



## 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, August 6, 2015 Veteran's Memorial Building - 6:00 P.M. 209 Surf Street, Morro Bay, CA**

Bill Luffee, Chair	Marine Oriented Business
Dana McClish, Vice Chair	Recreational Boating
Alan Alward	Morro Bay Commercial Fishermen's Organization
Gene Doughty	South Bay/Los Osos
Neal Maloney	Waterfront Leaseholders
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.

## CONSENT CALENDAR

A-1 Approval of Minutes from Harbor Advisory Board meeting held on June 4, 2015  
**Staff Recommendation: Approve minutes.**

A-2 Approval of Minutes from Special Harbor Advisory Board meeting held on July 22, 2015  
**Staff Recommendation: Approve minutes.**

### A. PUBLIC HEARINGS, REPORTS, AND APPEARANCES

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

### B. 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.**

C-3 Update from the Insurance Ad-Hoc Committee on Committee's Recent Activities  
**Staff Recommendation: Receive and file.**

### C. NEW BUSINESS

D-1 Potential Deterrence Methods for California Sea Lions  
**Staff Recommendation: Receive and file.**

D-2 Water Lease Site Improvements Including Dock Configurations  
**Staff Recommendation: Receive and file.**

D-3 1-Year Review of Public Dock Off-the-Boat Fish Sales and Harbor Advisory Board Recommendations to City Council  
**Staff Recommendation:** Staff recommend the Harbor Advisory Board support a permanent allowance of off-the-boat commercial fish sales on the City's various public docks and piers.

### D. DECLARATION OF FUTURE AGENDA ITEMS

### E. 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.



**AGENDA NO: A-1**

**MEETING DATE: August 6, 2015**

**CITY OF MORRO BAY**

**HARBOR ADVISORY BOARD**

**SYNOPSIS MINUTES**

The regular meeting of the City of Morro Bay Harbor Advisory Board was held Thursday, June 4, 2015 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 (MBCFO Rep) Gene Doughty Bill Luffee Neal Maloney Lynn Meissen Ron Reisner
	Absent:	Dana McClish
	Staff:	Eric Endersby, Harbor Director Polly Curtis, Office Assistant

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

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

Mr. Alward said there are three fishing boats in Morro Bay working on the oil spill in Santa Barbara through the Fisherman's Organization Response Team (FORT). The boats are the Nikki J, the Bonnie Marietta, and the Dorado. Also Jeremiah O'Brien from the F/V Aguero is the coordinator on this incident for all fishing boats.

Ms. Meissen said the Insurance Ad-Hoc Committee has held meetings and is ready to bring a report to the Board; however, as the topic was not agendaized for the current meeting, the Ad-Hoc Committee will give the report at the next meeting.

**PUBLIC COMMENT**

None.

**A. CONSENT CALENDAR**

**A-1 MINUTES**

Mr. Alward moved the April 22, 2015 Special Harbor Advisory Board minutes be approved as submitted. The Motion was seconded by Ms. Meissen and carried unanimously.

**A-2 MINUTES**

Mr. Maloney moved the May 7, 2015 Harbor Advisory Board minutes be approved as submitted. The Motion was seconded by Mr. Doughty and carried unanimously.

**B. PUBLIC HEARINGS**

**B-1 Harbor Department Status Report**

Mr. Endersby briefed the Board on the following topics:

**Dredge Yaquina**

**Lifeguard Academy**

**Fishing Season**

**Atascadero High School Career Day**

**Safe Boating Day Hosted by Morro Bay Yacht Club**

**Fire Fighting Breathing Apparatus Fit Testing for Harbor Patrol**

**Harbor Patrol and Lifeguard Training**

**Hazmat Refresher by SLO Ambulance**

**Recent City Council Action**

**Recent Events**

**Upcoming Events**

**C. UNFINISHED BUSINESS**

**C-1 Update from the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's Recent Activities, Findings and Recommendations**

Mr. Reisner said the Ad-Hoc Committee met in May, and individual Committee members also executed Committee-related tasks, which he summarized for the Board. He said on May 15, 2015 Committee members Mr. McClish, Mr. Alward, and Mr. Reisner met with City of Morro Bay Community Development Manager, Scot Graham, to discuss the history, planning, and sites for a boatyard/haulout facility. Mr. Reisner said discussion included potential use of the Triangle Lot property, space requirements for a boatyard, and access for moving boats from a haulout to a yard.

