

DRAFT
Richardson Bay Regional Agency
Vessel Buy Back Program

PROGRAM

A. Purpose:

To support the transition of long-term anchored vessels and floating homes, and their occupants, out of the Eelgrass Protection Zone and other locations in Richardson Bay, for the enhancement of bay habitat, improvement of health and safety, and compliance with regulatory provisions.

B. Summary:

As of June 1, 2022, there are 70 vessels and floating homes that have been anchored on Richardson Bay. The plans, policies, goals, and regulations of the Richardson Bay Regional Agency (RBRA) call for an end to long-term anchoring. More specifically, an agreement with the Bay Conservation & Development Commission (BCDC) provides for the departure or removal of all long-term vessels, under a phased approach, by October 15, 2026.

Most (55) of the long-term anchored vessels and floating homes are located in an area designated in August 2021 as an Eelgrass Protection/No-Anchoring Zone (EPZ). Under terms of an agreement with BCDC, no vessels may remain in this zone after October 15, 2024.

In addition, most of the long-term vessels and floating homes are occupied - primarily by persons of limited financial means and who have been on the bay since at least August 2019. As RBRA works to transition the bay to temporary anchoring only, it has partnered with agencies to assist occupants of the long-term vessels and floating homes in relocating to safe housing on shore or in marinas.

To urge and support the transition of vessels out of the EPZ and off the bay, and their occupants into safer locations, RBRA has established a *Vessel Buyback Program*. Under this new program, long-term vessel owners/occupants on Richardson Bay may turn in their vessels to RBRA in exchange for payment, subject to certain conditions.

C. Considerations in Program Development:

1. Benefits to RBRA: RBRA seeks to encourage the voluntary departure of vessels and vessel occupants' relocation into safe housing. The earlier the departure of vessels, the sooner that RBRA can realize bay habitat benefits, improved health and safety, and regulatory compliance milestones.
2. Low Income: Most of the vessel occupants have very low income and economic means. Providing a financial boost to support a transition to safe housing expands the options for persons now staying on vessels and floating homes.
3. Vessel Value to Owners/Occupants: For the owners/occupants, the vessel is their home and often their greatest asset – and a key part of their lives for many years. Applying a financial value to their vessel recognizes the significance and worth of these vessels to their owners and occupants as they take steps that will improve the health, safety, and management of the bay for the public good.
4. Eelgrass: The departure of anchored vessels from the EPZ is a high priority for both RBRA and BCDC, which is reflected in the BCDC-RBRA agreement. As vessels depart from the EPZ, eelgrass restoration efforts become increasingly viable and successful. Accordingly, vessels in the EPZ are considered in the highest priority tier for a vessel buyback payment.
5. Multiple vessels: By providing an opportunity for persons with multiple vessels on the bay to turn in one or more vessels, the overall number of vessels on the bay can be reduced.
6. Other jurisdictions in the SF Bay: As most of the long-term vessels fail to meet marina slip requirements, a key consideration is their disposition upon their owners or occupants finding land-based housing or a move to a safer vessel in a liveaboard marina slip. RBRA does not wish for any vessels in substandard condition to simply go elsewhere in San Francisco Bay and become an issue for other jurisdictions.
7. SAVE encouragement of vessel turn-in: The Vessel Buyback Program is consistent with the goals and criteria of the Surrendered and Abandoned Vessel Exchange (SAVE) Program of the State of California's Division of Boating & Waterways, under which RBRA is receiving annual grant funds. This grant program already funds the abatement and disposal of vessels voluntarily turned in by their owners. Sufficient funds from SAVE grants are anticipated to subsidize the costs for abating and disposing of vessels turned in under RBRA's buyback program. In addition, RBRA's 2021 grant from the National Oceanic & Atmospheric Administration is available to fund the abatement and disposal of floating homes voluntarily turned in to RBRA.

D. Program Goals:

1. Reduce the number of long-term vessels and floating homes anchored in the EPZ and elsewhere in Richardson Bay. This reduction will improve health, safety, and

bay habitat provide greater opportunity for public recreation and use of the waters of the Bay by all members of the public, and assist in realizing the goal of no residential use of the public waters of the Bay.

2. Increase the number of vessels that are voluntarily surrendered. The greater the number of vessels voluntarily turned in, the fewer the number of vessels that will fall on RBRA to initiate and cause the removal through an abatement process that is often contentious.
3. Involve, incentivize and support vessel owners in the disposition of their vessels and relocation to safer and healthier locations. Vessel owners themselves will decide whether to accept funds in exchange for their vessels. All long-term anchored vessels ultimately must leave the bay. Vessel owners can opt to receive payment for their vessels through this limited opportunity, or otherwise receive no payment when their vessel is ultimately removed by RBRA or they depart voluntarily when payments are no longer available.

E. Program Eligibility:

Vessels and floating homes on RBRA's June 1, 2022 inventory are eligible for the buyback program. Skiffs, kayaks, dinghies, tenders and other small craft (less than 12' overall length) are not eligible.

This Program commences on July 1, 2022, and unless otherwise extended, terminates on December 31, 2022.

