

# **RICHARDSON'S BAY REGIONAL AGENCY**

Thursday, December 18, 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 October 30, 2014 Meeting
2. Review report of Harbor Administrator
3. Finances
  - a. Approval of prior expenditures for November 2014
  - b. Vehicle insurance expense
    - i. Resolution authorizing reimbursement
4. Anchorage update
5. Vessel registration program update
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 February 19, 2015. 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](mailto:dallee@co.marin.ca.us)***

# **RICHARDSON'S BAY REGIONAL AGENCY**

## **MEMORANDUM**

December 12, 2014

**TO:** RBRA Board

**FROM:** Ben Berto, RBRA Clerk

**SUBJECT:** December meeting

Board members:

A merry holiday season to the Board and hearty thanks for taking time in your busy schedules to attend the last meeting of 2014.

As was briefly discussed in the October meeting, the Harbor Administrator currently has to use his personal vehicle for RBRA business on virtually a daily basis. The County of Marin (for which the Harbor Administrator is technically an employee) recently increased its insurance requirements for private vehicles used for County business. The County's additional insured and coverage costs less than three hundred dollars. Alternatives include RBRA purchasing a vessel for the Harbor Administrator to use for RBRA business, or to take a vehicle from the County vehicle pool on a daily basis. None of these options seem as practical as reimbursing the Harbor Administrator. Staff therefore recommends that the RBRA Board approve the attached resolution reimbursing the Harbor Administrator for additional insurance expenses.

The State Division of Boating and Waterways has informed the Staff that they will no longer reimburse the RBRA for the expense of pumping sewage from live-aboard vessels. Those individuals have very limited financial means. Assuming that the Board wants persons living on vessels to utilize this service as much as possible, Staff recommends adding the few hundred dollars of expense to RBRA's budget for FY '15-16.

As noted in the attached reports on the anchorage, there is good news and bad news. The good news is, thanks to program efforts vessel registration and documentation is at an all-time high, something that helps RBRA's work every day. The less good news is the number of vessels on the anchorage continues to be at/near alltime high levels. As noted in the report from the legal subcommittee, if the RBRA wants to more effectively manage the anchorage (including addressing the few dozen vessels that continue to be unregistered/ undocumented), this agency will likely need to focus its efforts in 2015.

Enjoy the holidays and I'll see you on the 18th.

# **RICHARDSON'S BAY REGIONAL AGENCY**

**MINUTES OF OCTOBER 30, 2014**

HELD AT SAUSALITO CITY HALL CHAMBERS

**MEMBERS PRESENT:** Kate Sears (Marin County); Herb Weiner (Sausalito); Erin Tollini (Tiburon); Ken Winter (Belvedere)

**ABSENT:** Ken Wachtel (Mill Valley)

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

**ADDITIONAL:** Lt. Scott Anderson, Marin County Sheriff's Department, Leslie Alden (Aide to Supervisor Sears), Adrienne Klein, Bay Conservation and Development Commission

Meeting called to order at 5:30 PM.

## **Minutes of May 15, 2014 Meeting**

Minutes were approved.

### **Review report of Harbor Administrator**

Mr. Price explained that since the CalRecycle funds were nearly expended, he would be applying for a large VTIP/AWAF grant in April. He spoke about a large dock that had been removed in a joint operation with the Sheriff's department and the Corps of Engineers. He also announced that the Gates Co-op project was finally installing new docks, and that by next year their challenging plumbing issues would be a thing of the past. Aside from the typical spikes in bacteria in that houseboat area, the Fall 2014 water quality test results had come in very clean.

Gerry Robertson asked what could be done about the huge hazard out there on the anchorage and wanted to know how the increasing numbers of anchored out vessels could be reduced. Jim McCarthy thought that the Aldebaran disposal costs were too high. Doug Storms felt that multiple-boat owners should be pursued. Kurt Hirschfeld asked where the money for boat disposal came from. Through the Chair, Mr. Price explained the CalRecycle and Boating and Waterways grant programs.

Chair Sears asked how the vessels are picked for abatement and Mr. Berto said that it was generally a low-hanging fruit approach, and that it was nearly impossible to pursue cost recovery on a judgment-proof group of itinerant boat owners.

### **Prior expenditures**

The expenditure report was accepted unanimously.

## **Resolution approving FY 2015 budget amendment**

The Resolution was passed unanimously

### **Resolution accepting \$12,500 VTIP grant**

The Resolution was passed unanimously

### **Water quality test result**

Member Sears asked if the site locations were always the same and Mr. Price explained that they were based on the original sites that originated with the program back in the 80's, but that certain sites were added as needed to focus on a potentially problematic area. Member Tollini asked why there were spikes at Clipper yacht harbor and Price explained that the site is right next to a large storm drain.

Ted Reed stated that he thought tides, current and time of day affected the results.

### **Vessel survey results**

Mr. Berto outlined the results and pointed out that there was a high incidence of vessel turnover, and only a small percentage of vessels from the 2008 census were still on the anchorage 6 years later. He also showed the percentage and number of unregistered vessels was relatively high (approximately 50%), but that the citation program had begun to inspire more boat owners to visit DMV and update their paperwork. Chair Sears asked why there was a higher number of vessel registered properly in Sausalito and Mr. Berto responded that the enforcement program was initiated earlier in Sausalito and had more time to show results.

Jim McCarty said that he had witnessed 8-10 illegal mooring balls off of Sausalito Yacht Harbor. Simone Adams asked how soon vessels could be taken off of the water under the registration program. Bryan Pennington asked how much of the \$750K went to the people who lost boats, and he questioned the legality of the Agency and their programs. Doug Storms said that the report was riddled with errors and stated that the moorings were the most important part of a census report, not the boats occupying them. Simone Adams said the program should not be limited to abating only unregistered vessels.

