

RICHARDSON'S BAY REGIONAL AGENCY

Thursday, January 16, 2014

5:30 P.M. to 7:00 P.M.

Sausalito City Council Chambers 420 Litho Street Sausalito, CA

PUBLIC COMMENT IS INVITED CONCERNING EACH AGENDIZED ITEM PURSUANT TO THE BROWN ACT. PLEASE LIMIT YOUR COMMENTS TO THREE (3) MINUTES.

AGENDA

5:30 P.M. CALL TO ORDER - ROLL CALL

1. Minutes of November 21, 2013 Meeting
2. Review report of Harbor Administrator
3. Approval of prior expenditures for November 2013 – January 2014
4. Resolution 14-01 accepting grant funds from California Division of Boating and Waterways for the Vessel Turn-In Program (VTIP)
5. Vessel Registration – legal issues
6. Public comments invited concerning items NOT on this Agenda (3-minute limit)
7. Staff comments
8. Board member matters

NEXT MEETING: Tentatively planned for March 20, 2014. Board members please review your calendars and advise Staff as to your availability.

A COMPLETE AGENDA PACKET IS AVAILABLE FOR VIEWING ON THE RBRA WEBSITE <http://rbra.ca.gov> , AND AT THE SAUSALITO CITY LIBRARY.

TO RECEIVE AN ELECTRONIC MEETING NOTICE, PLEASE EMAIL REQUEST TO DON ALLEE AT dallee@co.marin.ca.us

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

January 10, 2014

TO: RBRA Board

FROM: Ben Berto, RBRA Clerk

SUBJECT: January meeting

Board members:

Staff only received one “can’t attend” response from the Board, so we’re anticipating a quorum. This meeting features a fairly light agenda. Staff and the legal ad hoc subcommittee further explored the vessel registration-documentation topic first agendized at the November meeting. As with many substantive issues, there are many devils in the details. A status update with recommendations is included in the packet.

Boating and Waterways provided RBR A with additional funds for the Vessel Turn-In Program (VTIP). This will help RBRA intercept vessels before they turn into future problems on the anchorage. A resolution is included in your packet for the Board to formally accept the grant.

The Board asked Staff to look into what social services are available for those on the water. As noted in the February 2012 RBRA meeting materials, Sausalito launched a homeless outreach program in cooperation with the County Department of Health and Human Services. Police Chief Jennifer Tejada spearheaded this ongoing effort. Chief Tejada can be reached at 289-4170. The County HHS contact is Sean Stephens at 473-6193. Persons interested in finding out more about the services provided are encouraged to contact Chief Tejada and Mr. Stephens.

We are going further into the driest winter on record (so far). Our ‘wet’ weather water testing program is on hold pending actual precipitation events. Robert Turner from County Environmental Health Services, who has been instrumental in developing our very informative reporting spreadsheets, is retiring. Staff is developing Plan B.

RICHARDSON'S BAY REGIONAL AGENCY

MINUTES OF NOVEMBER 21, 2013

HELD AT SAUSALITO CITY HALL CHAMBERS

MEMBERS PRESENT: Kate Sears (Marin County); Ken Wachtel; (Mill Valley); Herb Weiner (Sausalito); Emmett O'Donnell (Tiburon); Thomas Cromwell (Belvedere)

ABSENT: None

STAFF: Bill Price (Harbor Administrator); Ben Berto (RBRA Clerk)

Meeting called to order at 5:30 PM

Minutes of August 15, 2013 Meeting

Minutes were approved.

Review report of Harbor Administrator

Mr. Price reported on the State Water Board's new plan to require a permit for each vessel salvaged, in order to address a small group of renegade salvors. This would place a burden on RBRA and other legitimate salvage operations, so he has been working through his position as Harbormasters and Port Captains President to develop a Best Management Practices (BMP) plan to address the State's concerns. Concerning the Cass Gidley Marina project, he hoped the City of Sausalito would support the project in order to keep the property from turning into an attractive nuisance. Member Weiner said he was confident the project would move forward.

Member O'Donnell asked about the CalRecycle grant progress and Staff responded that approximately \$150K had been spent to date. Member Wachtel asked if this was a higher rate of expenditure than in year's past and staff answered affirmatively. Louis Tenwinkle and Kevin Kiefer asked if all the boats were from the anchorage and Staff responded that most were, with some additional vessels turned in by individuals in local marinas.

