

Chairman Lockwood asked for Board comment.

Mr. Ewing noted that the Committee should keep in mind that the land adjacent to the new plant site is designated for a boatyard and there might need to be a buffer or setback between the properties to allow for multiple uses.

Mr. Anderson asked if the construction occurs does the final agreement involve deeding the old power plant site to the City. Mr. Newman said it does not, and that LS Power will still own the property and if development is desired the property would have to be purchased from LS Power. He added that the Finance Committee is looking into this.

Mr. Phillips stated that he looked at their web site and was impressed with the aerial view of the power plant property; he asked how much property LS Power owns. Mr. Meyers said LS Power owns about 107 acres and that the switchyard is still owned by PG&E. Mr. Phillips asked who would be responsible for the estimated \$40 million to tear down the old plant. Mr. Meyers said that would be the responsibility of the new owner. Mr. Doughty asked if there is a timeframe as to when LS Power will make their decision on building the new plant or not. Mr. Meyers said there is no set timeframe and he expects it would be 3-5 years at a minimum. Mr. Doughty said he feels a marine research facility would be a good use of the property as there is already a sea water intake and outfall available. Mr. Ewing said he thought there was a set timeframe for removal of the old stacks once a new plant is built. Mr. Algert said he thought the original agreement had a clause to take down the old plant within 3 years of the new one being built. Mr. Meyers noted that some people are in favor of leaving the stacks and the Committee is trying to keep an open mind to all ideas.

Chairman Lockwood thanked Mr. Meyers and Mr. Newman for the presentation.

IV-3. Options that May Prevent or Reduce Future Pollution and Derelict Vessels Problems

Mr. Algert noted that this issue was discussed at the August Harbor Advisory Board meeting. Mr. Algert said the Harbor Department has been diligently pursuing removal of derelict vessels whenever possible and has on average destroyed or removed more than 2 per year. Mr. Algert noted that while the existing Harbor Department Rules and Regulations already state that a vessel must be safe and seaworthy and that pollution is prohibited, clearly the public feels there is a need to be more pro-active.

Mr. Algert said there are 4 general areas the Board discussed at the last meeting:

1. Multiple agency task force to set up a voluntary preventative maintenance program and working with OSPR to identify vessels that may be a threat to pollute.
2. Insurance requirement: Not feasible for older commercial vessels and cost-prohibitive. General liability insurance is not a problem, but most insurers will NOT insure for pollution.
3. Navigability/Seaworthy Clause: There is existing language, which can be strengthened to include an inspection element.
4. Requirements for Vessels with a History of Pollution Incidents: Staff feels it would be better to be pro-active using items 1 and 3 above rather than waiting for an incident to occur.

Chairman Lockwood opened the discussion to the public.

Mr. John Tommy Rosas a Merchant Marine and boat builder, owner of Magnum Yacht Construction, offered his services as a boat builder to evaluate boats and determine their status.

Mr. Rosas said he is looking into opening a business at the Bayfront Marina and has the expertise to evaluate boats; he noted he would like to be paid but would consider volunteering his services.

Chairman Lockwood opened the meeting to the Board.

Mr. Anderson said he feels a boat owner is like a car or homeowner and should be responsible for maintaining their vessel. He noted that the Fire Department can enter private property to address a hazardous situation.

Mr. Doughty said that Morro Bay is a working waterfront and that it is unrealistic to expect zero pollution. Mr. Doughty said the Harbor Department has been working diligently to keep derelict vessels off the bay.

Mr. Phillips suggested adding language to allow the Harbor Patrol to take action on vessels that are a threat to pollute.

Mr. Ewing said he is not opposed to a vessel inspection program, but he noted that Morro Bay is a Harbor of Safe Refuge and if a boat comes in that has been damaged and needs repairs or it will be a hazard if the boat is over 35-40' there is nowhere here for the vessel to be worked on, essentially creating a "Catch 22". Mr. Ewing stressed that a boatyard with a 100 ton lift and storage space for 30-40 vessels is critical to provide a means of repairing or at least removing derelict vessels from the water and eliminating the threat to pollute.

Mr. Phillips agreed with Mr. Ewing about the need for a boatyard, but added that a seaworthy clause is important and would allow the City to inspect and potentially address problems on boats if needed.

Chairman Lockwood said he feels there are two issues: a problem with commercial boats as their livelihood is reduced and their ability to maintain their vessels decreases; and recreational boats with little or no maintenance. Chairman Lockwood noted that Newport Harbor Patrol has the ability to make a designation of a boat as a "possible derelict vessel" and that the owner has 1 year to resolve the issues or prove it is not a danger or the vessel is removed or put on an impound mooring. Mr. Doughty said if a boat comes in the harbor and is deemed "unsafe" what then, make them leave the harbor as there is no boatyard.

