



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

*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.*

**Regular Meeting - Thursday, September 4, 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 August 7, 2014
Staff Recommendation: Approve minutes.

B. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

- B-1 Harbor Department Status Report
Staff Recommendation: Receive and file.

C. UNFINISHED BUSINESS

- C-1 Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities
Staff Recommendation: Receive and file.
- C-2 Update from the Capital Improvement Planning Ad-Hoc Committee on Committee's Recent Activities
Staff Recommendation: Receive and file.

D. NEW BUSINESS

- D-1 Consideration of Dynege Applications to the Federal Energy Regulatory Commission for Energy-Generating Wave Parks in Morro Bay Area Waters
Staff Recommendation: Consider wave park application proposal and provide any comments or recommendations, if any.
- D-2 Consideration of Changes to the City of Morro Bay Commercial Fishing Vessel Slip Qualifications
Staff Recommendation: Consider issues at hand and provide comments and/or recommendations, if any.

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. 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, August 7, 2014 at 6:00 PM in the Veteran's Hall, 209 Surf ST, Morro Bay, California.

ESTABLISH QUORUM AND CALL TO ORDER

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR AND ADVISORY BOARD MEMBER ANNOUNCEMENTS & PRESENTATIONS

Mr. Doughty said there is a lot of life in the bay, many anchovies, and there seem to be more shark sightings outside the bay. Ms. Meissen said the Summer Sailing Program at the Morro Bay Yacht Club is still offering lessons, and it has been a beautiful summer to learn how to sail.

PUBLIC COMMENT

None.

A. CONSENT CALENDAR

A-1 MINUTES

Mr. Doughty moved the June 5, 2014 Harbor Advisory Board minutes be approved. The Motion was seconded by Ms. Meissen and carried with a vote of 5-0 with Mr. McClish and Mr. Hafer abstaining due to absence at the June 5, 2014 meeting.

B. PUBLIC HEARINGS

B-1 Harbor Department Status Report

Mr. Endersby briefed the Board on the following topics:

North T-Pier Maintenance and Repair Project

Recent Events:

- July 4 – Fourth of July Celebration in Morro Bay**
- July 8 – Pismo Beach Shark Attack**
- July 13 – Boat Rescue by Harbor Patrol and Lifeguards**
- July 26 – Kayaker Rescue at Montana de Oro**
- July 27 – Kayaker Rescue at Cayucos Pier**

Launch Ramp Annual Parking Permits

Grants – AWAFF and VTIP Received from DBW

C. UNFINISHED BUSINESS

None.

D. NEW BUSINESS

D-1 Consideration of United States Coast Guard Proposal to Construct an Additional Coast Guard Facility Building on Lease Sites 138-139 Located at 1253 and 1257 Embarcadero

Mr. Endersby briefed the Board on the topic. Discussion by the Board on possible locations for the restroom and the need to keep as many parking spaces available as possible, rather than build a restroom in the parking lot. The Board requested to be included in the continuing process and discussion on the Concept Plan.

Motion: Mr. Reisner moved to endorse the United States Coast Guard proposal dated April 23, 2014, for Lease Sites 138-139 including the proposed site Concept as seen in Enclosure #2; and recommends lease rates for Lease Sites 138-139 be at fair market rates as required by state law for use of Granted Tidelands Property and in conformance with the City of Morro Bay Lease Site Management Policy of 2005. The Motion was seconded by Mr. Doughty and carried unanimously.

D-2 Overview and Review of Harbor Department 2014/2015 Operating Budget and Capital Improvement Plan

Mr. Endersby briefed the Board on the Budget, giving the general overall picture of the process, revenues, expenditures, the Accumulation Fund, and Capital Projects. He then answered several detailed line-item questions on the Budget, submitted by Mr. Reisner.

