

GOVERNMENT AFFAIRS UPDATE

RECREATIONAL BOATERS OF CALIFORNIA

PICYA FALL MANAGEMENT CONFERENCE

OCTOBER 17, 2015



RBOC BOARD OF DIRECTORS



Appointed by PICYA

- Dave Breninger
- Lenora Clark
- Ray Durazo
- Greg Gibeson
- Debrenia Madison-Smith
- Jack Michael
- Mark Rinkel
- Peter Robertson
- Walt Vance

Appointed by SCYA

- Jamie Clark
- Jim Faustini
- Cleve Hardaker
- Jim Jones
- Ralph Longfellow
- John Marshall
- Eric Peterson
- Karen Rhyne
- Anne Sacks

POLITICAL CONTEXT



First Year of 2015-2016 Legislative Session

Democratic Power Position

- All Statewide Offices
- Almost 2/3 in Senate and Assembly

36 New Legislators

70 Legislators with Less than 2 Years Experience

2,500 Bill Introductions

September 11 Deadline to Pass Bills to Governor

October 11 Deadline for Governor to Take Action

MARINE DEBRIS

AB 1323 [Frazier]

Authorizes a public agency to remove and dispose of marine debris after 10 days.

If the marine debris is floating, sunk, partially sunk, or beached in or on a public waterway, public beach, or on state tidelands or submerged lands.

Conditions:

- The marine debris meets the definition provided in the Harbors and Navigation Code and the value of the debris does not exceed the cost of removal and disposal.
- If the debris cannot be identified as belonging to an individual, a peace officer or authorized public employee securely attaches to the marine debris a notice stating that the marine debris shall be removed by the public agency if not claimed or removed within 10 days.
- If the debris can be identified as belonging to an individual, a 10-day notice is attached to the marine debris, and sent to the owner of the marine debris, if known, at the owner's address of record with the Department of Motor Vehicles, by certified or first-class mail.
- The marine debris is not removed prior to the ten day notification period.

Signed into Law, Chapter 645, Statutes of 2015



AB 539 [Levine]

- Authorizes the issuance of a search warrant to compel a blood draw from a person suspected of operating a boat while under the influence of alcohol or drugs.
 - Must be performed in a medically-approved manner
- Intent:
 - Bring boating laws in line with DUI laws
 - Provide law enforcement with the proper tools to investigate and prosecute those who are boating under the influence
- Sponsored by the California State Sheriffs' Association
- Supported by a number of law enforcement and marine industry organizations as well as RBOC
- Signed into Law, Chapter 118, Statutes of 2015



PFDs

AB 638 [Frazier]

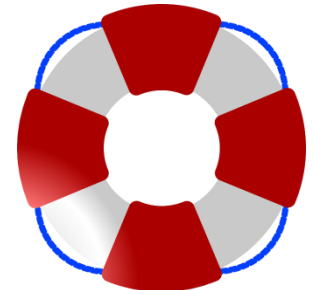
- Prohibits a person from operating a motorboat, sailboat, or vessel of any length unless every person on board under the age of 13 is wearing a personal flotation device (PFD) while the vessel is underway.
- Specific exceptions for children under the age of 13:
 - In an enclosed cabin
 - Tethered to a sailboat
 - Engaged in emergency rescues
 - Participating in specified organized events
 - Operating certain federally-regulated vessels
- Signed into Law, Chapter 75, Statutes of 2015



SEARCH & RESCUE

AB 896 [Wagner]

- Allows counties to seek reimbursement from residents age 16 or older for search or rescue costs
- Under specified conditions:
 - Need for the search or rescue of that resident was necessitated by the use of extraordinary methods and if any of the following was a contributing factor:
 - Any act in violation of any federal or state law or local ordinance
 - Any act or omission by the person searched for or rescued that shows wanton and reckless misconduct in disregard for his or her safety
 - County must adopt an ordinance
- Signed into Law, Chapter 436, Statutes of 2015



INVASIVE SPECIES

SB 223 [Galgiani] - Invasive Aquatic Plants

- Would require the Division of Boating and Waterways to establish an advisory and oversight committee to evaluate and monitor the activities of the division relating to the management and control or eradication of those plants
- Membership of the advisory and oversight committee to include an equitable number of representatives from specified interests
- Advisory and oversight committee would be required to meet at least twice per year
- Bill is Not Moving Forward This Year

