



CITY OF MORRO BAY HARBOR ADVISORY BOARD NOTICE OF SPECIAL MEETING

*The City of Morro Bay provides essential public services and infrastructure
to maintain a safe, clean and healthy place for residents and visitors to live, work and play.*

A G E N D A

**Meeting - Thursday, January 11, 2018
Veteran's Memorial Building - 6:30 P.M.
209 Surf Street, Morro Bay, CA**

Ron Reisner, Chair	Member at Large
Lynn Meissen, Vice-Chair	Member at Large
Gene Doughty	South Bay/Los Osos
Bill Luffee	Marine Oriented Business
Neal Maloney	Waterfront Leaseholders
Dana McClish	Recreational Boating
Jeremiah O'Brien	Morro Bay Commercial Fishermen's Organization
Peter Griffin	Alternate to Jeremiah O'Brien (MBCFO)
Owen Hackleman	Alternate to Jeremiah O'Brien (MBCFO)

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

CHAIR, ADVISORY BOARD MEMBER & LIAISON 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 the Special Harbor Advisory Board meeting held on November 16, 2017.
Staff Recommendation: Approve minutes.

B. REPORTS AND APPEARANCES

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

C. BUSINESS ITEMS

- C-1 Update from Staff and the Marine Services Facility/Boatyard Ad-Hoc Committee on Committee's and Staff's Recent Activities
Staff Recommendation: Receive and file.
- C-2 Update from the Finance & Budget Ad-Hoc Committee on Committee's Recent Activities, and Board Input and Recommendation of Harbor Department Capital Projects Spreadsheets
Staff Recommendation: Receive committee report, and provide staff and committee input on capital project prioritization and budgeting.
- C-3 Update from the Eelgrass Ad-Hoc Committee on Committee's Recent Activities.
Staff Recommendation: Receive and file.
- C-4 Update from the Marine Sanctuary Ad-Hoc Committee on Committee's Recent Activities
Staff Recommendation: Receive and file.
- C-5 Update from the Working Waterfront Ad-Hoc Committee on Committee's Recent Activities, and Support of H.R. 1176, the "Keep America's Waterfronts Working Act"
Staff Recommendation: Receive committee report, and consider going on record in support of H.R. 1176, the "Keep America's Waterfronts Working Act."

D. DECLARATION OF FUTURE AGENDA ITEMS

Pending items previously declared:
Goals and Objectives – Working Waterfront Designation
Measure D
Explore Benefits of Becoming a Harbor or Port District
BOEM Update
Update from the MBCQF – tentatively scheduled for February 2018
Business Improvement District

E. ADJOURNMENT

DATED: January 4, 2018


Lynn Meissen, Vice-Chair

MINUTES-MORRO BAY HARBOR ADVISORY BOARD
SPECIAL MEETING – November 16, 2017
COMMUNITY CENTER - 5:30 P.M.

AGENDA NO: A-1

MEETING DATE: January 11, 2017

PRESENT: Ron Reisner HAB Chair
Lynn Meissen HAB Vice-Chair
Bill Luffee HAB Member
Dana McClish HAB Member
Gene Doughty HAB Member

ABSENT: Neal Maloney HAB Member
MBCFO Rep HAB Member

LIAISON: Matt Makowetski Council Member

STAFF: Eric Endersby Harbor Director

The Board and Staff facilitated an open community forum to provide information and receive community input on the following:

SPECIAL MEETING AGENDA ITEM:

COMMUNITY FORUM- EDUCATE THE PUBLIC ON ACTIVITIES OCCURRING IN THE BACK BAY WATERS OF MORRO BAY

<https://youtu.be/Eb1OHTUAW6I?t=4s>

Presenters were:

Kevin Hare, California Department of Fish & Wildlife (CDFW) Warden

Taylor Dericco, CDFW Warden

Tony Foster, Rock Kayak

Cara O'Brien, California State Parks

George Trevelayn, Grassy Bar Oyster Company

Lexie Bell, National Estuary Program

Dianna Kramer, Marine Mammal Center

Kimberly Perez, Pacific Wildlife Care

Eric Endersby, Harbor Director

Public Comment:

<https://youtu.be/Eb1OHTUAW6I?t=1h53m11s>

Mandy Davis, naturalist and back bay tour guide, clarified the Marine Protected Areas (MPAs) contact agency and boundary lines. In addition, Ms. Davis believes the City needs to educate the public to treat the wildlife appropriately in the Back Bay.

Bill Martony, Morro Bay resident, thanked the Board for having the forum and requested CDFW to clarify the take of marine life in the MPAs.

Kevin Hare explained the take regulations for the Morro Bay MPAs.

E. ADJOURNMENT

This meeting was adjourned at 7:50 PM.

Recorded by,

Eric Endersby
Harbor Director



AGENDA NO: B-1

MEETING DATE: January 11, 2018

Staff Report

TO: Harbor Advisory Board

DATE: January 3, 2017

FROM: Eric Endersby, Harbor Director

SUBJECT: Harbor Department Status Report

RECOMMENDATION

Receive and file.

DISCUSSION

Recent Department Activity:

Harbor Patrol statistics for the month of December 2017 to date were 11 emergency responses and 111 calls for service, 31 assists of other agencies, 32 enforcement contacts, 4 weather warnings and 2 hazardous bars posted.

December 2, Harbor Patrol (HP) received a call regarding fishermen on southwest side of the Rock at the North Jetty. Officers made contact with 3 fishermen - 2 of which were 50 ft. up the Rock above the water in a hazardous position. Fishermen were escorted down and reprimanded by State Parks, Morro Bay PD, and Harbor Patrol, then released.

December 10, HP assisted MB Coast Guard with a DIW vessel tow to the Morro Bay launch ramp.

December 13, Luxury yacht Butterfly stop in Morro Bay for an overnight stay.

December 24, unfortunately another drone was recovered from being stuck on the Rock by HP and the Morro Bay Fire Department.

December 30, HP assisted Morro Bay PD with a landlord/tenant dispute on the Embarcadero. According to the landlord two vessels on her dock where moored there without permission and she was going to cut them loose. The owner of the vessels was asked to move them off the dock. Both boats were relocated without incident.

December 31, HP received a call of an overturned SUP near the seal lion dock. On arrival one adult female was on shore with the other still on her SUP. Female paddlers was taken back to the SUP rental shop.

Recent City Council Activity:

At the regular December 12 City Council meeting, Council approved adoption of Resolution 67-17 approving an amendment to the new lease agreement between the City of Morro Bay and Boatyard LLC for lease site 89/89W, located at 845 Embarcadero, and commonly known as The Boatyard,

Prepared By: LS

Dept Review: EE

City Manager Review: _____

City Attorney Review: _____

and approving a new master lease agreement between the City of Morro Bay and Boatyard LLC for lease site 90/90w, located at 885 Embarcadero, and commonly known as Otter Rock Café.

