

**CITY OF MORRO BAY**  
**HARBOR ADVISORY BOARD**

**SYNOPSIS MINUTES**

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, August 3, 2006 at 7 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

**I. ROLL CALL**

Present	Members:	Rodger Anderson Ed Ewing Gene Doughty Don Lockwood Lynn Meissen Jim Phillips
	Staff:	Rick Algert, Harbor Director Polly Curtis, Office Assistant

**II. MINUTES**

Mr. Anderson moved the June 1, 2006 Harbor Advisory Board minutes be approved as submitted. The motion was seconded by Mr. Phillips and carried unanimously.

**III. ORAL COMMUNICATIONS**

Chairman Lockwood introduced the new commanding officer of the Coast Guard, and asked him to introduce himself and say a few words about the Coast Guard and himself. Chief Kirk McKay, Officer in Charge, Coast Guard Station Morro Bay, thanked the Board for the invitation to introduce himself to the public. He stated he has received a very warm welcome during the two months since his arrival in Morro Bay, and he hopes the close ties and open communications with the community will continue. Chief McKay invited the Board members to visit the station and to take a boat ride at any time.

Mr. Doughty asked Chief McKay how many personnel are now located at Station Morro Bay. Chief McKay stated there are 27 Coast Guard personnel at this unit. Mr. Anderson stated he has always appreciated the marriage between the Coast Guard and the City of Morro Bay, and said each has gone to bat for the other over the years. He requested Chief McKay return again later to offer a presentation on the various functions performed by Station Morro Bay, and requested the Chief standby tonight to hear the Abandoned vessels Action Item. Chief McKay agreed.

**IV. ACTION ITEMS**

**IV-1. Abandoned/Derelict Vessels**

Mr. Algert reviewed the item, stating that in recent months there have been two vessels that sank and discharged fuel and pollutants into the harbor. In addition to the pollution issues, these incidents have caused substantial disruption to Harbor Department workloads and incurred additional costs to the Harbor Fund. Mr. Algert stated that this Agenda Item is to help the public understand the complexity of the situation and to request the Board's input on potential courses the City might take in protecting the bay and City from future incidents.

Mr. Algert stated that the Voyager was one of the illegally moored vessels from the back bay that sank outside City limits in June. He said this vessel passed through a number of hands, but the final registered owner was not responsive and soon disappeared from all contact. It took an incredible amount of work by the Harbor Patrol to try and keep this vessel from sinking, and when it finally did, all available agencies assisted in the clean up.

Mr. Algert reviewed the most recent situation with the fishing vessel Susan Diane, which sank on Wednesday, July 20<sup>th</sup>. This vessel was reported as low in the water 45 days ago, as the caretaker had walked off the job and pumps were not being maintained. He said the current owner lives in Texas, and professes to have no resources, but said he would come out to Morro Bay. When the vessel sunk, there was a significant fuel spill, which resulted in immediate assistance by the Coast Guard and Harbor Patrol Officers Buddenhagen and Endersby for the initial containment. Several other agencies also assisted in efforts to protect the bay from further pollution. A few of the other agencies involved were Oil Spill Prevention Response (OSPR), Depth Perception Dive Team, Associated Pacific with their crane barge, and Pacific Petroleum.

Mr. Algert continued to say that when the vessel Susan Diane was ready to be hauled out at the launch ramp, the Dominguez Garcia family raised the vessel and demolished it in the launch ramp parking lot. The excavators worked at night up until midnight and returned in the morning to finish the job. The current costs from the Harbor Office at this point is \$59,780.48, and a bill will be presented to the owner of Susan Diane. OSPR will also present a far greater bill to the owner for their actions between July 20-23, 2006.

Chairman Lockwood asked Mr. Algert to clarify that when a boat sinks in the bay, it goes into an emergency salvage situation. Mr. Algert said there is extensive law on federally documented vessels, but when the situation is an emergency, many of those legal steps must be bypassed, such as not filing a lien or taking ownership of the vessel.

Mr. Anderson asked Mr. Algert if there are any preventative measures that can be taken now for the other vessels remaining in the bay. Mr. Algert responded that he does receive many comments from the public asking why he has not done something to prevent derelict vessels from sinking, and he wanted to clarify that historically over the years, more than twenty-five other derelict vessels have been removed from the bay prior to sinking. He said the Harbor Department has spent a tremendous amount of time and effort in preventing these situations from happening. The efforts and funding of many people and agencies have come together, such as the Fish & Game, the National Estuary Program, the Regional Water Quality Control Board, as well as the Harbor Patrol Officers in order to dramatically reduce the neglected or abandoned boats in the bay. This effort has significantly reduced the threat of future pollution incidents.

