

# RICHARDSON BAY REGIONAL AGENCY

## STAFF REPORT

For the meeting of May 9, 2024

**To:** Board of Directors  
**From:** Jim Malcolm, Harbor Master  
**Subject:** Harbor Master Report

### STAFF RECOMMENDATION:

Receive and file.

### Reporting Period March 14 – May 9 2024

#### Vessel metrics:

28	Number of vessels in anchorage excluding transient vessels, and vessels present under a 30-day permit, and vessel engaged in enforcement.
2	Number of transient vessels in anchorage
9	Number of vessels with 30 day permits, permits in processing, or in violation of previously granted permits, or vessels under enforcement for violation of RBRA code
39	Total Number of vessels on Richardson Bay
2	Number of 30-day permits issued
9	Number of citations issued this period
26	Number of vessels inside the Eel Grass Protection zone

#### Significant events/ Anchorage status:

Five vessels were removed from the anchorage this period, three of which were carryovers from the last Harbormasters report having sunk on the anchorage earlier this year.

M/V Redeemed, CF6280JY, and the Greta Mae were recovered from their status either sunk or aground on Richardson Bay and Tiburon and all have been disposed of.

S/V No Down which was also included in the previous Harbormasters Report as a vessel identified for Nuisance Abatement has also been removed from the anchorage. After conflicting

claims of ownership and no response to the Nuisance Abatement process, a warrant was obtained from Marin County Superior Court to remove the vessel from the anchorage. On April 22, 2024, with the assistance of Marin County Sheriff Marine Patrol the vessel was removed from Richardson Bay and placed in a secure berth while final disposition of the vessel is determined.

One other vessel was surrendered by the registered owner and the owner is participating in the RBRA Housing Voucher program.

In the beginning of April, a notice was distributed to every vessel on the anchorage notifying occupants of the October 15, 2024, benchmark for all vessels to be moved out of the Eelgrass Protection Zone and into the anchorage located at the southern end of Richardson Bay. All vessels received the notice without incident. Notice included below.

**Vessel Buy Back Program:**

Three vessels are pending removal from the anchorage under the vessel buy back program. Two vessel owners are participating in the Vessel Buy Back Program, and one vessel owner is voluntarily departing the anchorage.