F. Program Priorities:

The following priorities may be utilized by RBRA if interest in the buyback program exceeds funds available:

1. Highest priority: The highest priority for payment under the program are vessels/floating homes anchored in the Eelgrass Protection Zone (as of June 1, 2022) and occupied by persons who can demonstrate they are relocating to safe housing; such housing may be on land or on another vessel that is berthed in a marina liveboard slip.
2. Second priority: The second priority are vessels/floating homes anchored in the EPZ occupied by persons who will relocate to another vessel that is in the June 1, 2022 inventory. Said occupants may – and will be encouraged to - relocate to safe housing on land or in a liveboard marina slip at the earliest opportunity.
3. Third priority: The third priority are unoccupied vessels/floating homes anchored in the Eelgrass Protection Zone as of June 1, 2022.

4. Fourth priority: The fourth priority are vessels anchored outside the EPZ occupied by persons who can demonstrate they are relocating to safe housing, which may include a seaworthy vessel berthed in a marina liveaboard slip.
5. Final priority: The final priority are unoccupied vessels anchored outside the EPZ.

G. Payment Amount:

1. Vessels: Payment for vessels will be based on linear foot of vessel measured at the waterline, at the rate of \$150/linear foot.
2. Floating homes: Payment for floating homes will be based on linear foot of the longest side of the floating home, measured at the waterline at the rate of \$150/linear foot.

H. Payment Recipients:

1. Vessel Ownership: Payment may be made only to the registered owner of the vessel. If there is no current registration, proof of control or responsibility for the vessel may be considered sufficient, at the discretion of RBRA. Such proof may take the form of receipts for vessel maintenance and operations, RBRA-observed consistency of presence on and responsibility for the vessel, and other validation approved by RBRA. In the case of a discrepancy or dispute about ownership or control, RBRA may deem the vessel ineligible or make a ownership/responsible party determination at its own discretion. RBRA shall not be a party to any dispute between persons claiming to be in ownership or control of turned-in vessels.
2. Floating Home Ownership: Determinations of the ownership or control rights to turn in any of the four floating homes will be made on a case-by-case basis by RBRA.
3. Multiple Vessels: An owner of more than one vessel may be eligible for more than one payment, depending on the availability of funds and the prioritization of the vessel(s) proposed to be turned in.

I. Program Payment Conditions:

Conditional Agreement: Program participants are required to sign a Buyback Program Agreement that at the minimum will include these conditions:

1. Future compliance with RBRA regulations for any temporary anchoring, such as the 72-hour time limit and only seaworthy vessels, unless otherwise expressly provided for in the agreement when an allowance is made by RBRA for relocating to a vessel outside the Eelgrass Protection Zone (EPZ). In any event, must agree to comply with no anchoring in the EPZ.

2. No attempt to recover any vessels or floating homes not yet abated/demolished, either their own or those of others.
3. No new overnight presence by the vessel owners or occupants in any encampment or other outdoor area in the City of Sausalito, unless expressly authorized by the City of Sausalito.
4. If the recipient of funds is surrendering a vessel that, is, at the time of surrender, occupied, recipient must show proof of residence for all occupants in a legal, liveaboard slip in a marina, or at an address on land.
5. Consent to hold harmless RBRA and those working on its behalf, including any disputes of vessel/floating home ownership and eligibility to receive buyback payments.
6. Failure to comply with conditions may expose program payment recipients to subsequent actions by RBRA, including but not limited to payment recovery.

J. Payment recipients:

Direct payment of funds will be made to the registered owner, verified responsible occupant(s), or other responsible party.

K. Payment Timing:

1. Initial payment: An initial amount of 80% of the buyback payment will be made available within 30 days of completion of initial vessel turn in actions, which include:
 - a. Vessel or floating home is turned in to RBRA by the owner/responsible party.
 - b. The Voluntary Turn-In Program (VTIP) form, required for abatement and disposal reimbursement by the SAVE grant program, is completed and signed by the owner/responsible party of the turned in vessel. This form may not be applicable to floating homes.
 - c. The RBRA Buyback Program Agreement is signed by the vessel or floating home owner/responsible party and RBRA.
2. Second/final payment: A second and final amount of 20% of the program payment will be made available after 60 days following the vessel or floating home turn in only if the vessel/floating homeowner or occupants have complied with the terms of the RBRA Buyback Program Agreement. Failure to comply with terms of the agreement will cause the final payment to be suspended, reduced, or eliminated, and potential action by RBRA to seek recovery of payment.

L. Program Limitations:

The Vessel Buyback Program funds are limited. The earlier a vessel or floating home owner/occupant interest is expressed, the higher the likelihood of payment. RBRA retains full discretion for allocation of payments, including eligibility, priorities and amounts for payment, and modifying or ceasing the program.

M. Program Amendments:

The Executive Director is authorized to make amendments to the Program or the Procedures in order to facilitate the overarching Policy goals of the Program and the direction of the RBRA Board of Directors. Such changes may include but are not limited to timing and method of payments (but not the amount), term of the Program. Amendments to the Program that require an amendment to the adopted RBRA budget must be approved by the RBRA Board of Directors.

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