Also on December 12, the status and evaluation of the “Conditional Consent of Landowner Agreement” performance pertaining to the request for proposals award on lease site 87-88/87W-88W (formerly Off the Hook restaurant at 833 Embarcadero) to TLC Family Enterprises was reviewed, with Council direction to continue working with TLC on the complete redevelopment of that site in ~two years.

On January 10th the City’s advisory body interviews are slated to take place to fill seat vacancies and for those seats up for reappointment, however, information will not be available prior to this agenda being posted.

Fishing Front:

Commercial and recreational Dungeness crab seasons are open, while recreational rockfish season closed December 31.

Launch Ramp: The Annual calendar year launch ramp parking passes are on sale now for \$110.00, available for purchase at the Harbor Office.

Polar Bear Dip: January 1, 2018 at the Cayucos Pier, The Morro Bay Harbor Department provided water safety personal along with help from MB Fire, Cal Fire, Cayucos Fire, North County Ocean Rescue, and San Luis Ambulance.

Upcoming Events:

January 12-15, 2018, Morro Bay Winter Bird Festival
<http://morrobaybirdfestival.org/>

Status of Pending HAB Recommendations:

	HAB Recommendation	Date	Status
1	Staff draft letter to Council encouraging the City to pursue negotiating with State Parks the City assume both marina and café concessions.	5/7/15	Staff’s last contact with Parks indicated no Parks interest in giving up the café concession. Since that time, all of Parks’ key personnel on the SPM have either retired or positions turned over. Staff’s current thinking is we’re at a “start-over” point with Parks to begin talks anew, and are acting accordingly before taking anything back to the Council. 11/1/17. Staff have reached out to Parks to renew discussions. 12/20/17. Spoke with office of Director for State Parks; tentative meeting set for week of January 8-12.
2	Staff provide Council with modified sections of MBMC 15.24 (harbor sanitation) and develop environmental BMP’s.	7/22/15	Staff have incorporated this BMP effort into the ongoing Rules & Regs/MBMC updating project. 11/1/17. Work ongoing; tentatively scheduled to come to HAB Feb or March 2018.

3	Council direct staff to engage consultancy relative to obtaining regulatory approval for cost-effective ocean disposal of SPM dredge material, and/or determine the practical and economic feasibility of using same as landfill.	1/7/16	Staff did engage consultancy and the Corps to investigate regulatory permit approval of SPM material disposal in the Nearshore Disposal area. With consultant cost estimate to <i>attempt</i> this approval of \$178,000, and no guarantee of success, staff ceased pursuing. In discussions with the EPA, permitting success seemed not likely. City also seeking (along with CMANC) regulatory relief of the "80-20" dredge material disposal rule, which could change the playing field.
4	City Council to approve issuance of the final draft Marine Services Facility/Boatyard Request for Qualifications document.	2/2/17	<p>2/14/17. Council approved the release of a Request for Qualifications (RFQ) document as proposed. RFQ is out, and responses due July 14, 2017.</p> <p>7/27/17. No responses to RFQ.</p> <p>8/3/17. HAB meeting to consider next steps.</p> <p>11/3/17. Put together a RFP for a financial feasibility study to go to Council for approval.</p> <p>12/1/17. Draft proposal in process for HAB review 2/2018.</p> <p>12/18/17. Tentatively on Council agenda for 1/23/18 to lay out scope of work and get authorization for a financial feasibility study.</p>
5	City Council to involve the Harbor Advisory Board directly in the consideration and incorporation of Measure D into the General Plan and Local Coastal Plan update.	3/2/17	<p>Tentatively on the July 11, 2017 City Council Agenda for consideration regarding Harbor Advisory Board Request to Resolve Ambiguities regarding Measure D / Working Waterfront (HD).</p> <p>7/27/17. City Council on 7/11/17 authorized PC subcommittee to jointly work with HAB ad-hoc committee on Measure D ambiguities and Working Waterfront policy language for consideration of incorporation into GP/LCP update process.</p> <p>9/1/17. First joint HAB/PC subcommittee meeting to consider Measure D and Working Waterfronts scheduled for September 8, 2017, at the Community Center Studio room from 3:00-5:00 pm.</p> <p>9/8/17. First joint subcommittee meeting held. General discussion and public input. Second meeting TBD, likely late October or early November.</p> <p>12/18/17. PC/HAB Joint meeting on 1/11/18.</p>

6	City to use a consultant to update the cost allocation plan, if feasible, if not, then direct staff to do an internal check.	6/1/17	<p>Approved Council Goal Objective Work Plan Item – Internal “gut check” Goal 1(e).</p> <p>11/2/17. On HAB agenda for process consideration. Staff/Committee analysis review calendar 2017. To new Finance Director January 2018. Consideration of findings into development of FY 18/19 budget.</p>
7	City to share TOT, sales tax and possessory interest revenue that is collected in the Harbor fund and used for Harbor Capitol maintenance and improvements.	6/1/17	<p>Pending until a new Finance Director and City Manager are in place.</p> <p>10/30/17. Per the SLC it is normal for these taxes to go into the City’s General municipal funds.</p>
8	City Council to include proposed eelgrass language into General Plan/Local Coastal Plan updates.	6/7/17	<p>7/28/17. Consultant Anchor QEA is developing a proposal to review existing information and documentation, research typical projects that have eelgrass issues, interview NEP personnel, and meet with Eelgrass Ad-Hoc committee members to discuss Newport Beach management plan.</p> <p>11/1/17. Staff engaged with Anchor on eelgrass proposal.</p> <p>12/1/17. Update to HAB on 12/7/17 on revised consultant contract scope of work.</p> <p>12/18/17. Draft eelgrass consultant agreement submitted to legal for review and approval.</p>
9	City Council to review the proposed outline for the eelgrass policy to decide if the elements are appropriate.	6/1/17	See above.
10	Incorporate Working Waterfront land area and uses into General Plan/Local Coastal Plan updates.	6/1/17	<p>Tentatively on the July 11, 2017 City Council agenda for consideration with Measure D recommendation above.</p> <p>7/27/17. City Council on 7/11/17 authorized PC subcommittee to jointly work with HAB ad-hoc committee on Measure D ambiguities and Working Waterfront policy language for consideration of incorporation into GP/LCP update process.</p> <p>9/1/17. First joint HAB/PC subcommittee meeting to consider Measure D and Working Waterfronts scheduled for September 8, 2017, at the Community Center Studio room from 3:00-5:00 pm.</p> <p>9/8/17. First joint subcommittee meeting held. General discussion and public input. Second meeting TBD, likely late October or early</p>