Mr. Reisner said he was distressed that the Harbor Advisory Board was not given the opportunity to review the Harbor Department 2014/2015 Operating Budget prior to final review and adoption by the City. Mr. Luffee said he thought the entire Budget with all line-items would have been included in the current packet, and he would like to see that happen in the future. Chair Eckles said the Board would prefer to assist with the Budget process in the coming year, and specifically the Accumulation Fund and Capital Improvements Planning.

Chair Eckles appointed a new Capital Improvements Planning Ad-Hoc Committee with Harbor Advisory Board members Mr. Reisner, Mr. Luffee, and Chair Eckles as Committee members.

E. DECLARATION OF FUTURE AGENDA ITEMS

September:

Marine Service Facility Ad-Hoc Committee Report
Video of Mooring System by Mr. Doughty
Wave Energy FERC
Changes to Commercial Slip Qualifications and Update Harbor Rules and Regulations
Review of Liveaboard Ordinance Regarding Marine Surveyor Certification and Standardization of Liveaboard Permit Inspections

Future:

State Park Marina Operating Agreement
Morro Bay Fish Quota Share and Trawl Permits
Tsunami Warning and Emergency Notification
Water Lease Site Improvements Including Dock Configurations
Mooring Field Design and Maintenance
Coast Guard Building Location Plans
Planning for Power Plant Property
Capital Improvements Planning Ad-Hoc Committee Report

Board members requested Ad-Hoc Committee reports be standing items in the Agenda under C. Unfinished Business. Mr. Endersby said all Agenda items do need to be noticed to the public 72-hours prior to the Harbor Advisory Board meetings.

F. ADJOURNMENT

This meeting was adjourned at 8:30 PM.
Submitted by,

Polly Curtis
Harbor Department



AGENDA NO: B-1

MEETING DATE: September 4, 2014

Staff Report

TO: Harbor Advisory Board

DATE: August 28, 2014

FROM: Eric Endersby, Harbor Director

SUBJECT: Harbor Department Status Report

RECOMMENDATION

Receive and file.

DISCUSSION

North T-Pier Maintenance & Repair: Project construction company Associated Pacific has completed the piling and structural work on the southern leg of the pier, with only the ladders, that are out for repair, to be reinstalled on that leg. In all 75 pilings were replaced on the southern leg. Associated has now moved on to the northern leg where two pilings were already replaced and work is underway to repair the major structural issues on the northern butt-end of the pier. In approximately ten days they will be moving on to the base of the pier for the final phase of rebuilding the pier-to-pavement section.

Public Safety Dispatching: On August 11, 2014 the City Council unanimously approved “regionalizing” our public safety dispatching services with the San Luis Obispo County Sheriff’s Office and County Fire. Although this will end a long tradition of exceptional service by our Police Department’s Dispatchers, regionalized dispatching will provide for improved coordination for multi-jurisdictional responses or large-scale emergency events. It will improve organizational efficiency with several dispatchers who can field multiple or complicated calls from the public and first responders. In addition, it will bring Emergency Medical Dispatching (EMD) that will provide medically trained dispatchers who can provide lifesaving instructions to the 911 caller and provide additional information to the first responders. This is something that we currently do not have with our dispatching.

While it looks like our three remaining dispatchers will land on their feet with alternate employment, our “home town” dispatchers will be missed and the Harbor community wishes them the best of luck and thanks them, and all previous Morro Bay dispatchers, for their years of outstanding and dedicated service.

Prepared By: EE

Dept. Review: EE

Off-Boat Fish Sales: At their August 26 meeting, following the Harbor Advisory Board's May 1, 2014 recommendation, the City Council approved that commercial fishermen be allowed to sell their catch off of their vessels at various public docks and piers, as opposed to just in their assigned slips. In an upcoming monthly billing the department will be inserting a short informational notice to our slip holders outlining the details of how this will work. Of course, fishermen will still be allowed to sell their catch from their vessels in their assigned slips as is current practice.

