

RICHARDSON'S BAY REGIONAL AGENCY

Board of Directors Meeting Agenda

Thursday, February 13, 2020

Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon, CA

The RBRA Board of Directors encourages a respectful dialogue that supports freedom of speech and values diversity of opinion. The Board, staff and the public are expected to be polite and courteous, and refrain from questioning the character or motives of others. Please help create a respectful atmosphere by not booing, whistling or clapping; by adhering to speaking time limits; and by silencing your phone.

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

5:00 PM CLOSED SESSION

Closed session, pursuant to Government Code Section 54957, public employee performance evaluation. Position: Executive Director.

5:30 PM CALL TO ORDER - ROLL CALL

- 1) Consent Agenda. The Consent Agenda reflects those agenda items that have prior policy approval from the Board and/or are administrative matters. Unless any item is specifically removed by a member of the Board, staff, or public in attendance, the Consent Agenda will be adopted by one motion.
 - a. Approve minutes of January 9, 2020.
 - b. Review and accept the Mooring Feasibility & Planning Study from Merkel & Associates.
 - c. Authorize execution of a professional services agreement with the County of Marin for part-time harbor administrator services.
- 2) Information Item: Presentation on Community Efforts
- 3) Open time for public expression. Members of the public are welcome to address the Board for up to three minutes per speaker on matters not on the agenda. Under the state Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally only may listen.
- 4) Reports/comments: a) Staff updates; b) Board Member matters
- 5) Work session: Transition planning for Richardson's Bay. Staff recommendation: Conduct a work session to discuss issues and ideas for transitioning Richardson's Bay in the context of the agency's goals for a safe, healthy and well-managed bay, the completion of the Mooring Feasibility & Planning Study and other steps taken towards achieving the agency's goals, and the expectations issued by the Bay Conservation & Development Commission (BCDC). Topics include consideration of a mooring program; vessel conditions; habitat/eelgrass preservation and restoration; enforcement priorities; housing alternatives; shore access, facilities and services; fiscal impacts; timelines; and other factors. An agenda item to address BCDC's expectation for a transition plan by March 31, 2020 will be scheduled for the RBRA Board meeting of March 12, 2020.
- 6) Adjourn.

AN AGENDA PACKET IS AVAILABLE AT THE SAUSALITO LIBRARY AND THE RBRA WEBSITE <http://rbra.ca.gov>, WHERE WRITTEN COMMENTS MAY BE SENT. TO RECEIVE AN ELECTRONIC MEETING NOTICE, PLEASE EMAIL REQUEST TO DON ALLEE AT dallee@marincounty.org

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RICHARDSON'S BAY REGIONAL AGENCY

DRAFT MINUTES OF JANUARY 9, 2020

HELD AT TIBURON TOWN HALL COUNCIL CHAMBERS

MEMBERS PRESENT: Jim Wickham, Chair (Mill Valley); Marty Winter (Belvedere); Kathrin Sears (Marin County); David Kulik (Tiburon)

STAFF: Beth Pollard, (Executive Director); Curtis Havel (Harbormaster)

Chair Wickham called the meeting to order at 5:00 p.m.

CLOSED SESSION

Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(d)(2). Number of potential cases: One.

OPEN SESSION

Open session convened at 5:33 pm. Chair Wickham announced no action was taken in closed session.

Consent Agenda.

- a. Approve minutes of November 14, 2019.
- b. Approve Resolution No. 01-20 accepting \$250,000 from the State of California Division of Boating and Waterways Surrendered and Abandoned Vessel Exchange (SAVE) 2019 Program.

M/s, Sears/Winter, to approve the Consent Agenda. Motion passed unanimously.

Presentation by Andrew Hening, coordinator of the Richardson's Bay "By-Name" outreach for transitioning persons off the water

Mr. Hening reviewed his power point presentation covering the collaborative outreach strategy involving multiple agencies; information learned including the identification of 92 persons on the bay, with about a third having been assessed; an assessment of efforts to date, and possible next steps that included developing a multi-year draw down period for people living on the water, seeking State grant and other funding along with a broader local funding coalition; focus on creating and funding of a rapid rehousing program that seems aligned with the level of vulnerability on the water; and utilizing a variety of possible housing interventions.

Board member Sears inquired about the availability of rapid rehousing. Mr. Hening explained that landlord participation in the county has generally improved, while there is more work to be done in Southern Marin.

Chair Wickham opened up public comment on the item.

Barbara Salzman inquired about the availability of mental health services.

Jeff Jacobs noted the large number of houseless persons in the County, that persons on boats live a better life than someone homeless on land, there's a level of mariner self-sufficiency that people on the water need, and questioned both the amount of money given to counties on such issues and money for Sausalito's Safe Harbor program going to marinas that do not provide public access,

Alden Bevington, with the Special Anchorage Association, questioned whether someone like Greg Baker and others with many years of experience living on the water should be considered homeless, that at a recent RBRA workshop meeting it was noted that among 20 people living on the water there was a cumulative total of 328 years of that experience; that this was a community and an integral part of Southern Marin culture and not to be lumped with homelessness in such a binary manner; that if there was support this community makes Southern Marin better; and wished money was being spent instead on assisting this community meet the criteria of safety.

Joan Cox, Sausalito City Council, said Sausalito's Safe Harbor Program is using grant funds and Sausalito Tidelands funds, and they are seeking permission to use HUD vouchers for program participants who become ultimately become permanent liveaboards at marinas, and asked whether they could use State housing vouchers for that purpose.

Lewis Tenwinkle, Special Anchorage Association, asked how vulnerable people on the anchorage were in comparison to persons such as those on the streets of San Rafael.

Doug Storms, Special Anchorage Association, has an 18-point database about vessels and persons including emergency contacts that is a potential resource for appropriate agencies,

Arthur Bruce, anchored out for more than five years who works as a landscaper in Marin, uses his vessel for long shifts though he has a place in Santa Rosa. He has spent more money on his ground tackle and keeping his boat safe than on the vessel over the past five years. He said he had no problems until Curtis took over and he was given a 72-hour notice and he felt bullied, and marginalized. He had two jobs and two cars, that he did not want to be called homeless.

Barbara Soleil read a statement of her claim against the RBRA.

Mr. Hening responded:

There are mental health agencies involved, and treatment is better provided in the wraparound services off the water.

From 2017 to 2019, Marin County had a 7% decrease in homelessness, a 28% decrease in chronic homelessness while 80% of California counties had increases; he attributed the decline to the use of the by-names methodology and pairing that with housing vouchers and other services.

He recognized the distinction made between mariners and homelessness as a fair point, and realized the spectrum of skills and experiences, which is a reason for a portfolio of different options.

As to using vouchers on the water for slips and such, it is not clear because the Marin Housing and federal government have certain standards.

Any additional information about persons on the water, including contact information, is welcome.

M/s, Sears/Winter, to authorize staff to apply for grant funding to support additional efforts to connect persons with housing alternatives. Motion passed unanimously.

Presentation on Community Efforts

Doug Storms, Special Anchorage Association, said the Association wished to present at the next RBRA meeting its ten-year plan for Richardson's Bay that includes moorings, ten access points, and a mariners' center.

Kelly Darling, Special Anchorage Association, asked whether the Harbormaster had any marine surveyor credentials, that BCDC has failed in its mission to protect the bay and is using Richardson's Bay as a

high-profile issue when the environmental impact of anchorouts is far below other environmental impacts in the bay. The State or feds need to replace BCDC with an agency that has clear procedures and policies and deals with areas focus in a timely manner with the least environmental impacts.

Presentation of information regarding operating a mooring program.

Eric Endersby, Morro Bay Harbor Director, presented the power point he provided summarizing various aspects of operating his city's mooring program. Information covered the number of public and private moorings; revenue and costs for individual mooring sites and the overall program; types of ground tackle/equipment and its inspection and maintenance; opportunities and benefits such as management control, revenue, and safety and security force/eyes and ears for rescues and other boaters' problems; challenges or problems such as non-mariners who are unable to manage their boats, liability even with waiver forms, and enforcement for "sneakaboards."

Questions:

Anne Libbin: Any environmental study or issues with sensitive habitat like eelgrass beds? Mr. Endersby responded that generally the moorings are in 12 to 15 feet of water and they keep moorings away from eelgrass.

Steven, who has lived on Richardson's Bay for 15 years, asked how is it that a state agency ends up with control of a federal anchorage.

Jeff Jacob, precinct number 31235, asked whether the Morro Bay anchorouts are registered, and the difference between managing the Morro Bay program compared with a self-administered small-craft harbor district. Mr. Endersby explained that Morro Bay was not a harbor district. It has a natural bay, and jetties were built during World War II to create a Navy base that created a waterfront from the water. After the war, because that was submerged tidelands, public property, the State Legislature established the Morro Bay Tidelands Trust. They said this area that used to be water that has now been created into land is to be used for commerce, navigation and fisheries. It was turned over to the County who was told to promote those uses. In 1964 Morro Bay was incorporated and it assumed the tidelands ownership from the State, and they are managing State property for the State, in trust for the State to generate revenue, to do all the things they do for public safety and service, public access, environmental protection, etc,

Bay Conservation & Development Commission (BCDC) expectations of RBRA to take additional actions for removal of vessels from Richardson's Bay.

Executive Director Pollard presented the staff report summarizing the BCDC letter of expectations for vessel enforcement and reduction and submittal of a transition plan for vessels remaining at March 31, 2020 and habitat restoration. She reviewed where current policy and funding would and would not support the enforcement and reduction expectations, the projected accomplishment of removal of nearly all unoccupied vessels by BCDC's deadline, and options for expanding enforcement priorities. She noted that transition program considerations included whether to pursue a mooring program, housing alternatives, abatement funding, and requirements of BCDC. Other recommended and potential strategies include obtaining temporary personnel for the remainder of the fiscal year, seeking outside funding including from BCDC's Bay Clean-up and Abatement Fund, and endorsing private philanthropic efforts to improve vessel conditions.

Chair Wickham opened the item to public comment.

Joan Cox, Sausalito City Council, was disappointed that the Executive Director did not mention Sausalito's offers to perform vessel abatement in RBRA waters. The City of Sausalito is interested in expanding its Safe Harbor program to boats in RBRA waters but only once RBRA has demonstrated its ability to stop the influx of new vessels. She said that the BCDC Enforcement Committee is not sanguine about a mooring field absent a demonstrated success in enforcement and ability to abate marine debris and unoccupied boats, and there are logistical issues of placement of moorings as noted in the mooring study. With respect to funding, it is her perspective that BCDC expects the RBRA member agencies to step up with additional funding if needed to accomplish the abatement of marine debris, unoccupied storage boats and start to reduce bay fill.

Lewis Tenwinkle, Special Anchorage Association, objected to BCDC's enforcement stance and Sausalito's enforcement work such involving vessels that as a result moved to RBRA waters.

Greg Baker reported on his findings about the cost to get boats repaired and under power; to haul out, scrape and paint a boat generally costs between \$2,500 to \$3,000 providing the bottom was not terrible; getting an outboard engine to enable a boat to be powered generally would cost between \$600 and \$1,000.

Anna, who lives with Daryl who she said was a knowledgeable mariner, said Curtis was not following the rules that were read, that boats including hers were being taken illegally and being crushed; it wasn't right to take personal belongings; there is more sewage released into bay by land residents than anchorouts; she was willing to pay rent for a mooring; their boat was not marine debris, it was registered and occupied, they are going to get a lawsuit going, and this is a federal anchorage where there is no 72-hour rule.

John Sperry said he was given a 72-hour notice, but he was disabled and needs a friendly person who stops by and explains changes in regulations.

Anne Libbon, Marin Audubon, noted that BCDC wants to know how RBRA will address and resolve the damage to natural habitat in Richardson's Bay, which with eelgrass is a habitat of special concern, and the agency responsible for damage needs to come up with a plan to address that.