			<p>November.</p> <p>12/18/17. PC/HAB Joint meeting on 1/11/18.</p>
11	<p>In General Plan/Local Coastal Plan updates, consideration be given to a list of uses provided, and that the Measure D area and its uses be incorporated into Morro Bay's Working Waterfront.</p>	6/1/17	<p>Tentatively on the July 11, 2017 City Council agenda for consideration with Measure D recommendation above.</p> <p>7/27/17. City Council on 7/11/17 authorized PC subcommittee to jointly work with HAB ad-hoc committee on Measure D ambiguities and Working Waterfront policy language for consideration of incorporation into GP/LCP update process.</p> <p>9/1/17. First joint HAB/PC subcommittee meeting to consider Measure D and Working Waterfronts scheduled for September 8, 2017, at the Community Center Studio room from 3:00-5:00 pm.</p> <p>9/8/17. First joint subcommittee meeting held. General discussion and public input. Second meeting TBD, likely late October or early November.</p> <p>12/18/17. PC/HAB Joint meeting on 1/11/18.</p>
12	<p>Paid parking be established on and around the Embarcadero, and recommended list of issues to be addressed when considering establishment of same.</p>	7/6/17	<p>July 18, 2017 letter from HAB Chairman provided to Planning Commission and copied to City Council, Public Works Advisory Board and Community Development Director with HAB's recommendations.</p> <p>10/9/17. Once CD Director gets additional input from PC, it will be brought to Council to obtain direction on parking initiatives. PC to the lead on policy development.</p> <p>11/7/17. Discussed at the Planning Commission Meeting.</p> <p>12/1/17. Per CD Director also discussed with PWAB and tentatively going to Council in Jan or Feb 2018 for direction.</p> <p>12/19/17. Per CD Director PC and Council will be provided with HABs recommendations.</p>



AGENDA NO: C-1

MEETING DATE: January 11, 2018

Staff Report

TO: Harbor Advisory Board

DATE: December 19, 2017

FROM: Eric Endersby, Harbor Director

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

City Manager Review: _____

City Attorney Review: _____



AGENDA NO: C-2

MEETING DATE: January 11, 2018

Staff Report

TO: Harbor Advisory Board

DATE: December 21, 2017

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Finance & Budget Ad-Hoc Committee on Committee's Recent Activities, and Board Input and Recommendation of Harbor Department Capital Projects Spreadsheets

RECOMMENDATION

Receive committee report, and provide staff and committee input on capital project prioritization and budgeting.

BACKGROUND

On December 21, 2017, the Finance & Budget Ad-Hoc Committee met and reviewed the Harbor Department's current Capital projects/equipment spreadsheets, with the intent to make recommendations to the Harbor Advisory Board as a whole as to prioritization and budgeting.

As a reminder, review of Capital Projects/Equipment and input into capital budget planning is a work program element of the Harbor Advisory Board's Council goal list.

DISCUSSION

The department's Capital projects spreadsheets are included with this staff report as Attachment 1. Staff and Committee prioritization of the various items are now included on the spreadsheets. Prioritization was *not* done with any regard to funding available, rather, it was done purely on a needs/condition basis.

Staff is seeking Board input on the various items, and concurrence with the prioritization indicated. These priorities will be brought into the FY 18/19 budgeting process this spring, and projects funded on a funds-available basis.

ATTACHMENT

1. Harbor Department 10-Year Capital Replacement, Major Maintenance and Equipment spreadsheets.

Prepared By: EE

Dept Review: EE

City Manager Review: _____

City Attorney Review: _____

**CITY OF MORRO BAY - HARBOR DEPT.
SCHEDULE OF 10-YEAR CAPITAL EQUIPMENT REQ'MTS
AS OF THE 2017/18 FISCAL YEAR**

DESCRIPTION	YEAR ACQUIRED OR PLACED IN SERVICE	LIFE IN YEARS	Priority ⁵	\$ Approved	FISCAL YEAR REQUIREMENTS ^{1,2,3,4}				NOTES
					2017/18	2018/19	2019/20	2020/21 +	
Harbor									
VEHICLES - REPLACEMENT (see Note 3):									
Truck, 2013 Ford F150 Pickup	09/01/13	10	3		\$ 5,700	\$ 5,700	\$ 5,700	\$ 5,700	2023, \$40k replacement 2023.
Truck, 2006 Ford Ranger Pickup	10/01/06	15	2		\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$20k replacement 2021.
Vehicle, 2006 Ford Escape 4x4 Hybrid	10/16/06	~15	2						
Truck, 2013 Ford F250 Pickup	07/01/13	10	3		\$ 5,700	\$ 5,700	\$ 5,700	\$ 5,700	\$40k replacement 2023.
Truck, 2010 Ford F350 Flatbed	02/01/10	20	4		\$ 3,800	\$ 3,800	\$ 3,800	\$ 3,800	\$50k replacement 2030.
VESSELS - MAINT. & REPAIR - Major (see Note 3):									
Boat, Rescue #64	03/01/14		2		\$ 8,300	\$ 8,300	\$ 8,300	\$ 8,300	\$25k refit at 5-year mark.
Boat, Rescue #68	06/30/84		n/a				Retire		Standard maint. & repair for ~two more years service.
Boat, Rescue #66	01/01/95		1		\$ 10,000		Retire		Major maint. & repair for ~two more years service.
VESSELS - REPLACEMENT:									
Boat, Rescue #64	03/01/14	30	5		\$ 14,300	\$ 14,300	\$ 14,300	\$ 14,300	\$400k replacement 2044.
Boat, Rescue #68	06/30/84	30	1		\$ 100,000	\$ 200,000	Retire		\$300k replacement 2018/19, seek partial grant funding.
Boat, Rescue #66	01/01/95	20	n/a					Retire	Not to be replaced; going to a two dual-engine vessel fleet.
Honda Personal Watercraft 1	08/01/12	5 to 7	2			\$ 12,000			Replace w/grant funding.
Honda Personal Watercraft 2	08/01/12	5 to 7	2			\$ 12,000			Replace w/grant funding.
EQUIPMENT - MAINT. & REPAIR - Major (see Note 3):									
Parking Kiosk at Launch Ramp	05/01/10		3						
Sandspit Emergency Telephone	08/21/03		n/a						Phone controller recently replaced.
Tidelands Vessel Sewage Pumpout	01/01/11		2		\$ 3,000				Rebuild pump at 5-year mark, grant funding secured.
EQUIPMENT - REPLACEMENT:									
Parking Kiosk at Launch Ramp	05/01/10	Indef.	5						
Sandspit Emergency Telephone	08/21/03	15	1		\$ 7,500	\$ 7,500			\$15k replacement FY2018/19 of entire unit.
Tidelands Vessel Sewage Pumpout	01/01/11	10	3				\$ 15,000		Replace 2021 w/grant funding, \$15k.
TOTAL				\$ -	\$ 162,300	\$ 273,300	\$ 41,800	\$ 56,800	
GRANT-FUNDED					\$ 3,000	\$ 24,000		\$ 15,000	

