

MINUTE ITEM

This Calendar Item No. 72 was approved as
Minute Item No. 72 by the California State Lands
Commission by a vote of 3 to 0 at its
04-17-06 meeting.

**Minute Item
72**

04/17/06

CALIFORNIA STATE LANDS COMMISSION

Regular Item 72. The Commission listened to a staff report by the Executive officer and took comments from the public. The Commission approved the resolution as presented by a 3-0 vote.

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**CALENDAR ITEM
72**

04/17/06

CALIFORNIA STATE LANDS COMMISSION

Commission consideration of a resolution supporting development of alternative coatings and the prohibition of the use of copper-based paints on vessel hulls.

**CALIFORNIA STATE
LANDS COMMISSION**

CRUZ M. BUSTAMANTE, *Lieutenant Governor*
STEVE WESTLY, *Controller*
MICHAEL C. GENEST, *Director of Finance*

EXECUTIVE OFFICE
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
Voice Phone 1-800-735-2922

PROPOSED BY STAFF FOR COMMISSION MEETING OF APRIL 17, 2006**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION REGARDING
ALTERNATIVES TO COPPER-BASED ANTI-FOULING PAINTS**

WHEREAS, to prevent reduced maneuverability, increased drag and corrosion, the transport of invasive species by vessels, and decreased fuel efficiency, copper-based paints are commonly used to prevent marine organisms from becoming attached to the hulls of commercial and recreational vessels; and

WHEREAS, as of December 2005, there were 965,892 registered recreational vessels in California, of which 12-15 percent are berthed and of which 8,000 are moored in San Diego Bay; and

WHEREAS, San Diego Bay has been declared an "impaired water body" by the San Diego Regional Water Quality Control Board (Board) because of the concentration of copper in the water column that the Board found results from the passive leaching of copper from biocide/anti-fouling paints coating vessel hulls, estimated at 2½ tons annually in the Shelter Island Yacht Basin alone; and

WHEREAS, the concentration of copper in the waters of San Diego Bay is, according to the U.S. Environmental Protection Agency (U.S. EPA), four times greater than the concentration at which other marine organisms – mussels, oysters, sea urchins and scallops – suffer mortality and such concentration is nearly ten times greater than such level in Newport Bay; and

WHEREAS, similar high concentrations of copper in the water column have been found in other coastal recreational boat harbors – Marina del Ray, Newport Bay, Oceanside, Dana Point, Santa Barbara, and Morro Bay; and

WHEREAS, concern exists that the suspended copper will ultimately be incorporated into the sediments, which could necessitate a toxic cleanup of monumental proportions and cost; and

WHEREAS, the U.S. EPA and the State Water Resources Control Board funded the UC Sea Grant Extension Program during 2002-03 to study non-toxic hull paints; and

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WHEREAS, studies funded by the Sea Grant program suggest that non-toxic paints reduce some costs because they did not require reapplication as frequently as copper-based paints; but that maintenance costs were increased because the non-toxic paints did not repel hull-fouling organisms and more frequent hull scraping was required, but further study has been limited by expiration of funding; and

WHEREAS, the State Water Resources Control Board, on September 22, 2005, adopted the San Diego Water Board's proposed Total Maximum Daily Load (TMDL) of copper that would be allowed to enter the waters of the Shelter Island Yacht Basin in San Diego Bay and further resolved to work with the San Diego Water Board and all other coastal Regional Water Boards to "develop a state policy for water quality control to address water quality impairments in coastal marinas from copper-based antifouling paints" if the U.S. EPA and the State Departments of Pesticide Regulation, in conjunction, do not address this issue within two years of the above described action; and

WHEREAS, the development of effective, cost-efficient alternative hull coatings would be enhanced through, among other things, additional research and the adoption of a statewide TMDL for copper; and

WHEREAS, the environmental and boating communities of San Diego Bay are working cooperatively to address the influx of copper from passive leaching from biocide/anti-fouling hull paints into the waters of San Diego Bay, and