**Citation Program:**

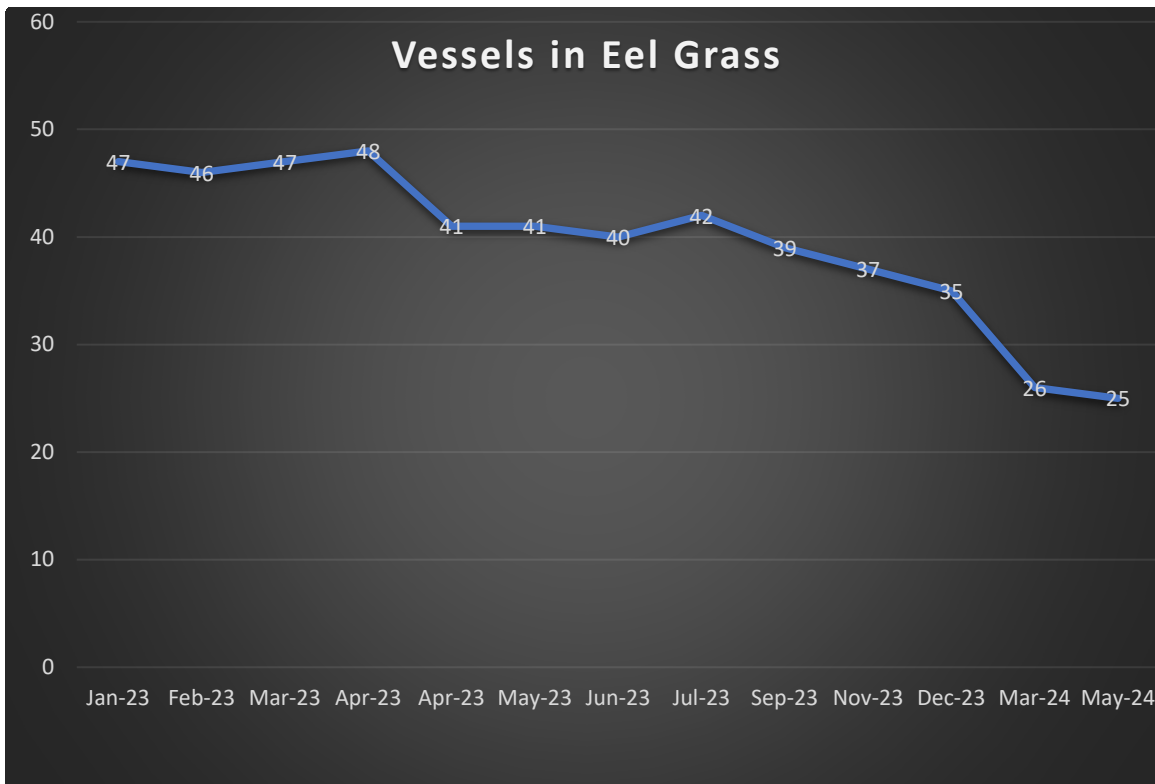
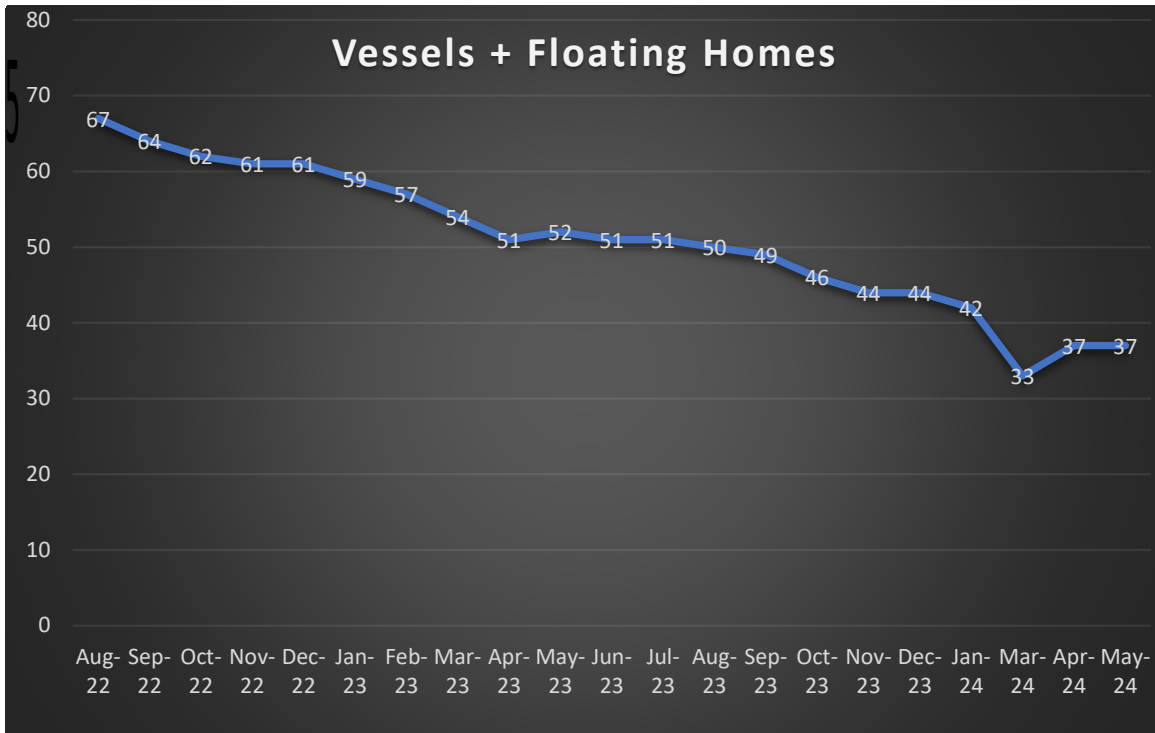
Nine citations were issued since March 14, 2024. All Citations were issued for violation of section 3.04.01 of the RBRA code, anchoring more than 72 hours.

Two notices of Nuisance abatement were also issued to vessels on the anchorage.

On April 9, headlines throughout the bay reported on a floating home making its way across SF Bay. The home was being transported at the request of the homeowner to a legal berth at Commodore Marina at the north end of Richardson Bay. The floating home slowly made its way across SF bay and anchored in Richardson Bay overnight. The operator of the towing vessel was contacted by RBRA staff about the home and the operator guaranteed that the home would not remain in Richardson Bay beyond 72 hours. The home departed Richardson Bay the following morning and was exchanged at Commodore Marina for a different home which was then transported to San Rafael, CA. While the actual transportation of the floating home did not violate RBRA code, the temporary anchoring of the home did take place within the Eelgrass Protection zone, and the operator who transported the home is a known importer of vessels to the anchorage.