Barbara Salzman supported increased staffing provided it would do a responsible job of enforcement and related actions. She said it would be good for RBRA to be more definite about the actions it intends to take. Regarding the organic decline of vessels, it was an interesting approach to investigate further, that provided it didn't go too long could be an effective component.

Kelly Darling said anchorouts contribute very little damage comparatively to the bay but are the visible targets, that everything else is under water; that all the houses on West Shore and all the marinas are on public lands as well and where is the money going to help mitigate the environmental and public trust impacts of those.

Jeff Jacob expressed agreement with the concern about replacement marine debris vessels; he complimented people for showing up and being involved.

Mickey Allison, resident of the Floating Homes community, said that community never would have happened if they had not gotten BCDC to change their minds, a lot was getting the community known including as a tourist attraction. Her great-great grandfather lived on a boat on the bay in the 19th century and finally was able to find lodging elsewhere but it wasn't easy. Sausalito politicians may have angst about the anchorouts but Christ Church, Sausalito Womens' Club, Floating Homes Community, Sausalito Christian Fellowship, Sausalito Presbyterian Church and other places around Richardson's Bay provide things like clothes and meals to anchorouts. She said it's time to think outside the box about having some

boats out there. She said birds used to land on pilings and are no longer able to do so because BCDC required the piling removal.

Doug Storms noted that the reported need for funding was more than was available; that volunteer fire departments exist all over the country where volunteers help save lives with equipment provided by the towns; that anchorouts likewise save boats and people, and want to be involved in working together.

Chair Wickham closed public comment.

Board Member Sears said that RBRA's goal has been to create policies, programs and plans that consider the environment and safety of those on the land and the water and that RBRA has been getting input from the community. She summarized that RBRA has adopted safety and operability criteria and vessel expectations working with mariners, reduced marine debris benefiting the environment and addressing safety concerns, established limits for new vessels, and conducted the eelgrass study. Enforcement is an important issue but it is not the only issue, and the issues are complex. BCDC's pressure for timelines to transition the remaining vessels off the water by March is at best premature, RBRA has not had the opportunity to develop a mooring plan to address the safety and environmental issues in a thoughtful way. RBRA has been responsive to requests from BCDC for information and should continue to do so, and RBRA needs to be the agency to develop a plan for the anchorage. The harbormaster has a tough and challenging job and it would be useful to get help. She supported endorsing private and philanthropic efforts to improve the condition of vessels as being in everyone's interest to improve the environment and safety.

M/S, Sears/Wiinter, to authorize temporary personnel for the remainder of the fiscal year to assist in RBRA enforcement and related work. Motion passed unanimously.

M/S, Kulik/Winters, to authorize request support for funding and other assistance from BCDC and other agencies, organizations, or sources. Motion passed unanimously.

M/S, Sears/Kulik, to endorse private, non-profit and other philanthropic efforts to improve the condition of occupied vessels so as to reduce hazards and risks in the bay and to improve the capability of vessels to qualify for marina slips. Motion passed unanimously.

The Board discussed the issue of replacement vessels and how it pertains to its enforcement priority of no new vessels; the consensus was to consider at another time as part of the transition planning.

Open time for public expression.

Jeff Jacob spoke against using funds for destruction and attorneys. He said he hoped that the Board understood the emotions behind boats being taken off the anchorage especially during storms and when it makes people homeless, and that boats that had been made to move from Sausalito waters to RBRA waters were at greater risk because people were not used to being at that greater distance.

Brian Doris, mariner, did not like the term anchorout, said he was near the Belvedere shore. He said that Harbormaster Havel was out on the anchorage more than his predecessor, that he didn't like a lot of the things he was doing, and that he would like to get paid for the work he is doing to help out on the anchorage.

Peter, a mariner on Richardson's Bay, said he would like to be able to bring a better boat onto the bay if he lost his boat; that if people could not bring in replacement boats they would end up homeless. He objected to some interpretations of marine debris. He noted that there can be problems with trying to get a

boat registered with DMV even when they own the boat and would like to see exceptions for people who try but are unable to get a boat registered.

Daryl Anderson, mariner on Richardson's Bay, said he was for taking boats that look like crap, and supported allowing people to bring in replacement boats. He said he cannot live on land around a bunch of people, that he is safer out there on the water away from everyone. He said he helps people during storms or when they need to get to shore when things go wrong, and that they work hard.

Lewis Tenwinkle said RBRA should not take help from Sausalito or have them rejoin, that they forced people to the other side of the anchorage, and was critical of BCDC and what it was doing. He said his boat was his home so he was not homeless.

John Sperry, said was disabled and needed Curtis to bring the permit application to him.

Mickey Allison, said getting a new boat was like getting a new car or replacing a house that burns down or a houseboat that sinks, and that she knew how hard it was to get a boat registered. She said Waldo Point at one point was banned by BCDC, but those people were anchorouts, and this was a maritime community of interesting people that shouldn't go away.

Barbara Salzman said the ordinances were against vessels, not people, and that allowing replacements goes against the ordinances.

Arthur Bruce said this is not anything but a war on the poor.

Staff updates.

Harbormaster Havel presented the staff updates on initiatives that included issuing 15 30-day anchoring permits to cruisers passing through, the participation by the law enforcement agencies of the member agencies to assist him on the patrol boat with his work on the anchorage, and expressed appreciation to the other agencies who have assisted him in multiple ways with vessels. The vessel count has dropped from 184 vessels in August 2019 to 140 vessels at last count; he noted that there were murky issues of ownership and occupancy he was working his way through.

Adjournment

The meeting was adjourned at 7:55 pm.

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)
STAFF REPORT

For the meeting of: February 13, 2020

To: RBRA Board of Directors
From: Beth Pollard, Executive Director
Subject: Mooring Feasibility and Planning Study

STAFF RECOMMENDATION:

Review and accept the Mooring Feasibility & Planning Study for Richardson's Bay conducted and submitted by Merkel & Associates. This recommendation is limited to acceptance of the report and does not commit RBRA to future actions.

BACKGROUND:

After conducting public work sessions, on April 12, 2018 the RBRA Board provided initial direction to pursue establishing secure moorings in Richardson's Bay as a means to improve the safety, health and management of the bay. On July 25, 2018, the Board directed staff to begin the process to engage professional services to advise on location, mooring type/technique, capacity, and accessing the shore, in light of the presence of eelgrass and other aquatic life and migratory birds; physical conditions of the bay; and water quality/health of the bay. The Board approved issuance of a request for proposals for the marine ecology-based services at its meeting of October 11, 2018.

On January 10, 2019, the RBRA Board of Directors authorized entering into a contract with Merkel & Associates for professional services to advise on how conditions on the bay inform possible mooring locations, equipment/technique, overall mooring capacity and access from moorings to the shore. Merkel was selected on the basis of its proposal and its experience with the inventory, restoration, and monitoring of eelgrass in Richardson's Bay, and with bay ecology issues within San Francisco Bay since 1994.

Merkel conducted a range of research and analysis related to past and present conditions on the bay. Additionally, the firm conducted bathymetric and eelgrass sidescan surveys in late spring 2019 to further inform and refine its conclusions. The area of the bay studied included both RBRA and Sausalito jurisdictional waters.

At the RBRA Board meeting of September 12, 2019, Keith Merkel, principal with Merkel & Associates, presented an overview of its study methodology, findings, and recommendations, and addressed questions from the Board and public. The final report was presented to the Board at its meeting of November 14, 2019, at which

time Mr. Merkel was available to address additional questions and comments. A record of questions and comments is contained in the minutes of those meetings. One written communication, from the Marin Audubon Society, was received and is attached.

The summary of the study presented by Keith Merkel is attached. The full study can be found on RBRA's website at rbra.ca.gov.

In summary, the study noted existing damage to eelgrass beds, bay habitats and conditions that inform location of any potential moorings as well as mooring systems, equipment and capacity, and recommendations to resolve ecological conflicts. The study provides valuable information for the public and for RBRA as it develops overall direction for Richardson's Bay.

FINANCIAL IMPACT:

There is no financial impact to RBRA as a result of the Board's acceptance of the study.

Attachments:

Study presentation summary slides

Letter from Marin Audubon Society dated January 5, 2020

Full study available: rbra.ca.gov: Home page link and November 2019 meeting archives

The image is a vertical composite. The top half shows a sailboat with a yellow sail on a blue sea under a blue sky with white clouds. The bottom half shows an underwater view of green seagrass with sunlight filtering through the water. The text is centered in the middle of the image.

**Ecologically-Based Mooring
Feasibility and Planning Study
Richardson's Bay Regional Agency**

Issue: Moorings and Vessel Activities in Richardson's Bay Are Impacting Valuable Ecological Resources – Principally Eelgrass



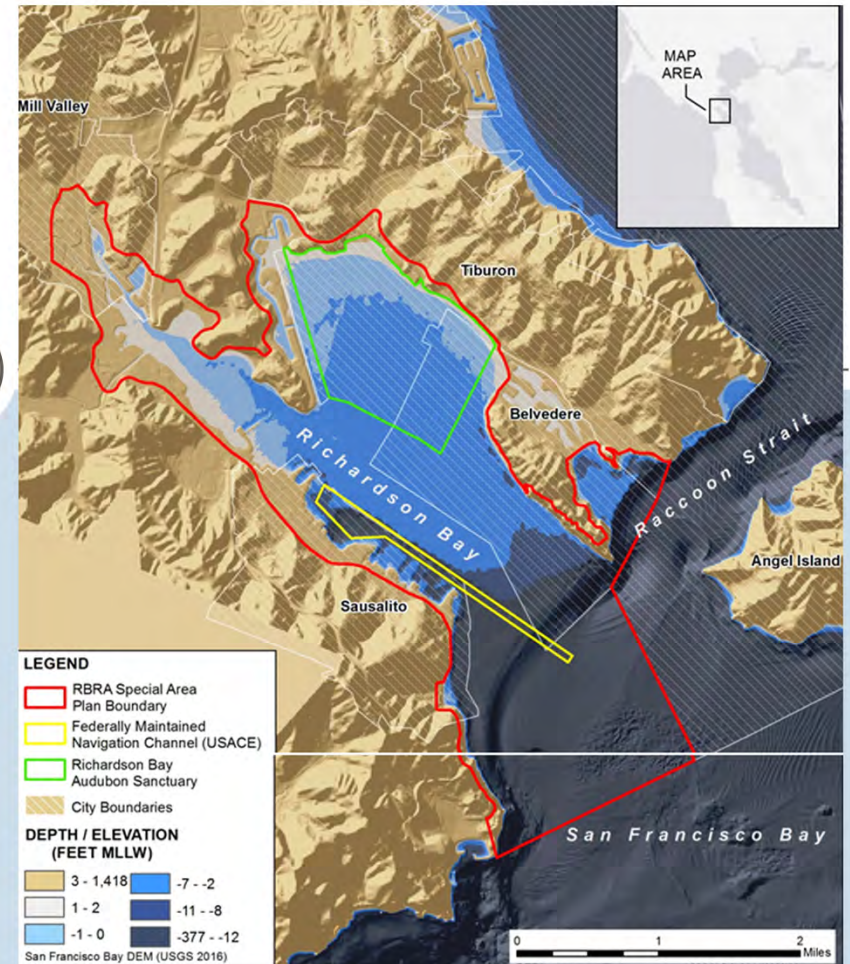
Planning Study Area

AREAS OF STUDY

- ❑ RBRA ADMINISTERED WATERS
- ❑ SAUSALITO WATERS
- ❑ BELVEDERE COVE

AREAS EXCLUDED

- ❑ SHALLOWS OF MILL VALLEY
- ❑ WATERS OF RACCOON STRAIT
- ❑ RB AUDUBON SANCTUARY
- ❑ FEDERAL NAVIGATION CHANNEL



Study Purpose



- ❑ IDENTIFY ECOLOGICAL CONFLICTS WITH MOORINGS
- ❑ QUANTIFY IMPACTS WHERE PRACTICAL
- ❑ ASSESS POTENTIAL MEANS TO REDUCED IMPACT LEVELS
- ❑ EVALUATE FEASIBILITY OF RETAINING MOORINGS
- ❑ ASSESS CARRYING CAPACITY OF MOORINGS
- ❑ MAKE RECOMMENDATIONS ON MEANS TO RESOLVE CONFLICTS
- ❑ PROVIDE SCIENTIFIC/TECHNICAL INPUT TO DECISION MAKERS

