas Program and Morro Bay Clean Marina Certification

## **RECOMMENDATION**

Receive and file.

## **BACKGROUND**

The Clean Marina Program is a partnership of private marinas, government, marinas and yacht clubs. The program was developed by marine industry volunteers to create a marina facility stewardship program for the purpose of protecting our waters from pollution, and is a legal C3 non-profit with a Board of Directors. The website for the program is [www.cleanmarina.org](http://www.cleanmarina.org).

The program spawned over a decade ago out of efforts by the Shelter Cove Marina in San Diego Bay to deal with water quality issues in their basin. Rather than be subject to unknown and likely draconian permitting and testing mandated by the State Water Quality Control Boards, Shelter Cove proposed a rigorous self-monitoring, self-policing, and Best Management Practices (BMP) regimen be implemented for their basin. Once the Water Board signed-off on that program, area and industry leaders recognized the potential importance of this program state-wide, and interest grew to take the program to another level. Eventually marinas and other facilities beyond the San Diego area began to get certified, and the program took off. The Clean Marina Program is now recognized as an industry standard and is to the point that marinas, yacht clubs, and public agencies are using it to comply with a number of environmental regulatory requirements.

Through education and the use of BMP'S, the program works with marina operators, yacht clubs and municipal port authorities to gain certification. In turn they volunteer to help mentor others as a synergistic approach to growing the membership of certified clean marinas. Harbor Director Eric Endersby is a Clean Marina Mentor and has assisted with several Clean Marina inspections up and down the coast, including recent recertification of Port San Luis this past January. The program is almost entirely run with volunteers.

Prepared By: EE

Dept. Review: EE

## **DISCUSSION**

Morro Bay first achieved Clean Marina Certification in 2006, was recertified in 2011, and was the 47<sup>th</sup> facility to be certified out of a current 123 certified facilities in not just California but nationally and abroad. The program and program manual are living documents that are under regular review and revision to refine and improve them.

The categories for certification are Emergencies, Petroleum Containment, Topside Boat Maintenance & Cleaning, Underwater Boat Hull Cleaning, Marina & Yacht Club Operations, Marina & Yacht Club Debris, Boat Sewage Discharge, Solid Waste, Liquid Waste, Fish Waste, Hazardous Materials, Storm Water Runoff and Environmental Programs. The inspection and scoring consists of items that require compliance as “Mandatory points,” as well as items that are optional as “Additional points.” 100% of Mandatory item compliance is required, and 75% of Additional item compliance is required.

While the program has obvious benefits with clean water and operations, certification helps with the City’s compliance with our Regional Water Quality Control Board’s Stormwater Management Plan and other environmental permitting issues. While the City’s Clean Marina Certification covers the entire bay under City jurisdiction, the Harbor Department is starting to require Clean Marina Certification in leases that come up for renewal for the larger water lease operations on the bay such as the Morro Bay Yacht Club and the Bay Front Marina.

## **CONCLUSION**

While much of the Clean Marina Certification items are obligatory or mandatory in nature that everyone should be doing anyway, in addition to and in concert with the “optional” items the program does require more stringent adherence to those and other items by way of required training, documentation, additional equipment and education and outreach. Therefore the program’s overall goals of clean water, clean boat, and clean facility operations are enabled.



AGENDA NO: C-1

MEETING DATE: March 6, 2014

# Staff Report

**TO:** Harbor Advisory Board **DATE:** February 28, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Boatyard Ad-Hoc Committee Report and Recommendations to Harbor Advisory Board

## **RECOMMENDATION**

Receive report and make recommendations, if any.

## **BACKGROUND**

The Boatyard Ad-Hoc Committee has met with stakeholders and others in its continuing efforts to vet the issues with siting an all-service boatyard in Morro Bay. Its previous updates to the Board were at the February, 2014 and September, 2013 meetings.

## **DISCUSSION**

Given recent developments with the City's pending acquisition of Dynegy property, the Virg's Sportfishing development proposal pending in a location possibly suitable for a boatyard haulout ways, and the Morro Bay Commercial Fisherman's Organization's efforts at obtaining grant funding to complete a boatyard feasibility study, it is now an opportune time for the Committee to present any new findings and present any recommendations for Board consideration, which in turn could be recommended to the City Council.