**CITY OF MORRO BAY - HARBOR DEPT.
 SCHEDULE OF 10-YEAR CAPITAL EQUIPMENT REQ'MTS
 AS OF THE 2017/18 FISCAL YEAR**

DESCRIPTION	YEAR ACQUIRED OR PLACED IN SERVICE	LIFE IN YEARS	Priority ⁵	\$ Approved	FISCAL YEAR REQUIREMENTS ^{1,2,3,4}				NOTES
					2017/18	2018/19	2019/20	2020/21 +	
<p><u>Note 1:</u> dollar figures in <i>italics</i> are earmark set-aside requirements toward a total amortized cost as-noted.</p> <p><u>Note 2:</u> dollar figures in green bold are Department budget recommendations.</p> <p><u>Note 3:</u> routine and standard maintenance and repair funded in annual Operating budget.</p> <p><u>Note 4:</u> grant-funding is listed in blue.</p> <p><u>Note 5:</u> Prioritization Categories 1 - Has reached or exceeded its useful life. 2 - End of useful life in 2-3 years. 3 - End of useful life in 4-6 years. 4 - End of useful life in 7-10 years. 5 - End of useful life is beyond 10 years.</p>									

CITY OF MORRO BAY - HARBOR DEPT.
SCHEDULE OF 10-YEAR CAPITAL MAJOR MAINTENANCE REQ'MTS
AS OF THE 2017/18 FISCAL YEAR

DESCRIPTION	YEAR ACQUIRED OR PLACED IN SERVICE	LIFE IN YEARS	Priority ²	\$ Approved	FISCAL YEAR REQUIREMENTS ¹				NOTES
					2017/18	2018/19	2019/20	2020/21 +	
Harbor									
BUILDINGS:									
Harbor Maint. Bldg, Front St. (Oil Yard)	01/01/15	25	3						
Harbor Maint/Storage Bldg. (Gear Storage)	01/01/93	30	2						Leased to Coast Guard.
Harbor Maint/Storage Bldg. (Boat Shed)	01/01/93	30	2						Budgeted for elec & restroom improvements; replace roof instead?
Harbor Office	06/01/64	40	n/a		(Replace)				Depending on Coast Guard building project.
FACILITIES:									
North T-Pier	06/01/64	Indef.	1		\$ 200,000	\$ 200,000			\$400k major maint/repair phase 2 FY18/19.
North T-Pier HP Slips	06/01/93	30+	3						
Ice Machine	06/01/07	30+ ?	1	\$ 10,000		\$ 15,000	\$ 15,000	\$ 15,000	Annual maintenance requirements. \$40k Cable grant acquired to supplement City funding.
South T-Pier	06/30/92	Indef.	1	\$ 55,000		\$ 75,000			Major maint/repair identified in 2016 structural inspection.
Beach Street Slips - North	01/01/83	30	n/a		(Replace)				
Beach Street Slips - South	06/01/80	30	n/a		(Replace)				
Dune Street Slips	01/01/95	30	1		\$ 15,000				General major maintenance/repair requirements.
Anchor Memorial Park Pier	01/01/85	Ind.	3A						Major maint/repair completed 2013.
Floating Dock	?	25-30	n/a						Sea lion dock.
Harbor Street End Dock (Galley Rest.)	?	25	n/a		\$ 20,000				
Harbor Street End Pier		Indef.	1A		\$ 5,000				Pier structural inspection.
MBB Street End Dock (Rose's)	?	25	n/a		\$ 20,000				
MBB Street End Pier		Indef.	1A						
Marina Street End Pier (Marina Square)	?	Indef.	1A		\$ 5,000				Pier structural inspection.
Mariner Park Dock (Estero Inn)	?	25	n/a		\$ 5,000				Pier structural inspection.
Mariner Park Pier		Indef.	1A		\$ 5,000				Pier structural inspection.
Tidelands Park Side Tie Dock	06/01/97	30	2						
Tidelands Park Fish Cleaning Station			1						Enclose station, dumpster.
Launch Ramp Slips North	06/01/95	30	1		\$ 15,000				General major maintenance/repair requirements.
Launch Ramp Slips South	~01/01/00	25	1		\$ 5,000				General maintenance and repair requirements. Slips given a substantial renovation in ~2000.
Boat Launch Boarding Floats (N & S) & L/R Facility	01/01/93	20	1	\$ 250,000	\$ 1,900,000				Complete upgrade to entire L/R facility including concrete ramp, floats, parking lot, restroom, fish cleaning station. 100% DBW grant funds applied for; \$250k approved in FY 16/17. Remainder in follow-on years.

**CITY OF MORRO BAY - HARBOR DEPT.
 SCHEDULE OF 10-YEAR CAPITAL MAJOR MAINTENANCE REQ'MTS
 AS OF THE 2017/18 FISCAL YEAR**

DESCRIPTION	YEAR ACQUIRED OR PLACED IN SERVICE	LIFE IN YEARS	Priority ²	FISCAL YEAR REQUIREMENTS ¹					NOTES
				\$ Approved	2017/18	2018/19	2019/20	2020/21 +	
TOTALS				\$ 315,000	\$ 2,195,000	\$ 290,000	\$ 15,000	\$ 15,000	

Note 1: dollar figures in **green bold** are Department budget recommendations..

Note 2: Prioritization Categories
 1 - Requires immediate attention.