Mr. Berto explained the due to the fluid nature of the anchorage, it would be impossible to start a comprehensive abatement program within the framework of the RBRA's current budget. Costs include lengthy storage, towing, securing vessel, advertising, and unknown legal costs before the actual disposal costs even come into the equation. Chair Sears said the census data was a vital piece of the puzzle and Berto said that the situation would be much worse if the RBRA hadn't been conducting its current abatement efforts.

Jerry Robertson expressed his frustration and said it sounded like we were surrendering, and asked that the Board address the problem and keep it at 206.

### **Vessel Registration Program update**

Mr. Berto outlined the efforts made in public outreach and notification of the program, and said it was yielding results. He added that more law enforcement patrols would help the program succeed but that some vessels would never be registered and should be removed. Member Tollini asked to have a meeting with County Counsel to explain more about the process.

Member Winter asked if there was a physical limitation on the population. Mr. Berto explained that although there were time limits it is an active anchorage with cruisers, local citizens who live aboard and a historical compassion towards the population. In organizing and managing the anchorage, a mooring field approach is an alternative that works for other public harbors up and down the coast. He explained it would need careful vetting, and would be expensive and outside the scope of the current budget. Staff had tried to work out the details of this program in the past but it was halted in 2009 due to BCDC concerns that it would result in illegal fill. The idea was to assign mooring parking spaces to set the number of vessels and prevent backfill - a “picket fence”. If this program had been in place since 2008 census, only a fraction of the vessels in the original census would be out there today.

Walt Stricker stated that he was the president of the Westshore Road Homeowners Association, and that he had gone to legal counsel who has opined that local jurisdictions would be held responsible for damages. Doug Storms felt the current situation was hopeless and a public workshops should be held. Ted Reed pointed out the new State Lands code that allowed the taking of vessels that pose a hazard without issuing notices. He said he was in attendance to speak for the children. He said that Anchor-outs still use buckets for their waste, the anchorage is a debris field, and drifting boats are a hazard that cost money and lives. He was concerned for the eelgrass and the crop circles. He wanted to stop conversion of public lands to private, and he asked the Board to make this a priority. Simone Adams took the same position, saying she was a kayaker who wanted the bay to be cleaner. She suggested church meetings with the anchor outs to focus on waste issues, and a shift from disposal to prevention.

**Public Comments**

None

**Staff Comments**

Mr. Berto asked that the Board approve reimbursing the Harbor Administrator for an approximately \$200 annual cost increase in auto insurance in order to comply with new County insurance requirements for use of private vehicles whilst conducting agency business. Chair Sears asked that this increase be agendized for a future meeting.

**Board Member Matters**

None

The meeting was adjourned at 7:05 PM.

**NOTE:** The next meeting of the RBRA is tentatively scheduled for **December 18, 2014 at 5:30 PM** at the Sausalito City Hall Chambers.

# RICHARDSON'S BAY REGIONAL AGENCY

## HARBOR ADMINISTRATOR'S REPORT

December 10, 2014

### WORKING RELATIONSHIPS

- **Boating and Waterways** –1) We may be eligible for increased VTIP Grant funds for FY 14/15 over our allotted \$12,500 due to other agencies reverting their funds. We have a very good reputation at DBW for our successful work in this program, which translates into increased funding opportunities.  
2) The Clean Vessel Act funds has been covering 75% of our pump-out operations and maintenance expenses for the last 10 years. The Division of Boating has now decided that they will not cover the costs of pump-outs on live-aboard vessels. In order to continue the free pump-out service for live-aboard vessels, RBRA will need to enter this increased cost into next year's budget.
- **Cal Recycle** – \$63K remaining in the original grant which expires June 2015. This winter's storm cycle may cause some funding lapses since the AWAFF grant will not be available until early Fall 2015.
- **OSPR** – The grant for the fully deployable oil spill trailer in Sausalito has been issued. Awaiting the delivery of the unit.

### DEBRIS REMOVAL

- Disposed of 10 vessels. 5 vessels are currently awaiting demolition.
- 3 boats are currently impounded.

### STORM REPORT

- As of 12 pm Thursday, 12/11, the storm has beached four vessels, and one vessel has sunk after efforts to pump it out failed.
- Maximum winds according to buoy reports from Windfinder peaked at 0615 with a sustained strength of 34kts from the southeast for about 10 minutes. Fortunately, the predicted winds were less than forecasted and the damage was relatively minor.

### RAPID RESPONSE

- 2 vessels recovered and secured.
- Approved Rapid Response for local marinas in advance of the latest storm.

### WATER QUALITY

- Developed new protocols for boat disposal operations.

### OTHER

- Hauled out patrol vessel "Mud Puppy" at a reduced rate (60% of last year) through new boatyard.
- Attended Coast Guard abandoned vessel meeting in Fairfield; discussed new State lands Public Resources Code as basis for vessel removal.

# Richardson Bay Regional Agency

## RBRA Vessel Disposal List August - October 2014

Date	Name	Type	Amount	Condition	Location
10/25/2014	Camel	28' wooden float	\$697.80	sunk - abnd. - CalRecycle	Sausalito anchorage
11/1/2014	Dick Barton	20' f/g sailboat	\$1,478.74	abandoned - CalRecycle	Sausalito anchorage
11/4/2014	Erin	37' steel sailboat	\$11,875.95	sunk - abnd. - CalRecycle	Sausalito harbor
11/6/2014	Blue Pearl	29' f/g sailboat	\$6,988.14	abandoned - CalRecycle	Sausalito anchorage
11/13/2014	Shootin' Breeze	27' f/g sailboat	\$2,111.00	abandoned - CalRecycle	Sausalito harbor
11/15/2014	Dad's Dream	32' wooden powerboat	\$1,291.03	abandoned - CalRecycle	Sausalito harbor
11/18/2014	Shred	18' f/g powerboat	\$477.27	abandoned - CalRecycle	Sausalito harbor
11/18/2014	Red	20' f/g powerboat	\$477.27	abandoned - Cal Recycle	Sausalito anchorage
12/6/2014	Stinky	20' f/g sailboat	\$950.00	abandoned - CalRecycle	Sausalito anchorage
12/6/2014	Eagle	20' f/g sailboat	\$1,050.00	abandoned - VTIP	Sausalito anchorage *
10/11/2014	No name	65' ferrocement sailboat	ongoing	abandoned - CalRecycle	Sausalito anchorage
10/11/2014	Thunderbird II	65' steel powerboat	ongoing	abandoned - CalRecycle	Sausalito anchorage