Prior expenditures

Member Wachtel asked to differentiate between the disposal costs of an outside contractor versus a local RBRA disposal. Staff explained that large vessels that posed potential pollution problems were contracted out in order to avoid spills. Member Cromwell asked to explain the variance in costs. Staff said the commercial demolition costs are generally \$10-\$20 per boat foot. When the RBRA does the demo, the overhead costs such as staff salary and benefits are not directly included. The RBRA also has no-cost property usage and employs some volunteer adult offender labor. Our costs appear lower than a contractor's, since their costs directly reflect professional labor, property, equipment, insurance, and profit.

Louis Tenwinkle asked why the RBRA doesn't take a class and perform their own asbestos inspections. Kevin Kiefer said he tried to get certified and it is cost prohibitive.

The expenditure report was accepted unanimously.

Review of legal issues on Richardson's Bay – Registration Enforcement

Mr. Berto started out with the sub-committee's recommendation that Staff pursue registration enforcement as a good first step to better management of the anchorage. Registration codes on vessels are similar to vehicle codes on land and should be readily dealt with by local law enforcement. There is minimal expense involved in registering a vessel, but the information provided in up-to-date registration provides a lifeline to track the current owner in storm and other vessel emergency situations. This approach would allow RBRA to work with law enforcement to achieve consistent registration and better track vessels coming in. It is recognized that substantial efforts would be made to alert vessel owners of the new requirements, but continued unregistered vessels would be eventually impounded and disposed if no owner steps forward. Impounding and demolition could produce some push back and may generate additional legal expenses. Staff planned to speak with Sausalito Police Department and Marin Sheriff, as well as our insurance carrier to get feedback and elicit their cooperation. Member Wachtel said that authorized enforcement personnel from both Mill Valley and Tiburon could be sent to accompany Staff. Member Cromwell asked how many boats were unregistered and what kind of legal problems have we had in the past? He said it was a safety issue as well. Member O'Donnell state that there was reverse legal responsibility, that we could be liable for non-enforcement.

Louis Tenwinkle asked why it took so long for this program, and stated that there should be an RBRA boat out on stormy nights checking on safety throughout the anchorage. Peter Romanowsky said that he lived on a houseboat which didn't need to be registered and felt that Sausalito PD was looking for problems. Scott Diamond, representing the Sausalito Waterfront Action Group (SWAG), said that the RBRA has not moved forward, and should not be using taxpayer dollars to wreck nice boats that could be sold to further the RBRA mission, which should be setting safe anchors. Brian Shire asked if the RBRA had reached out and wanted to have more info.

Member Cromwell asked why this hadn't been pursued in the past and Staff responded that it was a question of law enforcement priorities. Member Wiener wanted RBRA to address the issue of stored boats on the bay, which he considered the biggest problem. Chair Sears asked Staff to pursue law enforcement participation and the insurance component and bring it back at the January meeting.

Water Quality Test Results

Mr. Price presented the results, which were quite good overall indicating a continuous trend towards improvement. He pointed out the Waldo Point reconfiguration project would be starting in the spring of 2014, which should address ongoing Gates Co-op problems by removing the docks and antiquated sewage system there. He pointed out the Schoonmaker Beach results which have been outstanding over the course of the year (tested from April to October) and said that the

State Water Board has been pleased with our efforts and scheduled reporting. He also said that winter 2014 tests were unscheduled until the State had a new lab contract in place.

An audience member asked about the time of testing and Staff responded that the testing used to be attempted at low tide, but the results never indicated any difference so that was dropped for a 9 AM start time. Mr. Romanowsky thanked the Board for testing and pointed out the need for public showers. Mr. Shire thanked the Board for providing free sewage pump-outs with the mobile services.

Public Comments

Mr. Diamond said that he was frustrated; that he had promoted an interagency workshop with the various enforcement agencies and gotten nowhere with public officials. He said Richardson's Bay was a haven for derelict vessels, a lawless ghetto, and the laughingstock of the bay.

Mr. Storms explained the SWAG group as a coalition of live-aboards, anchor-outs and hill people who care about Richardson's Bay. He commented on their Boat Savers program and the Sally Stanford dock at Turney Street. He also asked for the RBRA to contribute to a demographic study of boats on the bay.

Mr. Tenwinkle asked for an anchor-out to be a representative on the committee, and felt law enforcement should do more to help on the bay during storms.