Recommendation Guidelines



- ❑ STUDY RECOMMENDATIONS SHOULD BE VIABLE
 - ❑ Must be safe
 - ❑ Must be fundable and sustainable
 - ❑ Must be permissible
 - ❑ Must be manageable and enforceable long-term
 - ❑ Must accommodate transition
 - ❑ Must be widely acceptable

NOT the Study Purpose



- ❑ LANDSIDE SUPPORT FACILITIES FOR MOORINGS
- ❑ SOCIAL AND SOCIAL JUSTICE ISSUES
- ❑ POLICY ISSUES RELATED TO MOORINGS

Additional Steps



- ❑ AGENCIES AND PUBLIC CONSIDERATION OF STUDY RESULTS
- ❑ AGENCY FORMULATION OF A PROJECT
- ❑ PROJECT DESIGN AND MANAGEMENT PLAN DEVELOPMENT
 - ❑ Moorings or no moorings
 - ❑ Moorings - how many, what size, and configurations
 - ❑ Management and operational and enforcement plan
 - ❑ Financing plan (capital and operational funding)
 - ❑ Transition or phasing plan
- ❑ FUNDING STRATEGY AND SECURE FUNDING
- ❑ ENVIRONMENTAL REVIEW AND PERMITTING

Data Collection Approach



- ❑ REVIEW EXISTING DATA ON ECOLOGICAL RESOURCES
- ❑ COLLECT NEW EELGRASS AND BATHYMETRIC DATA
- ❑ REVIEW MOORINGS DISTRIBUTION THROUGH TIME
- ❑ COLLECT ADDITIONAL INFORMATION THROUGH INTERVIEWS

Data Analysis Approach



- ❑ PREPARE SPATIAL DATA FOR ECOLOGICAL RESOURCES
- ❑ PREPARE SPATIAL DATA FOR CONSTRAINING FACTORS
- ❑ SUMMARIZE CONDITIONS THROUGH TIME AND TODAY
- ❑ PREPARE A SPATIAL MODEL OF MOORING SUITABILITY

Data Summary Approach



- ❑ DETERMINE IF RETAINING MOORINGS IS FEASIBLE
- ❑ IDENTIFY CAPACITY OF BAY FOR MOORINGS
- ❑ MAKE RECOMMENDATIONS FOR A PATH FORWARD

Bay Bathymetry

1859

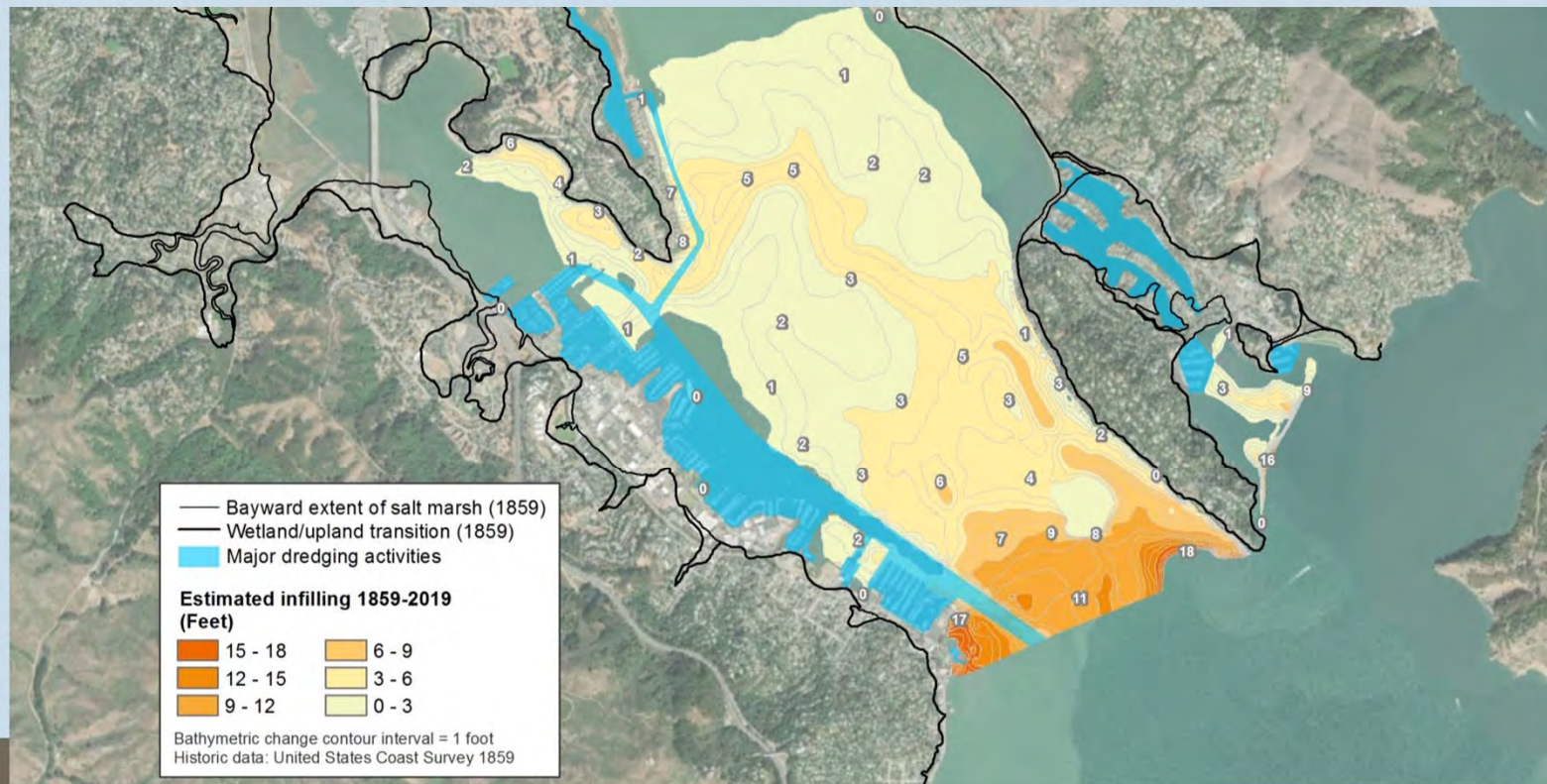


2019



Change in Bathymetry (1859-2019)

□ AVERAGE OF 0.15 INCH/YEAR



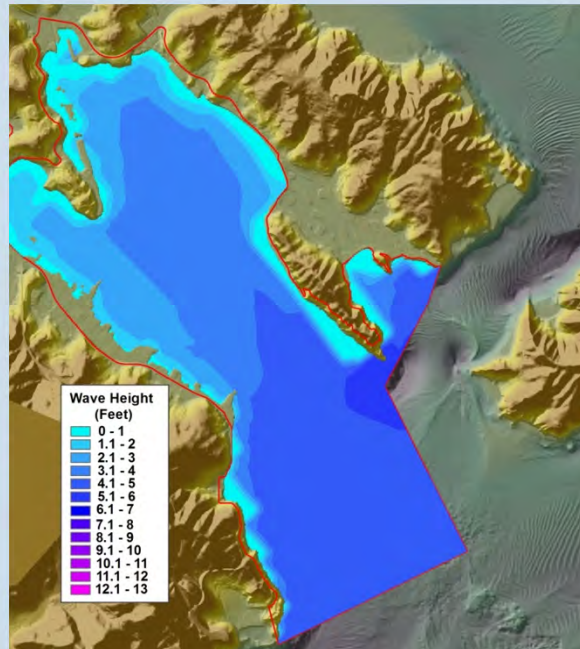
Wave Climate OCOF USGS Modeling



**1-YEAR
MAXIMUM WAVE**



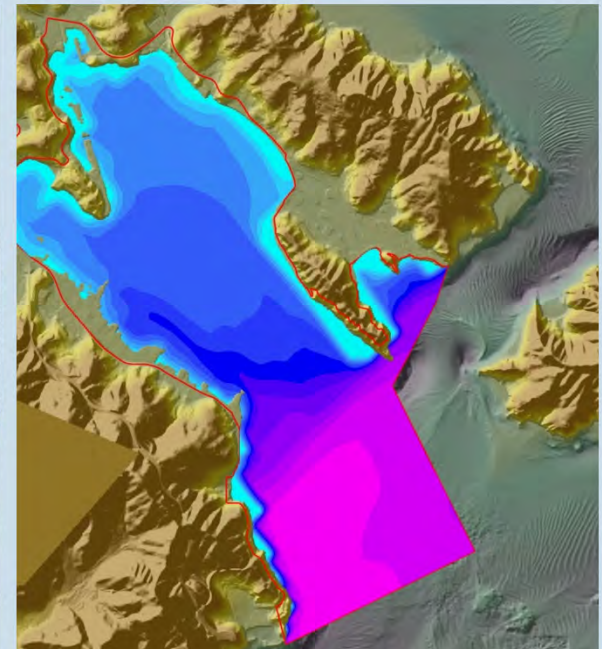
**20-YEAR
MAXIMUM WAVE**



Wave Height
(Feet)

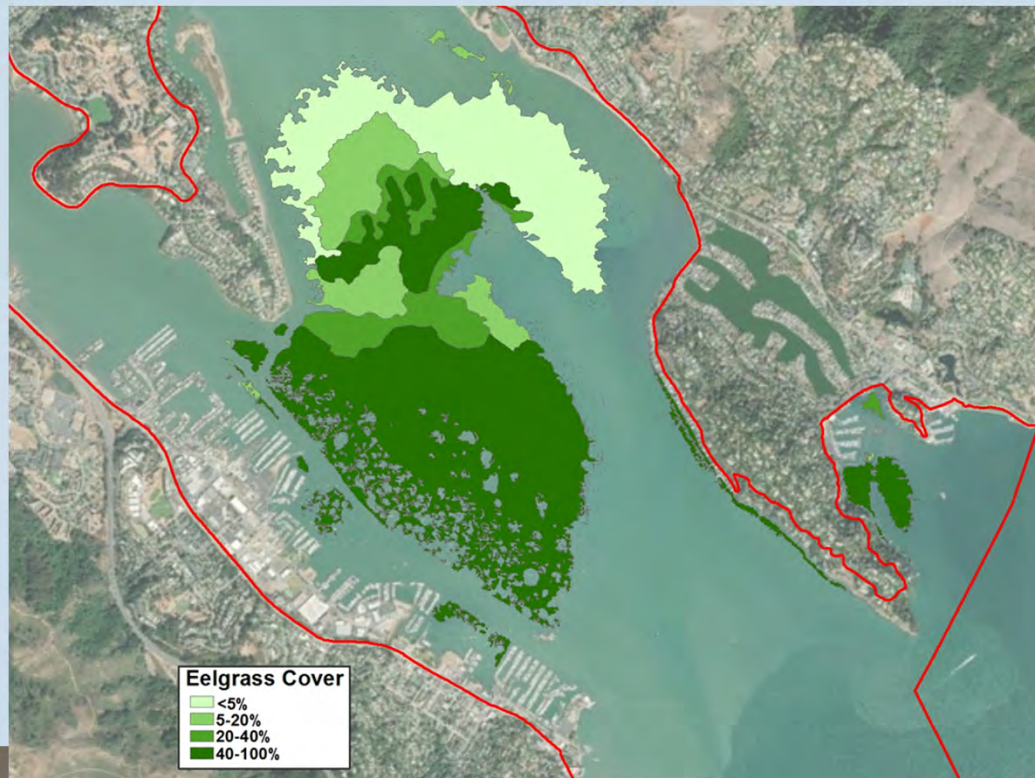
0 - 1
1.1 - 2
2.1 - 3
3.1 - 4
4.1 - 5
5.1 - 6
6.1 - 7
7.1 - 8
8.1 - 9
9.1 - 10
10.1 - 11
11.1 - 12
12.1 - 13