**12 vessels total \$27,397.20**

\* indicates estimated invoices

# RBRA - BALANCE SHEET

## October 10 - December 10, 2014

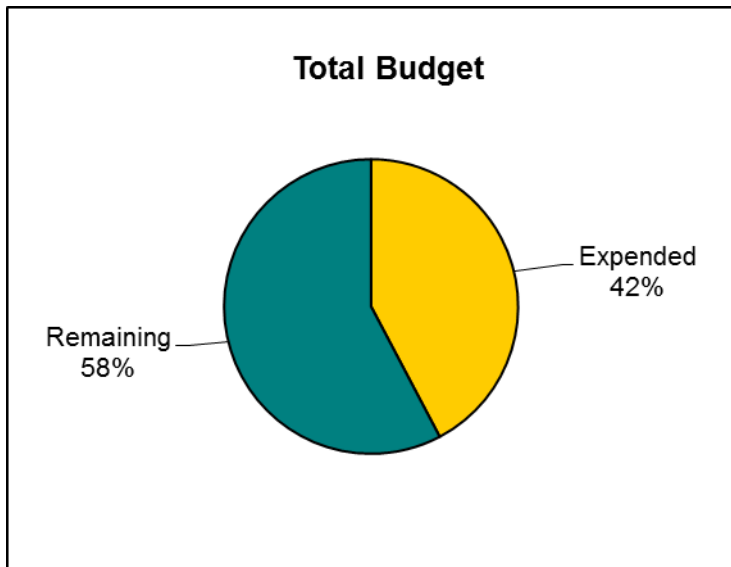
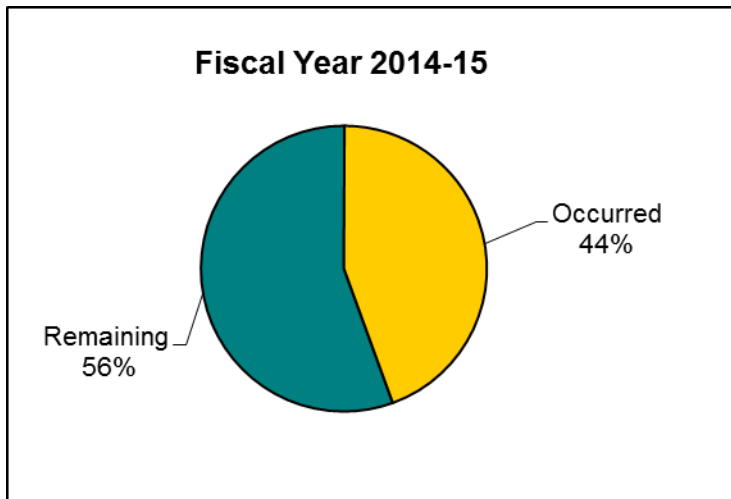
DATE	COST CENTER	DESCRIPTION	REVENUES	EXPENDITURES
10/23/2014	Bldgs & Grounds Rent	Mooring rental	-200.00	
10/23/2014	Sales and Services	Reimbursement - boat disposal	-177.07	
10/23/2014	Oth Maintenance	Accounting adjustment	-1,703.23	
10/23/2014	Maint & Rep Su - Oth	Accounting adjustment	-87.00	
10/31/2014	Bldgs & Grounds Rent	Mooring rental	-300.00	
10/31/2014	Sales and Services	Reimbursement - boat disposal	-334.25	
11/6/2014	Bldgs & Grounds Rent	Mooring rental	-150.00	
11/6/2014	Bldgs & Grounds Rent	Mooring rental	-160.00	
11/6/2014	Bldgs & Grounds Rent	Mooring rental	-300.00	
11/20/2014	Sales and Services	Reimbursement - boat disposal	-1,222.50	
12/3/2014	State - Grant	Cal Recycle #6 - Reimbursement	-91,217.94	
		<b>Total</b>	<b>-95,851.99</b>	
10/15/2014	HazMat Clean Up	Bay Cities - Debris disposal		585.50
10/10/2014	Prof Svcs - Other	Wedlock - survey		235.00
10/15/2014	Prof Svcs - Other	Day Labor		162.50
10/16/2014	Com Srvc - Cell Phon	AT&T Mobile phone		77.91
10/15/2014	HazMat Clean Up	HMA - Asbestos inspection		705.00
10/16/2014	Prof Svcs - Other	Dave's Diving - tow vessel		580.00
10/16/2014	Prof Svcs - Other	Dave's Diving - vessel salvage		1,200.00
10/23/2014	HazMat Clean Up	Bay Cities - Debris disposal		454.30
10/22/2014	HazMat Clean Up	HMA - Asbestos inspection		350.00
10/22/2014	HazMat Clean Up	HMA - Asbestos inspection		510.00
11/7/2014	Prof Svcs - Other	Diego towing - tow vessel up ramp		337.50
11/4/2014	Laboratory Services	R. Turner - date entry 2014 water tests		738.00
11/6/2014	Trav - Parking	Parking - Sacramento		21.00
11/6/2014	Com Srvc - Broadband	Go Daddy web services		143.52
11/6/2014	Com Srvc - Broadband	AT&T - phone/fax line		46.18
11/6/2014	Com Srvc - Broadband	AT&T - broadband		40.00
11/6/2014	Prof Svcs - Other	Diego Towing - tow 2 boats to dump		530.00
11/6/2014	HazMat Clean Up	W. Contra Costa dump - 2 boat disposal		496.60
10/28/2014	Prof Svcs - Legal	County Counsel - quarterly fees		1,383.75
11/7/2014	Oth Maintenance	Port Suply - boat parts		4.21
11/7/2014	HazMat Clean Up	W. Contra Costa dump - 2 boat disposal		513.24
11/7/2014	Prof Svcs - Other	Diego Towing - tow 2 boats to dump		525.00
11/7/2014	Trav-Meals	Food and water for crew		75.58
11/7/2014	Printing Supplies	Office Depot		52.80
11/7/2014	Maint & Rep Su - Oth	CalWest Rental - backhoe rental		662.88
11/7/2014	Trav - Mileage	Mileage		91.84
10/30/2014	Rent - Equip Rental	Hertz Equipment rental - backhoe rental		408.21
10/28/2014	Prof Svcs - Other	Alexander - Website services		260.00
5/30/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental		411.00
5/30/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental		160.00
5/30/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental		243.00
11/13/2014	Rent - Equip Rental	Hertz Equipment rental - backhoe rental		697.80
10/30/2014	Rent - Off Space	Libertyship Dry Storage		240.00
11/4/2014	Prof Svcs - Other	EMS - pump-out services		200.00
11/6/2014	Prof Svcs - Other	Maher Accountancy - Annual State report		750.00
11/4/2014	Rent - Off Space	ICB - office rent		420.00