Mr. Kiefer said that the sheriff had helped him but usually it was harassment and enforcement. He was unsure about the RBRA endorsing the Cass Gidley Marina project since he felt it was a proxy for Galilee harbor.

Dave Lister asked for more shoreside access and felt enforcement is overly stressed. He added that Cass Gidley Marina was not a Galilee project.

An unidentified citizen spoke against vessels speeding through the anchorage, and said it was a safety issue that was not enforced.

Staff Comments

None

Board Member Matters

None

The meeting was adjourned to closed session at 7:15 PM.

NOTE: The next meeting of the RBRA is tentatively scheduled for **January 16, 2014 at 5:30 PM** at the Sausalito City Hall Chambers.

RICHARDSON'S BAY REGIONAL AGENCY

HARBOR ADMINISTRATOR'S REPORT

January 10, 2014

WORKING RELATIONSHIPS

- **Boating and Waterways** – Received \$8000 VTIP grant from Division of Boating and Waterways. This amount exceeds by \$6000 the original sum promised to us in August.
- **Cal Recycle** – Receiving reimbursement check for our third round of vessels disposed under the terms of this grant, in the amount of \$65,568. First year CalRecycle grant funds total \$91,458 spent to remove 46 vessels.
- **Corps of Engineers** – 1) assisting with disposal costs in exchange for loading a few wayward boats into debris boxes. 2) working with new management to encourage Coast Guard to take responsibility for vessels dropped off at the dock, which inevitably end up as RBRA's problem
- **Coast Guard** – working with Marine Safety Office to resolve a large tug with a serious leak at a dock in Sausalito, and to resolve above issue.

DEBRIS REMOVAL

- Disposed of 10 vessels, 6 vessels are currently awaiting demolition.
- Removed a large trailer/houseboat in cooperation with the Gates Coop. All disposal expenses will be paid by Gates.
- 2 boats are currently impounded.

RAPID RESPONSE

- Recovered 1 vessel and two large pilings from Belvedere shoreline.

WATER QUALITY

- Planning stages for our 2014 Winter Wet Weather testing cycle. State Water Board still does not have a lab contract so we are waiting for that and some actual wet weather to test in.
- Still attending meetings with State Water Board, CalRecycle and Division of Boating to develop a Best Management Practice (BMP) for salvage operators in California. This is to meet their water quality goals and avoid the permit-per-boat scenario that the Water Board originally proposed.
- A new sewage pump-out contractor, Environmental Marine Services, has been picking up clients on the water, so we have added them to the program.

RBRA - Fiscal Year 2013/14

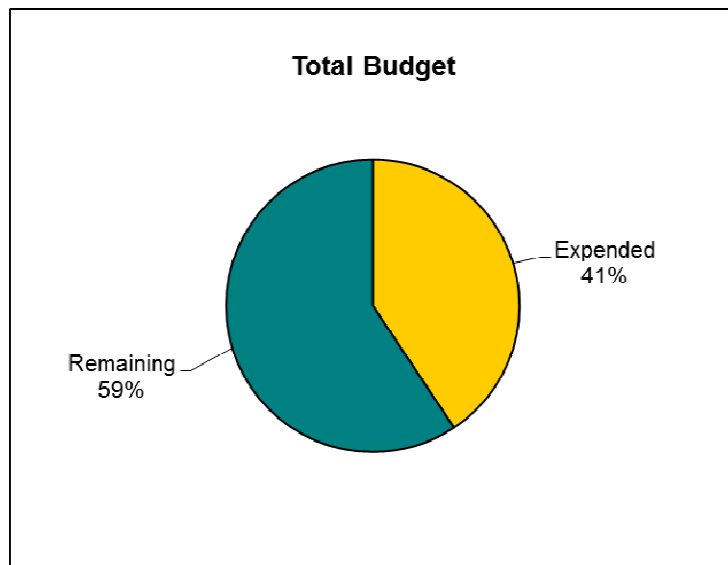
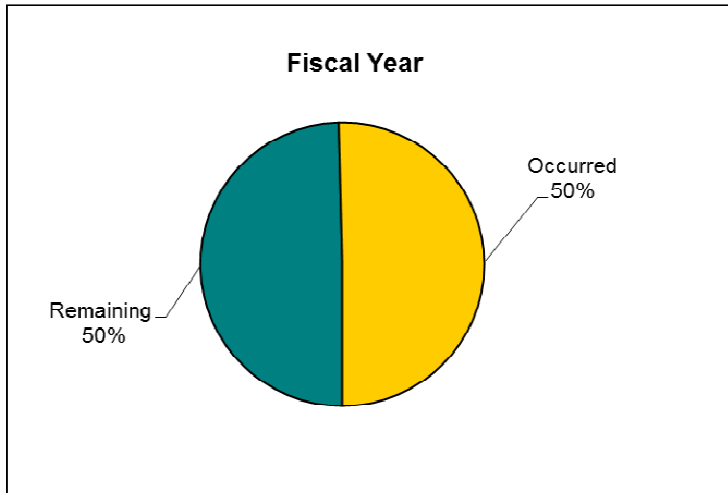
Nov. 14, 2013 - Jan. 10, 2014 BALANCE SHEET