SCR 68 [Galgiani] - Invasive Species

- Declares June 6-14, 2015, inclusive, as the 2015 California Invasive Species Action Week
- Resolution Chapter 144



DELTA NAVIGATION

Temporary Drought Emergency Rock Barrier

- **May 2015** installation of a temporary rock barrier across West False River Slough
- **Intent:** to preserve a fresh-water Delta and to sustain the Delta's ecosystem as a supply for drinking water
- **Balancing** the preservation of recreational opportunities in the Delta while preserving its ecosystem and as a state fresh-water supply is a worthy endeavor
- As boaters find their favorite lakes and reservoirs increasingly being closed to boating because of low water caused by the continuing drought, many will turn to the Delta as a new and enjoyable destination
- **October 2015 Announcement:** barrier is being removed
- **RBOC in March** urged the state Department of Water Resources and the US Army Corps of Engineers to address boater concerns with the Emergency Drought Barriers proposed for the Sacramento - San Joaquin Delta.
- This project consists of three temporary rock barriers that would be installed, a single barrier at three locations, in the north and central Sacramento–San Joaquin River Delta (Delta): Sutter Slough, Steamboat Slough, and West False River
 - Advocating for an open and transparent process, clear science-based criteria for actions that are taken, the engagement and participation of stakeholders and beneficiaries, and the protection of the environment and endangered species





DELTA NAVIGATION

Bay Delta Conservation Plan

SB 772 [Stone]

- Legislative Intent - Judicial Review of Plan
- Bill is Not Moving Forward this Year

BDCP Plan - Impact on Boating and Navigation in the Delta

- Implementation of the proposed actions and measures set forth in the plan and EIR/EIS will result in major short-term and long-term alterations and impacts to existing Delta waterways utilized by all types and sizes of recreational boats
- Depending upon which actions and measures are implemented, there will be adverse impacts that constrain and in many instances even prohibit recreational boaters accessing and utilizing existing Delta waterways
- This includes not only adverse impacts during the estimated decade-long construction period but thereafter as well depending upon which action measures and/or alternatives or segments of any are implemented at any time
- The plan in many ways results in irreversible changes to the Delta itself as well as to access and enjoyment of Delta waterways relevant to recreational boating and marinas and boat ramps visited by boaters and the general public.
- Unless mitigated to RBOC's satisfaction, the actions by BDCP and EIR/EIS to modify any waterway is opposed by RBOC



DELTA NAVIGATION

RBOC Desired Mitigations

- The BDCP needs to fully mitigate-for and to guarantee assurances-of reliable access to all Delta waterways proposed to be altered in any manner under the plan
 - This must include, for example, constructing boat locks wherever Delta waterways are proposed to have any barriers or gates – whether short-term or long-term - and that all boat locks be constructed and operated at no cost or charge to recreational boaters
 - RBOC’s position is based upon the fact that the burden of producing a comprehensible HCP under federal law, supporting analysis and funding rests not on recreational boaters that navigate Delta waterways but that it is an obligation that rests solely upon the BDCP project proponents
 - The BDCP and EIR/EIS also are intended to serve as a NCCP under California law. In this regard, again RBOC asserts its objections to the BDCP and EIR/EIS as the plan fails to meet the provisions of NCCP have negative impact upon marinas and boats and access points along the Sacramento River and American River





DELTA NAVIGATION

RBOC Desired Mitigations

- Further concerns of RBOC that are not mitigated include, but are not limited to:
 - The BDCP states that it will need authorizations of the Rivers and Harbors Act of 1899 (RHA) to perform many of its proposed actions to alter existing Delta waterways.
 - The RHA requires authorization from Congress or the California state Legislature, and in addition to that of the U.S. Corps of Engineers in certain cases. The BDCP is defective as it does not specify when or how such authorization will occur and leaves to speculation whether it can attain necessary authorizations and permits for what it proposes to construct (in as much as the plan has such a wide variety of alternative measures and actions with no known specificity of outcomes)
 - The BDCP's effects on Delta flows and water levels: Changes in Delta flow and water levels as proposed in the plan have the potential to have a very significant and highly negative impact upon boats, marinas and boat ramps and other access point to the waters of the Delta. No analysis appears to exist in the BDCP or EIR/EIS as to operational impacts and the mitigations for having altered and reduced Delta water levels.
 - Thus no analysis exists as to the severity this impact will have upon recreational boating, marinas and other water-based recreational uses of the Delta. Also, it is clear that if there are reduced water levels in the Delta this will also – from time to time - occur and have negative impact upon marinas and boats and access points along the Sacramento River and American River