WHEREAS, hull-fouling organisms may be an important source of the transmission of non-indigenous invasive species into and within California waters and alternative coatings could have adverse impacts on water quality, therefore, be it

RESOLVED, by the California State Lands Commission that it recognizes and commends the ongoing efforts of the environmental, boating, regulatory and academic communities to evaluate and transition from copper-based paints to paints that are not toxic to the environment for coating vessel hulls; and be it further

RESOLVED, that the Commission urges the U.S. EPA, the State Water Resources Control Board, and the California Department of Pesticide Regulation to assign the highest priority to their efforts to determine the scope of the potential environmental impacts of copper-based paints, and to take appropriate actions, which could include, but not be limited to, a phased elimination of the use of such paints in California; and be it further

RESOLVED, that the Commission urges the California Department of Boating and Waterways (Department) to develop an outreach program to yacht brokers, other retail recreational vessel retailers, and marine supply outlets to educate them about the impacts of copper-based paints and the availability of nontoxic alternatives and encourage them to make such nontoxic paints readily available to the boating public; and be it further

RESOLVED, that the Commission further urges the Department, in conjunction with the UC Sea Grant Extension Program, to develop a brochure that would educate the boating public about the impacts of copper-based paints and the availability of non-toxic alternatives and urges the Department of Motor Vehicles to include the brochure in its mailings of recreational vessel registration materials; and be it further

RESOLVED, that the Commission urges that additional funding be provided to continue research into alternative methods to copper-based paints for the prevention of hull-fouling while considering associated impacts from invasive species introductions and to water quality; and be it further

RESOLVED, that the Commission's Executive Officer, transmit copies of this resolution to the U.S. EPA, the California Ocean Protection Council, the State Water Resources Control Board, the Department of Pesticide Regulation, the Department of Boating and Waterways, the State Department of Motor Vehicles, and the UC Sea Grant Extension Program.

ITEM 72

04-17-06

CALIFORNIA STATE LANDS COMMISSION

LETTERS OF SUPPORT/CONCERN

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Suite 204
Encinitas, CA 92024

tel 760-942-8505
fax 760-942-8515
www.coastlawgroup.com

VIA ELECTRONIC MAIL
(copperpaintres@slc.ca.gov)
April 14, 2006

Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

RE: Support for Resolution Regarding Anti-Fouling Copper Paints
Environmental Health Coalition, San Diego Coastkeeper, Surfrider Foundation

Dear Mr. Sanders:

Coast Law Group LLP represents the interests of Environmental Health Coalition, San Diego Coastkeeper and the San Diego Chapter of the Surfrider Foundation on issues pertaining to the regulation of anti-fouling copper paints. All three environmental organizations are members of the San Diego Bay Council, a coalition of San Diego environmental organizations dedicated to protection and restoration of San Diego's coastal water resources.

On behalf of these organizations, please accept this letter in support of the State Lands Commission's staff's proposed *Resolution Regarding Alternatives to Copper-Based Anti-Fouling Paints*. We urge the Commission to stand firm in the face of industry opposition to the Resolution. As we have experienced working on the issue for many years, there unfortunately remain a number of marina owners and recreational boating groups who distort the truth and use fear to generate opposition to any regulation of copper-based paints whatsoever. Given the gravity of the problem, their efforts must be rebuked.

The environmental community of San Diego has participated actively with, and endorses the work of, UC Sea Grant in studying antifouling strategies for recreational boaters. We particularly recommend review of findings contained in brochures and studies, available from their web page at: <http://seagrants.ucdavis.edu>:

- **Staying Afloat with Nontoxic Antifouling Strategies for Boats**
- **Making Dollars and Sense of Nontoxic Antifouling Strategies for Boats**
- **Transitioning to Non-Metal Antifouling Paints On Marine Recreational Boats in San Diego Bay**

Importantly, both industry and recreational boating stakeholders participated in the process by which Sea Grant reached the conclusions in its brochures and studies. That some of these same entities are now coming forward to question the credibility of the findings should be viewed with great suspicion.