COST CENTER	DESCRIPTION	REVENUES
Maint & Rep Su - Oth	West Marine refund	-36.37
Bldgs & Grounds Rent	Mooring rent	-150.00
Bldgs & Grounds Rent	Mooring rent	-150.00
Bldgs & Grounds Rent	Mooring rent	-150.00
Bldgs & Grounds Rent	Mooring rent	-600.00
Bldgs & Grounds Rent	Mooring rent	-150.00
Bldgs & Grounds Rent	Mooring rent	-150.00
Sales and Services	Sausalito - boat expenses	-908.66
State - Grant	Dept Boating - pumpout O&M	-5592.11
Bldgs & Grounds Rent	Mooring rent	-150.00
Trav - Parking	AMPCO parking - refund	-54.00
Trav - Parking	AMPCO parking - refund	-17.50
Bldgs & Grounds Rent	Mooring rent	-150.00
Bldgs & Grounds Rent	Mooring rent	-150.00
Bldgs & Grounds Rent	Mooring rent	-150.00
Bldgs & Grounds Rent	Mooring rent	-150.00
Sales and Services	Reimbursal - SF Marina	-5698.71
total \$		(14,407.35)

		EXPENDITURES
Rent - Off Space	ICB - Office rental	420.00
Rent - Equip Rental	Hertz - Backhoe rental	411.19
Prof Svcs - Other	DMV Reg, Day labor	133.00
Trav-Meals	Crew lunch - In & Out	23.15
Laboratory Services	Fall water tests - Solano labs	2160.00
Com Srvc - Cell Phon	AT&T - Mobile phone	107.82
Com Srvc - Cell Phon	AT&T - Mobile phone	95.80
Com Srvc - Broadband	AT&T Internet connection	40.00
Maint & Rep Su - Oth	West Marine - boat parts	72.74
Trav-Meals	United Market - Crew water	9.36
Maint & Rep Su - Oth	Hirshfeld Yacht Repair	136.26
HazMat Clean Up	Redwood Landfill - disposal - 2 boats	788.17
Com Srvc - Broadband	AT&T fax connection	44.87
Trav - Parking	Ampco Parking - Sacramento	71.50
Trav - Parking	Ampco Parking - Sacramento	17.50
Com Srvc - Broadband	Earthlink- internet connection	7.90
HazMat Clean Up	Redwood Landfill - disposal - 2 boats	829.91
HazMat Clean Up	Resource Recovery - disposal - 1 boat	400.00
Prof Svcs - Other	Dave's Diving - raise sunken boat	865.00
Prof Svcs - Other	Parker Diving - raise sunken boat	600.00
Rent - Equip Rental	Hertz - Backhoe rental	523.74
Prof Svcs - Other	Maher Accountancy - prepare State report	750.00
Laboratory Services	Fall water tests - Solano labs	1360.00
Prof Svcs - Other	Dave' s Diving - mooring maintenance	3194.00
Rent - Equip Rental	Hertz - Backhoe rental	548.22
Com Srvc - Cell Phon	AT&T - Mobile phone	132.70
HazMat Clean Up	Bay Cities - debris removal	401.50
HazMat Clean Up	HMA - asbestos testing	475.00
HazMat Clean Up	HMA - asbestos testing	920.00
Prof Svcs - Other	San Rafael Yacht Harbor - vessel disposal	3200.00
Prof Svcs - Other	Day labor	175.00