CITY OF MORRO BAY - HARBOR DEPT.
SCHEDULE OF 10-YEAR CAPITAL REPLACEMENT REQ'MTS
AS OF THE 2017/18 FISCAL YEAR

DESCRIPTION	YEAR ACQUIRED OR PLACED IN SERVICE	LIFE IN YEARS ³	Priority ⁵	\$ Approved	FISCAL YEAR FOR REQUIREMENTS ^{1,2}				NOTES ⁴
					2017/18	2018/19	2019/20	2020/21 +	
Harbor									
BUILDINGS:									
Harbor Maint. Bldg, Front St. (Oil Yard)	01/01/15	25	5		\$ 2,100	\$ 2,100	\$ 2,100	\$ 2,100	\$50k replacement 2040.
Harbor Maint/Storage Bldg. (Gear Storage)	01/01/93	30	4						Leased to Coast Guard.
Harbor Maint/Storage Bldg. (Boat Shed)	01/01/93	30	4						
Harbor Office	06/01/64	40	1	\$ 315,000	\$ 400,000	\$ 400,000			\$1.1M replacement FY17/18-18/19 if Coast Guard building project moves forward w/\$315k seed money to City. ~\$800k loan payments for construction proposed to be built into new CG lease.
FACILITIES:									
North T-Pier	06/01/64	Indef.	2A						Not to be replaced; ~20-year major maintenance cycles.
North T-Pier HP Slips	06/01/93	30+	4		\$ 39,000	\$ 39,000	\$ 39,000	\$ 39,000	\$350k replacement 2025, \$39k/year.
Ice Machine	06/01/07	30+ ?	5						
South T-Pier	06/30/92	Indef.	5A						Not to be replaced; ~20-year major maintenance cycles.
Beach Street Slips - North	01/01/83	30	1	\$ 340,000					Est. for complete replacement. Const. contracting u/w.
Beach Street Slips - South	06/01/80	30	1	\$ 225,000					Est. for complete replacement. Const. contracting u/w.
Dune Street Slips	01/01/95	30	4		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$450k replacement 2025, \$50k/year.
Anchor Memorial Park Pier	01/01/85	Indef.	1A						
Floating Dock	?	25-30	1						Sea lion dock.
Harbor Street End Dock (Galley Rest.)	?	25	2		\$ 4,375	\$ 4,375			\$20k dock, \$15k gangway repl. w/75% grant funding.
Harbor Street End Pier		Indef.	1A						
MBB Street End Dock (Rose's)	?	25	2		\$ 4,375	\$ 4,375			\$20k dock, \$15k gangway repl. w/75% grant funding.
MBB Street End Pier		Indef.	1A						
Marina Street End Pier (Marina Square)	?	Indef.	1A						
Mariner Park Dock (Estero Inn)	?	25	2		\$ 2,500	\$ 2,500			Dock repl. w/75% grant funding (\$20k dock cost).
Mariner Park Pier		Indef.	1A						
Tidelands Park Side Tie Dock	06/01/97	25	2		\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$180k replacement 2022, \$30k/year.
Launch Ramp Slips North	06/01/95	30	3		\$ 47,000	\$ 47,000	\$ 47,000	\$ 47,000	\$420k replacement 2025, \$47k/year.
Launch Ramp Slips South	~01/01/00	25	3		24,000	\$ 24,000	\$ 24,000	\$ 24,000	\$220k replacement 2025, \$24k/year. Slips renovated ~2000.
Launch Ramp Boarding Floats			1	\$ 250,000					Currently grant-funded for planning and permitting.
Launch Ramp Concrete Ramp			1						Currently grant-funded for planning and permitting.
TOTALS				\$ 1,130,000	\$ 603,350	\$ 603,350	\$ 192,100	\$ 192,100	



AGENDA NO: C-3

MEETING DATE: January 11, 2018

Staff Report

TO: Harbor Advisory Board

DATE: December 19, 2017

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Eelgrass Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file.

DISCUSSION

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

In addition, the Harbor Director has worked with environmental consultant Anchor QEA on a revised scope of work for the Morro Bay eelgrass policy/mitigation project. The revised scope includes:

1. Work with City staff to understand the specific needs of the City by looking at typical projects in Morro Bay impacted by the presence of eelgrass.
2. Present to the Harbor Advisory Board (HAB) the essential elements of the California Eelgrass Mitigation Policy (CEMP) and details of the Newport Beach Eelgrass Plan and Humboldt Bay Eelgrass Comprehensive Management Plan from a lessons-learned standpoint that may be applicable to Morro Bay, and take input from the HAB and public.
3. Based on their experience with the CEMP and Newport Beach plan, and including input from the City, ad-hoc committee and HAB, prepare a memorandum outlining a potential framework (i.e. critical path) for a Morro Bay eelgrass comprehensive management plan that could balance commercial development and use with management of natural resources.

This consultancy will be on a time and materials basis, not to exceed \$5,000.

Prepared By: EE

Dept Review: EE

City Manager Review: _____

City Attorney Review: _____



AGENDA NO: C-4

MEETING DATE: January 11, 2018

Staff Report

TO: Harbor Advisory Board

DATE: December 19, 2017

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Marine Sanctuary Ad-Hoc Committee on Committee's Recent Activities

RECOMMENDATION

Receive and file.

DISCUSSION

The Marine Sanctuary 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

City Manager Review: _____

City Attorney Review: _____



AGENDA NO: C-5

MEETING DATE: January 11, 2018

Staff Report

TO: Harbor Advisory Board **DATE:** December 21, 2017

FROM: Eric Endersby, Harbor Director

SUBJECT: Update from the Working Waterfront Ad-Hoc Committee on Committee's Recent Activities, and Support of H.R. 1176, the "Keep America's Waterfronts Working Act"

RECOMMENDATION

Receive committee report, and consider going on record in support of H.R. 1176, the "Keep America's Waterfronts Working Act."

BACKGROUND

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

H.R. 1176 was introduced by Congresswoman Chellie Pingree of Maine's 1st District. Recognizing water-dependent commercial activities are an important economic and cultural center of many coastal communities that depend on coastal access and infrastructure, and that coastal property values are constantly rising and pressure to develop them for other than traditional commercial uses is also rising, H.R. 1176 was authored to preserve and protect coastal access for commercial activities by way of establishment of a task force to identify critical needs, and grant funding to help enable those needs.

Co-sponsors of the bill include Congressman Wittman (VA), Congressman Keating (MA) and Congresswoman Bordallo (Guam-at large). The bill amends the Coastal Zone Management Act of 1972 to direct the National Oceanic and Atmospheric Administration (NOAA) to establish a Working Waterfront Grant Program. Under this program, NOAA would award grants to coastal states with approved working waterfront plans in place to preserve and expand access to coastal waters for people engaged in fishing, aquaculture, boat building and other water-dependent businesses. These grants would be available by allocation to local governments, agencies or non-governmental organizations. A copy of H.R. 1176, as of the date of this agenda publication, is included with this staff report as Attachment 1.

DISCUSSION & CONCLUSION:

Although this potential grant funding would be available to eligible states, there is provision for allocation to local entities such as the City of Morro Bay. Morro Bay's "working waterfront" is at the heart of this community's identity, and that we are currently undertaking a complete overhaul of our General Plan and Local Coastal Plan that will likely include some element or elements of "working

Prepared By: EE

Dept Review: EE

City Manager Review: _____

City Attorney Review: _____

waterfronts,” it could behoove the City to support this bill as it could be a potential future funding source for land acquisition and/or improvements such as wharves, boat ramps, slips and storage facilities, boatyards and haul-out facilities, commercial fishing facilities, recreational fishing facilities and other coastal access commercial infrastructure.

As such, staff recommend the Harbor Advisory Board consider going on record in support of H.R. 1176, the “Keep America’s Waterfronts Working Act,” which could enable possible future grant funding for various Morro Bay “working waterfront” endeavors and initiatives.

The City Council is slated to consider supporting the bill at its January 9, 2018 meeting.

ATTACHMENT

1. U.S. Congressional Bill H.R. 1176.

115TH CONGRESS
1ST SESSION

H. R. 1176

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Ms. PINGREE (for herself and Mr. WITTMAN) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To amend the Coastal Zone Management Act of 1972 to establish a Working Waterfront Task Force and a working waterfronts grant program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keep America’s Water-
5 fronts Working Act”.

6 **SEC. 2. WORKING WATERFRONTS GRANT PROGRAM.**

7 The Coastal Zone Management Act of 1972 (16
8 U.S.C. 1451 et seq.) is amended by adding at the end
9 the following:

1 **“SEC. 320. WORKING WATERFRONTS GRANT PROGRAM.**

2 “(a) FINDINGS AND PURPOSE.—The Congress finds
3 the following:

4 “(1) FINDINGS.—

5 “(A) Water-dependent commercial activi-
6 ties are the economic and cultural heart of
7 many coastal communities. These activities in-
8 clude commercial fishing, recreational fishing
9 businesses, tourism, aquaculture, boatbuilding,
10 transportation, and many other water-depend-
11 ent businesses.