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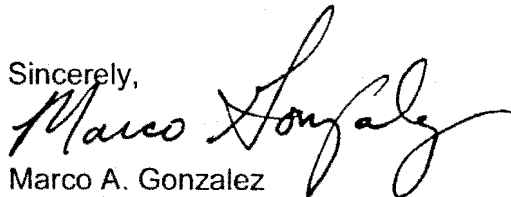
The entire San Diego Bay Council has also strongly supported efforts of the San Diego Regional Water Quality Control Board to address the dissolved copper problem in San Diego Bay. Enormous amounts of data were digested prior to passage of the Shelter Island Yacht Basin Total Maximum Daily (SIYB TMDL), including studies which conclusively noted BOTH that the primary source of dissolved copper was passive leaching from recreational boats, and that dissolved copper in the water column had a negative affect on marine life in the basin.

The draft 2006 303(d) list proposes to include all of San Diego Bay's marinas as impaired for dissolved copper, a fact which greatly undermines inferences from industry that copper is not a real problem to marine life. Particularly misleading are allegations such as those recently made regarding the ability of certain species to survive at the mouth of Shelter Island. Whether in SIYB, Marina Del Rey, or Newport Harbor, where a water body suffers from poor hydrologic circulation, pollutants will accumulate. That those opposed to the Resolution would seek to draw attention to species viability at *the mouth* of the water body (where circulation is abundant) only proves they are either deliberately distorting the facts, or they are ignorant of them. UC Sea Grant reviewed more than 30 peer-reviewed papers identifying various impacts from copper on marine organisms. The science speaks for itself.

The US EPA and California Department of Pesticide Regulation have known of the copper paint problem for some time, yet neither is working quickly enough to address the problem. With the passage of this Resolution, and hopefully a similar statement by the Ocean Protection Council, regulators and industry alike will redouble efforts to develop and implement alternatives strategies to toxic anti-fouling paints. UC Sea Grant proved it was technically feasible and cost efficient to convert given alternatives currently on the market. With a phase-out on the horizon, additional technologies and strategies will surely develop.

We would like to thank staff for its hard work on this resolution, and sincerely hope their efforts were not in vain. As the agency responsible for safeguarding the public trust lands in California, the Commission cannot turn a blind eye to this grave problem. Please pass the Resolution as proposed.

Sincerely,



Marco A. Gonzalez
COAST LAW GROUP LLP

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MAILING ADDRESS
P. O. Box 60769
San Diego, CA 92166

April 14, 2006

California State Lands Commission
Paul D. Thayer, Executive Officer
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

RE: RESOLUTION REGARDING ALTERNATIVES TO COPPER-BASED
ANTI-FOULING PAINTS

Dear Mr. Thayer,

On behalf of the Kona Kai Marina, please accept this letter **in support** of the State Lands Commission's proposed Resolution Regarding Alternatives to Copper-Based Paints.

The Kona Kai Marina is located in the Shelter Island Yacht Basin (SIYB) in San Diego Bay. As is noted in the Commission's proposed resolution, the SIYB is on the 303(d) list for dissolved copper impairment, and the San Diego Regional Water Quality Control Board (RWQCB) has passed a Total Maximum Daily Load (TMDL) for the area.

Kona Kai takes protection of the environment very seriously, and was the only marina to support efforts of the RWQCB to address this important problem. We agreed with the findings of the TMDL, and are diligently working to produce an implementation plan that will result in the 76% load reduction required over the next 16 years. Unlike many of our peers, we feel the transition away from copper-based paints is not only feasible, but necessary if we are to protect our bays, harbors, and marinas over the long term.