11/4/2014	Prof Svcs - Other	MT Head - pump-out services	400.00
11/6/2014	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	8,125.00
11/7/2014	Rent - Off Space	Clipper yacht Harbor - Slip rental	149.65
11/7/2014	HazMat Clean Up	Safety Kleen - HazMat recycling	1,080.00
11/7/2014	Maint & Rep Su - Oth	CalWest - backhoe rental fees	43.55
11/19/2014	Rent - Equip Rental	Hertz Equipment rental - backhoe rental	657.39
11/6/2014	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	3,450.00
11/20/2014	Com Srvc - Cell Phon	AT&T Mobile phone	80.04
11/19/2014	HazMat Clean Up	HMA - Asbestos inspection	705.00
11/13/2014	HazMat Clean Up	Bay Cities - Debris disposal	436.70
11/13/2014	HazMat Clean Up	Bay Cities - Debris disposal	1,034.00
11/19/2014	HazMat Clean Up	PALS - Asbestos removal	600.00
11/20/2014	Prof Svcs - Other	Wedlock - survey	235.00
11/20/2014	Prof Svcs - Other	Wedlock - survey	235.00
11/19/2014	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	1,700.00
11/19/2014	Maint & Rep Su - Oth	San Rafael Yacht Harbor - boat disposal	615.00
11/20/2014	HazMat Clean Up	W. Contra Costa dump - 2 boat disposal	424.55
11/20/2014	Prof Svcs - Other	Diego Towing - tow 2 boats to dump	930.00
11/20/2014	Postage	US Post office	21.00
12/3/2014	HazMat Clean Up	Bay Cities - Debris disposal	932.00
12/3/2014	Rent - Equip Rental	Hertz Equipment rental - backhoe rental	840.43
12/3/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	160.00
12/3/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	243.00
12/3/2014	Rent - Off Space	Schoonmaker Point Marina - slip rental	411.00
12/3/2014	Rent - Off Space	Libertyship Dry Storage	240.00
12/5/2014	Prof Svcs - Other	EMS - pump-out services	162.50
12/3/2014	Prof Svcs - Other	Wedlock - survey	235.00

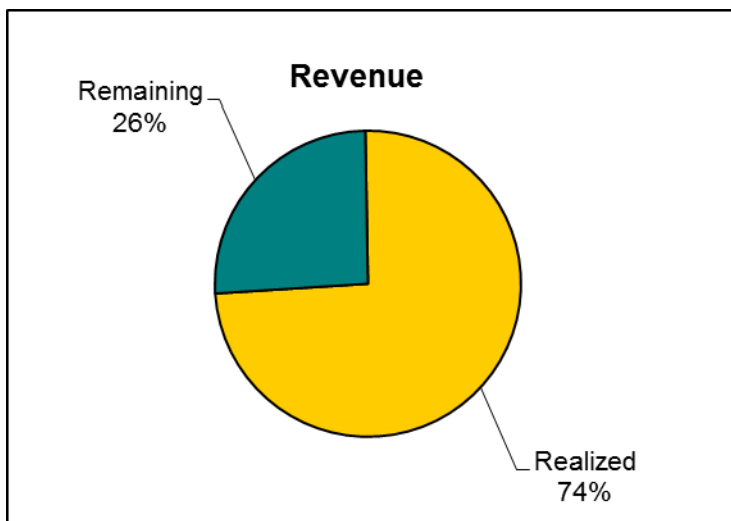
**Total            57,393.70**

# Percent of Budget and Percent of FY2014-2015 as of December 10, 2014



### Expenditures vs. Adopted Budget

Expenditures	\$197,655
Adopted Budget	\$467,548



### Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$347,379
Budgeted Revenue	\$467,813

# RICHARDSON'S BAY REGIONAL AGENCY

## RESOLUTION NUMBER 03-15

APPROVING REIMBURSING THE HARBOR ADMINISTRATOR FOR ADDITIONAL INSURANCE EXPENSES.

WHEREAS, insurance requirements and expenses for the County of Marin, which administers the RBRA budget, have increased this year; and

WHEREAS, the Harbor Administrator is currently incurring out-of-pocket expenses for RBRA business.