In addition, at their February 25, 2014 meeting the City Council directed staff, in conjunction with the Boatyard Ad-Hoc Committee, to bring back to Council a review of the boatyard project history. That history will be reviewed at this meeting; however, a detailed history of the City's boatyard efforts is included in the Morro Bay Fishing Community Sustainability Plan Public Review Draft available on the City's website, Harbor Department page, in the "Commercial Fishing Corner" section.

Prepared By: EE

Dept. Review: EE



AGENDA NO: D-1

MEETING DATE: March 6, 2014

## Staff Report

**TO:** Harbor Advisory Board **DATE:** February 27, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Request by Richard Sylvester for a Waiver of Requirement to Qualify for a Commercial Fishing Slip

### **RECOMMENDATION**

Consider request and make recommendation to Harbor Director.

### **FISCAL IMPACT**

None; whether or not the waiver is granted the City will continue to collect revenue from the slip in question as there are eligible vessels on the slip waiting list.

### **BACKGROUND**

The City Municipal Code reserves City slip assignments to “qualified” commercial fishing vessels as-defined. In order to qualify, fishermen must annually provide proof of a certain level of fishing effort based on their vessel’s size as evidenced by Fish & Game fish landing tickets. Alternatively, slip holders may qualify by showing 90 days of “fishing effort” as evidenced by fuel receipts and/or fish tickets. The pertinent sections of the Municipal Code and Resolution No. 23-91 are attached to this staff report for reference.

Slip holders are allowed up to two (2) waivers from qualifying in any ten-year period. The City Council granted a blanket waiver to all fishermen in 1998, and in 2009 and 2010 fishermen were allowed to show proof of a current salmon permit to qualify as the salmon fishery those years was declared a Federal disaster. None of those Council-granted waivers count against the fisherman’s two waivers in a ten-year period.

Resolution No. 23-91 provides an appeal process to the Harbor Advisory Board for decisions by the Harbor Director to not grant waivers.

Prepared By: EE

Dept. Review: EE

### **DISCUSSION**

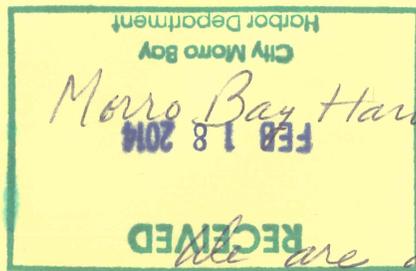
Richard Sylvester, owner of the fishing vessel TRUDY S in City slip #33, exercised qualification waivers in 2007 and 2011, and has therefore used his two waivers in a ten-year period. As per Resolution 23-91, he is appealing to the Harbor Advisory Board for a third waiver from qualification to retain his slip. A copy of his appeal letter is included with this staff report.

### **CONCLUSION**

Mr. Sylvester is a slip holder in good standing and a life-long Morro Bay area fisherman. As in past practice with third waivers granted by the Harbor Advisory Board, should this waiver be granted staff recommends that it be on the condition that no further waivers be granted to Mr. Sylvester until the next one would be allowed under the “two waivers in any ten-year period” rule.

Mr. Sylvester is being allowed to remain in his slip until his appeal is heard, and if granted the Harbor Director will administratively carry it out per Resolution 23-91.

2-15-14



Merro Bay Harbor Advisory Board,

We are applying for a waiver for my slip compliance. (Trudy S, slip #33)

Last May I fished and was able to get about half of my qualifying landing receipts for calendar year 2013.

We couldn't fish due to the closures in June and July. We were hoping to haulout during the closure, but was unable to get out of the water until August.

After the haulout I prepared to go north. The day before I was to leave I was put into the hospital due to pulmonary problems. I was in ICU for 10 days and unfortunately missed the rest of the salmon season.