The only caveat to our support of the TMDL was that we believed the problem should be addressed throughout San Diego Bay, if not the entire State of California. Subsequent to passage of the TMDL, the State proposed listing all of San Diego Bay's marinas and harbors on the 303(d) list, a move we also supported. Approval of the proposed resolution will undoubtedly assist in motivating the Department of Pesticide Regulation and the State Water Resources Control Board to take meaningful steps toward resolving this problem. We applaud your efforts to spearhead this worthy cause.

Very truly yours,

Kona Kai Marina

Daniel O'Malley

MARINA

1561 Shelter Island Drive
San Diego, CA 92106
CALENDAR PAGE

619 224-7547 Office Telephone
619 222-0233 Facsimile
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March 23, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

As a California boater and member of Point San Pablo YC in San Francisco Bay, I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,

(Name) *Gabriel E. Abbott*
(Address) *2554 Breakhaven Dr*
(City, State, Zip) *Santa Rosa, Ca 95405*

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ABBOTT

RMA

ROBERT M. ALLEN

RECEIVED
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CA STATE LANDS
COMMISSION-EO

March 27, 2006

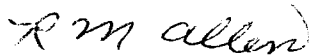
TO: Commissioners Westly, Bustamante and Genest:

I have been a California boater for over 50 years and have supported efforts to preserve and enhance water quality and prevent adverse impacts. I feel strongly that you must not jump to quick conclusions and actions concerning the issue on copper-based paint.

The proposed resolution on copper-based hull paints is fundamentally flawed because it contains inaccurate statements and conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and also pre-determines the results of much needed scientific studies. It is my understanding the resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

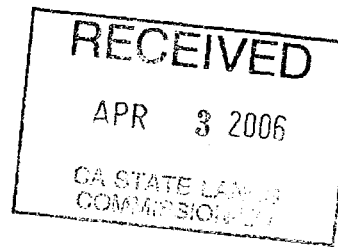
Regards,



Robert M. Allen

March 30, 2006

Commissioners Westly, Bustamante, Herest
California State Lands Commission
100 Howe Ave., Suite 100 - South
Sacramento, Ca. 95825-8202



Dear Commissioners,

As a California boater of modest means and 36 years of boating, I support and always have, efforts to preserve and enhance water quality and prevent adverse impact.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Very truly yours,
Alfred A. Alys
165 Grant Ct.
Petaluma, Ca. 94952
707-763-5863

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State Lands Commission Hearing
Proposed Resolution
Regarding Copper Anti- Fouling Paints
April 17, 2006

COMMENTS RESPECTFULLY PRESENTED
BY
JOSEPH R BAIUNCO
RECREATIONAL BOATERS OF CALIFORNIA

The resolution indicates that the San Diego Regional Water Board estimates 2/12 tons of copper leaches into the Shelter Island Yacht Basin, annually, from anti-fouling paints coating vessel hulls. I do not know what mathematical equations were used to produce this statement. The report of the Copper Antifouling Environment Programme, notes that the worldwide amount of leaching copper, annually, is 1,500 tons. This would indicate that the 2 1/2 tons attributable to approximately 1700 vessels is grossly over estimated.

The resolution notes mortality for sea creatures due to high concentrations of copper in the water column, and you note many harbors beyond San Diego with higher concentrations. These statements are not supported by any Scientific Studies, nor have the EPA or anyone else established what concentration level is considered harmful.

The Resolution notes a Sea Grant Study that indicates non-toxic paints reduce costs. This information is based upon an erroneous assumption that paint builds up and the hull must be stripped every 6th painting. (Using the report's data that a paint job lasts 2 1/2 years, this equates to 15 years)

I have been in boating for over 35 years, owned three boats, and never, never, never, stripped the hull before painting. In fact, except for hard core racing sailors, I have never known anyone that strips their hull before painting. Using a 40 foot boat as a basis for comparison, it will cost approximately \$8000, for the non-toxic paint suggested, in the Sea Grant Study, as opposed to approximately \$1600 for current paints. Further, when you consider the additional bottom cleaning, necessary, because of the non-toxic paint, the cost over the 15 year period would be \$27,600, as opposed to \$17,100 for current paints, an increase of approximately 70%.