Reuse and Recycle: Over the past couple decades three very large heavy equipment tires, weighing a total of three tons, were removed from bay waters and beaches. These tires had either fallen from or been dumped in the bay from large equipment or vessels that utilize them (dredges, tugs), and were removed by various means over the years. Since proper disposal of these tires was prohibitively expensive, they just sat in our yard until a use could be found for them. That use came recently when department staff were at Alan Hancock College participating in their periodic Emergency Vehicle Operations Course (EVOC) refresher training. At that training it was noted that the driving course had several large equipment tires being used as guard "bumpers" at various hazard areas. Participating Harbor Patrol personnel asked if Hancock needed a few more tires for the course being built at their new Fire and Police Training Center in Lompoc, and they did. Over recent months department staff worked with Hancock staff to get the tires to them free of charge, and at a substantially lower cost to the department than standard "disposal," where they now fulfill their second life as safety bumpers to our regional public safety driver training needs.

Bayshore Bluffs Beach Cleanup/Coastal Cleanup Day: In our continuing efforts to beautify our bay while still providing for boater access to bay waters, we are conducting a major skiff/beach cleanup at the "oyster" beach below Bayshores Bluffs park off of lower Main Street. The area is posted and we are requiring that:

- All skiffs/vessels stored be permanently marked somehow with ownership information.
- All skiffs/vessels stored be registered with the Harbor Department.
- All skiffs/vessels stored be in an operable and seaworthy condition.
- If required for the particular vessel, all skiffs/vessels stored be currently registered with the DMV, including display of the CF number and current registration sticker.
- No storage of anything besides skiffs/vessels.

All vessels not in compliance and properly registered and marked by September 20, Coastal Cleanup Day, in addition to any debris, gear or other items will be removed and disposed of by the Harbor Department as proscribed by law.

We are also looking for volunteers to come out on Coastal Cleanup Day and assist with our cleanup on the 20th.

Recent Events: The Police Department’s “National Night Out,” that included participation of the Fire and Harbor departments, as well as numerous other public safety organizations, was held on August 5 at Del Mar Park. This nationally participated-in event is an informal meet-and-greet between public safety and other organizations devoted to safer communities. In Morro Bay, the various participants showcased their personnel and equipment and served up a barbecue for the public. The event was well attended.

On Sunday August 17, the owner/operator of a large cabin cruiser in the bay was found deceased in his vessel. Although the cause of death is still yet to be determined, foul play is not suspected.

Upcoming Events: On September 7-11 is the “Never Quit Challenge,” a 600 mile personal watercraft adventure for select military veterans and combat wounded to benefit veterans’ charities. The event begins with a “meet the veterans” event Sunday, September 7 from 6:00-8:00 p.m. at the Morro Bay Vet’s Hall. On Monday the 8th the challenge kicks-off at 7:00 a.m. at the public launch ramp. Over the course of the next three days the riders will travel to San Diego via stops in Santa Barbara, Long Beach, and Catalina. See www.neverquitchallenge.com for more details or to make a donation.

National Estuary Program Eelgrass Planting: On August 9-14, the Morro Bay NEP conducted another round of eelgrass transplanting in the bay in order to try to re-establish our depleted eelgrass beds in the bay. This year they staged at the State Park Marina, and teaming with the Black Brant Group, Merkel and Associates and Morro Coast Audubon, a largely volunteer group was successful in transplanting healthy eelgrass plants from healthy beds in the bay to areas previously occupied by eelgrass or nor sparsely occupied. The Harbor Department is a participating partner in this program.

Lifeguard Season: As usual, under the oversight of Lifeguard Supervisor Kyle Shaffer, this year’s Beach Lifeguards have had a great and safe season. Seven-day-a-week coverage ends after Labor Day weekend, and will go to weekends-only through the Harbor Festival weekend of October 4-5.



AGENDA NO: C-1

MEETING DATE: September 4, 2014

Staff Report

TO: Harbor Advisory Board

DATE: August 28, 2014

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file.