NOW, THEREFORE, BE IT RESOLVED, that the Richardson's Bay Regional Agency authorizes reimbursing the Harbor Administrator for additional vehicle insurance expenses.

PASSED AND ADOPTED by the Board of the Richardson's Bay Regional Agency on December 18, 2014 by the following vote:

Ayes:

Noes:

Absent:

CERTIFICATION:

\_\_\_\_\_

Kathrin Sears, Board Chair

\_\_\_\_\_

Ben Berto, Clerk, RBRA

# **RICHARDSON'S BAY REGIONAL AGENCY**

## **MEMORANDUM**

December 12, 2014

**TO:** RBRA Board

**FROM:** Ben Berto, RBRA Clerk

**SUBJECT:** Anchorage registration/documentation status update

Board members:

Scott Anderson of the Marin County Sheriff's Department reports good results from the Sheriff's (and Sausalito PD's) stepped-up enforcement efforts in cooperation with RBRA's registration/documentation program. As of the beginning of December, the Sheriff had issued 52 citations and achieved voluntary compliance without citations on 66 other vessels. With this enforcement and resulting vessel owner's actions, the number of vessels currently out of compliance with registration/ documentation has been substantially. Currently there are 38 vessels in the County jurisdiction portion of the anchorage, down from 92 out-of-registration vessels in April, a 59 percent reduction!

Staff wants to thank the Sheriff (and Sausalito PD) for their stalwart efforts , which are so instrumental to the ongoing success of the program. Staff doesn't have figures for registration/documentation compliance within Sausalito's jurisdiction more recently than the April census. However, given the long-term, ongoing nature of Sausalito's enforcement efforts, Staff guesses that Sausalito's registration/ documentation compliance rate continues to be in the 60-70 percent range (the Sheriff's recent compliance rate is 64 percent).

The increase in vessel registration and documentation rates is a significant improvement and greatly assists RBRA in dealing with vessels on the anchorage (eg., with the run of storms we have recently experienced). However, the question remains about what can and should be done about the 35% of vessels not currently registered or documented. See the legal subcommittee report for more on this topic.

December 12, 2014

**TO:** RBRA Board

**FROM:** Ben Berto, RBRA Clerk

**SUBJECT:** RBRA legal subcommittee findings and recommendations

Boardmembers:

Staff and Board subcommittee members have come up with recommendations pertaining to vessel removal:

1) The RBRA has a range of regulation and statutory options for removing undesirable vessels from the anchorage. State statutes include Harbors and Navigation Code (HNC) Sections 522-524 and 526, and Public Resources Code Section 6302.1 et seq. Under these statutes, a vessel may be removed under any of the following circumstances:

- Is abandoned
- Is unseaworthy, a derelict, hulk, or wreck
- Is left unattended in a location that obstructs traffic or is hazardous to other vessels, the public waterway, or property of another
- Is stolen
- The person in charge is incapacitated
- The person in charge has been arrested
- It interferes or represents a hazard to navigation or public health, safety, or welfare
- It poses a threat to wetlands, sensitive habitat, any protected species, or water quality
- Its registration of is more than one year out of date.

2) The legal subcommittee recommends that HNC §526 be used as providing the general basis for non-summary abatements. It sets forth procedures and affords due process for vessel removal and its ultimate disposal. In addition to setting the bases for vessel removal per 1) above, HNC §526 establishes noticing requirements both prior to and after vessel removal, contains appeal provisions, provides for vessel appraisal, and establishes disposal procedures agency cost recovery. This has been the preferred method for conducting formal abatements in the past.

It should be noted that there are several options for RBRA to dispose of vessels under Statutory authority regardless of its survey value or “seaworthiness” etc. Public Resources Code §6302.1 et seq. authorizes the State Public Lands Commission (SLC) and the RBRA in collaboration with the SLC to determine a vessel is abandoned and remove it under circumstances and procedures that fairly closely mirror those contained in HNC§522-524 and §526.

RBRA under its own regulatory provisions can and does conduct summary abatements where vessels represent an imminent or likely hazard. Examples include a sunk or

sinking vessel, or one that has run aground and is no longer in a seaworthy condition and needs to be removed quickly.

Finally, a vessel that is voluntarily relinquished by the owner (for example, via the Vessel Turn-In Program or VTIP) need not go through formal abatement procedure.

3) While RBRA has the legal authority to remove and dispose of unwanted vessels within its jurisdiction per the above, the cost of performing such removals on a widespread basis continues to be a major hurdle for our agency. The Harbor Administrator, as noted previously, has done an excellent job of achieving voluntary surrender and then disposed of unwanted vessels for a fraction of the cost of an HNC-based impound and disposal. An HNC-based impound/disposal involving towing, extended storage, a vessel survey, not to mention substantial RBRA attorney costs, etc., could result in expenses of \$10,000 or more per vessel.

RBRA is in the process of committing the last of the \$495,000 CalRecycle grant it received three years ago. Next year Staff anticipates that our Agency will once again obtain and use Abandoned Watercraft Abatement Fund (AWAF) grant funding, hopefully in the amounts it has typically received in years past (\$90,000-\$100,000). If RBRA receives an AWAF grant in this amount, it would still be a one-third reduction from the vessel abatement funding levels the RBRA has enjoyed the last three years, and implies an equivalent reduction in the number of vessels, assuming RBRA continues with the “voluntary” approach. The RBRA needs to be very judicious in which vessels it selects and under what circumstances for non-voluntary vessel HNC (or PRC/SLC) statutes as the legal basis for removal. At \$5,000-\$10,000 or potentially more each, the higher costs of such abatements could quickly negatively impact the overall number of vessels abated.