12 “(B) Water-dependent commercial activi-
13 ties depend on coastal access in the form of—

14 “(i) docks, wharfs, boat lifts, wet and
15 dry marinas, and boat ramps;

16 “(ii) boat hauling, repair, and con-
17 struction facilities;

18 “(iii) commercial fishing facilities; and

19 “(iv) other support structures on,
20 over, or adjacent to navigable bodies of
21 water.

22 “(C) The coastal zone of the United States
23 is experiencing rising property values and taxes,
24 and related development pressure, as more peo-
25 ple move to the coastal zone and as coastal

1 areas experience a demographic shift favoring
2 wealthier individuals.

3 “(D) Privately owned access areas for
4 water-dependent commercial activity in many
5 States are under increasing threat from private
6 residential development and other conversion.

7 “(E) Loss of access for water-dependent
8 commercial activity would have economically
9 and culturally devastating consequences for
10 many coastal communities.

11 “(2) PURPOSE.—The purpose of this section is
12 to preserve and protect coastal access for persons
13 engaged in water-dependent commercial activities,
14 including commercial fishing, recreational fishing
15 businesses, aquaculture, boatbuilding, or other
16 water-dependent coastal-related businesses.

17 “(b) WORKING WATERFRONT TASK FORCE.—

18 “(1) ESTABLISHMENT AND FUNCTIONS.—The
19 Secretary of the Interior shall establish a task force
20 to identify and address critical needs with respect to
21 working waterfronts.

22 “(2) MEMBERSHIP.—The members of the task
23 force shall be appointed by the Secretary of the Inte-
24 rior, and shall include—

1 “(A) experts in the unique economic, so-
2 cial, cultural, ecological, geographic, and re-
3 source concerns of working waterfronts; and

4 “(B) representatives from the National
5 Oceanic and Atmospheric Administration’s
6 Coastal Services Center, the United States Fish
7 and Wildlife Service, the Department of Agri-
8 culture, the Environmental Protection Agency,
9 the United States Geological Survey, the Navy,
10 the National Marine Fisheries Service, and such
11 other Federal agencies as the Secretary con-
12 siders appropriate.

13 “(3) FUNCTIONS.—The task force shall—

14 “(A) identify and prioritize critical needs
15 with respect to working waterfronts in States
16 that have a management program approved by
17 the Secretary of Commerce pursuant to section
18 306, in the areas of—

19 “(i) economic and cultural importance
20 of working waterfronts to communities;

21 “(ii) changing environments and
22 threats working waterfronts face from en-
23 vironment changes, trade barriers, and
24 marketplace variables; and

1 “(iii) identifying working waterfronts
2 and highlighting them within communities;

3 “(B) outline options to address such crit-
4 ical needs;

5 “(C) identify Federal agencies that are re-
6 sponsible under existing law for addressing such
7 critical needs; and

8 “(D) recommend Federal agencies best
9 suited to address any critical needs for which
10 no agency is responsible under existing law.

11 “(4) INFORMATION TO BE CONSIDERED.—In
12 identifying and prioritizing policy gaps pursuant to
13 paragraph (3), the task force shall consider the find-
14 ings and recommendations contained in section VI of
15 the report entitled ‘The Sustainable Working Water-
16 fronts Toolkit: Final Report’, dated March 2013.

17 “(5) REPORT.—Not later than 18 months after
18 the date of the enactment of this section, the task
19 force shall submit a report to Congress on its find-
20 ings.

21 “(6) IMPLEMENTATION.—The head of each
22 Federal agency identified in the report pursuant to
23 paragraph (3)(C) shall take such action as is nec-
24 essary to implement the recommendations contained

1 in the report by not later than 1 year after the date
2 of the issuance of the report.

3 “(c) WORKING WATERFRONT GRANT PROGRAM.—

4 “(1) The Secretary shall establish a Working
5 Waterfront Grant Program, in cooperation with ap-
6 propriate State, regional, and other units of govern-
7 ment, under which the Secretary may make a grant
8 to any coastal state for the purpose of implementing
9 a working waterfront plan approved by the Secretary
10 under subsection (d).

11 “(2) Subject to the availability of appropria-
12 tions, the Secretary shall award matching grants
13 under the program to coastal states with approved
14 working waterfront plans through a regionally equi-
15 table, competitive funding process in accordance
16 with the following:

17 “(A) The Governor, or the lead agency
18 designated by the Governor for coordinating the
19 implementation of this section, where appro-
20 priate in consultation with the appropriate local
21 government, shall determine that the applica-
22 tion is consistent with the State’s or territory’s
23 approved coastal zone plan, program, and poli-
24 cies prior to submittal to the Secretary.

1 “(B) In developing guidelines under this
2 section, the Secretary shall consult with coastal
3 states, other Federal agencies, and other inter-
4 ested stakeholders with expertise in working
5 waterfront planning.

6 “(C) Coastal states may allocate grants to
7 local governments, agencies, or nongovernment
8 organizations eligible for assistance under this
9 section.

10 “(3) In awarding a grant to a coastal state, the
11 Secretary shall consider—

12 “(A) the economic and cultural significance
13 of working waterfront to the coastal state;

14 “(B) the demonstrated working waterfront
15 needs of the coastal state as outlined by a
16 working waterfront plan approved for the coast-
17 al state under subsection (d), and the value of
18 the proposed project for the implementation of
19 such plan;

20 “(C) the ability to successfully leverage
21 funds among participating entities, including
22 Federal programs, regional organizations, State
23 and other government units, landowners, cor-
24 porations, or private organizations;

1 “(D) the potential for rapid turnover in
2 the ownership of working waterfront in the
3 coastal state, and where applicable the need for
4 coastal states to respond quickly when prop-
5 erties in existing or potential working water-
6 front areas or public access areas as identified
7 in the working waterfront plan submitted by
8 the coastal state come under threat or become
9 available;

10 “(E) the impact of the working waterfront
11 plan approved for the coastal state under sub-
12 section (d) on the coastal ecosystem and the
13 users of the coastal ecosystem; and

14 “(F) the extent of the historic connection
15 between working waterfronts and the local com-
16 munities within the coastal state.

17 “(4) The Secretary shall approve or reject an
18 application for such a grant within 60 days after re-
19 ceiving an application for the grant.

20 “(d) WORKING WATERFRONT PLANS.—

21 “(1) To be eligible for a grant under subsection
22 (c), a coastal state must submit and have approved
23 by the Secretary a comprehensive working water-
24 front plan in accordance with this subsection or be
25 in the process of developing such a plan and have an

1 established working waterfront program at the State
2 or local level.