Beyond the above statements, this resolution is premature, because it does not address the invasive species problem nor is it based upon any unbiased scientific studies.

The EPA has revised its position for measuring the toxicity of metals, from the counting of atoms to the Biotic Ligand Model for fresh water, because it proves that the old model resulted in an excessive regulation.

This Biotic Ligand Model is now being developed for marine applications, and the literature and data review provides considerable support to suggest that if bioavailability is not considered, then any marine copper criteria would be too low and over regulated.

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J. Baiunco

**RBOC
CARSON REPORT
FALLACY & FACT
JULY 2005**

1. Use Report Assumptions

- a. Bottom paint average life is 2 1/2 years
- b. After 6 lifes, 15 years, bottom must be stripped for painting again because of paint buildup.
- c. \$150/ ft. for stripping a painting.
- d. %50/ ft for typical bottom job
- e. \$40 for each bottom cleaning by a diver
- f. 10 year life stripped paint job

2. Data added

- a. Even though paint life is 2 1/2 years, we do not have a paint buildup
- b. Painting at no time requires stripping
- C. bottom cleaning averages 6 weeks for current paint
- d. Bottom cleaning averages every 2 weeks for the new paint.
- e. 40 Ft boat used for comparisons

	<u>Stripping/ Sheathing</u>	<u>Current Paint</u>
Initial Cost	\$6000	\$2000
!st 10 years--bottom Paint every 2 1/2 years Cleaning---	\$0	\$6000
10 years X 26 weeks = 260 X \$ 40	\$10,400	
10 years X 8.5 = 85 X \$40		\$3,400
TEN YEAR COMPARISON	<u>\$16,400</u>	<u>\$11,400</u>
Next 5 Years Bottom job every 2 1/2 years		\$4000
Stripping/ Sheathing Cleaning	\$6000	
5 years X 26 = 130 X 40	\$5,200	
5 year X 8.5 = 42.5 X 40		\$1,700
Actual Comparative Cost	<u>\$27,600</u>	<u>\$17,100</u>

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J. Baiunco

March 23, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

As a California boater and member of Point San Pablo YC in San Francisco Bay, I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,



(Name) JAMES BARATTA

(Address) PO Box 2104

(City, State, Zip) GLEN ELLEN CA 95442

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March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

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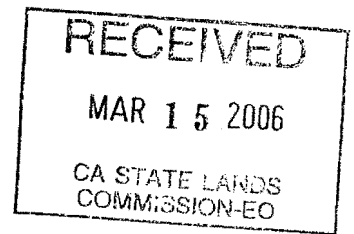
Sincerely,

Sterling Bell
[name]

955 Shusepoint Ct. #107
[street address]

Alameda CA 94501
[city, state, zip]

WALT BILOFSKY
4804 PARADISE DRIVE
TIBURON, CALIFORNIA 94920
TELEPHONE (415) 435-4433
FAX (415) 435-1607
EMAIL BILOFSKY@TOOLWORKS.COM



March 12, 2006

State Lands Commissioners Steve Westly,
Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

As a California boater, I support efforts to preserve and enhance water quality and prevent adverse impacts.

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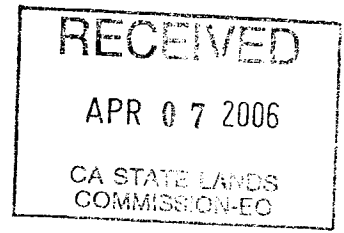
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Sincerely,


Walt Bilofsky

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March 23, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

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I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,

Greg Booth

(Name) *Greg Booth*

(Address) *PO Box 221*

(City, State, Zip) *Astoria, OR
97103*

March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

As a California boater, I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,

Ray D. Bowser



[name]

1535 Buena Vista Ave

[street address]

Alameda CA 94501

[city, state, zip]

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March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

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I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,

Richard Braun

[name]