Mr. Algert stated that all vessels using City facilities must sign a dockage card agreeing to abide by the City's rules and regulations and to pay all fees. He noted if the Rules and Regulations are changed, vessels would be required to abide by the new Rules. Mr. Algert said that the problem is what to do when a vessel owner is NOT responsible. At this time vessels can be issued citations for violating the regulations or put on the impound mooring. Mr. Algert noted that taking action to remove the vessel might be a problem with State and Federal law and legal issues would have to be resolved.

Mr. Phillips noted that in CHPO Endersby's last Harbor Logs there was a report of the vessel B&A taking on water and the Harbor Patrol putting a pump on the vessel. Ms. Lichtenbaum noted that the owner, who lives out of town, was contacted and did come up to check on the vessel. Mr. Algert noted that the Harbor Patrol can and does put pump outs on vessels taking on water. He added that a clause could be added to the Rules that if a vessel requires a pump they must be fixed within a set period of time. Mr. Anderson said something must be done to prevent a situation such as the vessel sinking at the pier in July. Mr. Algert said there is no way to prevent all sinkings; the vessel that sank in July had pumps on it, but there was a malfunction in the middle of the night. If there was a boatyard capable of hauling large vessels the vessel could have at least been taken out of the water. Chairman Lockwood asked if a vessel was

listing or looking like a potential threat to pollute could or would the City take action, in the absence of the owner, to remove it from the water if a haul out was available. Mr. Algert said yes as the cost is less than destroying the vessel and the risk is less as well.

Chairman Lockwood suggested moving on to discussion of the Harbor Department Rules and Regulations, the Board concurred.

IV-4. Harbor Department Rules & Regulations

Mr. Algert asked Ms. Lichtenbaum to brief the Board on proposed changes to the Harbor Department Rules and Regulations (Rules).

Ms. Lichtenbaum noted that the majority of changes were “clean- up” of existing language and minor changes to waiting lists, etc. She discussed the language specifically aimed at vessel seaworthiness and pollution. Under Section 5 – Harbor Department Responsibility to Protect Safe and Efficient Operation of City Facilities, Ms. Lichtenbaum said that the existing Rules has language requiring that vessels using City facilities be seaworthy and maintained in good and safe condition. The existing language also allows for termination of berthing agreement if a vessel requires emergency pump-out assistance in excess of 1 time in any 12-month period.

Ms. Lichtenbaum referred the Board to the final paragraph in the section that was added stating that vessels shall be required to be operable and seaworthy. The language also requires that if a vessel is determined to potentially be unseaworthy or inoperable, the Harbor Department shall require the vessel to complete an operability test or to have a qualified marine surveyor inspect the vessel (at the owner’s expense) to make a statement as to the vessel’s seaworthiness. If the vessel fails to make the repairs or pass the operability test within 120 days the vessel can be denied further use of City facilities. Ms. Lichtenbaum noted that in the absence of a boatyard, vessels over 35’ or 40’ could not easily be removed from City facilities.

Ms. Lichtenbaum also noted that under Section 15 “Tidelands Park Side Tie Dock, Street End Docks and Boat Launch Ramp”, language was added to the second paragraph precluding repairs or mechanical work from taking place in the Launch Ramp parking lot. Mr. Anderson said the strikeout in the second sentence of the second paragraph should start after “work”.

Mr. Algert stated that the City is participating in the Clean Marina Program and that CHPO Endersby hopes to have the City certified as a Clean Marina within the next few months. Mr. Phillips said that if a floating pump-out is provided it would help vessels; especially those in the State Park Marina that have a difficult time exiting the Marina due to shoaling.

Mr. Doughty stated he felt discretion would be needed in the section prohibiting any repairs or mechanical work in the launch ramp; people should be able to do minor things that do not present any pollution issues.

Mr. Anderson noted that the Rules affect City facilities, but not necessarily City lease sites. He suggested amending the City leases so that boat facilities at City leases follow the same Rules as the City in general. Chairman Lockwood said that should not be a problem with the Morro Bay Yacht Club mooring area. Mr. Algert said that City leases already require the tenants to follow all rules of the City.

Mr. Algert stated that any changes to the Rules must be approved by the City Council.

Chairman Lockwood suggested bringing this item back for the Board to review in October for a recommendation to the City Council. Consensus of the Board was to review the item again in October.

V. INFORMATION ITEMS

V-1. Harbor Department Status Report

MLPA: Mr. Algert briefed the Board on the recent MLPA decisions.

Ms. Lichtenbaum briefed the Board on the following issues:

California World Ocean Conference

Harbor Festival

California Association of Harbor Masters & Port Captains Annual Meeting

City Council Action

Earthrace Boat

Watershed Conference

State of the Bay Conference

VI. ADDITIONAL COMMENTS

Mr. Doughty noted that the 25th annual longboard paddleboard race will be held in Morro Bay during the Harbor Festival on Sunday October 8 starting at noon.

VII. FUTURE AGENDA ITEMS

**October: Harbor Department Rules & Regulations
Impacts of MLPA on Sport Fishing
Review of Boatyard Plans**

VIII. ADJOURNMENT

This meeting was adjourned at 8:50 P.M.

Submitted by,

Susan Lichtenbaum
Harbor Department