**100-YEAR
MAXIMUM WAVE**

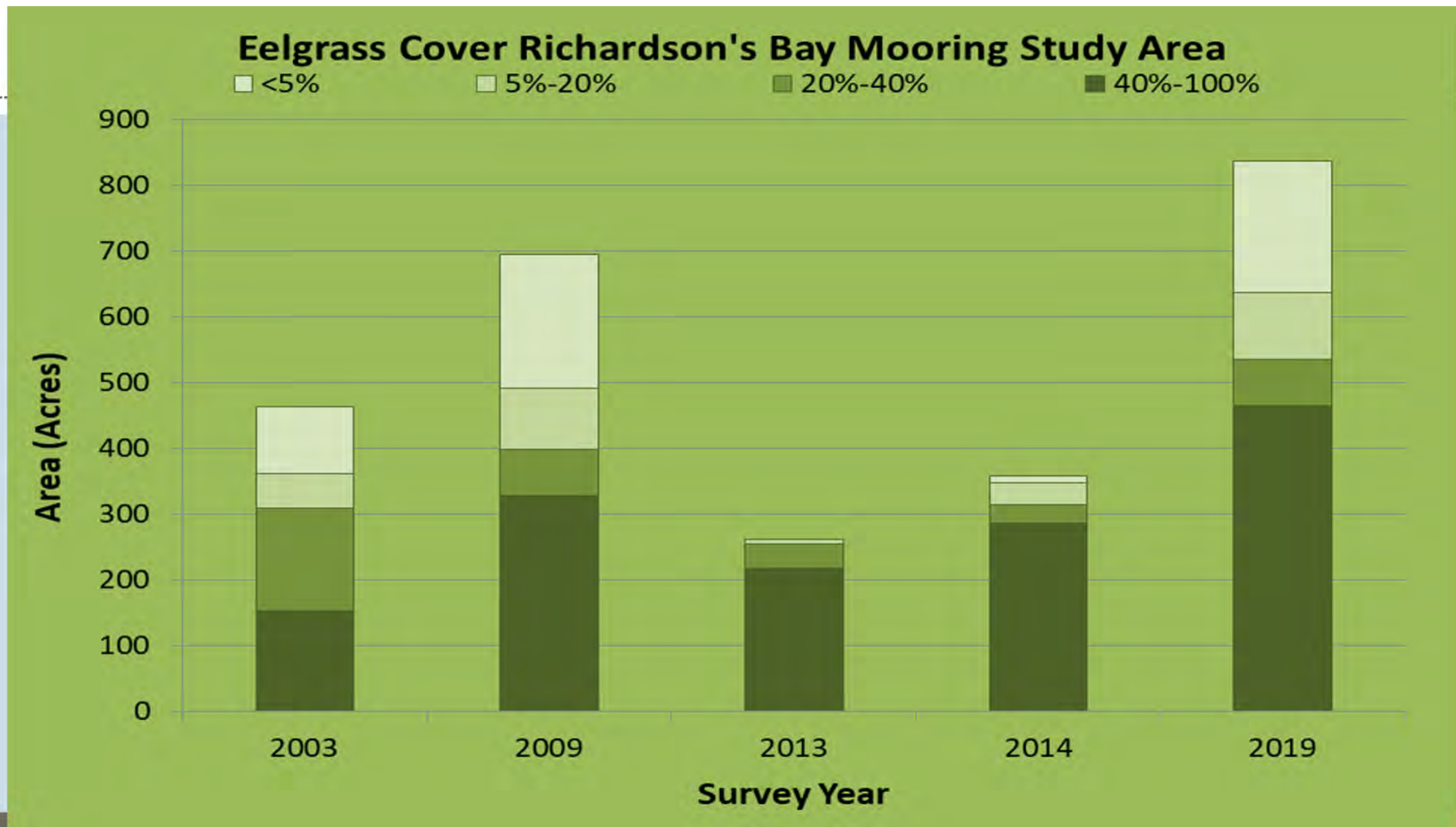


2019 Eelgrass in Richardson's Bay

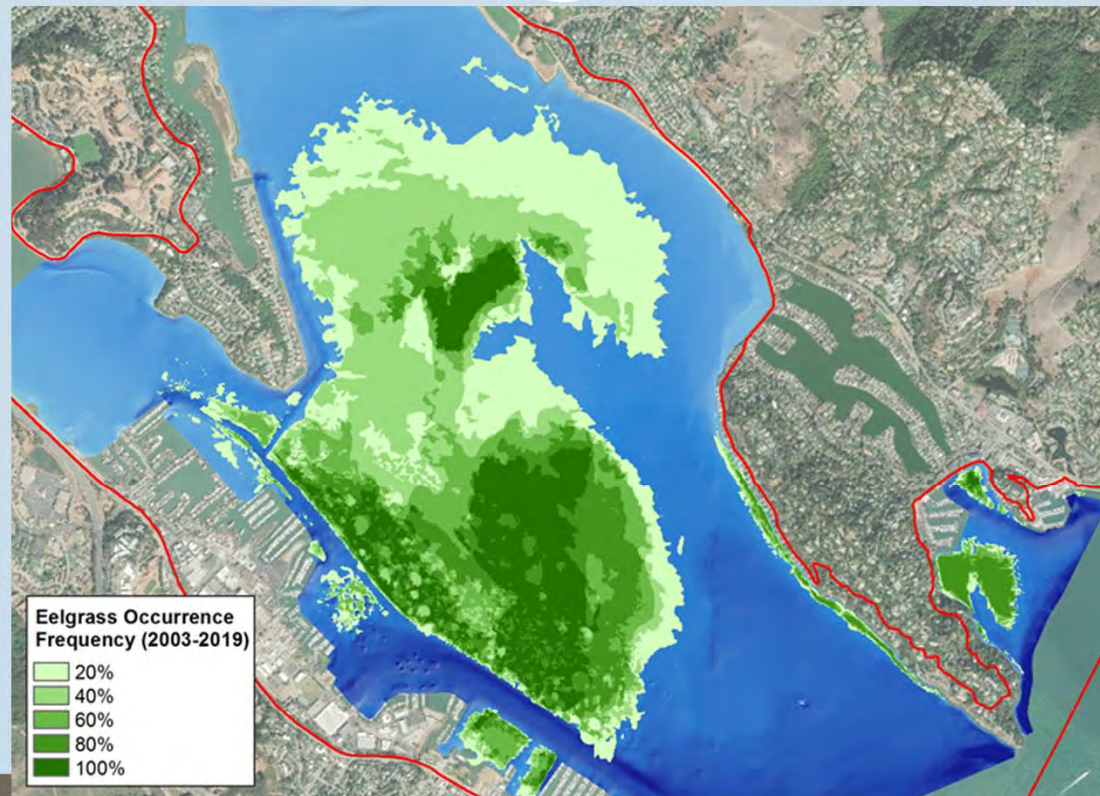
□ **837.3 ACRES (JUNE-JULY 2019)**



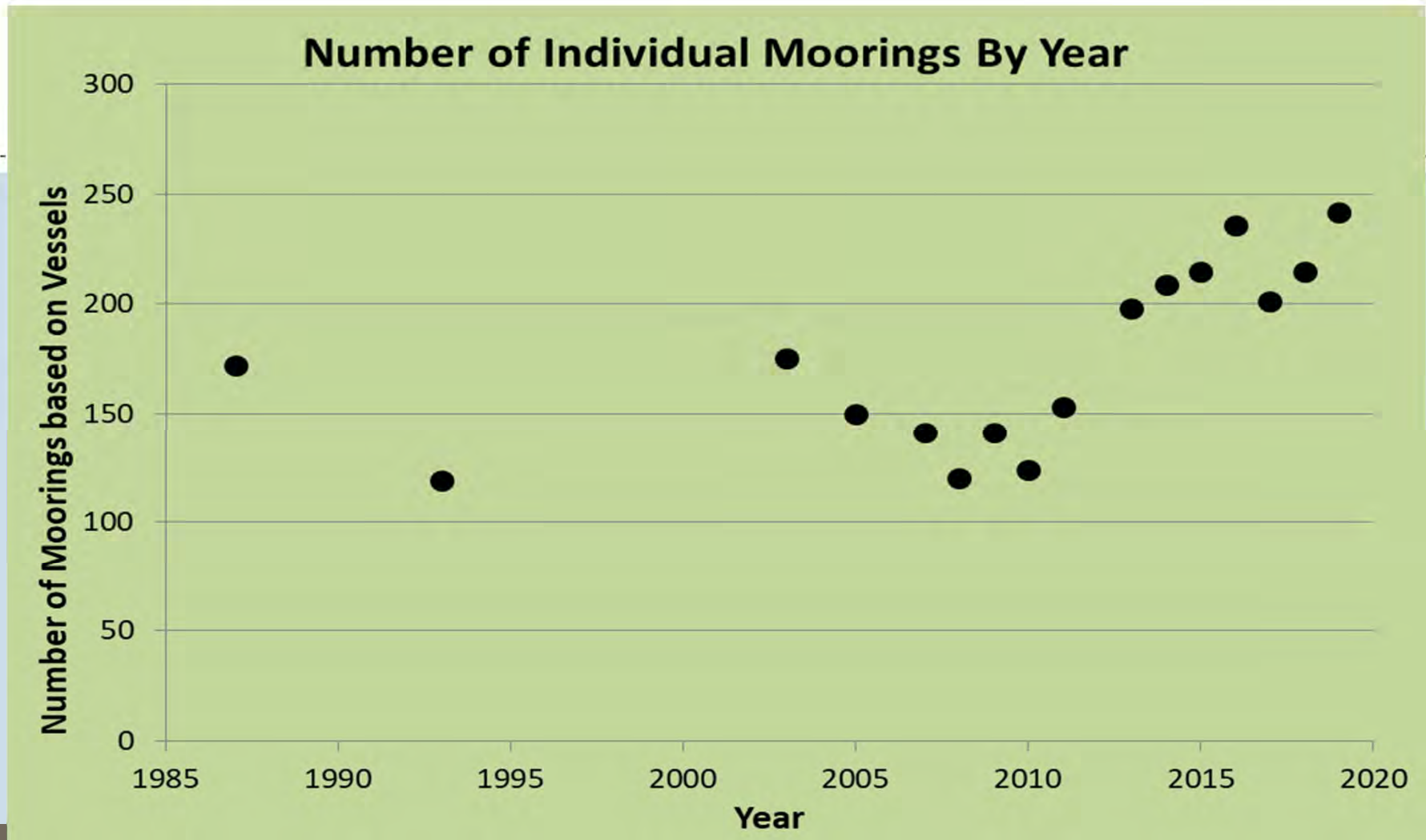
Eelgrass History in Richardson's Bay



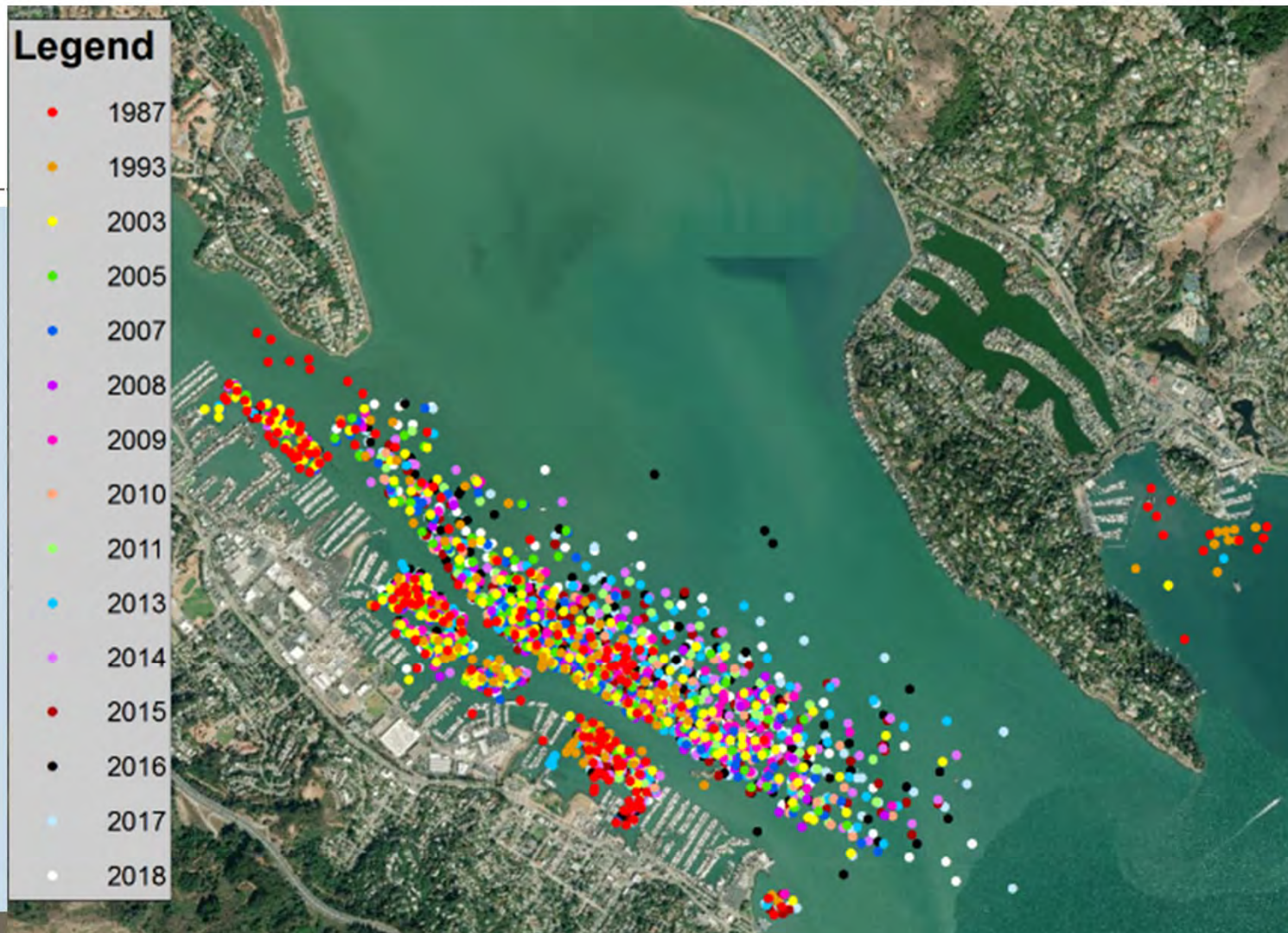