Discussion by the Board.

**Motion:** Mr. Alward moved that the Harbor Advisory Board continue to monitor the City's intentions regarding the Triangle Lot and continue to press the City relative to consciously making a commitment to siting a haulout facility and boatyard facility on as feasible as possible City property, or declare that no such sites are available. Further, that the Harbor Advisory Board authorize the Ad-Hoc Committee to speak directly with the City Council and City Manager regarding utilizing the Triangle Lot for a boatyard. The Motion was seconded by Mr. Maloney.

Discussion by the Board. Mr. Doughty recommended amending the Motion by adding the words, "or any potential property" after the words, "City property." Mr. Alward accepted Mr. Doughty's amendment to the Motion, which was seconded by Mr. Maloney.

**Amended Motion:** Mr. Alward moved that the Harbor Advisory Board continue to monitor the City's intentions regarding the Triangle Lot and continue to press the City relative to consciously making a commitment to siting a haulout facility and boatyard facility on as feasible as possible City property, or any potential property, or declare that no such sites are available. Further, that the Harbor Advisory Board authorize the Ad-Hoc Committee to speak directly with the City Council and City Manager regarding utilizing the Triangle Lot for a boatyard. The Amended Motion was seconded by Mr. Maloney and carried unanimously.

Mr. Reisner said there was discussion during the meeting with Mr. Graham about possible acquisition of a metal building on Dynegy property.

**Motion:** Mr. Maloney moved that the Harbor Advisory Board obtain from the City Council definitive information regarding the availability of the subject Dynegy building. The Motion was seconded by Mr. Alward.

Discussion and clarification of the Motion by the Board. Mr. Reisner said his recommendation was for the City to obtain the information, not the City Council.

**Amended Motion:** Mr. Maloney moved that the Harbor Advisory Board obtain from the City definitive information regarding the availability of the subject Dynegy building. The Amended Motion was seconded by Mr. Alward and carried unanimously.

**C-2 Update from the Capital Improvement Planning Ad-Hoc Committee on Committee's Recent Activities**

Mr. Maloney said the Ad-Hoc Committee met in May. He reported to the Board the recommendations made by the Ad-Hoc Committee, including the subjects of cost allocation; maintenance/budget distribution among City departments of Harbor-related property improvements/utilities; monitoring the FY15/16 operating budget process; and the Management Partners Study using irrelevant operational comparisons and data to recommend outsourcing the Harbor department operations.

Discussion by the Board and Mr. Endersby.

**Motion:** Mr. Reisner moved that the Harbor Advisory Board authorize the Ad-Hoc Committee to engage in dialog with the Harbor Department and the City's Administrative Services Director to obtain a clear understanding of the criteria used to set the Harbor Department cost allocation. The Motion was seconded by Mr. Luffee and carried unanimously.

**C-3 Continued Discussion and Recommendations on Harbor Department Master Fee Schedule**

Mr. Endersby made a presentation to the Board of the Master Fee Schedule, including a spreadsheet of the Harbor Department's analysis. He asked the Board for approval of the Master Fee Schedule, and to make any recommendations to City Council for the July 14 meeting.

Mr. Maloney stepped down from the Board during the discussion on slip fees.

**Public Comment:** Mr. Maloney said one way to reduce water usage and cost at the city slips would be to switch from freshwater pumps to saltwater. Mr. Yarling said he is a Liveaboard in Morro Bay and did not want the future rates to go up all at once but in smaller increments.

Discussion by the Board and Mr. Endersby on City slip fees.

**Motion:** Mr. Reisner moved that the Harbor Advisory Board recommend to City Council the Harbor Department Master Fee Schedule FY15/16 include a .50-cent per foot per month utility charge for city slips. The Motion was seconded by Mr. Luffee.

Further discussion by the Board. Ms. Meissen recommended that the Motion be amended to clarify that the amount of the fee is not for utilities but in recognition of unrecovered utility costs.

**Amended Motion:** Mr. Reisner moved that the Harbor Advisory Board recommend to City Council the Harbor Department Master Fee Schedule FY15/16 include a city slip rate increase to \$4.65 per foot per day in recognition of unrecovered utility costs. The Amended Motion was seconded by Mr. Luffee, and carried with a vote of 4 to 1, with Mr. Alward voting no, and Mr. Maloney stepping down, and Mr. McClish absent.

