

RICHARDSON BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of September 12, 2024

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

STAFF RECOMMENDATION:

Receive and file.

Reporting Period July 11 - September 4, 2024

Vessel metrics:

26	Number of vessels in anchorage excluding transient vessels, and vessels present under a 30-day permit, and vessels engaged in enforcement.
2	Number of transient vessels in anchorage
6	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
34	Total Number of vessels on Richardson Bay
0	Number of 30-day permits issued
5	Number of citations (3)/ nuisance abatement notices issued this period (2)
25	Number of vessels inside the Eel Grass Protection zone

Significant events/Anchorage status:

One vessel previously reported as removed from the anchorage as a result of a nuisance abatement, S/V Afrita was disposed of as the vessel owner failed to retrieve the vessel as a result of the vessel impound. On August 2, 2024, the impoundment period ended, and the vessel owner was given a final 10 days to pay accumulated fees and retrieve the vessel. The owner failed to take appropriate action to retrieve the vessel. The vessel was subsequently surveyed and found to have value substantially lower than the cost of disposal and was disposed of. Personal items from the vessel were removed and stored prior to disposal, the vessel owner has been notified and will be provided an opportunity to retrieve personal items upon request.

One vessel was removed from the anchorage as result of the vessel buyback program.

One other vessel is awaiting removal from the anchorage. The vessel had nesting seagulls onboard and cannot be moved. Staff continues to monitor and gather video documentation of activities on board the vessel. The vessel has been tagged as RBRA property and staff will continue to monitor the situation.

Two new vessels arrived in Richardson Bay during this period. Both vessels are occupied, are being monitored by staff, and fall under the enforcement program. One of the two vessels has already been issued a 1st citation.

A one month notice for vessels to depart the eel grass protection zone will be distributed to all applicable vessels on the anchorage the week of 9 September in preparation for the October 15, 2024 agreement deadline with the Bay Conservation and Development Commission which states that all vessels on Richardson Bay will be removed from the Eelgrass Protection Zone.

Citation Program:

Three citations were issued this period, all citations were issued for violation of section 3.04.010 of the RBRA code, anchoring greater than 72 hours.

Two notices of Nuisance Abatement were issued to vessels on the anchorage. Both abatement cases are pending.

A change of workflow for the RBRA enforcement program has been recommended and approved by the director and will go into effect on September 13, 2024. Since the first citation was written as a tool for the RBRA enforcement program, 44 citations have been written totaling \$10,600 in fines. Only one (1) citation has been paid in the amount of \$100. Five (5) citations have been appealed and all appealed citations were upheld by the assigned hearing officer.

Prior workflow for RBRA enforcement of newly arrived vessels on the anchorage was as follows:

- Vessel observed on the anchorage-issuance of a 72-hour notice
- If vessel fails to depart after 72 hours a 1st citation issued
- After **30 days** if vessel remains on the anchorage a 2nd citation issued
- **30 days** from the second citation issuance if vessel remains, 3rd citation issued
- **30 days** from the 3rd citation issuance if vessel remains a nuisance abatement issued

Prior enforcement workflow required a minimum of 105 days (depending on calendar orientation as some periods are based on business days) to arrive at a nuisance abatement situation. This time period is typically spent with vessels unoccupied or only occasionally occupied leaving the vessel susceptible to weather and other casualties that can have a dire effect on the environment and other vessels at anchor. Additionally, enforcement personnel would be issuing citations once a month; leaving an impression the enforcement of RBRA code was only “occasional”.

The new workflow timeline enforcement of newly arrived vessels will be as follows:

- Vessel observed on the anchorage – issuance of a 72-hour notice
- If vessel fails to depart after 72 hours a 1st citation will be issued
- After **14 days** if vessel remains on the anchorage a 2nd citation will be issued
- **14 days** from the 2nd citation issuance if vessel remains a 3rd citation will be issued
- **14 days** from the 3rd citation issuance if vessel remains a nuisance abatement notice will be issued.

This workflow process requires a minimum of 54 days to arrive at a nuisance abatement situation significantly decreasing the exposure time of potentially unoccupied vessels on the anchorage, while providing a more consistent enforcement presence by reducing the time between citations.

The previous workflow of 30 days between citations was common practice adopted due to the amount of time allowed to pay citations and was not outlined in the board approved RBRA code. Recipients of citations will still have 30 days to pay a citation received, and 10 business days to appeal a citation, but common practice/enforcement workflow will be to issue subsequent citations in 14 day increments vs. 30 day increments.

Interagency Coordination

Interagency coordination with MCSO continues. Frequent check ins and occasional coordinated joint patrols continue. Frequent coordination with USCG and Sausalito PD has also yielded positive results in anchorage and waterway management.