4) As noted in the registration/documentation staff memo, RBRA’s program combined with our two public safety department’s efforts have substantially reduced the number of unregistered or documented vessels on the anchorage. 80 vessels that were either unregistered in the spring or subsequently showed up unregistered have been registered thanks to Sheriff’s Department, Sausalito PD, and RBRA’s efforts. That is a major improvement from any registration/documentation levels witnessed since RBRA has been monitoring those levels.

At this time, the Marin County Sheriff’s Department estimates that 38 (or one-third of their total) vessels remaining on the non-Sausalito portion of the anchorage lack current/proper registration or documentation. Approximately one-third (19) of the vessels on the Sausalito anchorage were not currently registered as of the spring (those numbers have not been checked more recently).

If roughly 60 vessels are not currently registered, there is a good chance that simply continuing to cite them will not achieve voluntary registration. It is unknown how many of those are truly abandoned, and how many are under other circumstance (lived-aboard, etc.). For calculation purposes, if half (or 30) of the vessels are effectively abandoned, the question is what does RBRA do about them?

Another issue concerns how RBRA wants to treat vessels that may now be currently registered or documented, but are otherwise in poor condition and are being stored in

Richardson's Bay as a convenient free place. The RBRA Board has in the past not supported allowing vessels to be stored on the anchorage for extended periods. As noted above, however, Staff could easily expend whatever funds are likely to be available next fiscal year on far fewer vessels than typically it has been able to abate, were it to go with one of the non-voluntary methods described in 1) and 2) of this report.

Staff assumes the Board desires to remove the greatest possible number of abandoned vessels. However, continuing RBRA's "voluntary" abatement approach, even at recent all-time high levels, has not kept up with the influx and will not remove vessels whose owners have no interest in voluntarily relinquishing them to the RBRA.

Jurisdictions may have to substantially increase their local RBRA funding contributions in order to make serious inroads into the remaining/future unregistered vessels. This approach alone cannot prevent vessels from continuing to randomly appear on the anchorage. An effective anchorage program will have to both address existing undesirable vessels and eliminate the problem indefinitely repeating itself.

5) Staff acknowledges that its efforts have not been effective in improving the anchorage situation (although it has prevented the problem from quickly getting far worse). Given the current economy and the aging fleet of recreational vessels, people will continue to drop off vessels in Richardson's Bay. Total vessel numbers will not decline under current management approaches until the economy substantially improves, and perhaps not even then.

Staff recommends that the Board consider a workshop to comprehensively explore all facets of the anchorage situation and management. Getting all the interested parties to the table will facilitate discussion about the environmental, economic, social, and political climate in which RBRA operates and may point towards approaches and solutions that so far have proven elusive.

## Anchor-out influx making waves

By Soren Hemmila | Posted: Thursday, November 6, 2014 5:14 pm

The number of boats anchored-out in Richardson's Bay has more than doubled since 2008, and not everyone is happy about it.

Homeowners who fear runaway boats will smash into their million-dollar homes expressed their displeasure last week at the meeting of Richardson's Bay Regional Agency. Those who ply the bay waters for work and the long-term residents of the anchorage also made their presence felt at the Oct. 30 meeting.

Since 2008, the number of boats anchored on Richardson's Bay has steadily increased from 98 to this year's count of 205, according to the agency's clerk, Ben Berto.

"With the downturn of the economy, we saw a significant increase in the number of vessels on the anchorage since 2008 and 2009," Berto said during last week's meeting. "During every subsequent period, that number has increased."

Hoping to manage the amount of boats on the anchorage, the agency instituted a vessel registration program this spring.

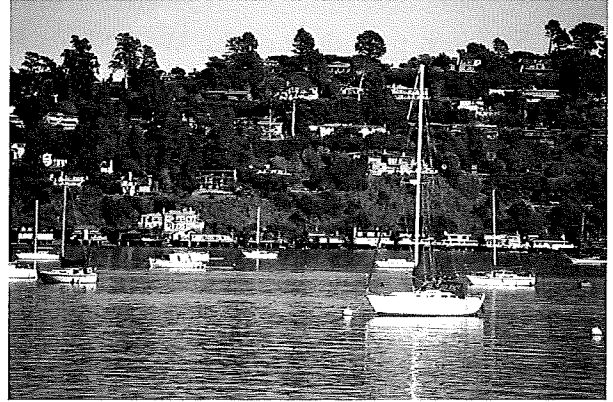
During the last survey, the agency learned only 95 of the 205 vessels – 46 percent – on the anchorage were registered or documented. In April, 66 vessels were two years out of registration or not registered at all and, thus, eligible for impounding under state law.

Berto said the goals of the vessel registration and documentation program are being achieved.

"We do have a much higher rate of currently registered vessels," Berto said. "When we end up with a vessel on the beach, we can track down that owner."

The agency is also using a California Department of Resources Recycling and Recovery grant to dispose of the highest number derelict or abandoned vessels since the RBRA was created.

"We have a \$450,000 grant that has allowed staff to reach an all-time high in the number of vessels we are salvaging on the anchorage," Berto said.



### Anchor-out influx making waves

The number of boats anchored in Richardson's Bay has steadily increased since the economic downturn of 2008. Residents of Belvedere's West Shore Road (pictured in background) expressed concerns about boats breaking free from their moorings and damaging their waterfront homes during a Richardson's Bay Regional Agency meeting last week.



Marin County Supervisor Kate Sears, who sits on the RBRA board, said reading about the 300 vessels the agency has disposed of since 2010 was surprising.

“This is an incredible amount of work that has been done at an incredible cost,” Sears said.

“Hopefully, this new registration requirement and enforcement will make a real impact on that.”

Walt Stricker, president of the West Shore Homeowners Association, said many do not understand the liabilities of runaway boats.

“West Shore has 59 homes that have an increasing market value every year,” Stricker said. “The damage to any one of those homes could exceed \$5-7 million.”