3 “(2) Such plan—

4 “(A) must provide for preservation and ex-
5 pansion of access to coastal waters to persons
6 engaged in commercial fishing, recreational
7 fishing businesses, aquaculture, boatbuilding, or
8 other water-dependent, coastal-related business;

9 “(B) shall include—

10 “(i) an assessment of the economic,
11 social, cultural, and historic value of work-
12 ing waterfront to the coastal state;

13 “(ii) a description of relevant State
14 and local laws and regulations affecting
15 working waterfront in the geographic areas
16 identified in the working waterfront plan;

17 “(iii) identification of geographic
18 areas where working waterfronts are cur-
19 rently under threat of conversion to uses
20 incompatible with commercial fishing, rec-
21 reational fishing businesses, aquaculture,
22 boatbuilding, or other water-dependent,
23 coastal-related business, and the level of
24 that threat;

1 “(iv) identification of geographic areas
2 with a historic connection to working wa-
3 terfronts where working waterfronts are
4 not currently available, and, where appro-
5 priate, an assessment of the environmental
6 impacts of any expansion or new develop-
7 ment of working waterfronts on the coastal
8 ecosystem;

9 “(v) identification of other working
10 waterfront needs including improvements
11 to existing working waterfronts and work-
12 ing waterfront areas;

13 “(vi) a strategic and prioritized plan
14 for the preservation, expansion, and im-
15 provement of working waterfronts in the
16 coastal state;

17 “(vii) for areas identified under
18 clauses (iii), (iv), (v), and (vi), identifica-
19 tion of current availability and potential
20 for expansion of public access to coastal
21 waters;

22 “(viii) a description of the degree of
23 community support for such strategic plan;
24 and

1 “(ix) a contingency plan for properties
2 that revert to the coastal state pursuant to
3 determinations made by the coastal state
4 under subsection (h)(4)(C);

5 “(C) may be part of the management pro-
6 gram approved under section 306;

7 “(D) shall utilize to the maximum extent
8 practicable existing information contained in
9 relevant surveys, plans, or other strategies to
10 fulfill the information requirements under this
11 paragraph; and

12 “(E) shall incorporate the policies and reg-
13 ulations adopted by communities under local
14 working waterfront plans or strategies in exist-
15 ence prior to the date of enactment of this sec-
16 tion.

17 “(3) A working waterfront plan—

18 “(A) shall be effective for purposes of this
19 section for the 5-year period beginning on the
20 date it is approved by the Secretary;

21 “(B) must be updated and re-approved by
22 the Secretary before the end of such period; and

23 “(C) shall be complimentary to and incor-
24 porate the policies and objectives of regional or
25 local working waterfront plans as in effect be-

1 fore the date of enactment of this section or as
2 subsequently revised.

3 “(4) The Secretary may—

4 “(A) award planning grants to coastal
5 states for the purpose of developing or revising
6 comprehensive working waterfront plans; and

7 “(B) award grants consistent with the pur-
8 poses of this section to States undertaking the
9 working waterfront planning process under this
10 section, for the purpose of preserving and pro-
11 tecting working waterfronts during such pro-
12 cess.

13 “(5) Any coastal state applying for a working
14 waterfront grant under this title shall—

15 “(A) develop a working waterfront plan,
16 using a process that involves the public and
17 those with an interest in the coastal zone;

18 “(B) coordinate development and imple-
19 mentation of such a plan with other coastal
20 management programs, regulations, and activi-
21 ties of the coastal state; and

22 “(C) if the coastal state allows qualified
23 holders (other than the coastal state) to enter
24 into working waterfront covenants, provide as
25 part of the working waterfront plan under this

1 subsection a mechanism or procedure to ensure
2 that the qualified holders are complying their
3 duties to enforce the working waterfront cov-
4 enant.

5 “(e) USES, TERMS, AND CONDITIONS.—

6 “(1) Each grant made by the Secretary under
7 this section shall be subject to such terms and condi-
8 tions as may be appropriate to ensure that the grant
9 is used for purposes consistent with this section.

10 “(2) A grant under this section may be used—

11 “(A) to acquire a working waterfront, or
12 an interest in a working waterfront; or

13 “(B) to make improvements to a working
14 waterfront, including the construction or repair
15 of wharfs, boat ramps, or related facilities.

16 “(f) PUBLIC ACCESS REQUIREMENT.—A working
17 waterfront project funded by grants made under this sec-
18 tion must provide for expansion or improvement of reason-
19 able and appropriate public access to coastal waters at or
20 in the vicinity of a working waterfront, except for commer-
21 cial fishing or other industrial access points where the
22 coastal state determines that public access would be un-
23 safe.

24 “(g) LIMITATIONS.—

1 “(1) Except as provided in paragraph (2), a
2 grant awarded under this section may be used to
3 purchase working waterfront or an interest in work-
4 ing waterfront, including an easement, only from a
5 willing seller and at fair market value.

6 “(2) A grant awarded under this section may
7 be used to acquire working waterfront or an interest
8 in working waterfront at less than fair market value
9 only if the owner certifies to the Secretary that the
10 sale is being entered into willingly and without coer-
11 cion.

12 “(3) No Federal, State, or local entity may ex-
13 ercise the power of eminent domain to secure title to
14 any property or facilities in connection with a
15 project carried out under this section.

16 “(h) ALLOCATION OF GRANTS TO LOCAL GOVERN-
17 MENTS AND OTHER ENTITIES.—

18 “(1) The Secretary shall encourage coastal
19 states to broadly allocate amounts received as grants
20 under this section among working waterfronts iden-
21 tified in working waterfront plans approved under
22 subsection (d).

23 “(2) Subject to the approval of the Secretary,
24 a coastal state may, as part of an approved working
25 waterfront plan, designate as a qualified holder any

1 unit of State or local government or nongovernment
2 organization, if the coastal state is ultimately re-
3 sponsible for ensuring that the property will be man-
4 aged in a manner that is consistent with the pur-
5 poses for which the land entered into the program.

6 “(3) A coastal state or a qualified holder des-
7 igned by a coastal state may allocate to a unit of
8 local government, nongovernmental organization,
9 fishing cooperative, or other entity, a portion of any
10 grant made under this section for the purpose of
11 carrying out this section, except that such an alloca-
12 tion shall not relieve the coastal state of the respon-
13 sibility for ensuring that any funds so allocated are
14 applied in furtherance of the coastal state’s approved
15 working waterfront plan.

16 “(4) A qualified holder may hold title to or in-
17 terest in property acquired under this section, except
18 that—

19 “(A) all persons holding title to or interest
20 in working waterfront affected by a grant under
21 this section, including a qualified holder, private
22 citizen, private business, nonprofit organization,
23 fishing cooperative, or other entity, shall enter
24 into a working waterfront covenant;

1 “(B) such covenant shall be held by the
2 coastal state or a qualified holder designated
3 under paragraph (2);

4 “(C) if the coastal state determines, on the
5 record after an opportunity for a hearing, that
6 the working waterfront covenant has been vio-
7 lated—

8 “(i) all right, title, and interest in and
9 to the working waterfront covered by such
10 covenant shall, except as provided in sub-
11 paragraph (D), revert to the coastal state;
12 and

13 “(ii) the coastal state shall have the
14 right of immediate entry onto the working
15 waterfront;

16 “(D) if a coastal state makes a determina-
17 tion under subparagraph (C), the coastal state
18 may convey or authorize the qualified holder to
19 convey the working waterfront or interest in
20 working waterfront to another qualified holder;
21 and

22 “(E) nothing in this subsection waives any
23 legal requirement under any Federal or State
24 law.