Discussion by the Board and Mr. Endersby on mooring fees. Mr. Doughty stepped down from the Board during discussion of mooring fees.

**Motion:** Mr. Reisner moved that the Harbor Advisory Board recommend to City Council the private mooring line item in the Harbor Department Master Fee Schedule FY15/16 be accepted as proposed. The Motion was seconded by Mr. Luffee, and carried unanimously, with Mr. Doughty stepping down.

Discussion by the Board on Master Fee Schedule recommendations by Mr. Endersby.

**Motion:** Mr. Reisner moved that the Harbor Advisory Board recommend to City Council to ratify the Master Fee Schedule as presented. The Motion was seconded by Mr. Luffee and carried unanimously.

**D. NEW BUSINESS**

**D-1 Request by Brian Williamson for a Waiver of Requirement to Qualify for a Commercial Fishing Slip**

Mr. Endersby reviewed the process of qualifying commercial fishing vessels for city slips and the policy on waivers and the appeal process. He said Mr. Brian Williamson requested a waiver and was denied and so is now following the appeal process.

**Public Comment:** Mr. Williamson presented his appeal to the Board. Mr. Ryan Hansen, Fish and Wildlife Game Warden for Morro Bay said there is currently an investigation by the California Department of Fish and Wildlife on the landing receipts submitted by Mr. Williamson for qualifying for a city slip.

Discussion by the Board.

**Motion:** Mr. Reisner moved to table the Agenda Item until the matter is adjudicated, and to allow Mr. Williamson to remain in the City slip as long as his slip fees are current. The Motion was seconded by Mr. Luffee and carried unanimously.

**D-2 Cancellation of the July 2, 2015 Harbor Advisory Board Meeting**

**Motion:** Mr. Doughty moved to cancel the July 2, 2015 Harbor Advisory Board meeting. The Motion was seconded by Mr. Alward and carried unanimously.

Further discussion by the Board on holding a regular meeting on a later date in July and determining if the Vet's Hall is available.

**E. DECLARATION OF FUTURE AGENDA ITEMS**

**July:**

Harbor Rules and Regulations  
Insurance Ad-Hoc Committee

**August:**

Management Partners Study Report

**Future:**

Best Management Practices, HAB Review  
Coast Guard Building Location Plans  
Morro Bay Fish Quota Share and Trawl Permits  
Annual Review of All Waterfront Lease Sites  
Water Lease Site Improvements Including Dock Configurations  
Inspecting Marine Sanitation Devices on All Vessels in Morro Bay Harbor  
Planning for Power Plant Property  
Sea Lion Abatement in Morro Bay

**F. ADJOURNMENT**

This meeting was adjourned at 9:30 PM.  
Submitted by,

Polly Curtis  
Harbor Department



Discussion by the Board on harmlessness of careening if the boat owner does not scrape or sand; chances of pollution and ability to control all substances from entering the bay.

Mr. Doughty asked what's the difference between a vessel owner who careens a boat to do bottom work versus a hired diver who does bottom cleaning on a vessel that is in the water? He said divers scrape barnacles off, making paint chips go into the water. Mr. McClish said there are responsible boat owners and there are others who are not so responsible. He said the sea life in Sandal's Cove at certain times of the year includes thousands of sand dollars that could be wiped out during just one careening event.

**MOTION:** Mr. Reisner moved to prohibit careening of vessels for repair and maintenance in Morro Bay, except in cases of emergencies with no potential for pollution, or in the event of short-term maintenance on not more than one tide change during maintenance. The Motion was seconded by Mr. McClish and carried with a vote of 6 to 1, with Ms. Meissen voting no.

**#10. Limiting the amount of repair on vessels in-water (25%) that should go to a boatyard.**

Mr. Endersby reviewed the current rule, saying although no vessel project on Morro Bay waters can discharge pollutants to the bay under several local, state and federal codes, there currently exists no Morro Bay rule or code specifically addressing the amount of work that can be done on a vessel in-water. He said without a full-service boatyard that can accommodate the majority of vessels in Morro Bay at this time, he recommends this item not be codified as a requirement but remain as a Best Management Practices recommendation. Mr. Endersby recommends larger in-water projects such as tenting and tarping be codified as a compliance requirement.