Eelgrass Frequency Distribution (2003-2019)



Changes in Mooring Count Over Time



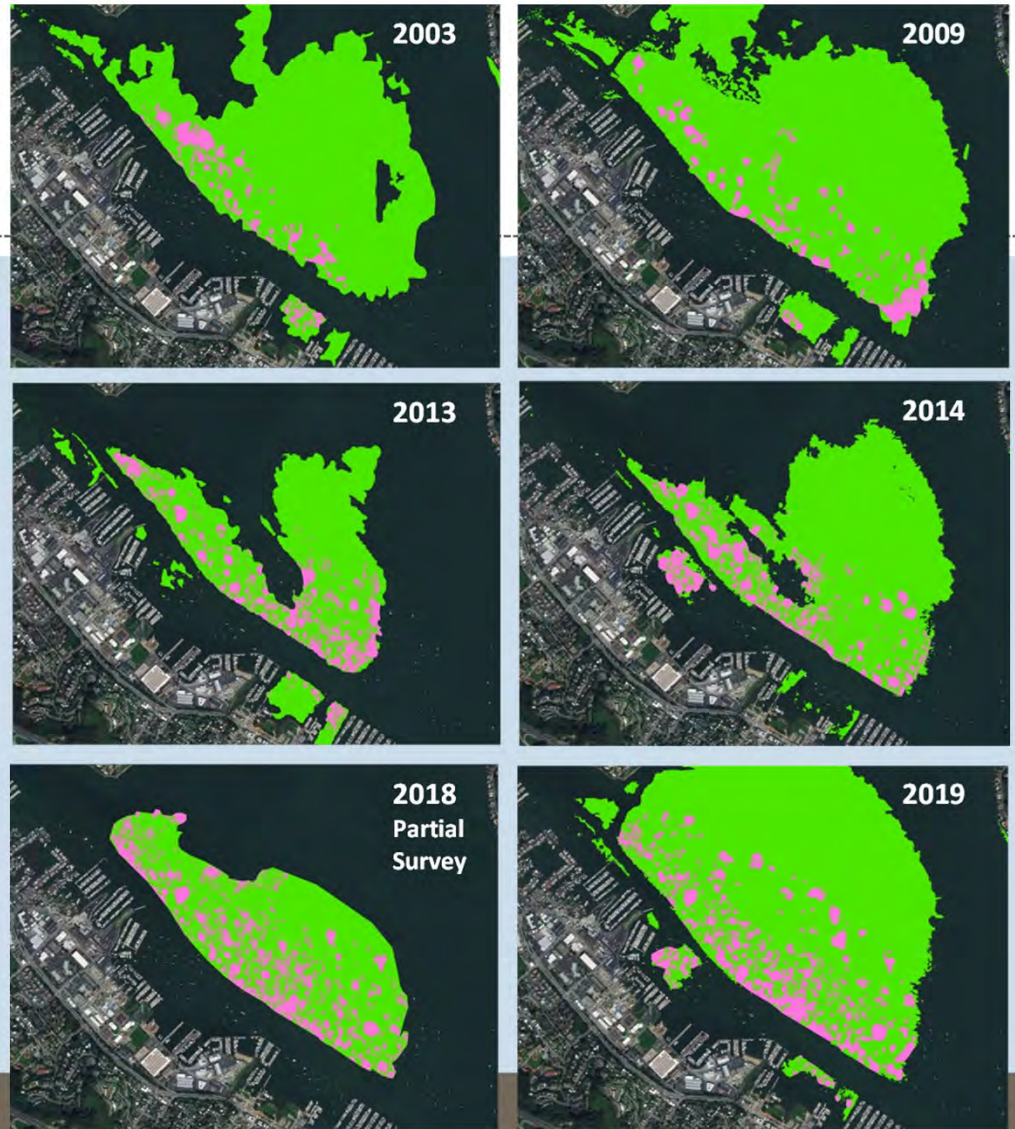
Mooring Distribution (1987-2018)



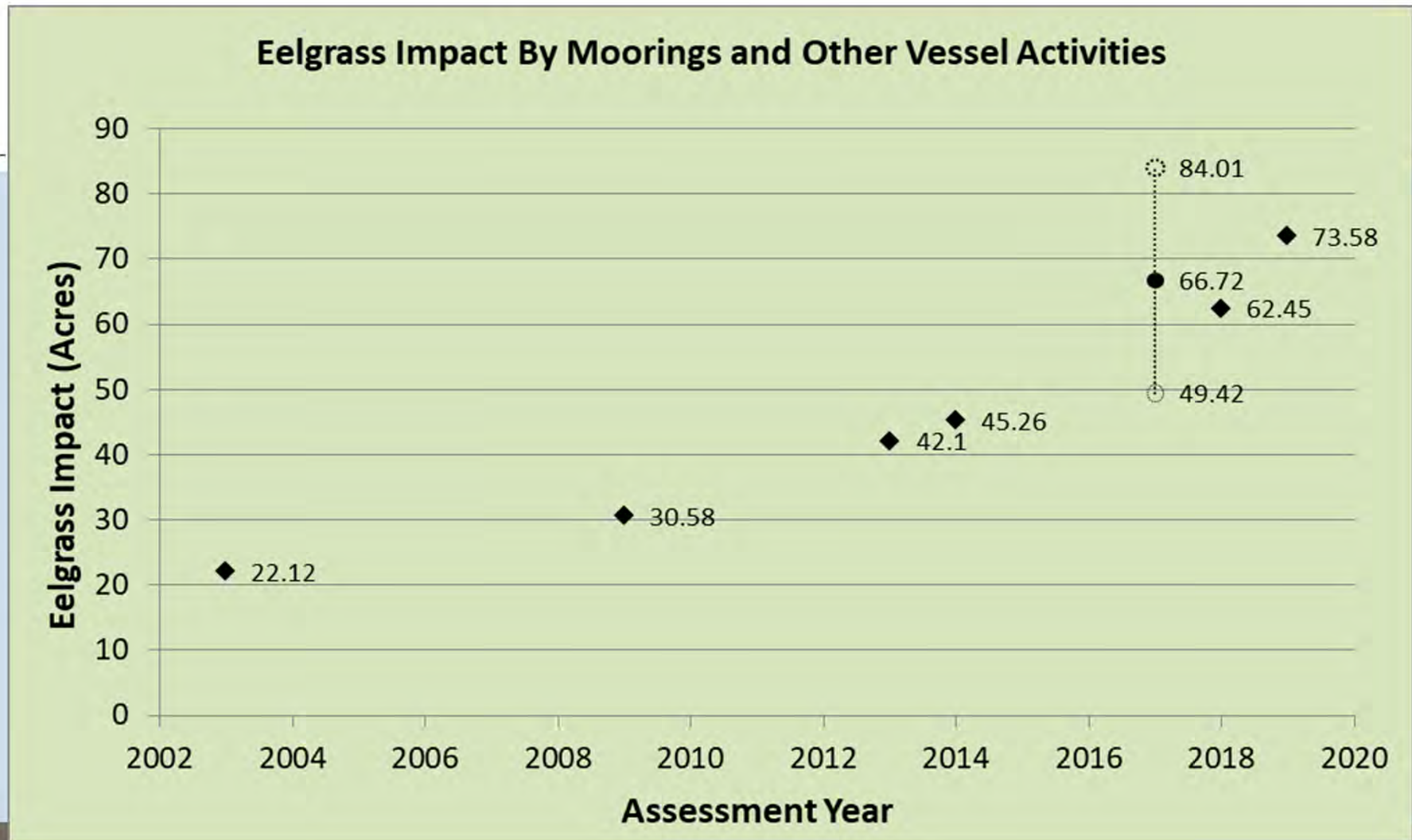
Eelgrass Damage from Moorings and Vessels



Eelgrass Damage from Moorings and Vessels (2003-2019)