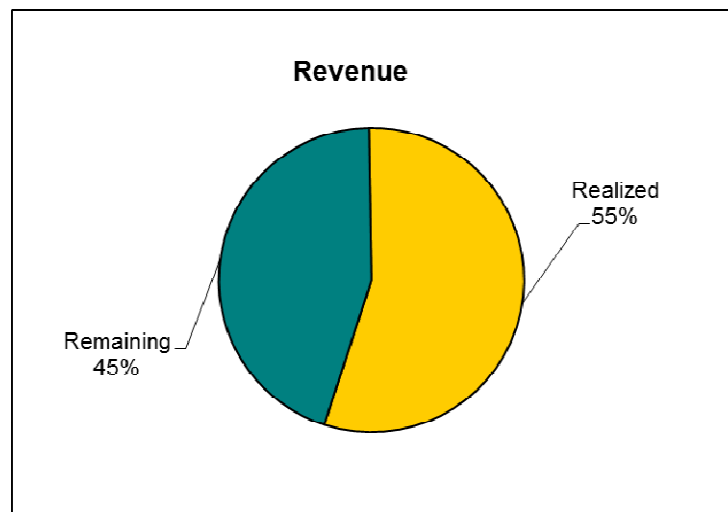
Prof Svcs - Other	Alexander - website services	260.00
HazMat Clean Up	Bay Cities - debris removal	863.55
Rent - Equip Rental	Hertz - Backhoe rental	411.19
Prof Svcs - Legal	Legal expenses - County Counsel	461.25
Oth Maintenance	West Marine - boat parts	11.84
Com Srvc - Broadband	AT&T Internet connection	40.00
Trav-Hotel Lodging	Seascape Resort - Lodging for conference	374.74
Com Srvc - Broadband	AT&T fax connection	44.85
Prof Svcs - Other	Day labor	200.00
Rent - Off Space	Schoonmaker - slip rental	160.00
Rent - Off Space	Schoonmaker - slip rental	243.00
Rent - Off Space	Libertyship - dry storage	240.00
Rent - Off Space	ICB - Office rental	420.00
HazMat Clean Up	HMA - asbestos testing	845.00
Rent - Equip Rental	Hertz - Backhoe rental	318.96
Prof Svcs - Other	Day labor	200.00
ProfServ-CntySalRe	Salary & Benefits	10925.05
Prof Svcs - Other	Wedlock - vessel survey	235.00
Prof Svcs - Other	MT Head - Pump-out services	325.00
Prof Svcs - Other	Parker Diving - raise sunken boat	600.00
HazMat Clean Up	Bay Cities - debris removal	899.25
Trav - Mileage	Mileage reimbursal	233.91
Prof Svcs - Other	Day Labor	400.00
Oth Maintenance	Water Street hardware	10.99
Prof Svcs - Other	Day labor	300.00
Prof Svcs - Other	Diego truck - tow vessel up ramp	262.50
Prof Svcs - Other	Diego truck - tow vessels to dump	500.00
Prof Svcs - Other	Day labor	850.00
Prof Svcs - Other	Diego truck - tow vessels to dump	500.00
Rent - Equip Rental	Hertz - Backhoe rental	894.54
HazMat Clean Up	PALS - Asbestos abatement	1275.00
HazMat Clean Up	Bay Cities - debris removal	1671.20
Prof Svcs - Other	San Rafael Yacht Harbor - vessel disposal	5000.00
Rent - Equip Rental	Hertz - Backhoe rental	134.40
Memberships & Dues	CA Harbormasters - Annual membership	275.00
Prof Svcs - Other	EMS - Pump-out services	387.50
Prof Svcs - Other	Day Labor	1050.00
Oth Maintenance	Harbor Freight Tools	79.13
HazMat Clean Up	HMA - asbestos testing	725.00
Prof Svcs - Other	Day labor	150.00
Prof Svcs - Other	EMS - Pump-out services	87.50
	Total \$	51,779.68

Percent of Budget and Percent of Year as of January 1, 2014



Expenditures vs. Adopted Budget

Expenditures	\$191,771
Adopted Budget	\$471,672



Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$260,790
Budgeted Revenue	\$471,673

RICHARDSON'S BAY REGIONAL AGENCY

RESOLUTION NUMBER 01-14

OF THE RICHARDSON'S BAY REGIONAL AGENCY

APPROVING THE ACCEPTANCE OF GRANT FUNDS FROM THE STATE DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, IN THE AMOUNT OF \$8000.00 TO BE USED FOR THE VESSEL TURN-IN PROGRAM.