Thank you,  
Richard Sylvester

#### **15.04.150 Vessels of a commercial nature.**

"Vessels of a commercial nature" means vessels for which the state of California, Department of Fish and Game has issued a current commercial fishing license, and whose owner or operator holds a current commercial fishing license, and which, within the current calendar year, has been actively used for commercial fishing activities. Such use shall be evidenced by proof that the vessel has grossed a minimum of one thousand dollars for each net ton capacity of the vessel, with a minimum of five thousand dollars or that the vessel has fished at least ninety days in the calendar year. Gross earnings or fish sales shall be evidenced by state of California, Department of Fish and Game commercial fish receipts or by the official commercial fish receipts of other west coast states. Proof of ninety days fishing shall be established as provided for in Resolution 90-85 or as may be amended by the city council, except that use of float plans for qualification purposes is eliminated.

*(Ord. 362 § 1, 1989; Ord. 179, 1980; Ord. 119 § 1 (part), 1974; prior code § 9401.1(n))*

RESOLUTION NO. 23-91

RESOLUTION ESTABLISHING PROCEDURE TO QUALIFY AS A  
COMMERCIAL VESSEL FOR THE PURPOSE OF  
LEASING CITY DOCKING FACILITIES

T H E C I T Y C O U N C I L  
City of Morro Bay, California

WHEREAS, Morro Bay Municipal Code Section 15.04.150 defines vessels of a commercial nature; and

WHEREAS, Morro Bay Municipal Code Section 15.32.010 establishes the policy that the City shall rent or lease all City facilities at docks, wharfs and piers primarily to those vessels of a commercial nature; and

WHEREAS, City Council wishes to rescind Resolution No. 90-85 of the City of Morro Bay.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that Resolution No. 90-85 is rescinded in its entirety and replaced with the following. Any vessel attempting to qualify as a commercial vessel under the criteria of having fished ninety (90) days during the calendar year shall submit proof of having actually fished for ninety (90) calendar days in the following manner:

1. By fuel receipts clearly indicating the date of purchase and the owner's name and/or vessel's name and/or registration number of the vessel, or
2. By presenting Fish and Game tickets for the sale of fish which will be credited on the basis of one ticket for every two days' fishing credit, or
3. Any combination of the above proof of fishing statement, provided there is sufficient proof of separate incidents.

The Harbor Director, or his appointee, shall be responsible for evaluating the proof of fishing and making the determination as to whether or not this proof indicates that the vessel has been actively worked for ninety (90) days during the preceding calendar year.

A waiver from the requirement to qualify as a commercial vessel for a given calendar year may be granted by the Harbor Director upon filing of an official written request by the lessee. The Harbor Director shall evaluate the request and determine whether or not the waiver shall be approved. Not more than two (2) waivers shall be granted in any ten (10) year period.

Any person who wishes to appeal the decision of the Harbor Director regarding the waiver may do so to the Morro Bay Harbor Advisory Board by filing an official written statement with the Harbor Director not later than fifteen (15) days after the Harbor Director's determination. The Harbor Advisory Board shall review the appeal within thirty (30) days of the date of filing, and shall render a recommendation regarding the appeal within fifteen (15) days following close of the appeal hearing. The Harbor Director may administratively carry out the recommendation of the Harbor Advisory Board or may schedule the appeal for City Council consideration.

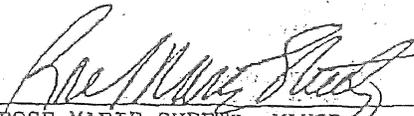
Any person who wishes to have the City Council review the hearing record of the Harbor Advisory Board recommendation regarding an appeal may do so by submitting a request to the Harbor Director within fifteen (15) days following receipt of the Harbor Advisory Board's findings.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting held thereof on the 25th day of February, 1991, by the following vote:

AYES: Baker, Luna, Mullen, Wuriu, Sheetz

NOES: None

ABSENT: None

  
ROSE MARIE SHEETZ, MAYOR

  
ARDITH DAVIS, CITY CLERK



AGENDA NO: D-2

MEETING DATE: March 6, 2014

# Staff Report

**TO:** Harbor Advisory Board

**DATE:** February 28, 2014

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Review and Recommendations on Proposed Tidelands Park Public Boat Launch Facility Renovation

## **RECOMMENDATION**

Review plan and provide input/recommendations to staff.