Eelgrass Damage from Moorings and Vessels

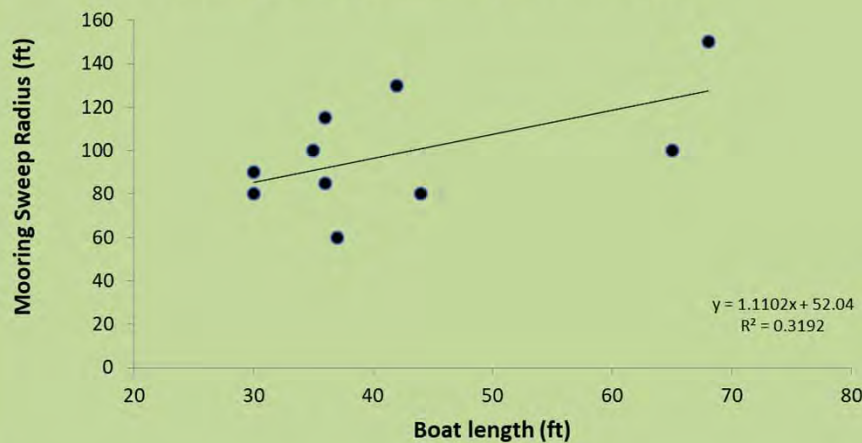


Existing Moorings in Eelgrass Beds

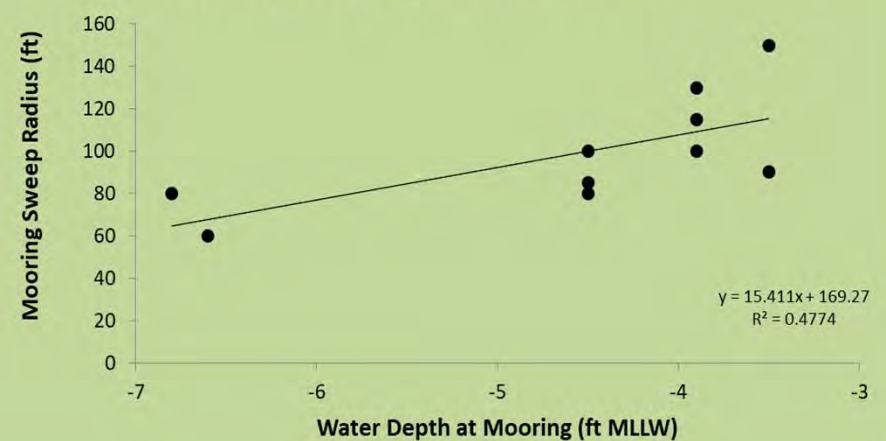


- ❑ SWEEP RADII DO NOT ALIGN WITH DEPTHS OR LENGTHS
- ❑ SINGLE POINT MOORINGS W/GROUND TACKLE DOMINATE
- ❑ TWIN ANCHOR MOORINGS ARE LESS COMMON
- ❑ TWIN ANCHORS LESS IMPACT THAN SINGLE POINT