PO Box 982

[street address]

Alameda CA 94501

[city, state, zip]

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March 23, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

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I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,

Wm. J. Breslin

(Name)

Wm. J. Breslin

(Address)

22 Wildwood Place

(City, State, Zip)

El Cerrito, CA 94530

000549

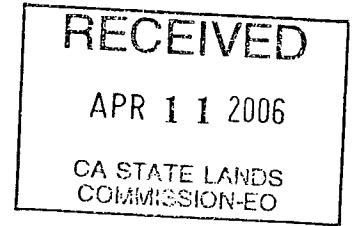
CALENDAR PAGE

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ROBERT E. BRIGGS

804 Acalanes Road
Lafayette, California 94549
(925) 528-9202



April 8, 2006

Steve Westly
State Lands Commissioner
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Re: Proposed Resolution on Copper-based Hull Paints

Dear Sir:

As a California boater, I support efforts to preserve and enhance the water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported scientifically. The resolution urges regulatory action that is premature and pre-determines the results of much needed scientific studies.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,

A handwritten signature in black ink, appearing to read "R. E. Briggs".

Robert. E. Briggs

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March 23, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

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Sincerely,

Glen A Buller
(Name) *Yolanda Buller*
(Address) *10876 Hwy 49*
(City, State, Zip) *JACKSON, CA 95642*

March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

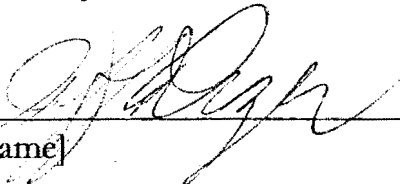
Commissioners Westly, Bustamante and Genest:

As a California boater, I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,


[name]

1368 HALL ST
[street address]

VALLEJO, CA 94591
[city, state, zip]

March 23, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

As a California boater and member of Point San Pablo YC in San Francisco Bay, I support efforts to preserve and enhance water quality and prevent adverse impacts.

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Sincerely,



(Name) MAUREEN DELOREFICE

(Address) 3346 SAVAGE AVE

(City, State, Zip) PINOLE, CA 94564-1230

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0070
(916) 319-2070

DISTRICT OFFICE
JAMBOREE CENTER
3 PARK PLAZA, SUITE 275
IRVINE, CA 92614
(949) 863-7070

E-MAIL

assemblymember.devore@assembly.ca.gov

Assembly California Legislature

CHUCK DeVORE
ASSEMBLYMAN, SEVENTIETH DISTRICT



COMMITTEES
VICE CHAIR, VETERANS AFFAIRS
BUDGET
REVENUE AND TAXATION

April 11, 2006

State Lands Commission
c/o Dwight Sanders
100 Howe, Suite 100 South
Sacramento, California 95825

Via Fax: 916-574-1810

To Whom It May Concern:

I am writing with concern about the California State Lands Commission's resolution regarding alternatives to copper-based anti-fouling paints. The Commission's proposal appears to unfairly burden California's boaters without sufficient supporting scientific data implicating copper-based anti-fouling paints in environmental harm.

Precipitously ending the use of copper-based anti-fouling paints may jeopardize our environment. Copper-based paints are proven effective at fighting hull-fouling organisms. In contrast, alternative coatings do not effectively prevent the migration of invasive foreign species into California's waters.

By altering the natural food chain, invasive species can destroy entire ecosystems and drive natural plants and animals to extinction. Without a proven alternative, the California Land Commission should not risk major harm to our environment by eliminating an effective tool against invasive species.

Furthermore, ineffective alternative coatings financially burden California's recreational boaters. The ineffective alternatives to copper-based coatings require more frequent hull scrapings. Hull scraping represents a significant financial cost to California's boaters.

Finally, the current proposal contains factual inaccuracies and misleading information about copper-based anti-fouling coatings. For example, the resolution urges the Department of Motor Vehicles to develop a brochure educating the public about the impacts of copper-based paints. However, the Department of Motor Vehicles is the wrong department to handle such issues.