Discussion by the Board. Consensus that item be included with BMP as it relates to no contaminants in Morro Bay waters.

**#13. Adding/Strengthening Best Management Practices (BMP).**

Mr. Endersby said many BMPs for clean vessel ownership/operation exist, none of which are specifically codified in Morro Bay. He reviewed the current Section 15.24 of the Morro Bay Municipal Code, and recommended this Section and/or the Harbor Department Rules and Regulations be amended to require employment of certain accepted BMPs for vessel ownership, operation and repair/maintenance.

Discussion by the Board on removal of prohibition of fueling in slips, at piers or locations other than properly equipped and permitted fuel docks. Discussion by the Board and Mr. Endersby on the Clean Marina Certification for Morro Bay expiring in 2016. Discussion on importance of using advisory/education vs regulation and enforcement.

Mr. Endersby said advising and education are always the first tools the Harbor Patrol uses, and they never go straight to enforcement; however, the rules need to be codified as a backup when education does not work. He said he plans revision of all Harbor Department contracts, rental agreements, dockage cards, etc., and a packet can be created that includes BMPs as a handout to boaters.

**MOTION:** Mr. Reisner moved the Harbor Advisory Board recommend the Harbor Department provide City Council with modified drafts of Section 15.24 of the Morro Bay Municipal Code and that the City develop Morro Bay specific Best Management Practices, and where appropriate as an advisory document. The Motion was seconded by Ms. Meissen and carried unanimously.

**#14. Marine Sanitation Devices and discharge into the bay.**

Mr. Endersby reviewed the issue of MSDs and discharge into the bay, and the local, state and federal laws pertaining to discharge; he discussed the requirements in the case of Liveboards.

Discussion by the Board.

**MOTION:** Mr. Doughty moved that the Harbor Advisory Board approve Staff recommendation that Municipal Code Section 15.24.010 be amended to clarify that discharge of both untreated and treated sewage of any kind is prohibited in the bay. The Motion was seconded by Mr. Reisner and carried unanimously.

II. UPDATE FROM THE MARINE SERVICES FACILITY/BOATYARD AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES, FINDINGS AND RECOMMENDATIONS

Mr. Reisner said the Ad-Hoc Committee had not met since the previous Harbor Advisory Board meeting, and has nothing to report; he asked if Mr. Endersby had recently been given direction by the City Council. Mr. Endersby said the City Council gave direction and approval of funds to hire a consultant to determine if there is space in the triangle lot for a boatyard, parking, and the Maritime Museum. He said there is support from Council to move forward.

III. UPDATE FROM THE CAPITAL IMPROVEMENT PLANNING AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES, FINDINGS AND RECOMMENDATIONS

Mr. Maloney reported on discussions at their recent Ad-Hoc meetings. Discussion by Mr. Maloney, Mr. Luffee and Mr. Reisner on Cost Allocation and the documents under review from FY2009-10. Mr. Maloney said there are no recommendations, but the Committee plans to meet with the Harbor Director before the next Harbor Advisory Board meeting.

IV. UPDATE FROM THE INSURANCE AD-HOC COMMITTEE ON COMMITTEE'S RECENT ACTIVITIES, FINDINGS AND RECOMMENDATIONS

Ms. Meissen reported the findings from Committee meetings in April and May, 2015. She concluded by saying that more information needs to be gathered, and future meetings would be beneficial with City staff and trained risk assessment personnel from the CJPIA, which incorporates the various liability and property related potential risks identified by the Ad-Hoc Committee.

Discussion by the Board and Mr. Endersby on the next steps needed to assess potential risks to the City and the Harbor Department.

**ADJOURNMENT**

This meeting was adjourned at 8:20 PM.  
Submitted by,

Polly Curtis  
Harbor Department



AGENDA NO: B-1

MEETING DATE: August 6, 2015

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** July 30, 2015

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Harbor Department Status Report

### RECOMMENDATION

Receive and file.

### DISCUSSION

Summer is in full swing with a very active and crowded waterfront. The Harbor Patrol has been kept very busy responding to various calls for service, including numerous medical aid assists to the Morro Bay Fire Department.