25 “(i) MATCHING CONTRIBUTIONS.—

1 “(1) Except as provided in paragraph (2), the
2 Secretary shall require that each coastal state that
3 receives a grant under this section, or a qualified
4 holder designated by that coastal state under sub-
5 section (h), shall provide matching funds in an
6 amount equal to at least 25 percent of the total cost
7 of the project carried out with the grant.

8 “(2) The Secretary may waive the application
9 of paragraph (1) for any qualified holder that is an
10 underserved community, a community that has an
11 inability to draw on other sources of funding because
12 of the small population or low income of the commu-
13 nity, or for other reasons the Secretary considers ap-
14 propriate.

15 “(3) A local community designated as a quali-
16 fied holder under subsection (h) may utilize funds or
17 other in-kind contributions donated by a nongovern-
18 mental partner to satisfy the matching funds re-
19 quirement under this subsection.

20 “(4) As a condition of receipt of a grant under
21 this section, the Secretary shall require that a coast-
22 al state provide to the Secretary such assurances as
23 the Secretary determines are sufficient to dem-
24 onstrate that the share of the cost of each eligible

1 project that is not funded by the grant awarded
2 under this section has been secured.

3 “(5) If financial assistance under this section
4 represents only a portion of the total cost of a
5 project, funding from other Federal sources may be
6 applied to the cost of the project. Each portion shall
7 be subject to match requirements under the applica-
8 ble provision of law.

9 “(6) The Secretary shall treat as non-Federal
10 match the value of a working waterfront or interest
11 in a working waterfront, including conservation and
12 other easements, that is held in perpetuity by a
13 qualified holder, if the working waterfront or inter-
14 est is identified in the application for the grant and
15 acquired by the qualified holder within 3 years of
16 the grant award date, or within 3 years after the
17 submission of the application and before the end of
18 the grant award period. Such value shall be deter-
19 mined by an appraisal performed at such time before
20 the award of the grant as the Secretary considers
21 appropriate.

22 “(7) The Secretary shall treat as non-Federal
23 match the costs associated with acquisition of a
24 working waterfront or an interest in a working wa-
25 terfront, and the costs of restoration, enhancement,

1 or other improvement to a working waterfront, if the
2 activities are identified in the project application and
3 the costs are incurred within the period of the grant
4 award, or, for working waterfront described in para-
5 graph (6), within the same time limits described in
6 that paragraph. These costs may include either cash
7 or in-kind contributions.

8 “(j) LIMIT ON ADMINISTRATIVE COSTS.—No more
9 than 5 percent of the funds made available to the Sec-
10 retary under this section may be used by the Secretary
11 for planning or administration of the program under this
12 section.

13 “(k) OTHER TECHNICAL AND FINANCIAL ASSIST-
14 ANCE.—

15 “(1) Up to 5 percent of the funds appropriated
16 under this section may be used by the Secretary for
17 purposes of providing technical assistance as de-
18 scribed in this subsection.

19 “(2) The Secretary shall—

20 “(A) provide technical assistance to coastal
21 states and local governments in identifying and
22 obtaining other sources of available Federal
23 technical and financial assistance for the devel-
24 opment and revision of a working waterfront

1 plan and the implementation of an approved
2 working waterfront plan;

3 “(B) provide technical assistance to States
4 and local governments for the development, im-
5 plementation, and revision of comprehensive
6 working waterfront plans, which may include,
7 subject to the availability of appropriations,
8 planning grants and assistance, pilot projects,
9 feasibility studies, and other projects necessary
10 to further the purposes of this section;

11 “(C) assist States in developing other tools
12 to protect working waterfronts; and

13 “(D) collect and disseminate to States
14 guidance for best storm water management
15 practices in regards to working waterfronts.

16 “(I) REPORTS.—

17 “(1) The Secretary shall—

18 “(A) develop performance measures to
19 evaluate and report on the effectiveness of the
20 program under this section in accomplishing the
21 purpose of this section; and

22 “(B) submit to Congress a biennial report
23 that includes such evaluations, an account of all
24 expenditures, and descriptions of all projects

1 carried out using grants awarded under this
2 section.

3 “(2) The Secretary may submit the biennial re-
4 port under paragraph (1)(B) by including it in the
5 biennial report required under section 316.

6 “(m) DEFINITIONS.—In this section:

7 “(1) The term ‘qualified holder’ means a coast-
8 al state or a unit of local or coastal state govern-
9 ment or a non-State organization designated by a
10 coastal state under subsection (h).

11 “(2) The term ‘Secretary’ means the Secretary,
12 acting through the National Oceanic and Atmos-
13 pheric Administration.

14 “(3) The term ‘working waterfront’ means real
15 property (including support structures over water
16 and other facilities) that provides access to coastal
17 waters to persons engaged in commercial fishing,
18 recreational fishing businesses, boatbuilding, aqua-
19 culture, or other water-dependent, coastal-related
20 business and is used for, or that supports, commer-
21 cial fishing, recreational fishing businesses, boat-
22 building, aquaculture, or other water-dependent,
23 coastal-related business.

24 “(4) The term ‘working waterfront covenant’
25 means an agreement in recordable form between the

1 owner of working waterfront and one or more quali-
2 fied holders, that provides such assurances as the
3 Secretary may require that—

4 “(A) the title to or interest in the working
5 waterfront will be held by a grant recipient or
6 qualified holder in perpetuity, except as pro-
7 vided in subparagraph (C);

8 “(B) the working waterfront will be man-
9 aged in a manner that is consistent with the
10 purposes for which the property is acquired
11 pursuant to this section, and the property will
12 not be converted to any use that is inconsistent
13 with the purpose of this section;

14 “(C) if the title to or interest in the work-
15 ing waterfront is sold or otherwise exchanged—

16 “(i) all working waterfront owners
17 and qualified holders involved in such sale
18 or exchange shall accede to such agree-
19 ment; and

20 “(ii) funds equal to the fair market
21 value of the working waterfront or interest
22 in working waterfront shall be paid to the
23 Secretary by parties to the sale or ex-
24 change, and such funds shall, at the dis-
25 cretion of the Secretary, be paid to the

1 coastal state in which the working water-
2 front is located for use in the implementa-
3 tion of the working waterfront plan of the
4 State approved by the Secretary under this
5 section; and

6 “(D) such covenant is subject to enforce-
7 ment and oversight by the coastal state or by
8 another person as determined appropriate by
9 the Secretary.”.

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