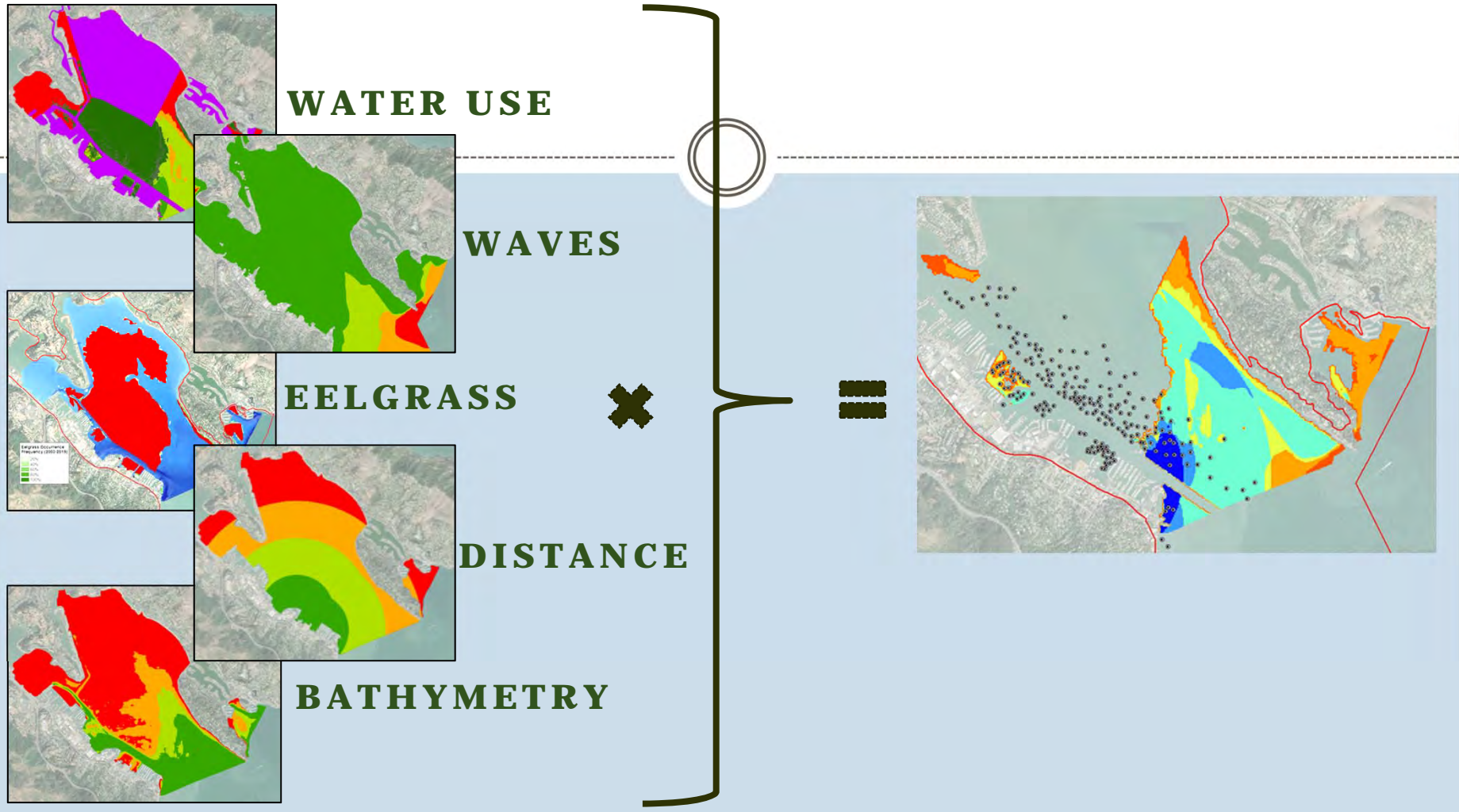
Existing Sweep Radius by Vessel Length



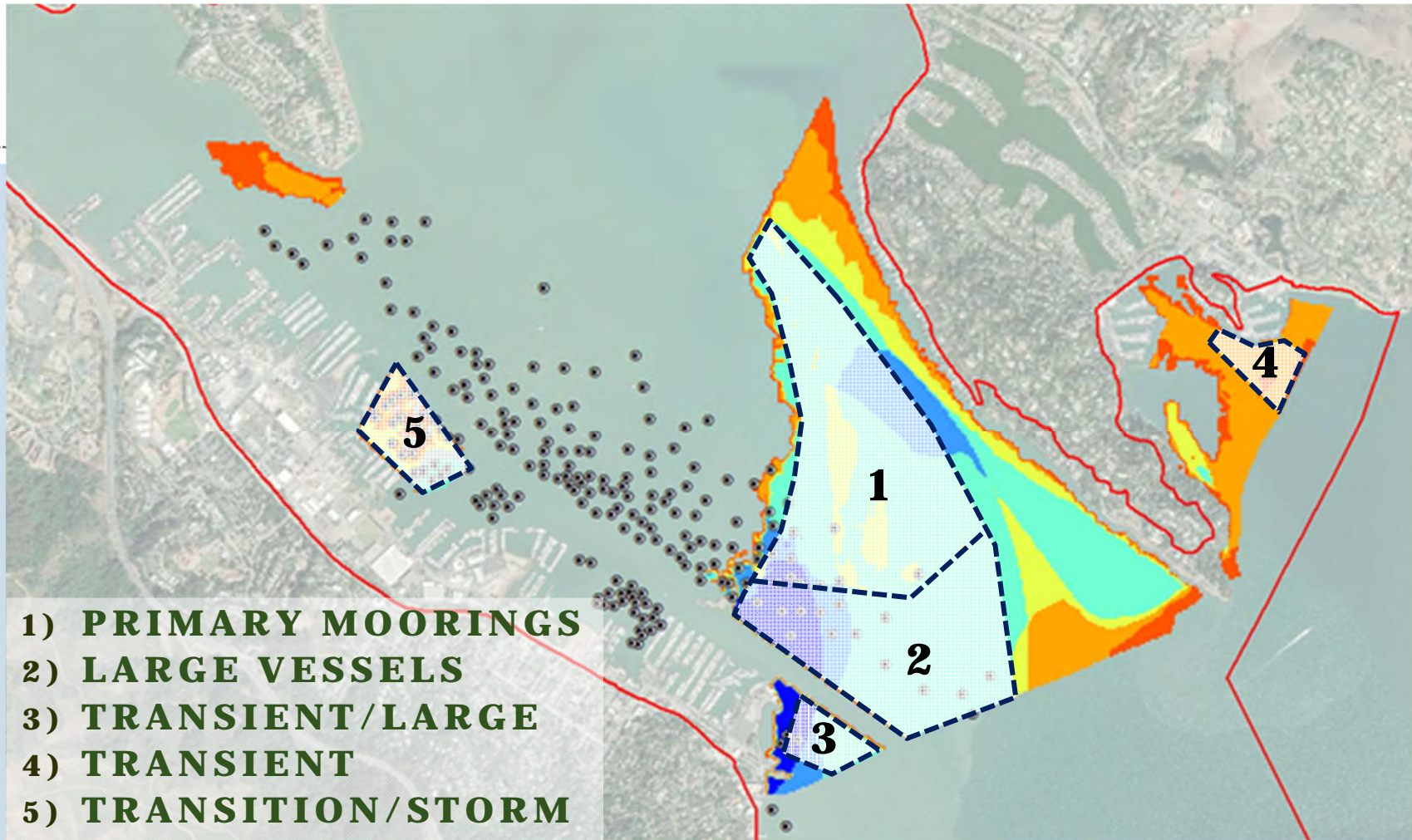
Existing Sweep Radius by Water Depth



Ecological Impact Avoidance Model

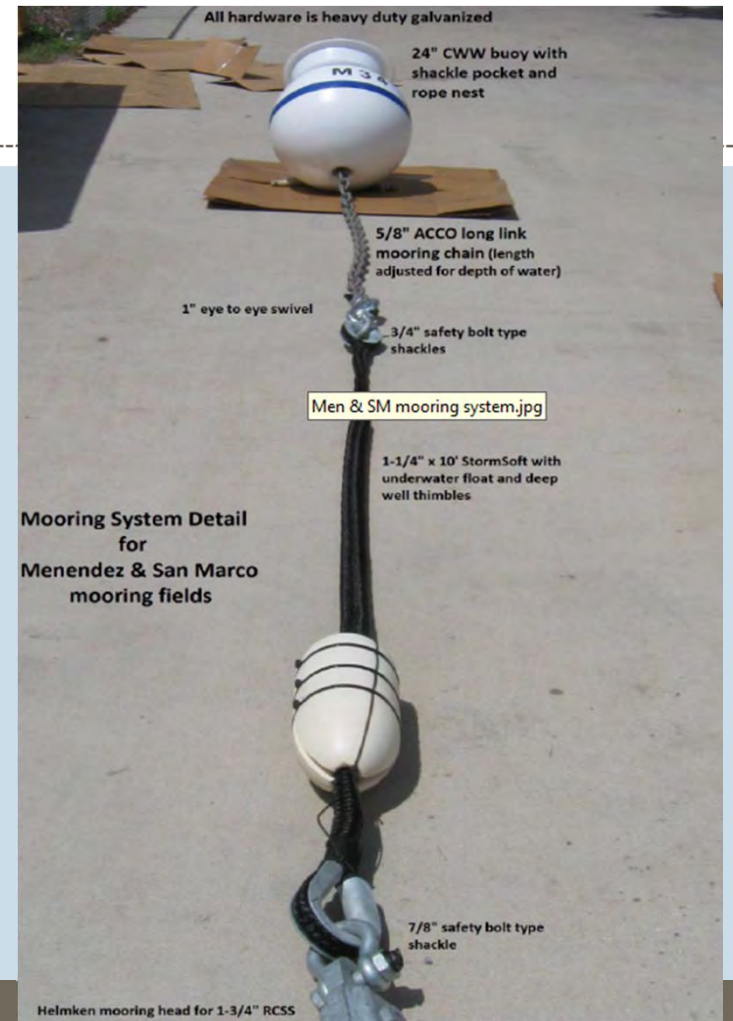
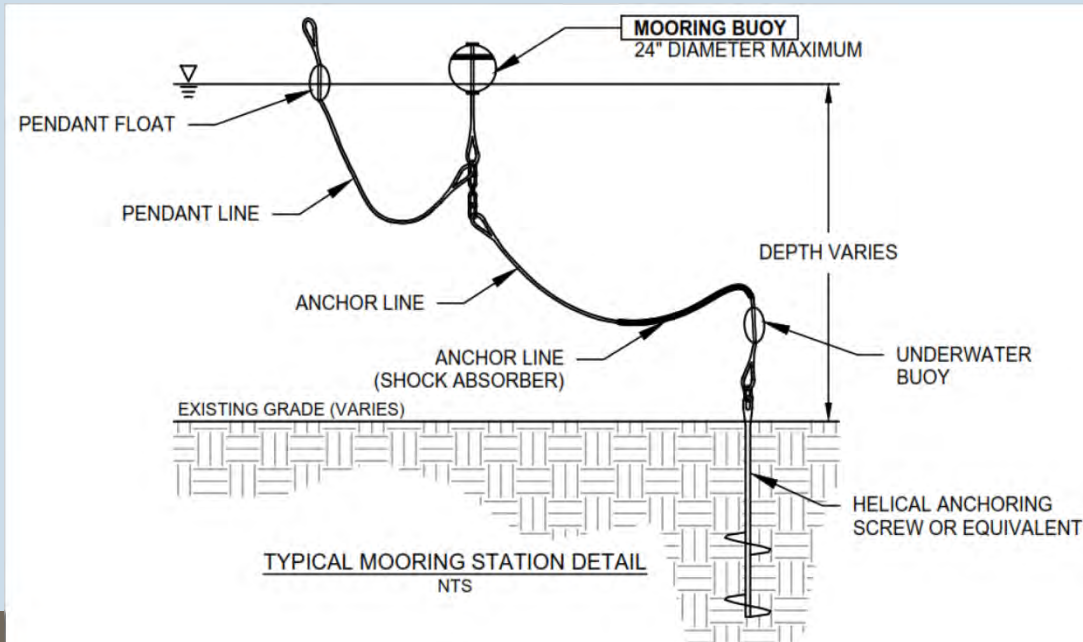


Ecological Impact Avoidance Model



Conservation Moorings

TYPICAL CONFIGURATION



Conservation Moorings



BENEFITS

- TIGHTER PACKING RATIOS (SMALLER RADII)**
- ELIMINATE GROUND TACKLE SCOUR IMPACTS**
- IMPROVE RODE AND PENDANT ELASTICITY**
- REDUCE POTENTIAL FOR CLEAT PULL-OUT**
- REDUCE MAINTENANCE COST PER MOORING**
- LESS MOBILE TACKLE**

DRAWBACKS

- INITIAL CAPITAL COST**
- LESS MOBILE TACKLE**
- LIMITED SUPPLIERS**
- LOW FAMILIARITY BY ANCHOR-OUTS**

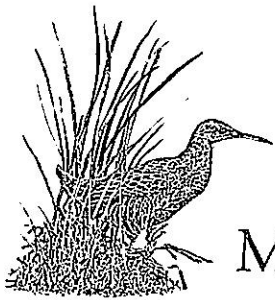
Conservation Moorings Tight Radii



Recommendations



- ❑ **RELOCATE VESSELS OUT OF EELGRASS**
- ❑ **ELIMINATE NEW INFLUX OF VESSELS AND ANCHOR-OUTS**
- ❑ **REDUCE UNOCCUPIED VESSELS**
- ❑ **ONE RESIDENT, ONE VESSEL GOAL**
- ❑ **PUBLICLY OWNED CONSERVATION MOORINGS**
- ❑ **MOORING ADDRESSES AND VESSELS REGISTERED**
- ❑ **EFFECTIVE ENFORCEMENT**
- ❑ **REGULAR TACKLE INSPECTIONS**
- ❑ **COMMUNITY COLLABORATION RELIANCE/SUPPORT**
- ❑ **REVENUE GENERATION TO SUPPORT MAINTENANCE COSTS**
- ❑ **CAPITAL FUNDING –GRANTS OR MITIGATION FUNDS?**



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

January 5, 2020

Jim Wickham, Chair
Richardson Bay Regional Agency
c/o Marin County Community Development Agency
3501 Civic Center Drive, Rm. 308
San Rafael, CA 94903

RE: Comments on "Ecologically-based Feasibility Assessment and Planning Study"

ATT: Beth Pollard, Executive Director
Curtis Havel, Harbor Master

Dear Chair Wickham and Agency Members:

Marin Audubon is pleased to have the opportunity to review Merkel and Associates' "Ecologically-based Feasibility Assessment and Planning Study" for Richardson Bay. We appreciate the value of the extensive information it provides on eelgrass, the newly identified impact of broader crop circle damage, as well as the data on mooring devices and analysis of mooring locations. This information will be valuable in evaluating the advisability of establishing mooring fields. We have also noted some insufficiencies and conflicts within the report that must be considered in addressing this complex issue. Our primary concern is protection of natural resources.

Study Purpose

The Study states its purpose is to recommend locations that are suitable for mooring fields based on resolving ecological conflicts and that "substantially or fully avoid or minimize damage to natural resource values." The discussion separates the natural resource eelgrass from what it calls "logistical considerations": shore access, shoreline infrastructure, services and mooring management activities. These are not simple logistical considerations. They are significant impediments to the establishment of mooring fields.

Constraints to Establishing Mooring Fields

These constraints involve complex factors each of which has the potential to impede establishment of a mooring field. They include political and community support or lack thereof as can be seen from the opposition from Belvedere residents; need to use public property, with all of the public deliberations that would require, or private property which would require acquisition from a willing seller or using

eminent domain; and the costs of constructing and maintaining a mooring field. What would the costs be? Who would pay?

There are even more significant constraints that were not mentioned, namely regulatory and jurisdictional restrictions. BCDC has emphasized that coverage of the bay by anchor outs is a violation of their regulations and has outlined a series of requirements that would lead compliance and removal of the anchor outs. Jurisdictional boundaries can be a significant impediment as the jurisdictions in which the potential sites are located need to permit any mooring fields within their boundaries.

Natural Resource Impacts

The Study bases its conclusion, that the solutions it proposes “would resolve ecological conflicts” while allowing continued mooring, on the analysis of eelgrass. There are brief discussions of other natural resources and the discussion of birds is more extensive, but it is acknowledged that information on birds is inadequate.

Three bird surveys are discussed and it is recognized that none apply to this deliberation. All were done for another purposes and/or cover other areas. The Shuford surveys only covered Audubon Sanctuary waters, the “Richardson Bay Dock and Boat Study” focused on shoreline, and the Audubon Christmas Bird Counts covered the entire Richardson Bay shoreline and it would not be possible to differentiate the birds in the area relevant to anchor outs.

Merkel seems to dismiss adverse impacts of anchor out vessels on birds by pointing out observations that birds rest on the boats and use spaces between boats. Just because birds may land on boats and use water areas between them, does not mean the vessels are not adversely impacting birds. Anchor out vessels are covering the bay waters and while wildlife can use waters around the boats, it must be recognized that the boats are covering open water habitat. The area of coverage could be calculated by multiplying the number of boats by the size of the boats. Discharges and debris from the boats also adversely impact birds.

The water habitat coverage is compounded during herring runs when birds are frantically competing for food and the boats are in the way. The anchor out boats not only limit the area birds can feed on the herring roe that has been deposited on eelgrass, but the boats present a risk of injury to the birds frantically trying to dive and compete with other birds for food.

According to the Merkel Study, “It is not believed that the current moorings contribute substantially to bird abundance, diversity or distribution on Richardson Bay.” It is not clear that this is or should be the standard used; no environmental laws make such a requirement. It is recognized that adverse impacts to habitats adversely impacts species that depend on those habitats. Local impacts namely coverage of the habitat, contribute to cumulative impacts that result in abundance, diversity and distribution changes. The Study notes that bird use is a data gap.

It is obvious that the anchor outs are covering open water habitat. Such coverage is considered fill by BCDC in recognition of the facts that such fill adversely impacts the public and wildlife use of the Bay in addition to other public interest values.

Potential Mooring Field Locations

Issues related to the five suggested sites:

- Locations in Belvedere (Areas 1, 2 and 4) waters are opposed by residents. There are no shoreline access areas or on-shore services. Areas 1 and 2 are used by diving birds.

- Two Sausalito shoreline locations (Areas 3 and 5) are in the jurisdiction that has been working hard to eliminate them from their waters. Why would they allow mooring fields? Area 3 has no access or shoreline services nearby.

The Marinship location (Area 5) would be in eelgrass which would violate a primary purpose of the Study: to avoid impacts to natural resources. This conflicting recommendation is tacked on at the end of the study with absolutely no review or description. It is not clear why the need for transition moorings justifies locating a mooring field in eelgrass. There is no discussion of the transition moorings. What is a transition mooring and why is one needed? How long would vessels be able to stay? What type of vessels would be able to stay? Where is the eelgrass in this area? Where would a mooring field be located within the eelgrass area?

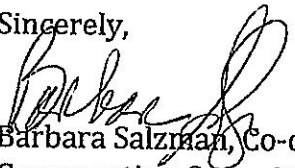
Conclusion

While the Study has a wealth of excellent information on eelgrass and mooring designs, there is insufficient information and analysis on birds and other natural resources as well on the proposed mooring locations. Consideration of the issues and constraints raised in this letter must be considered.

BCDC regulatory restrictions prohibiting coverage of the bay would take precedent. BCDC prohibitions are intended to protect the bay as a resource to benefit the interests of all of the public. These interests, which are also protected by the public trust, include protecting eelgrass, birds and wildlife that depend on the Bay.

We appreciate your consideration of our comments.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

Cc: Adrienne Klein

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)
STAFF REPORT

For the meeting of: February 13, 2020

To: RBRA Board of Directors
From: Curtis Havel, Harbormaster
Beth Pollard, Executive Director
Subject: RBRA Staff update

Harbormaster Activities

In a survey of vessels in RBRA's anchorage on January 27, 2020 performed by the Harbormaster, there were 135 vessels anchored in Richardson's Bay. This represents a decline from 184 vessels counted in the survey performed in August 2019 by the Marin County Sheriff's Department, and a decline from 140 vessels counted by the Harbormaster on December 23, 2019. The August 2019 survey serves as a baseline for a clear determination for any new vessels on the anchorage.

Of the 135 vessels present in the January 27 survey, 11 are new to the anchorage.