**Fishing Seasons:** Recreational rockfish and salmon seasons continue to be open. Although salmon catching is hit and miss, rockfish reports are strong with many reporting record lingcod catches. In addition, with persistent water temps in the low 60's, reports of white seabass are trickling in.

Commercially, a few boats are scratching in reasonable salmon catches, although it too is hit and miss. Dungeness crab season ended in June and over the last couple months gear has been stacked for cleaning and storage all around the waterfront. Market squid recently made a significant showing off the south county, and several boats are taking advantage and unloading in Morro Bay. Several days of over 100 tons unloaded between the Santa Monica Seafood and Giovanni's facilities have occurred.

**Cable Inspection Ships:** The large undersea fiber-optic cable inspection ships *Wave Venture* and *Global Sentinel* have plied local waters and been a fixture on the horizon lately conducting routine inspections of the various undersea cables landing in SLO County.

**Recent City Council Action:** At the May 26 Council meeting, lease site 68/68W, Harbor Front Suites owned by the Held family was sold and assigned to the Viole family, owners of the mirror-image lease site 67/67W next door. Also on May 26 the Council approved a new 10-year lease with Central Coast Seafood/Santa Monica Seafood at the City's municipal wharf lease site 129W-131W.

Prepared By: EE

Dept. Review: EE

On June 9 the Council approved a new dock lease for the Fish & Wildlife's patrol vessel *Bluefin* at the North T-Pier.

On June 23 the Council approved a new 10-year lease with Stan Trapp/Morro Bay Marina for Mooring Area A1-4.

**Second August 2015 City Council Meeting:** The second City Council meeting this August will be on **Monday the 24th**, as opposed to a Tuesday as is the norm.

**Recent Events:** On Thursday, June 18 the Coast Guard conducted a Change of Command ceremony for outgoing Senior Chief Cory Wadley to incoming Chief Boatswain's Mate Jay Nilles. Chief Wadley's next command is Quillayute River in Washington State, while Chief Nilles' last command was Umpqua River in Oregon.

On Sunday, June 28 the Harbor Department auctioned-off its surplus patrol vessel "65." This 24-foot Montgomery Boats-built radon, built in 1999, sold for \$9,500 to Chris Dorn.

Saturday, July 4 saw not only the national holiday but the ribbon-cutting ceremony and bike parade for the City's new bicycle/pedestrian bridge across Morro Creek on the dirt-extended Embarcadero. The parade ended at Tidelands Park, where an afternoon of family fun was organized by the City and various volunteer groups.

Saturday, July 18 was the 46<sup>th</sup> Annual Brian Waterbury Memorial Rock to Pier Run from Morro Bay to Cayucos. Several thousand people made the run.

On Wednesday, July 29 various county Lifeguard and Junior Lifeguard organizations gathered and competed in Oceano for the 4<sup>th</sup> Annual 5-Man Paddleboard Relay event for lifesaving organizations. Organizations represented were California State Parks, Avila, Pismo Beach and Morro Bay. For the fourth year running Morro Bay took 1<sup>st</sup> place, and this year we swept the podium with MB teams taking 2<sup>nd</sup> and 3<sup>rd</sup> places as well.

Friday, July 31 was Morro Bay Fire Captain Jeff Olson's last shift as a 30-year Morro Bay fire fighter. Jeff was a fixture in that department and we wish him well in his retirement.

Also on July 31 the Los Angeles District of the U.S. Army Corps of Engineers held a Change of Command ceremony for outgoing Colonel Kimberly Colloton to incoming Colonel Kirk Gibbs.

The Morro Bay Summer Street Fair on Sunday, August 2 included arts, crafts, food, live entertainment and fun in downtown Morro Bay at Morro Bay Boulevard and Main Street.

On August 4 at Morro Bay City Park was the 32<sup>nd</sup> Annual National Night Out organized by the Morro Bay Police Department and sponsored by Morro Bay Neighborhood Watch. This family-oriented event includes public safety tips, and booths and displays from various public safety

agencies including the Harbor Patrol.

**Upcoming Events:** Every month the mayors of SLO County meet with one mayor hosting in their hometown on a rotating basis to present and round-table topics of general interest. On Friday, August 7 Morro Bay Mayor Jamie Irons is hosting with your Harbor Director presenting on dredging and the history of Morro Bay Harbor.