RENEWABLE FUEL STANDARD



Rapid Engine Component Degradation

According to BoatU.S.:

- **91% of boaters want ethanol-free fuel**
- **50% have access to ethanol-free fuel**
- **50% have had to repair or replace their engines**
 - Average repair cost of \$1,000

Federal Efforts On-going

- BoatU.S. and RBOC participating in Smarter Fuels Future

California

- AJR 15 [Grove] - Renewable Fuels
 - Would urge the President and the Congress of the United States to pass meaningful legislation to reform the federal Renewable Fuel Standard program
 - Resolution is Not Moving Forward this Year



VESSEL OPERATOR CERTIFICATION



SB 941 [Monning and DeSaulnier] Enacted into Law in 2014

Requires an individual to pass an examination and obtain a vessel operator card from the Division of Boating and Waterways (Division) in order to operate a motorized vessel on waterways in the State of California

- The Division is required to develop the vessel operator card by January 1, 2018
- The cards will be issued to individuals who provide proof that they have passed a Division approved examination.
- The Division would be able to charge up to \$30 per vessel operator card. A vessel operator card would be valid for the lifetime of the individual and would not need to be renewed.
- The operator examination would be available on the Division's website, along with links to internet examinations from other providers that have been approved by the Division.
- Any examination must contain elements consistent with the National Association of State Boating Law Administrators boating safety course standards.
- Beginning on January 1, 2018, the requirement to possess a Division vessel operator card will apply to operators 20 years of age or younger with a staggered implementation date depending on the age of the individual until it eventually applies to everyone in 2025.

RBOC advocated in support of SB 941.



VESSEL OPERATOR CERTIFICATION



VOC Technical Advisory Group [TAG]

- Consulting with DBW the amount of the fees imposed for the program; and
- Consulting with DBW on program changes to improve boater safety in California or, alternatively, reasons why the program should not be continued
- Greg Gibeson for RBOC appointed as a TAG member in October 2015
- Others on TAG:

USCG
USCG Auxiliary
CA Assn Harbor Masters &
Port Captains
CA State Sheriffs Assn
Mission Bay Aquatic Center

LA County Lifeguards
CA Yacht Brokers Assn
Marina Recreation Assn CA Boating
Safety Officers Assn
National Marine Manufacturers Assn





COPPER

Total Maximum Daily Loads [TMDLs]

Established by Regional Water Quality Control Boards

Objective: Reduction of copper in water bodies

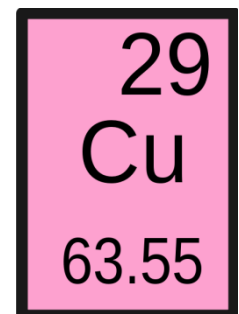
Copper-based anti-fouling paints on boats identified as primary sources

Possible Requirement: Replacement with low-leach rate copper or non-copper-based paint

Cost: \$8,000 to \$15,000 to convert paint, plus up to \$30,000 annually for cleaning

Locations:

- San Diego – Shelter Island Yacht Basin, 2005
- Los Angeles – Marina del Rey, 2014
- Orange County - Newport Bay, Pending Now in 2015
- San Francisco?

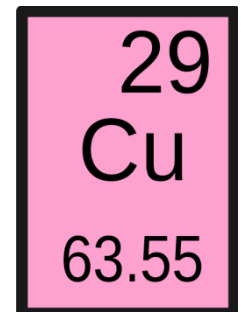




COPPER

RBOC Advocacy

- **Policy:** Any ban on the use of copper-based anti-fouling surfaces must be predicated on a finding that alternatives are effective, affordable and available
- RBOC is:
 - Urging regional boards to perform site specific studies
 - Urging USEPA to approve the Biotic Ligand Model [BLM]
 - Pursuing legislative support for these actions
 - Advocating for provisions in basin plan amendments:
 - Re-open once site specific studies are conducted
 - Utilize BLM once approved
 - Avoid permits & costs imposed on individual boaters



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