Stricker said Tiburon and Belvedere homeowners have been dealing with anchor-out problems on the bay for years. Because of a lack of control in the anchorage, an extreme amount of damage has been done and continues to be inflicted on West Shore Road homes.

“We’ve gone to legal counsel and found the people that would be responsible for that [are] the City of Belvedere, the City of Mill Valley and the City of Sausalito,” Stricker said. “Because you won’t enforce the laws that control these people and have boats that can cause this damage.”

Stricker said there is a responsibility to protect people’s property. Cities surrounding Richardson Bay would be responsible for damage that could reach \$10-15 million.

“We’ve had powerboats loaded with gasoline bounce off people’s houses and pilings,” Stricker said. “If any one of those boats had caught on fire and exploded, the city and all of the people involved in this operation would be liable for a potential liability of millions of dollars,”

Sausalito resident Doug Storms said the real problem is putting the lives of people at risk over an issue that stretches back more than three decades.

“Homeowners whose homes are down on the shore are not happy,” Storms said. “The people that live anchored-out are not happy when boats drag loose. There are people that care passionately and want to deal with this problem in a productive way.”

Gerry Robertson, the founder of Empress Events and who also captains chartered yachts, called the entire situation on the anchorage a huge hazard. He demanded answers to his questions during the public comment period of the RBRA meeting.

“Somebody is going to get hurt,” Robertson said. “Someone is going to die out there. We are going to have some weather come in one day and wipe out the fleet of anchored-out boats.”

Supervisor Sears had to thump her gavel several times during Robertson’s comments, reminding him it was not a question-and-answer period.

“I’m asking you to treat people with courtesy and respect,” Sears said. “This is not a back and forth. We’re not going to have a colloquy.”

“I get a little upset,” Robertson said in response. “It’s frustrating for me sometimes. Half the time, I’m running over these guys in the middle of the night.”

Robertson said anchor-outs rowing back and forth in the dark without lights end up screaming at him.

“I didn’t run them over,” Robertson said. “I slowed down and went around. Now these guys are screaming at me.”

For residents of the anchorage, agency officials said San Rafael’s Ritter House may be able to help people in the vehicle registration process.

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# Boat census springboards to gripe session about anchor-outs

By **DEIRDRE McCROHAN**

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Of the 205 boats anchored in Richardson Bay that were counted in a vessel census last April, 115 were newcomers that arrived only since the previous census in 2012, according to a new report just released by the Richardson Bay Regional Agency.

Fifty of the 205 vessels had been in Richardson Bay since 2012, 24 had been there since 2010 and 16 had been anchored in the bay since 2008, when the first census was taken.

The numbers “illustrated the ongoing steady increase in the number of vessels in each successive survey,” said Marin County Principal Planner Ben Berto, who also serves as agency clerk.

The joint-government agency of city council representatives from Tiburon, Belvedere, Mill Valley and Sausalito — alongside Southern Marin’s supervisor, Kate Sears — is tasked with protecting and maintaining Richardson Bay and its shorelines. In practicality, this often means protecting the bay from people who “anchor out” or live aboard their moored boats, and from damage caused by abandoned or derelict boats.

“RBRA has never salvaged vessels at a higher rate than the last couple of years and those efforts have not been effective, nor were they intended to be effective, in reducing the ongoing vessel influx,” Berto wrote in an Oct. 15 report on the census to the agency, which paralleled his remarks at its Oct. 30 meeting.

“I suspect there are some vessels that never will be registered,” Berto said. “Live-aboards are part of the social fabric

of this area and existed even before California was a state,” Berto said. “The late (Southern Marin Supervisor) Charles McGlashan said that, if this population wasn’t living on the water, they would probably be living under a bridge.”

Issues and problems related to transients who moor offshore and of abandoned or derelict boats frequently appear on agency meeting agendas and tend to draw a crowd.

The audience at the Oct. 15 meeting appeared to be made up mostly of Sausalito residents with a healthy contingent of Belvedere residents. All but one speaker expressed frustration with the growing volume of abandoned and derelict boats and the difficulty of making the boat owners register so that the agency can keep track of the boats and make sure they’re following regulations.

“I did my own census,” said Jim McCarty of Sausalito. “Just today, there were 8 to 10 new mooring balls. Is there any plan to preventatively remove those?”

Douglas Storm of Waldo Point said that the number of boats varies with the season and that it’s important to count those who stay year-round at the right time of year, that is, late fall. He also noted that the agency had begun counting skiffs and tenders for the first time, which could distort the census counts.

“You can’t make effective policy without accurate information,” he said.

Walt Strycker of Belvedere, who identified himself as the president of the West Shore Road Homeowners Association, said that for 35 years he personally has been dealing with the problem of boats breaking from their moorings and drifting over into Belvedere shore, where they can become lodged up under pilings and damage houses and docks.

## Audubon needs volunteers for workday on Aramburu Island

The Richardson Bay Audubon Center is seeking volunteers for its next work party on Aramburu Island, to be held 9 a.m.-noon Nov. 22.

Volunteers will boat over to the island from the center, at 376 Greenwood Beach Road in Tiburon.

Space is limited to 12 volunteers who need to be fit enough to bend, pull and kneel. Dress in layers and bring water.

To sign up, contact Tori Bohlen at [vbohlen@marin-county.org](mailto:vbohlen@marin-county.org) or 415-473-3778.

He argued that the jurisdictions that are members of the agency are liable for any damage caused by abandoned boats that aren’t removed promptly.

“In a large-scale, fluid, disorganized anchorage such as this one, it’s very hard to abate boats in a comprehensive fashion,” Berto said. Unlike the situation with abandoned or illegally parked motor vehicles, he said, “in an anchorage, it’s more tenuous.”