Many SLO County schools districts go back to school the last week of August, including San Luis Coastal/MB High on Monday, August 24.

**Beach Lifeguard Coverage:** After the Labor Day weekend, Beach Lifeguard coverage switches to weekends-only through the Harbor Festival weekend, where after the towers will be rolled-up for the winter.



AGENDA NO: C-1

MEETING DATE: August 8, 2015

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** July 30, 2015

**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, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-2

MEETING DATE: August 8, 2015

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** July 30, 2015

**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, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: C-3

MEETING DATE: August 6, 2015

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** July 30, 2015

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Update From the Insurance Ad-Hoc Committee on Committee's Recent Activities

### RECOMMENDATION

Receive and file.

### DISCUSSION

The Insurance Ad-Hoc Committee will be presenting an oral update on their activities, if any. This is a standing committee report agenda item.

Prepared By: EE

Dept. Review: EE



AGENDA NO: D-1

MEETING DATE: August 6, 2015

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** July 31, 2015

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Potential Deterrence Methods for California Sea Lions

### RECOMMENDATION

Receive and file.

### DISCUSSION

With often hundreds of California Sea Lions inside Morro Bay at times, including on docks and vessels occasionally, it is recognized that deterrence methods must often be employed for the safety and security of life and property when these animals become a threat.

NOAA Fisheries "Potential Deterrence Methods for Pacific Harbor Seals & California Sea Lions" guidelines will be discussed for public informational purposes.

### ATTACHMENTS

1. "Potential Deterrence Methods for Pacific Harbor Seals & California Sea Lions"

Prepared By: EE

Dept. Review: EE



## NOAA FISHERIES West Coast Region

### Potential Deterrence Methods for Pacific Harbor Seals & California Sea Lions August 2014

The following list of “potential methods” and “deterrents to avoid” is not an exhaustive list of non-lethal methods or techniques. If you have questions about protecting your property and/or fishing gear and catch from nuisance Pacific harbor seals and California sea lions, please contact our marine mammal specialists: mammal specialists: (Seattle, WA) Brent Norberg, 206-526-6550; Lynne Barre, 206-526-4745; (Long Beach, CA) Monica DeAngelis, 562-980-3232; Penny Ruvelas, 562-980-4197.

Note: Some of the methods listed (such as loud noise or pyrotechnics) may not be appropriate for use in some areas, or are subject to prohibition under federal, state or local ordinances. The presence of ESA listed species (marine mammals or fish) in some areas may advise against the use of certain methods. Please consult with appropriate authorities to determine if such prohibitions exist in your area, or if ESA-listed species may be encountered.

***Potential methods for use by private property owners to deter Pacific harbor seals, California sea lions, and eastern U.S. stock Steller sea lions from damaging property (developed waterfront, decks, docks, floats, piers, bait receivers, vessels at anchor, etc.).***

#### **Barriers & Exclusion Devices:**

- fencing (e.g., plastic construction/snow fence, chain link)
- closely spaced posts
- bull rails
- electric livestock fencing
- netting
- swim step protector

#### **Visual Repellents:**

- flags, pinwheels, or streamers
- flashing lights or strobes
- balloons
- human attendants/monitors

#### **Noise Makers:**

- horns, whistles, bells
- electronic acoustic devices (Acoustic Harassment Devices)
- clapping, banging on pots, pans, drums; empty aluminum cans on a string banging together
- music
- starter pistols
- pyrotechnics (e.g., bird screamers, bangers, firecrackers, propane canons)

#### **Physical Contact:**

- high or low pressure water hoses
- sprinklers, sprayers
- crowder boards
- bull poles (blunt tip), brooms
- cattle prod (these products produce only a mild electric shock designed for handling livestock and are in no way related to “stun guns” designed for self-defense)
- toy water guns (e.g., “Super Soaker®”)
- non-toxic and water soluble paint ball or air soft guns
- slingshot
- chemical irritants (e.g., non-toxic pepper spray, mace) used for animal control (there are many municipal and state ordinances controlling the use and possession of these irritants)

**Note:** Guard dogs are not included on the list of suggested measures because of risks to both dogs and marine mammals, including the potential risk of disease transmission between them.