## **FISCAL IMPACT**

No direct fiscal impact anticipated; if completed this project would be 100% grant-funded.

## **BACKGROUND**

Staff is working with the California Division of Boating and Waterways (DBW) on a grant-funded project to renovate and upgrade the public boat launch facility at Tidelands Park. The application deadline is April 1, 2014, and, if approved, the project would be funded in the 2015/2016 fiscal year.

## **DISCUSSION**

Staff is seeking Board input and comments on the proposed elements of the Public Launch Ramp renovation. A plan drawing and fish cleaning station example are included with this staff report. The major elements include:

- New parking lot asphalt overlay and restriping.
- Full ADA accessibility and upgrades from existing restroom through to launch ramp itself.
- New V-grooved concrete boat ramp.
- New fiberglass boarding floats, pilings to remain.
- Re-vamped sign and accessible pay kiosk area.
- Remodeled and upgraded fish cleaning station and carcass dumpster enclosure.
- New low-freeboard hand-launch gangway and dock near the fish cleaning station area.

## **CONCLUSION**

Staff is seeking and will carry any Board input on the proposed design and renovation elements of the Tidelands Park Public Boat Launch Facility into the planning process for consideration by the DBW engineers and designers.

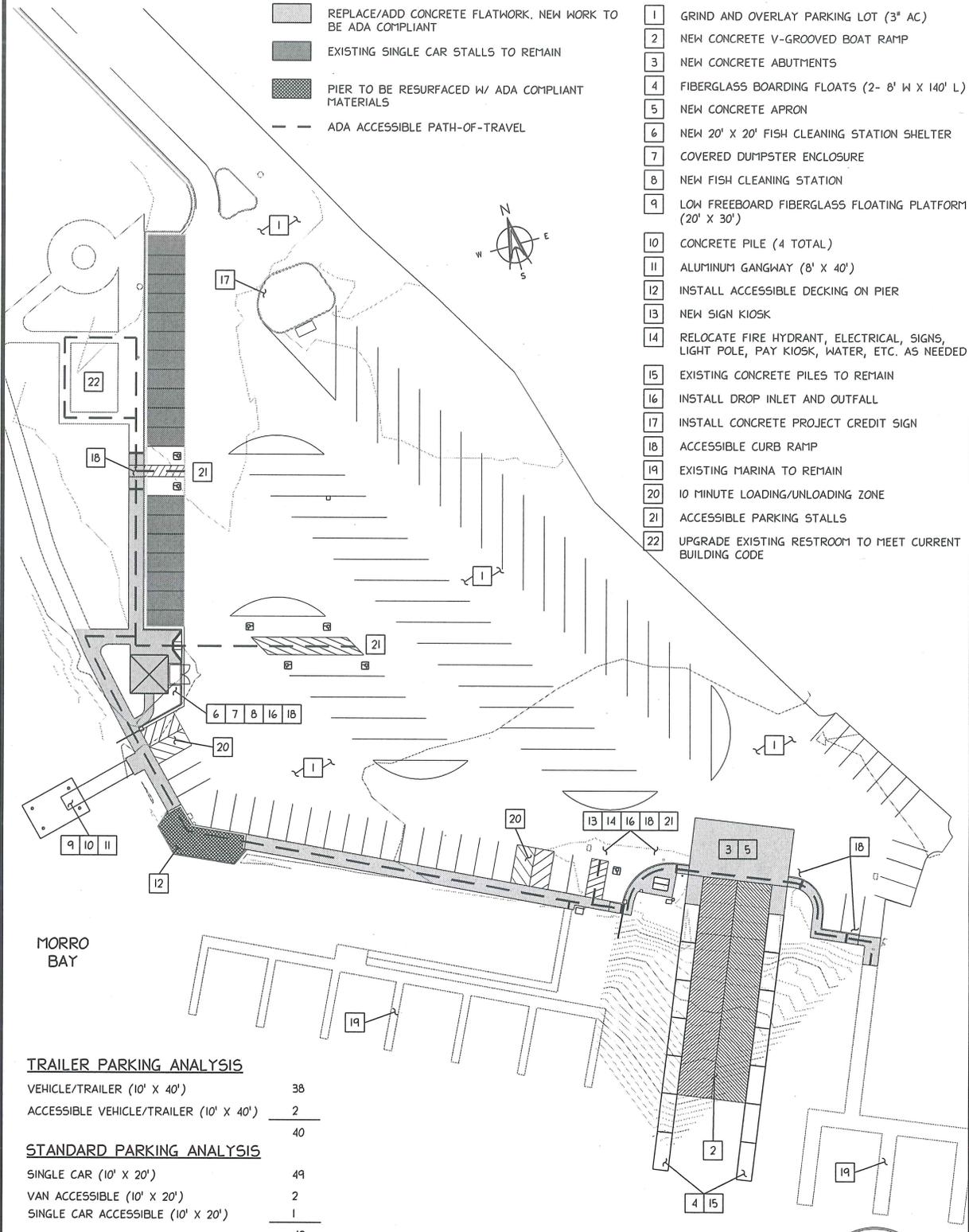
Prepared By: EE

Dept. Review: EE

# LOCAL ASSISTANCE PLANNING

## MORRO BAY BOAT RAMP REPLACEMENT

MORRO BAY  
 SAN LUIS OBISPO COUNTY CALIFORNIA  
 JANUARY, 2014



- REPLACE/ADD CONCRETE FLATWORK. NEW WORK TO BE ADA COMPLIANT
- EXISTING SINGLE CAR STALLS TO REMAIN
- PIER TO BE RESURFACED W/ ADA COMPLIANT MATERIALS
- ADA ACCESSIBLE PATH-OF-TRAVEL

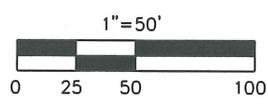
- 1 GRIND AND OVERLAY PARKING LOT (3<sup>+</sup> AC)
- 2 NEW CONCRETE V-GROOVED BOAT RAMP
- 3 NEW CONCRETE ABUTMENTS
- 4 FIBERGLASS BOARDING FLOATS (2- 8' W X 140' L)
- 5 NEW CONCRETE APRON
- 6 NEW 20' X 20' FISH CLEANING STATION SHELTER
- 7 COVERED DUMPSTER ENCLOSURE
- 8 NEW FISH CLEANING STATION
- 9 LOW FREEBOARD FIBERGLASS FLOATING PLATFORM (20' X 30')
- 10 CONCRETE PILE (4 TOTAL)
- 11 ALUMINUM GANGWAY (8' X 40')
- 12 INSTALL ACCESSIBLE DECKING ON PIER
- 13 NEW SIGN KIOSK
- 14 RELOCATE FIRE HYDRANT, ELECTRICAL, SIGNS, LIGHT POLE, PAY KIOSK, WATER, ETC. AS NEEDED
- 15 EXISTING CONCRETE PILES TO REMAIN
- 16 INSTALL DROP INLET AND OUTFALL
- 17 INSTALL CONCRETE PROJECT CREDIT SIGN
- 18 ACCESSIBLE CURB RAMP
- 19 EXISTING MARINA TO REMAIN
- 20 10 MINUTE LOADING/UNLOADING ZONE
- 21 ACCESSIBLE PARKING STALLS
- 22 UPGRADE EXISTING RESTROOM TO MEET CURRENT BUILDING CODE