This resolution opposing copper-based anti-fouling paint creates more problems than it prevents. If you have any questions regarding this issue, please do not hesitate to contact me.

Sincerely

A handwritten signature in black ink that reads "Chuck DeVore".

Chuck DeVore
Assemblyman, Seventieth District

CD: jr

000554

001119

CALENDAR PAGE

MINUTE PAGE

Printed on Recycled Paper

Date: 3/28/06

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

Commissioners Westly, Bustamante and Genest:

As a California boater, I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,

Douglas C. Dewar

[name]

2406 Roberts Rd

[street address]

TURLOCK CA 95382

[city, state, zip]

March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

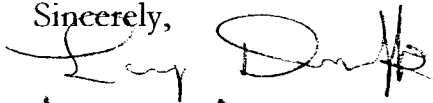
Commissioners Westly, Bustamante and Genest:

As a California boater, I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,



LARRY DREFFS

[name]

1215 ASBURY CT

[street address]

SAN LEANDRO, CA 94579

[city, state, zip]

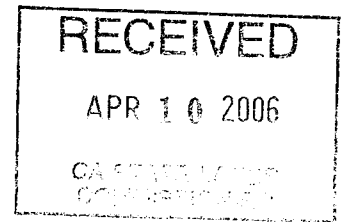
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CALENDAR PAGE

001121

MINUTE PAGE

Tom and Gail Dunlavy
276 South 15th St
San Jose, Ca 95112



April 8, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
California State Lands Commission
100 Howe-Suite 100 South
Sacramento, CA 95825

Re: Proposed Resolution on Copper-based Hull Paints

Dear Commissioners Westly, Bustamante and Genest:

As a California boater, I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursues a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Regards,

A handwritten signature in cursive script that reads "Tom and Gail Dunlavy".

Tom and Gail Dunlavy

000557
CALENDAR PAGE

001122
MINUTE PAGE

ALBERT O. ENGEL
603 GRANDVIEW COURT
PT. RICHMOND, CA 94108

March 23, 2006

State Lands Commissioners Steve Westley, Cruz Bustamente and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe, Suite 100 South
Sacramento, Ca 95825

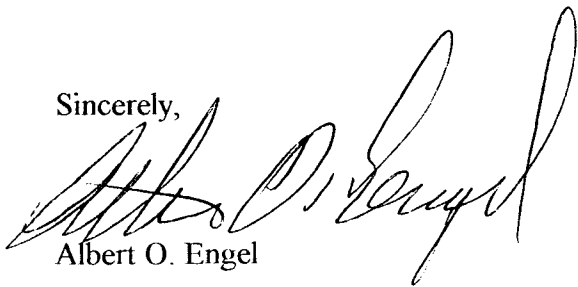
Commissioners Westley, Bustamente and Genest:

As a California boater and member of Point San Pablo Yacht Club in San Francisco Bay, I support efforts to preserve and enhance water quality and prevent adverse impacts,

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and predetermines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,



Albert O. Engel



SPINNAKER YACHT CLUB
POST OFFICE BOX 1561
SAN LEANDRO, CALIFORNIA 94577

April 11, 2006

State Lands Commission
c/o Dwight Sanders
California State Lands Commission
100 Howe Suite 100 South
Sacramento, CA 95825

I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters—the Department of Boating and Waterways is the correct department.)