DISCUSSION

The Marine Services Facility/Boatyard Ad-Hoc Committee will be presenting an oral update on their activities and progress.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-2

MEETING DATE: September 4, 2014

Staff Report

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

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Capital Improvement Planning Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file.

DISCUSSION

The Capital Improvement Planning Ad-Hoc Committee will be presenting an oral update on their activities.

Prepared By: EE

Dept. Review: EE



AGENDA NO: D-1

MEETING DATE: September 4, 2014

Staff Report

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

FROM: Eric Endersby, Harbor Director

SUBJECT: Consideration of Dynegy Applications to the Federal Energy Regulatory Commission for Energy-Generating Wave Parks in Morro Bay Area Waters

RECOMMENDATION

Consider wave park application proposals and provide comments or recommendations, if any for staff or City Council consideration.

BACKGROUND

On July 22, 2014, noticing in the Federal Register indicated that Dynegy, current owner of the Morro Bay Power Plant, applied to the Federal Energy Regulatory Commission (FERC) for a Preliminary Permit for two energy-generating “wave parks” in area waters; one in Estero Bay, and a second off Point Estero. The Federal Register notices are included with this staff report.

Representatives of Dynegy and their project partner, GWave LLC, have met on several occasions in recent months with Morro Bay City Council members, representatives of the Morro Bay Commercial Fishermen’s Organization (MBCFO), and Harbor Department staff to present their proposals and hear what the local concerns, issues and level of support are.

At their August 7, 2014 meeting, the Harbor Advisory Board declared a Future Agenda item to review and possibly take a position on the issue.

DISCUSSION

The MBCFO concerns are obviously the potential impacts on their ability to fish, specifically, losing fishing grounds to an array or arrays of wave-generating buoys. Although the City Council has yet to take an official position on the proposed project, as a close supporter of our commercial fishing industry and fishermen, the City does share those concerns. In addition, Harbor Department staff have safety concerns over the hazards that these buoys and mooring systems may pose to both commercial and recreational vessels, and hazards to whales and other marine mammals and what mitigation measures may be being taken to minimize them.

Prepared By: EE

Dept. Review: EE

The two Federal Register notices best explain the project and its details. The sole purpose of the Preliminary Permit, if issued, is to grant the permit holder priority to file a license application during the Preliminary Permit term. Should the Preliminary Permit be issued and Dynegy files for a license application, it is expected that another level of public and environmental review will be triggered.

CONCLUSION

Staff is seeking Harbor Advisory Board discussion and input on the proposed wave park projects and any concerns, comments or support that it may wish to raise, or position that it may wish to take regarding the projects and their potential impacts to the community.

eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (p-2964-015) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Description of Request: The licensee proposes to amend its recreation plan to modify all of the wetland hiking trails to consist of a minimum 36" width slip resistant compacted aggregate surface with resting/passing intervals approximately every 200 feet. Access pathways to recreation amenities would be widened to 60" minimum with slip resistant surface. The proposed hiking trail at Covered Bridge Park would be reduced in length from 2,605 linear feet to 1,675 linear feet. The proposed hiking trail at Pahl Point Park would be reduced in length from 700 linear feet to 465 linear feet.

l. Locations of the Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also

available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: July 16, 2014.

Kimberly D. Bose,
Secretary.

[FR Doc. 2014-17211 Filed 7-21-14; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14584-000]

Dynegy Point Estero Wave Park, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 7, 2014, Dynegy Point Estero Wave Park, LLC (Dynegy) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the proposed Point Estero Wave Park Project (project). The proposed project would be developed in a phased approach. First, under a demonstration phase, Dynegy plans to deploy a single approximately 1-megawatt (MW) GWAWE Power Generating Vessel (wave energy converter or WEC). Second, under a potential commercial license, Dynegy plans to deploy 10 to 16 approximately 1-MW WEC's. Third, Dynegy plans to seek authorization to deploy additional WEC's with a total installed capacity of 650 MW. Two or more high voltage submarine cables would transmit power to shore, interconnecting with Pacific Gas and Electric's switchyard facilities at Morro Bay. The requested project boundary comprises approximately 5.2 square nautical miles (4-miles-long by 1.5-miles-wide) of coastal waters and lands located along the coast of San Luis Obispo County, California, near the town of Morro Bay.