WHEREAS, the Vessel Turn-In Program (VTIP) has been an integral part of the RBRA's effort to reduce the number of abandoned boats since the program's inception; and

WHEREAS, the State Division of Boating and Waterways has made \$8000.00 available for use in this program, with a 10% matching contribution from the RBRA; and

WHEREAS, these funds will be available with a term from January 15, 2014 through January 15, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the Richardson's Bay Regional Agency by adoption of this resolution hereby accepts **Grant Agreement #C7701108** for \$8000.00 from the State Division of Boating and Waterways.

PASSED AND ADOPTED by the Board of the Richardson's Bay Regional Agency on January 16, 2014 by the following vote:

Ayes:

Noes:

Absent:

CERTIFICATION:

Kathrin Sears, Board Chair

Ben Berto, Clerk, RBRA

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

January 10, 2014

TO: RBRA Board

FROM: Ben Berto, RBRA Clerk

SUBJECT: Vessel registration/documentation

Background:

At the November 21, 2013 RBRA meeting, the Board directed Staff to pursue a program intended to achieve universal registration or documentation of all vessels in Richardson's Bay.

In the interim since the November 21 meeting, Staff met with ad hoc subcommittee members Wachtel and O'Donnell and the Marin County Sheriff's Department, and continued efforts towards achieving a registration/documentation compliance program.

Discussion:

Staff has discovered that while universal vessel registration/documentation is a simple enough concept, there are many challenges to achieving this.

The first challenge is issuing citations to unoccupied vessels for lack of registration/documentation. While the statutory requirements are straightforward (see attached copy of Vehicle Code §9850), there are substantive differences between what happens to an unregistered wheeled vehicle and what happens to an unregistered vessel.

When a vehicle lacks current registration, the enforcing agency can readily determine the most recent legal bona fides through a variety of means (license plate, VIN, etc.). If a motorist is pulled over and lacks current registration, the current (or former) owner is readily determined and held responsible. The registration lack is promptly fixed or the vehicle is impounded. An unoccupied vehicle with expired registration will quickly be towed/impounded. Again, the system in place can quickly determine the responsible party, assign penalties, and abate the problem. There are good reasons why a vehicle owner has to certify when it is sold, and is not allowed to simply stop registering the vehicle. Accountability loops are built into the motor vehicle system, and are readily used to find the last registered, responsible owner.

There is no equivalent built-in accountability for floating vessels. Several show up in Richardson's Bay from places unknown, brought in by persons unknown, with zero registration or documentation information. Who is ostensibly responsible for a vessel, let alone who owns it is a major challenge the Harbor Administrator faces on a weekly basis. Marin County Sheriff and Sausalito Police Department face similar challenges.

If a vessel is occupied, a citation for lack of registration/documentation can be presented to the person on board. However, the majority of unregistered/undocumented vessels in Richardson's Bay are unoccupied. Enforcement against an unregistered/undocumented and unoccupied vessels presents a variety of procedural problems.

Law enforcement refers to citations issued to an unoccupied vehicle (or vessel) as a 'sticker' citation. Landside, a contracted service that processes sticker citations enters the license/VIN information into the system and the citation is mailed to the last registered owner. Some of the more modern vessels on the water have Hull Identification Numbers (or HIN's). Many do not, or where they previously existed they were removed. With nobody to issue a citation to, nor any record of the last registered owner to which a sticker citation can be mailed, sticker citations might not stick.

The Harbor Administrator has discussed the challenges with citing unoccupied vessels with the Lieutenant in charge of Contra Costa County's vessel enforcement program. The bottom line is they do issue such citations, and they are part and parcel of CoCo County's unregistered/undocumented vessel abatement efforts.

Staff intends to meet soon with County Sheriff Department and Sausalito Police Department representatives to discuss how to make an unregistered/undocumented vessel enforcement program work. RBRA Staff believes that it is critical to have the direct involvement of these partner agencies for such a program to be successful. Law enforcement conducts this activity on an ongoing basis and brings a level of experience and expertise that RBRA lacks.