## NOAA FISHERIES West Coast Region

***Potential methods for use by fishers to deter Pacific harbor seals, California sea lions, and eastern U.S. stock Steller sea lions from damaging gear or catch (anglers must be actively fishing with gear deployed).***

### **Visual Repellents/Noise Makers:**

- boat hazing, circling
- pounding on hull
- pyrotechnics (e.g., bird screamers, bangers, underwater firecrackers, cracker shells)
- starter pistols
- horns, bells, whistles

### **Physical Contact:**

- slingshots
- non-toxic and water soluble paint ball guns
- non-lethal ammunition (e.g., rubber bullets, sabot rounds, game stingers)

***Methods to Avoid – The following methods and techniques have an increased likelihood of causing injury or death and should be avoided.***

- No Firearms with “live” (lethal) ammunition
- No Devices with Injurious Projectiles (e.g., archery gear, crossbows, spear guns, bangsticks)
- No Sharp/Pointed Objects (e.g., harpoons, spears, gaffs, nail studded bats/poles/clubs)
- No Entangling Devices (e.g., loose webbing, snares, concertina wire)
- No Aggressive Tactile Methods (e.g., striking animals with bats, hammers etc., impact with vehicles or boats)
- No Tainted Baits or Poisons

### **Act responsibly & use common sense**

Regardless of method or intent, the property owner or fisher may be subject to prosecution should a marine mammal be seriously injured or killed as a result of deterrence efforts for the protection of property, gear or catch.

### **Remember personal safety**

Attempts by property owners and/or fishers to deter nuisance animals from engaging in unwanted behaviors using non-lethal means is a personal choice and not without risk (to the person doing the deterring and anyone around them). Sea lions and seals are wild animals that may react unpredictably to non-lethal deterrence measures, resulting in personal injury or additional damage to property. Sea lions are large and powerful animals that can move as quickly as a person on land.

### **Be aware of people around you and be courteous**

The safe use of some of the above-listed potential methods (e.g., cracker shells, non-lethal ammunition) requires considerable skill and experience. The use of some of these methods may precipitate undesirable social interactions. *If you are in possession of a firearm, law enforcement officers approaching your property or vessel will assume that your firearm is loaded with lethal ammunition.*

**Individuals attempting to deter nuisance sea lions and seals, using the above the listed potential methods are similar techniques, do so at their own risk.**



AGENDA NO: D-2

MEETING DATE: August 6, 2015

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** July 31, 2015

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** Water Lease Site Improvements Including Dock Configurations

### RECOMMENDATION

Receive and file.

### DISCUSSION

An oral presentation will be given outlining the various improvements on the City's waterfront lease sites, including dock configurations.

Prepared By: EE

Dept. Review: EE



AGENDA NO: D-3

MEETING DATE: August 6, 2015

## Staff Report

**TO:** Harbor Advisory Board

**DATE:** July 31, 2015

**FROM:** Eric Endersby, Harbor Director

**SUBJECT:** 1-Year Review of Public Dock Off-the-Boat Fish Sales and Harbor Advisory Board Recommendations to City Council

### RECOMMENDATION

Staff recommend the Harbor Advisory Board support a permanent allowance of off-the-boat commercial fish sales on the City's various public docks and piers.

### BACKGROUND

Last year several commercial fishermen advanced the idea of allowing off-the-boat fish sales at various public docks in Morro Bay. On May 1, 2014 the Harbor Advisory Board considered the issue, and unanimously voted to recommend the City Council allow such sales on a minimum one-year trial basis.

On August 26, 2014 the City Council considered the Harbor Advisory Board's recommendation and voted unanimously to allow the use, with the caveat the Harbor Advisory Board would revisit the issue in one year for review and recommendations to Council.

### DISCUSSION

One year has passed and the Harbor Department is unaware of any commercial fishermen to have taken advantage of the public dock off-the-boat fish sales allowance. Staff believe, however, the allowance is still relevant and has potential value, and continues to support it under the conditions originally envisioned, and believe it should be made permanent via inclusion in the Harbor Department Rules and Regulations document update currently underway.

### CONCLUSION

If recommended for support by the Harbor Advisory Board, it would be staff's intention to carry that recommendation forward to the City Council, and to additionally work with the commercial fishing fleet and associated organizations to better establish and market off-the-boat sales in Morro Bay.

Prepared By: EE

Dept. Review: EE