The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing or construction activities or to otherwise enter upon lands or waters owned by others without the owners' express permission.

Applicant Contact: Henry D. Jones, Dynegy Inc., 601 Travis, Suite 1400, Houston, TX 77002; (713) 767-0480.

FERC Contact: Jim Hastreiter, (503) 552-2760.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the

instructions on the Commission's Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the "eFiling" link.

For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and 5 copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14584) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 16, 2014.

Kimberly D. Bose,
Secretary.

[FR Doc. 2014-17212 Filed 7-21-14; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14585-000]

Dynergy Estero Bay Wave Park, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 7, 2014, Dynergy Estero Bay Wave Park, LLC (Dynergy) filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the proposed Estero Bay Wave Park Project (project). The proposed project would be developed in a phased approach. First, under a demonstration phase, Dynergy plans to deploy a single approximately 1-megawatt (MW) GWAVE Power Generating Vessel (wave energy converter or WEC). Second, under a potential commercial license, Dynergy plans to deploy 10 to 16 approximately 1-MW WEC's. Third, Dynergy plans to seek authorization to deploy additional WEC's with a total installed capacity of 650 MW. Two or more high voltage submarine cables would transmit power to shore, interconnecting with Pacific Gas and Electric's switchyard facilities

at Morro Bay. The requested project boundary comprises approximately 2.73 square nautical miles (1.0-mile-wide by 2.73-miles-long) of coastal waters and lands located along the coast of San Luis Obispo County, California, near the town of Morro Bay.

The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing or construction activities or to otherwise enter upon lands or waters owned by others without the owners' express permission.

Applicant Contact: Henry D. Jones, Dynergy Inc., 601 Travis, Suite 1400, Houston, TX 77002; (713) 767-0480.

FERC Contact: Jim Hastreiter, (503) 552-2760.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the "eFiling" link.

For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and 5 copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14585) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 16, 2014.

Kimberly D. Bose,
Secretary.

[FR Doc. 2014-17213 Filed 7-21-14; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2014-0229; FRL-9914-10-OAR]

Confidentiality of Business Information Submitted in Compliance Documents for 2014 and Subsequent Model Year Vehicles, Engines and Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is seeking comment on a draft Class Determination regarding the confidentiality of business information submitted in compliance documents for 2014 and subsequent model year vehicles, engines and equipment.

DATES: Comments must be submitted on or before September 5, 2014.

ADDRESSES: Submit your comments referencing Docket ID No. EPA-HQ-OAR-2014-0229 online using www.regulations.gov (our preferred method), by email to pugliese.holly@epa.gov or by mail to: EPA Docket Center, Environmental Protection Agency, Mailcode 28271T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Holly Pugliese, Compliance Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan, 48105; telephone number: 734-214-4268; fax number: 734-214-4869; email address: pugliese.holly@epa.gov.

SUPPLEMENTARY INFORMATION: EPA's Office of General Counsel (OGC) issues class determinations to describe the categories of business information submitted to the Agency that can be considered confidential and when and if such information can be released to the public when disclosure is requested under the Freedom of Information Act ("FOIA" or "the Act"). On March 28, 2013, OGC issued "Class Determination 1-13, Confidentiality of Business Information Submitted in Certification Applications for 2013 and Subsequent Model Year Vehicles, Engines and Equipment" (www.epa.gov/ogc/documents/1-13.pdf). Class

Attention Jim Hastreiter
Kimberly D. Bose Secretary
Federal Energy Regulatory Commission
888 1st St. NE.
Washington DC. 20426