He said that, after towing a boat, it has to be stored for a month, and there can be legal challenges related to ownership, occupancy and seaworthiness. Boats that are believed to be abandoned have to be out of registration for two years before they can be towed.

Tiburon Councilmember Erin Tollini, an attorney who serves as the Tiburon representative on the board, is working on an agency committee with boardmember and Mill Valley Councilmember Ken Wachtel that is researching the extent of the agency’s enforcement authority, especially as it relates to removing problem boats.

*Deirdre McCrohan has reported on Tiburon local government and community issues for more than 20 years.*

# Caviar dreams for sea ducks, scientists

Agency trying old trick  
to grow herring roe,  
boost surf scoter habitat

By **DEIRDRE McCROHAN**  
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Ark 12-3-14

An appetizing autumn holiday for many of us included a variation on roast bird, herbed stuffing, mashed potatoes, root vegetables and cranberry conserve.

For the surf scoter, a large North American sea duck that spends winters on the Richardson Bay and other areas of the San Francisco Bay, a Thanksgiving would have looked a little different but certainly not unappetizing: a smorgasbord of shellfish and caviar.

The problem is that, with fish and bird habitat shrinking and becoming more polluted, shellfish and herring roe aren't as readily available to the surf scoter. Scientists think that may explain why the species population has been declining — and a new joint project by the U.S. Geological Survey and the Richardson Bay Audubon Center and Sanctuary in Tiburon is hoping to change that.

Wildlife biologist Susan E. W. De La Cruz, based out of the USGS Western Ecological Research Center's San Francisco Bay estuary field station in Vallejo, has undertaken a small-scale pilot program — an experiment, really — to see if an old fisherman's trick can be put to use to make sure surf scoters get fed properly.

For centuries, fishermen all around

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the Pacific Basin have dangled kelp fronds to get herring to lay eggs, which the fishermen then harvested and sold as herring eggs on kelp for use as a delicacy, perhaps most popularly in sushi as komochi konbu.

Inspired by the technique, De La Cruz and her team built and deployed three homemade rafts in the sanctuary waters. Framed in wood, the 10-foot by 10-foot rafts are strung with wire on the underside. The wires then were draped with kelp fronds, which had been harvested with the proper permits in Monterey and cleaned. To minimize the boat time on the water, De La Cruz's team brought the kelp out pre-strung on the rafts. The rafts were sited in areas of the bay that are at least 50 feet from eelgrass, a protected species.

Once at the chosen sites, the rafts were attached to spring-loaded lines that themselves attached to a helix-style anchor screwed into the sea bed, so selected because they won't disturb the sea bed surface.

De La Cruz's hope is that herring, which are always looking for surfaces, or substrates, to lay eggs on, will be drawn to the kelp and will deposit their sticky roe.

In the ecology version of this fish tale, the roe won't be harvested by humans. Instead, the surf scoters will feed on it, slurping it up like caviar off a big platter. At least, that's the plan.

Herring roe makes up as much as 50 percent of the surf scoter diet during the midwinter period, according to Audubon. The herring start about now and peak in January. Surf scoters also love mussels and clams, and use their bills to burrow into sediment and bay mud at low tide to dig them up and crack them open.

Later this winter, De La Cruz's crew plans to add a fourth raft with an as-yet-identified substrate to which mussels will grab hold.

"We know that in some places in winter, surf scoters are limited by food resources, so the idea is to increase accessible foods that are high in energy, and the hope is that more birds will survive and more birds will put on enough fat to migrate where they nest and successfully reproduce," De La Cruz said. "We hope to benefit scoters but we imagine other species might be foraging in there as well. Scaups also were hard hit by the (Cosco Busan oil) spill."

On Nov. 7, 2007, the Cosco Busan tanker crashed into the Bay Bridge, opening a hole in the tanker's hull and spilling more than 53,000 gallons of fuel oil into San Francisco Bay. The disaster was especially deadly to surf scoters, as their main habitat is near the spill site.

Tides and currents quickly carried the oil all over the San Francisco Bay, but birds contaminated by the oil also sought refuge in Richardson Bay and then died on local shores. Of the 414 oiled birds counted by Audubon staff and volunteers within Richardson Bay at that time, 166 were surf scoters, according to Audubon records.

As part of litigation settlement over the Cosco Busan spill, the settlement fund trustees were required to provide money for recovery projects to bring the surf scoter population numbers back up.

De La Cruz says Richardson Bay is an ideal place for the experiment because it provides a controlled environment, as boat traffic is not allowed each Oct. 1 to March 31, during the overwintering for migratory birds. The USGS boat was given unprecedented and limited access. Under its agreement with Audubon, the agency will have to remove the rafts by the end of winter.

The outcome of the experiment will help De La Cruz and other scientists decide which path to take in trying to reverse the decline.

"We're stewards of Richardson Bay in the sanctuary waters," said Audubon Director Jordan Wellwood. "We know that surf scoters have been in precipitous decline. We are very excited about this project because it's using the sanctuary and highlighting our efforts to help this species.

"We're looking forward to seeing how the birds respond to the herring-on-kelp project," Wellwood continued. "The findings from this winter's study will help inform our conservation efforts for surf scoters and potentially other wintering water birds in the bay."

Projects like this sometimes draw criticism that humans are interfering in nature. Kerry Wilcox, the sanctuary's waterbird program manager, had a quick rebuttal to that argument.

"Nature's already been given a push in the other direction," Wilcox said. "The fact that surf scoter populations are declining indicates something is out of balance. This experiment will help determine if this is a feasible way to supplement their winter diet.

"A lot of things could contribute to the declining numbers of surf scoters, but one thing we know is that the body condition of migratory birds prior to breeding is very crucial to reproductive success," he said. "If we can assist that process, it could be very beneficial."

*Deirdre McCrohan has reported on Tiburon local government and community issues for more than 20 years.*