Follow-up discussions about this event resulted in RBRA staff developing and sending an informational letter to all local marinas, commercial salvage operators, and persons known to have transported vessels to the anchorage or likely to transport vessels to the anchorage. Content of the letter highlights portions of the RBRA code which states that it is a violation of the code to anchor non-operable vessels to the anchorage for anchoring and highlights that conducting such activities will result in a citation. A copy of the final letter is included below.

Interagency coordination with MCSO continues and weekly coordinated patrols continue.



# 6 MONTH ADVANCE NOTICE

## RICHARDSON BAY REGIONAL AGENCY

The vessel this notice is attached to: \_\_\_\_\_  
with

Known interested party or registered owner: \_\_\_\_\_

has been identified by the RBRA as a vessel which is required to be removed from the Richardson Bay Special Anchorage in accordance with the agreement reached between the RBRA and the Bay Conservation and Development Commission (BCDC). This vessel **must be removed from Richardson Bay by October 15, 2024**. Vessels may also be voluntarily turned in to the RBRA, or sold to the RBRA through the RBRA Vessel Buy Back Program. Vessels engaged in RBRA housing program, or vessels permitted to remain past Oct 2024 deadline for other reasons must re-locate outside of Eelgrass Protection Zone into special anchorage pictured below. There will be **NO ANCHORING PERMITTED IN THE EELGRASS PROTECTION ZONE AFTER OCTOBER 15, 2024**. Vessels in violation of RBRA Code 3.04.010, Anchoring in a Non-Designated Area, are subject to an administrative citation and a fine of \$605.00. For additional information please contact the RBRA Harbormaster.