**TRAILER PARKING ANALYSIS**

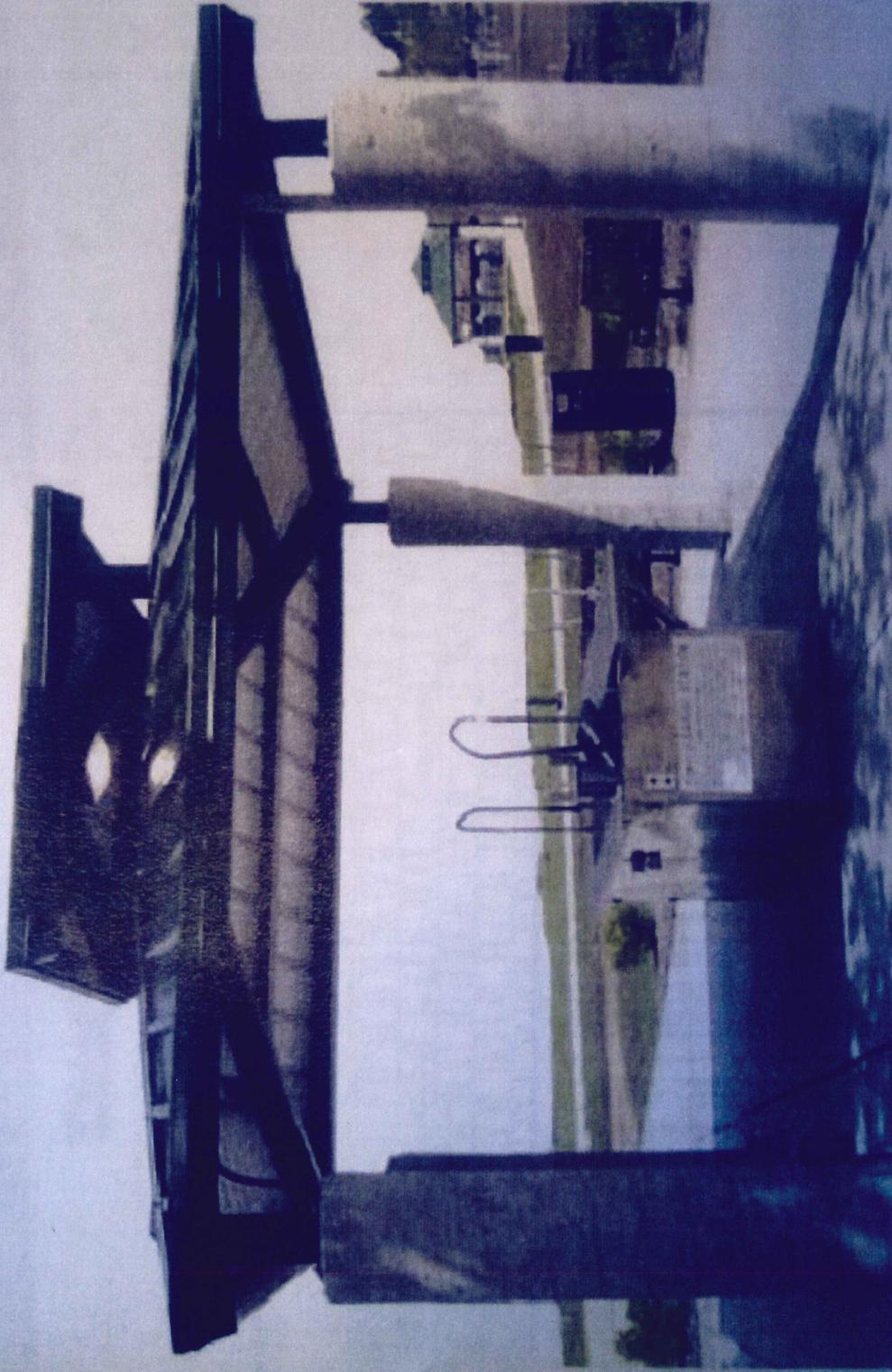
VEHICLE/TRAILER (10' X 40')	38
ACCESSIBLE VEHICLE/TRAILER (10' X 40')	2
<hr/>	<hr/>
	40

**STANDARD PARKING ANALYSIS**

SINGLE CAR (10' X 20')	49
VAN ACCESSIBLE (10' X 20')	2
SINGLE CAR ACCESSIBLE (10' X 20')	1
<hr/>	<hr/>
	42



K:\CAPITAL OUTLAY\STAFF\Karl\_Rose\Local\_Assistance\Morro\_Bay\1031--Morro\_Bay\_Launching\_Facility\_Boat\_Ramp\_Replacement\1\_PLANNING\DWG\1031--Morro--Boat--Proposed.dwg 1/17/14 7:38am krose



## FEATURES

1. STEEL
2. HDPE ACCESS
3. TWO (2)
4. DRAIN PUMP
5. CONCRETE
6. ONE (1) (NOT S)



## 3 TYPICAL FISH CLEANING STATION

NTS