Mr. Algert continued to explain that each vessel owner holds the ultimate responsibility for his own vessel, but the federal buy-back program for trawlers paid owners for their permits but did not require the vessels to be demolished. He said this has created a statewide problem all the way up to the harbors in Eureka. Mr. Algert stated there are still two of these buy-back vessels tied to our pier which may also become a threat to pollute or become a hazard to navigation soon in Morro Bay. He said the Nature Conservancy assisted in the situation by purchasing fishing vessels directly from the registered owners and then demolishing those boats, which is the right way to execute a buy-back program.

Mr. Algert said a meeting was held today with the Harbor Department, the NEP, a Fish & Game warden, and the officers from OSPR to discuss the application of resources and time to get ahead of this issue. Mr. Algert said there are some regulatory steps the City could take to attempt to reduce the threat from derelict or abandoned vessels. The options discussed were to require evidence of insurance for boat owners, or to create a sea-worthiness/navigable ordinance. He said either of these options would certainly require a lot of work administratively, but discussion will continue.

Mr. Ewing stated that the older fishing vessels usually cannot get insurance, and that his old dragger cost \$14,000 a year for insurance. He said the inspections of vessels for sea-worthiness would definitely take a lot of work. He recommended a long-term solution would be a boatyard and haul out for vessels, but there may not be enough boat business for that venture to be financially viable. He suggested that financial assistance in the form of grants would be needed from groups such as the NEP or DBW for a boatyard project to succeed. Mr. Ewing stated that in the short-term, all you can do is pump out the boats and chop them up, which is exactly what's being done now by the Harbor Office.

Mr. Doughty stated that over the last ten to fifteen years, he has seen the Harbor Department continually weeding out and removing derelict vessels, and feels the department has done all they can reasonably do. He said all wooden boats need daily monitoring. Mr. Doughty wondered if Chief McKay might use the Coast Guard cadets to do some of the administrative work, if necessary.

Mr. Phillips suggested that as a preemptive measure, the City could create a legal document to require all vessel owners to sign, allowing the Harbor Department in advance to remove the fuel, pump-out, or demolish the vessel should it become an immediate threat to pollute or hazard to navigation. Mr. Algert agreed, saying this would be the most effective way to allow the Harbor Office to get permission from the boat owner to pump out fuel and water, and take action prior to a vessel sinking.

#### **IV-2. Fisheries/Ice Machine Project Report**

Mr. Algert reviewed the status of the MLPA meetings, saying another meeting will be held in Monterey on August 15<sup>th</sup>. He reviewed the Ocean Protection Council Pilot project grant application, saying the grant would be to evaluate current assets that remain for fishing businesses; to identify new markets; and to create a plan for future fisheries businesses. He reviewed the California World's Oceans Conference, saying he will be on one of sixty panels at the conference on Tuesday, September 19<sup>th</sup> in Long Beach, entitled: "California Fishing Heritage Harbors and Commercial fishing."

Mr. Algert reviewed the Salmon Disaster Assistance (SDA) program, which has set up an office in the Harbor Annex to offer federal low-interest loans to salmon fishermen. He said the state is considering legislation for funding of up to \$25 million in assistance, unfortunately the governor is proposing to obtain the funding from the Department of Boating and Waterways, a move that would cripple the DBW. He suggested the public write to the governor and urge him to find the funds from another source.

Mr. Algert said he and the local fishermen have been working with the Environmental Defense Fund and The Nature Conservancy (TNC) to promote new rules at the Pacific Fishery Management Council (federal fishery regulators) that would allow low and no-environmental impact gear, such as traps or hook and line, to use some of the catch history/quotas currently held by TNC from their private buyback of trawlers in this area.

**V. INFORMATION ITEMS**

**V-1. Harbor Department Status Report**

Mr. Algert briefed the Board on the following items:

**Dredge Yaquina Departure**

**Beach Signage**

**Hiring Harbor Patrol Officer**

**VI. ADDITIONAL COMMENTS**

Mr. Ewing said people need to promote the Management Council to open back up the RCA closure areas. Mr. Phillips said the Bay News had an article on the State Park Marina and City's effects of dredging, which seemed to have current and accurate information. Mr. Phillips thanked the Anderson family for being responsible lease site holders who are rebuilding The Galley Restaurant and helping to maintain the appearance of the waterfront.

**VII. FUTURE AGENDA ITEMS**

**September 7, 2006:** Options for Prevention of Abandoned Vessels:

Harbor Rules & Regulations

Boatyard

Require Vessel Insurance

Require Vessel Inspections

Invite NEP or RWQCB to Address Issues

**October 5, 2006:** Coast Guard Station Morro Bay Presentation

State Park Marina Dredging Progress (EIR)

**November 2, 2006:** Fuel Taxes for Fisheries/Bio-fuel

**VIII. ADJOURNMENT**

This meeting was adjourned at 8:25 PM

Submitted by,

Polly Curtis  
Harbor Department