Dear Mr. Hastreiter,

I am the President of the Morro Bay Commercial Fishermen's Organization (MBCFO). I am speaking on behalf of our membership regarding Project No. 14584-000 and 14585-000 in Vol. 79, No.140/Tues. July 22, 2014 notice in the Federal Register. These are the permit requests for Dynergy **Point** Estero Wave Park and Dynergy Estero **Bay** Wave Park. The directors of the MBCFO and a recreational fishermen representative met with Robert Stoddard of Gwave (the company installing this Wave Parks with Dynergy) only a few weeks ago. We talked about location, depths, size, distribution and cables for the Wave Energy Converters. We were only told about the Estero **Bay** Wave Park that is 2.73 miles by 1 mile that is in the sand where there is little fishing in the area. There was no discussion of the other **Point** Estero Wave Park that is 4 miles by 1.5 miles and is in the rocky reef area where there is heavy local fishing happening. Earlier in the year they showed us a map with this area on it and we specifically told them it wouldn't work.

We are not opposed to the 14585-000 project in **Estero Bay** and are willing to work with Gwave/Dynergy to mitigate the use of this area, but we can not afford to loose any more fishing areas with the other proposed 14584-000 project at **Estero Point**. The Central Coast has already lost several miles of fishing area to Marine Protected Areas, Rock Cod Conservation Areas, Essential Fishery Habitat, and a Nuclear Power Plant. We need to protect what fishing areas we have left, especially Estero Point which is one of the few areas left close to port .

Thank you for your consideration in this matter. Please contact me with any questions at (805) 610-2072 or at somethingsfishy@charter.net.

Sincerely,

Tom D. Hafer
President MBCFO



AGENDA NO: D-2

MEETING DATE: September 4, 2014

Staff Report

TO: Harbor Advisory Board **DATE:** August 29, 2014

FROM: Eric Endersby, Harbor Director

SUBJECT: Consideration of Changes to the City of Morro Bay Commercial Fishing Vessel Slip Qualifications

RECOMMENDATION

Consider issues at hand and provide comments and/or recommendations, if any.

BACKGROUND

During Harbor Advisory Board consideration of commercial fishing vessel slip waiver appeals this past March and again in June, the issue of slip qualifications was questioned by several commercial fishermen with regard to the method by which the City determines that a vessel is “qualified.” The issue of older commercial fishermen and a possible special consideration of some sort for their slip qualification was also brought to the Board’s attention.

Currently, per Morro Bay Municipal Code (MBMC) section 15.04.150 and Resolution 23-91, commercial fishermen must annually provide proof of \$1,000 worth of fish landing receipts or tickets for every net documented ton of their vessel on their Coast Guard documentation, or \$5,000 minimum in tickets. Alternately, fishermen can show proof of 90 days of fishing effort by evidence of landing tickets and/or fuel receipts to qualify. MBMC 15.04.150 and Resolution 23-91 are included with this staff report.

In order to account for “bad” fishing years, or years with unexpected closures, or years when fishermen had unexpected medical or other issues that kept them off the water, two waivers from qualifying may be granted in any ten year period, with a third and final waiver being granted by special appeal to and approval of the Harbor Advisory Board.

DISCUSSION

Staff met with representatives of the commercial fishermen’s organization, and the organization circulated a questionnaire to their members for input. The results to that questionnaire are included with this staff report.

Prepared By: EE

Dept. Review: EE

Regarding the proof of fishing effort determination, that it is tied to the net documented tonnage of the vessel in most cases does not truly represent the fishing “potential” of the vessel. In some cases it is even punitive depending on the way in which the vessel is documented. In any case, the net documented tonnage is by no means a reliable determinate of a vessel’s true size or capacity.

In polling several other ports, several schemes are used, with the only consistent one being a \$5,000 minimum in two ports polled: Moss Landing provides for a .50 cent per linear foot discount on slip rates for \$5,000 in annual fish tickets, but no “qualifying” requirement to keep the slip; and Monterey requires \$5,000 in fish tickets annually to retain the slip. Other ports require fish tickets or commercial licenses, while others require noting of commercial fishermen, although those slips are not necessarily discounted from the market rate as are ours here in Morro Bay.