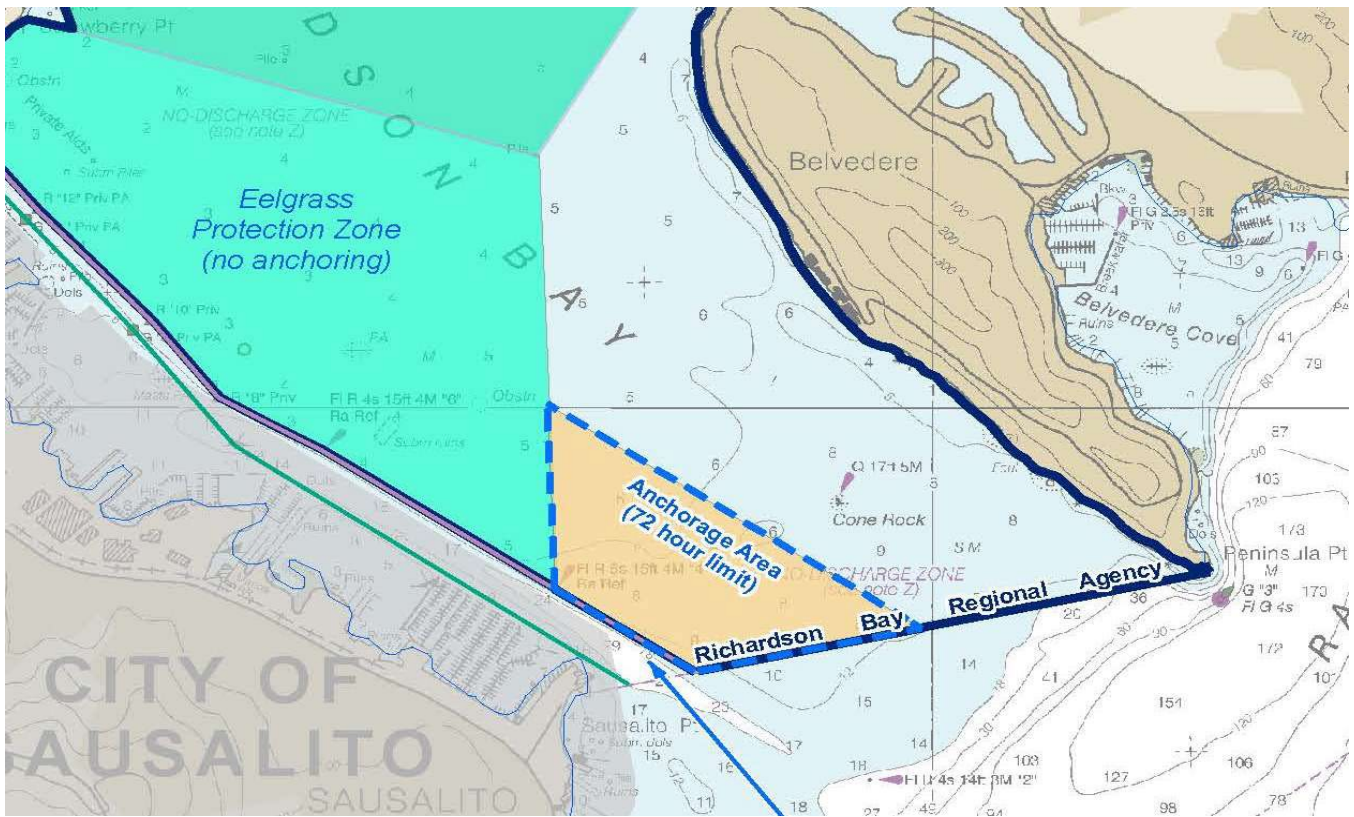
**SEE REVERSE FOR CHARTLET**

The RBRA Harbormaster, Jim Malcolm can be reached at:

Telephone: 415-971-3919

[james.malcolm@marincounty.gov](mailto:james.malcolm@marincounty.gov)

This notice is to be posted to the vessel or property



**Authorized Anchorage Area Post Oct 2024:**

**East and Northeast of Dayboard #4**

**Buoys and markers will be in place**

**For Oct 2024 deadline**

## **RBRA TOW OPERATOR LETTER VERBIAGE BELOW:**

### **Attention all tow vessel operators- commercial and non-commercial.**

It is a violation of RBRA code to tow an inoperable vessel to Richardson Bay with the intent to anchor.\* If a tow operator brings an unseaworthy, non-operable, (this includes any vessel lacking means of self-propulsion,) and/or a vessel without current and valid registration and anchors or moors the vessel in Richardson Bay, the tow operator will be in violation of RBRA code(s) and subject to citation(s).\*\*

#### 3.04.010 Permits, Anchoring, and Mooring

- a. Any person may temporarily anchor a single vessel with no more than one attached skiff, for a period of not more than 72 hours, in the Anchorage Area without a permit. A skiff may not be separately anchored but shall remain attached to the vessel. No person may anchor a vessel in the Non-Anchorage Area at any time. The Harbormaster is authorized to require persons to relocate vessels within the designated anchorage areas. After 72 hours have expired, the vessel must leave Richardson Bay for at least seven days before it may temporarily anchor again pursuant to this subsection.

#### 3.04.050 Vessel Condition and Requirements

- a. Vessels anchored or moored in Richardson Bay shall be seaworthy and operable. Exceptions may be granted by the Harbormaster to Agency-only regulations at his/her discretion following his/her determination that the owner of the vessel is using the bay as a temporary safe harbor and making a good faith effort to bring the vessel into compliance with Agency regulations. The Harbormaster has no authority to grant exceptions to any state or federal regulations.
- b. Vessels anchored or moored in Richardson Bay shall have current and valid registration with the California Department of Motor Vehicles or current and valid documentation with the United States Coast Guard.

#### 3.04.070 Unseaworthy Vessels

- a. Public Nuisance. The Agency declares that any vessel or property that is unseaworthy (that is, it does not meet the definition of "Seaworthy" under this Code) is a hazard to life, limb, and property and constitutes a public nuisance.
- c. Unseaworthy Vessels Not to be Moored. Vessels determined to be unseaworthy by the Harbormaster, or his or her designee, may not be allowed to moor within Richardson Bay.
- d. Proof of Ability to Operate. At the discretion of the Harbormaster, any vessel moored or anchored within Richardson Bay may be required to prove its ability to get underway and safely operate under its own power to the satisfaction of the Harbormaster or his or her designee.

#### 4.05.010 Vessel Restrictions

- b. The Audubon Sanctuary is closed to all anchoring at all times.

#### 5.05.010 Damage to Eelgrass

It shall be unlawful to cut, remove, damage, or disturb eelgrass (*Zostera*) within Richardson Bay except for specifically permitted research or educational activities.

#### Anchorage Area:

The Richardson Bay Special Anchorage as designated pursuant to 33 CFR § 109.10, is the area bound by the following coordinates:

- 1) 37° 52' 01" N - 122° 28' 45" W
- 2) 37° 51' 41" N - 122° 28' 44" W
- 3) 37° 51' 33" N - 122° 28' 28" W
- 4) 37° 51' 37" N - 122° 28' 01" W

#### Audubon Sanctuary:

The Audubon Sanctuary is that body of water, comprising approximately 900 acres, at the north easterly end of Richardson Bay and bounded by the following four waypoints, and the mean high-water line between waypoints 1 and 4.