Of those 11 new vessels

- 3 are return clients (new boat, but occupied by someone who was previously in the anchorage)
- 2 have valid Anchoring Permits
- 2 have been present since just after the August 2019 survey (attributed to a learning curve for the new effort)
- 2 are scheduled to leave
- 2 are tagged as Marine Debris and scheduled for removal

More than 70 vessels have been disposed of since August of 2019

More than 25 vessels have voluntarily left the anchorage since August of 2019

Floating Home adrift

On Saturday, January 25, 2020 the Sausalito Police Department and United States Coast Guard (USCG) responded to reports of a floating home adrift in the proximity of South Forty Dock (Waldo Point Harbor) and Clipper Yacht Harbor. The floating home was identified as CF 7281KW (informally referred to as "Tipi" due to its distinctive pyramid roof architectural feature). According to the responding parties, the floating home was unoccupied, did not have propulsion or steering, and was not properly registered (2019 tags). The floating home was towed to the Army Corps of Engineers (ACOE) by the USCG and secured to the ACOE bulkhead.

The responding personnel from the USCG were unable to determine whether the vessel met minimum federal safety requirements. The floating home has not been issued construction permits by the Marin County Community Development Agency's Building Division. It is unclear whether the floating home has obtained valid permits from the Bay Conservation and Development Commission.

Fortunately the conditions were relatively mild when "Tipi" went adrift. A floating home has no steering or propulsion, so it cannot independently change course or reduce its velocity. Due to a floating home's larger size/mass than a typical vessel, it presents significant risk of damage to any floating home or walls it may hit.

Army Corps of Engineers Dock

Since the last Board meeting there have been multiple incidents of theft and trespass at the Army Corps of Engineers (ACOE) debris yard. Two notable incidents are the removal of the floating home "Tipi" from the debris dock, and the Sausalito Police Department's removal of an individual who entered the yard and boarded a vessel without permission. Staff has been working with the ACOE to enhance security and surveillance measures at the debris yard.

Other agencies' support

Support from law enforcement of member agencies, Sausalito Police Department, Southern Marin Fire, U.S. Army Corps of Engineers, and other agencies has been exemplary. Recently, the U.S. Coast Guard offered to add its agency to the bi-weekly assistance with the Harbormaster on RBRA's patrol vessel that other agencies are performing. This enhances the extent and safety of the work RBRA is able to perform.

Outreach to persons on the water

Progress is being made on arrangements for a non-law enforcement boat to take representatives from housing and social service agencies to persons on boats on the water; an update can be provided at the next meeting.

National Oceanic & Atmospheric Administration (NOAA) Marine Debris Removal Grant

NOAA's contact person for the grant accompanied staff on a boat tour of the bay and posted a blog entry on the grant website about the bay and RBRA's use of the \$150,000 grant. The full post and comments can be seen at: <https://blog.marinedebris.noaa.gov/sittin-dock-cleaner-richardsons-bay>

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)

STAFF REPORT

For the meeting of: February 13, 2020

To: RBRA Board of Directors

From: Beth Pollard, Executive Director

Subject: Transition planning for Richardson's Bay

STAFF RECOMMENDATION:

Conduct a work session to discuss issues and ideas for transitioning Richardson's Bay in the context of RBRA's goals for a safe, healthy and well-managed bay, the completion of the Mooring Feasibility & Planning Study and other steps taken towards achieving RBRA goals, and the expectations issued by the Bay Conservation & Development Commission (BCDC).

BACKGROUND/DISCUSSION:

RBRA's policy focus in recent times has been to develop medium-to-long range strategies for transitioning the bay towards its goal of improving the health, safety and management of Richardson's Bay. Components of the strategies and related factors informing the transition include those listed below, along with some of the comments and concerns received to date.

Mooring Program:

In April 2018, the Board launched an exploration of whether a mooring program could advance its goals by having vessels secured to authorized moorings suitable for the vessel and the bay environment and habitat - notably eelgrass beds. To develop an understanding of the environmental and habitat considerations, RBRA hired Merkel & Associates to complete a marine ecology-based mooring feasibility and planning study. The findings of the study were presented by Keith Merkel on September 12, 2019 and the full study was submitted in November, 2019. At its January 9, 2020 meeting, the Board hosted a presentation by the Morro Bay Harbor Director on the functional and fiscal aspects of operating a mooring program, along with its benefits and challenges.

Comments and concerns:

- Opposition to areas off the Belvedere shoreline as a potential mooring location (identified in the mooring study due to the absence of eelgrass) as a public safety hazard:
 - By Belvedere's West Shore Avenue residents because of proximity to shoreline homes/docks, notably in storm conditions or when boats otherwise break loose
 - By persons on vessels because of rougher water and greater distance to shore access (especially under certain weather conditions for both)
- Bird habitat/behavior was not sufficiently addressed

- Fiscal and operational feasibility concerns, including shore access, facilities and services
- Type of mooring equipment – conservation mooring vs. two/three-point mooring system

Vessel conditions:

The Board adopted Ordinance No. 19-1 that updated and clarified vessel requirements, notably pertaining to and requiring seaworthiness and operability. An outreach subcommittee of the Board meets periodically with representatives of the Special Anchorage Association and persons living on the bay about their work to improve vessel conditions, bay safety, and other issues. The Board has endorsed private/philanthropic efforts to improve vessel conditions.

Comments and concerns:

- Hazards and damage to safety and the environment from unseaworthy or inoperable vessels that sink or break loose
- Environmental and visual impacts of vessels with debris on deck and other compromised conditions
- The cost of vessel improvements and its inaffordability for some/many vessel occupants
- Maintaining a vessel comes with the responsibility of vessel ownership
- Recognize the Special Anchorage Association’s support for improved vessel conditions

Eelgrass/habitat preservation and restoration:

Findings from the mooring study included location and density of eelgrass beds – historically and currently – as well as eelgrass damaged by anchor chain and vessel keels. On federal, state, and regional levels eelgrass is highly valued and seen as critical for the ecosystem and beyond. Richardson’s Bay is considered the second most important eelgrass habitat in the San Francisco Bay. BCDC is expecting RBRA’s transition plan to include habitat restoration.

Comments and concerns:

- There is general consensus among the interested parties about the importance of preserving and restoring eelgrass
- Not all damage is caused by anchorout vessels
- The Special Anchorage Association is interested in helping restoration efforts
- Eelgrass is important but so is proximate shore access and safe bay conditions for vessel anchoring/mooring

Enforcement priorities:

The Board has incrementally expanded the scope of enforcement priorities to now include all unoccupied vessels and time limits on vessels new to the anchorage since August 2019. The number of vessels has declined from 184 in August 2019 to 135 at the end of December through the work of the Harbormaster, member agencies’ law enforcement personnel, and assistance from other agencies including the U.S. Coast Guard, Army Corps of Engineers, Sausalito Police Department, and others. All vessels new to the anchorage are given notice, and all but an estimated 40 unoccupied vessels have been removed. The unoccupied vessel removal

priority to date has been vessels with marine debris conditions, but all unoccupied vessels are slated for removal.

A pending policy issue is enforcement direction on replacement vessels, and additionally whether there is a distinction between replacement vessels that are or are not in marine debris condition.

On December 3, 2019, BCDC issued its expectations that by March 31, 2020 RBRA initiate all appropriate actions to remove from Richardson's Bay all marine debris, unoccupied vessels, unregistered vessels, and vessels occupied by persons who are not able to control the vessels during storm events or the vessels that are endangering or threatening to endanger others. On January 9, 2020, RBRA staff presented a range of potential additional enforcement priorities to address the expectations.

Comments and concerns:

- Be more accommodating to vessels that are occupied in some form or fashion
- Step up enforcement to comply with BCDC expectations and to address safety and environmental hazards and other conditions on the bay
- Vessel registration has its challenges
- Vessel enforcement has its challenges, safety risks
- Replacement vessels: Allow if the vessel is seaworthy and is therefore an improvement to the prior condition; allow in any case out of consideration for the historical presence of the person; do not allow as it does not contribute to a transitional reduction of vessels; trickier to apply enforcement that goes beyond the vessel itself and into the historical presence of the person

Housing alternatives:

With funding from the County, RBRA engaged the services of Andrew Hening to coordinate outreach efforts by various agencies to persons on the water. Through this work, as of January 1, 2020, 92 people on vessels had been identified and 71% had been matched with outreach opportunities. The majority of the persons on the water who have been assessed for housing placement fall within the lower priority for subsidized housing in the countywide system.

Comments and concerns:

- Housing on land is expensive and opportunities for subsidized housing are limited; living on boats is less expensive, whether paid through private or public means
- Living on the water is hazardous, and even more so when mariner skills are lacking, there is compromised physical condition, and the vessel is inoperable/unseaworthy; it has proven to be a matter of life and death
- Expand Sausalito's Safe Harbor Program to vessels in RBRA waters
- Some persons believe they and others are better off if they live on boats on water away from other people; that those with mariner skills are not a risk; that they have a smaller environmental impact than those on land

Shore access, facilities and services:

All shore access takes place in Sausalito, which is not a RBRA member agency.

Comments and concerns:

- Over-capacity and behavior issues occur in what is now down to only two tie-up locations
- Sausalito emergency services are engaged in addressing issues resulting from vessels anchored in RBRA waters
- There should be shore access other than in Sausalito (e.g. Belvedere, Tiburon or unincorporated Marin north of Sausalito; Mill Valley is too shallow)

Fiscal Impacts:

RBRA member agencies are responsible for funding the general operations of the agency. State of California Division of Boating & Waterways has been providing annual grants to fund the removal of vessels that are in marine debris condition, abandoned, or voluntarily turned in as part of a statewide program to support these costs. There is a limit to SAVE fund available to RBRA, with funding needs historically outpacing funding supply. The current SAVE grant fund commitments would not be sufficient to fund the removal of all vessels in marine debris condition from the bay. A grant from the National Oceanic & Atmospheric Administration has supported marine debris removal this year, but it is nearly depleted.

Concerns and comments:

- Member agencies are small, have limited resources, and have already increased their allocations to RBRA
- Since vessels come to Richardson's Bay from all over the Bay Area and state, this is an issue that warrants regional and/or statewide funding support

Timeline:

BCDC's expectation is that by March 31, 2020, RBRA is to submit a plan with timelines to transition all other vessels off the water within a reasonable period.

Comments and concerns:

- With a transition plan yet to be established, and funding resources scarce or unknown, a set timeline is a challenge

WORK SESSION:

The Board stated its interest in conducting a work session to allow for dialogue about the various strategies, expectations, and concerns to inform its work on transition planning, and any ideas yet to be presented. Included in the latter category is the Special Anchorage Association's interest in presenting a 10-year transition plan that includes it having an active role in operating a mooring program and also an idea for development of maritime facilities on shore. Other anticipated ideas from the work session relate to protecting eelgrass and the bay environment; public safety on the water and on the Belvedere shoreline; the role of enforcement in a transition; community and cultural traditions; and fiscal impacts individually and on RBRA and others; limiting the number of vessels; and all the other topics as discussed earlier in the report.

NEXT STEPS:

BCDC has called upon RBRA to present a report at the BCDC Enforcement Committee meeting of March 25, 2020 on RBRA's progress towards BCDC's expectation to "initiate all appropriate actions to remove from Richardson's Bay all marine debris, unoccupied vessels, unregistered vessels, and vessels occupied by persons who are not able to control the vessels during storm events or the vessels that are endangering or threatening to endanger others" by March 31.

It has additionally issued its expectation that by March 31, 2020, RBRA will submit a "plan with timelines to transition all other vessels off the water within a reasonable period."

Accordingly, it is expected that on the RBRA Board of March 12, 2020, the Board will consider the report to submit on March 25, and the response to the expectation for submittal of a transition plan by March 31.

Attachments:

See rbra.ca.gov, Meeting archives, for Board meeting minutes and recordings, and for agenda documents/presentations:

September 2019:

Merkel & Associates Mooring Feasibility & Planning Study presentation

November 2019:

Final Mooring Feasibility & Planning Study

January 2020:

Presentation by Andrew Hening on transitioning persons off the bay and housing outreach

Presentation by Morro Bay Harbor Director on operating a mooring program

December 3, 2019 letter from BCDC on its expectations and associated staff report on meeting the expectations.