I urge you **not** to approve the proposed resolution. It is critical to California's recreational boaters the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,

Michael D. Sanfer
510 504 9652

March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest c/o Dwight Sanders

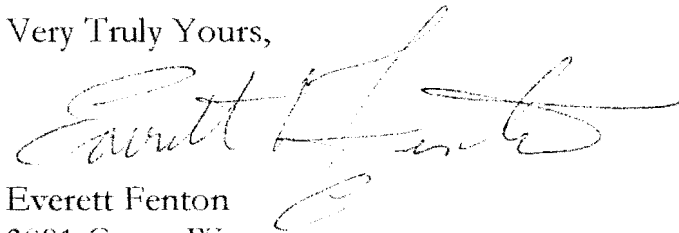
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825
Commissioners Westly, Bustamante and Genest:

No one feels more deeply about preserving our ocean environment, than those who use it and love it. As a California boater, I support efforts to preserve and enhance harbor and ocean water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is unscientific and fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach. One must get correct information and judge actions against the consequence of those actions. The California boating industry, property taxes and registrations will be damage if this isn't reasoned out to the correct conclusion.

Very Truly Yours,



Everett Fenton
3091 Cresta Way
Laguna Beach

000560
CALENDAR PAGE

001125
MINUTE PAGE

March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

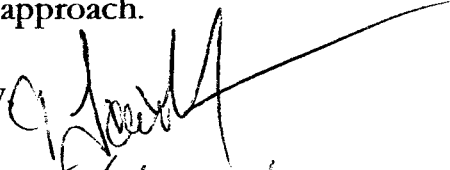
Commissioners Westly, Bustamante and Genest:

As a California boater, I support efforts to preserve and enhance water quality and prevent adverse impacts.

The proposed resolution on copper-based hull paints, however, is fundamentally flawed. It contains inaccurate statements as well as conclusions that are not supported by scientific findings. The resolution urges regulatory action that is premature and pre-determines the results of much-needed scientific studies. The resolution even urges the wrong department to develop literature for boaters.

I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,



J. Scott FRANCIS

[name]

2440 MONTAGUE ST

[street address]

Alameda, CA 94601

[city, state, zip]

000561

CALENDAR PAGE

001126

MINUTE PAGE

March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

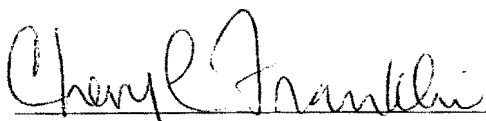
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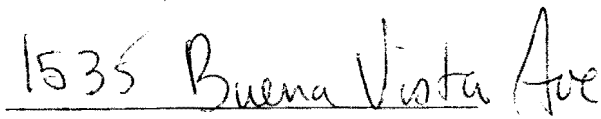
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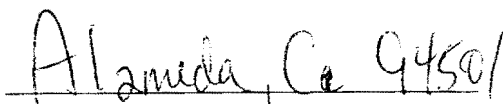
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I urge you not to approve the proposed resolution. It is critical to California boaters that the Commission pursue a well-reasoned and productive approach in addressing the issues related to copper-based hull paints. The proposed resolution is not that approach.

Sincerely,


[name]


[street address]


[city, state, zip]

March 9, 2006

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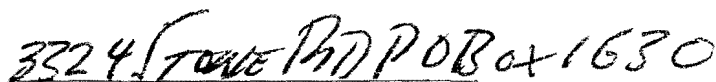
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Sincerely,


[name]


[street address]


[city, state, zip]

Date: MAR, 28, 06

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

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Sincerely,

Alfred B. Grant
[name]

48942 GREEN VALLEY RD.
[street address]

FREMONT, CALIF
[city, state, zip] 94539

March 9, 2006

State Lands Commissioners Steve Westly, Cruz Bustamante and Michael Genest
c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
Sacramento, CA 95825

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Sincerely,

Guy George
[name]

545 Creekwood Ct.
[street address]

Brentwood, CA. 94513
[city, state, zip]

March 9, 2006

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c/o Dwight Sanders
California State Lands Commission
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Sacramento, CA 95825

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Sincerely,

Charles E. Seaman
[name]

760 N. 3rd St
[street address]

Chowchilla, CA 93610
[city, state, zip]

March 9, 2006

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c/o Dwight Sanders
California State Lands Commission
100 Howe - Suite 100 South
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[name]

460 N Third St.
[street address]

Chowchilla, CA 93610
[city, state, zip]