The RBRA subcommittee and Staff anticipate a process involving a two-step advance notice process before an unregistered/undocumented vessel in Richardson's Bay would be impounded. The general direction would be to follow a formal, successive ramping up of noticing and enforcement efforts. For example, it could begin with a 'courtesy notice' attached to a vessel informing any interested party that the vessel was in noncompliance with the law (the afore-mentioned Vehicle Code, the Harbor and Navigation Code, and any applicable local ordinance). Following a reasonable amount of time, if registration/documentation fails to take place, the next step would be law enforcement issuing a 'sticker' citation attached to the vessel. If that fails to achieve the desired registration/documentation, the next step would be to impound the vessel, which is legal under Harbors and Navigation Code §523 (attached).

Impounding would involve a multi-month process designed to ensure due process to any party with interest in the vessel. The vessel would be removed from anchorage in Richardson's Bay and either placed into an impound slip or hauled out in a boatyard. Impound storage fees typically averaging \$10 a month per foot of vessel length. A 3-month impoundment of a fairly typically sized 33-foot vessel therefore costs the RBRA \$1,000. Added to that are the expenses of towing, legal notices, vessel survey, and

finally asbestos inspection/removal upon demolition, which could cost approximately \$1,000 per vessel, for a total impound-related cost of around \$2,000 a vessel, before any action is taken to demolish it. Considering the dozens of unregistered/undocumented vessels on the anchorage that would potentially be subject to impoundment, this represents a potentially significant expense. If the vessel is demolished, the costs are recoverable under the current CalRecycle grant RBRA currently uses to pay for the cost of vessel demolition.

If for some reason the RBRA decided to return a vessel to an owner/claimant without recovering full expenses, the Agency would shoulder those costs.

Recommendation:

Direct Staff (and the RBRA legal subcommittee) to continue pursuit of a program requiring valid vessel registration/documentation along the general lines of a two-step notification and enforcement program. Assuming legal and procedural elements can be worked out, develop whatever formal procedures are necessary preparatory to formal program implementation in summer 2014.

- Attachment:
1. Vehicle Code Section 9850
 2. Harbors and Navigation Codes Section 523

State Vehicle Code

CHAPTER 2. REGISTRATION

9850. Numbering of undocumented vessels. Every undocumented vessel using the waters or on the waters of this state shall be currently numbered. No person shall operate nor shall any county, city, or political subdivision give permission for the operation of any undocumented vessel on those waters unless the undocumented vessel is numbered in accordance with this chapter, or in accordance with applicable federal

CALIFORNIA BOATING LAW

law, or in accordance with a federally approved numbering system of another state, and unless (1) the certificate of number issued to such undocumented vessel is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of the undocumented vessel for which the identifying number was issued.

CALIFORNIA BOATING LAW

CURRENT AS OF JANUARY 1, 2012

Laws and Regulations Concerning Recreational Boating, Including Public Access, Safety and Education, Marine Law Enforcement, and Consumer and Environmental Protection

Edmund G. Brown, Jr., *Governor*
State of California

John Laird
Secretary for Natural Resources

523. Remove vessel from public waterway. (a) Any peace officer, as described in Section 663, or any lifeguard or marine safety officer employed by a county, city, or district while engaged in the performance of official duties, may remove, and, if necessary, store a vessel removed from a public waterway under any of the following circumstances:

(1) When the vessel is left unattended and is moored, docked, beached, or made fast to land in a position that obstructs the normal movement of traffic or in a condition that creates a hazard to other vessels using the waterway, to public safety, or to the property of another.

(2) When the vessel is found upon a waterway and a report has previously been made that the vessel has been stolen or a complaint has been filed and a warrant thereon issued charging that the vessel has been embezzled.

(3) When the person or persons in charge of the vessel are by reason of physical injuries or illness incapacitated to an extent as to be unable to provide for its custody or removal.

(4) When an officer arrests any person operating or in control of the vessel for an alleged offense, and the officer is, by any provision of this code or other statute, required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay.

(5) When the vessel interferes with, or otherwise poses a danger to, navigation or to the public health, safety, or welfare.

(6) When the vessel poses a threat to adjacent wetlands, levies, sensitive habitat, any protected wildlife species, or water quality.

(7) When a vessel is found or operated upon a waterway with a registration expiration date in excess of one year before the date on which it is found or operated on the waterway.

(b) Costs incurred by a public entity pursuant to removal of vessels under subdivision (a) may be recovered through appropriate action in the courts of this state.