- 1) 37° 53' 39" N - 122° 30' 01" W
- 2) 37° 52' 41" N - 122° 29' 41" W
- 3) 37° 52' 34" N - 122° 28' 49" W
- 4) 37° 52' 59" N - 122° 28' 20" W

#### Eelgrass Protection Zone:

The Eelgrass Protection Zone/No Anchoring Area as defined in the Richardson Bay Eelgrass Protection and Management Plan adopted by Board on August 12, 2021 and available in the Agency office.

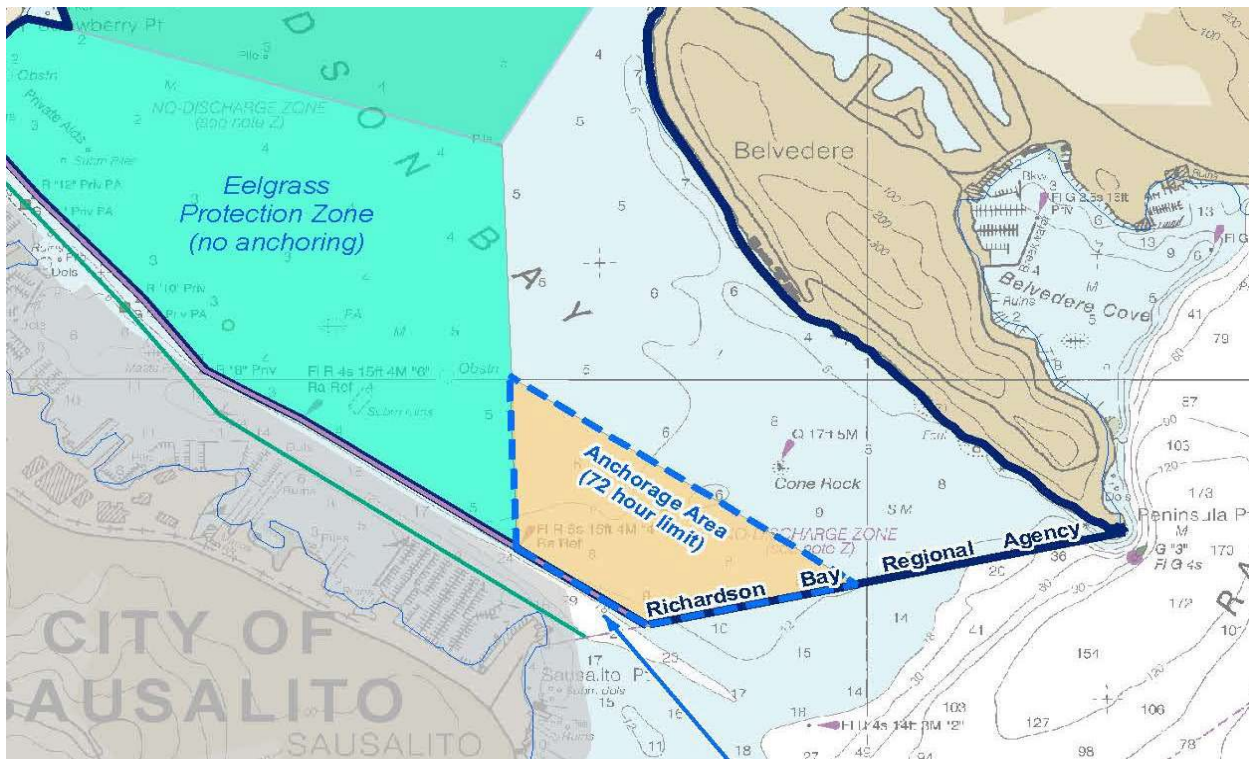
Eelgrass Protection Zone is bound on the Southwestern Boundary by the Sausalito Channel, on the Southeastern boundary by a line beginning at Daymark #4 in the Sausalito channel, extending northeasterly to a point - 37° 52' 41" N - 122° 29' 41" W

Then continuing northeasterly to meet the Tiburon Shoreline in position 37° 52' 59" N - 122° 28' 20" W

**It is recommended that all vessel operators contact the RBRA Harbor Master to announce your intentions and seek direction.**

**For additional information please contact the RBRA Harbor Master at:**

**415-971-3919, or [james.malcolm@marincounty.gov](mailto:james.malcolm@marincounty.gov)**



\* Vessels in transit, or vessels in distress rescued by a tow vessel operator, may be towed and anchored in the designated anchorage area for up to 72 hours without a permit.

\*\* Any tow vessel operator who delivers an unseaworthy or non-operable vessel, and/or a vessel without current and valid registration and anchors or moors the vessel in Richardson Bay, shall be deemed under control of the vessel and the responsible party.