Staff believe that either one flat dollar amount of fish tickets, or a dollar amount per foot of length of the vessel would be more appropriate. With City slips typically at a premium (there are currently seven vessels on our waiting list), however, care must be taken to ensure that some realistic balance is struck between truly working fishing vessels and vessel storage.

With regard to some allowance or special consideration for older fishermen to not have to qualify or qualify at a different rate, staff are very cautious about this, because at some point if a fisherman is no longer fishing to any significant amount for any reason, issues of lack of vessel maintenance and the slip becoming a simple parking lot are raised. In any slip qualification scheme, the City’s interest is always in making slips available to *working* commercial fishing vessels, and not becoming a parking lot for retired boats. Striking that balance is the difficult question, and setting the qualification bar relatively low but realistic of some decent amount of fishing effort, while allowing for a set number of waivers from qualifying were seen as adequate when that method was established by the City Council decades ago, including Resolution 23-91 that set the “alternate” method of slip qualification.

In polling other ports, the only thing found age or longevity-related in the way of slip fees or requirements was in Crescent City where they offer a 5% “senior” discount for fishermen over 65 years of age.

CONCLUSION

Staff is seeking Advisory Board discussion and input on possible changes to the commercial fishing slip qualification procedures as currently outlined in Morro Bay Municipal Code 15.04.150 and Resolution 23-91. Any recommended changes will be brought to the City Council for consideration, and if accepted will require amendment to the Morro Bay Municipal Code and possible rescission/replacement of Resolution 23-91.

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.

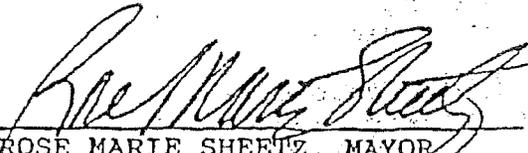
Any person who wishes to have the City Council review the hearing record of the Harbor Advisory Board recommendation regarding an appeal may do so by submitting a request to the Harbor Director within fifteen (15) days following receipt of the Harbor Advisory Board's findings.

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

Slip Qualification Comments from MBCFO Membership

1. Something needs to be done to protect those that have given their careers to the industry HERE from being put out of a slip that they occupied for decades.

2. We should have an additional medical waiver for every 10 or 20 years of MB city slip rental (not necessarily continuous)

3. Something that addresses small boats in big slips

4. The system has always been broken. It uses documented net tonnage for qualifications however everyone knows that it can be manipulated. For example, The Darlene is 50' and the net tonnage is 6 and the Bonnie Marietta is 38' and the net tons are 15. This is only one example there are numerous vessels in this harbor that have manipulated their tonnage.

As we all age we all deserve the right to slow down, the dollar amount of fish does not and never has told the true story of what makes a fisherman a fisherman.

5. I see a need to address older fishermen and medical issues but not sure what to recommend.

6. For the "old guys rule" or someone who gets sick, put a provision like 65 years or older or more, 10 year slip holder in good standing with the harbor, your qualifications are waived.

As for "slip qualifications", we need to draw the line between a commercial fishermen and a boat owner with an expensive hobby.

7. Having the qualifications based on net tonnage needs to be changed. All that should be considered is that the vessel owner has a valid commercial registration and fishes. I would be willing to show one landing ticket and that should be enough to prove I fish. The amount should not be a factor nor should the Harbor Office retain this information.

I know commercial fishermen with medical issues that prevent them from fishing and they should be given a "Medical Pass" to these regulations while they recover.

8. I think if you are over the age of 65/70 you shouldn't have to qualify anymore, if you've had a slip/history. And no matter what age, a medical problem that has kept the fishermen tied-up should be allowed a waiver. No one needs extra stress when they are ill.