

# RICHARDSON'S BAY REGIONAL AGENCY

Thursday, July 16, 2009

5:30 P.M. to 7:30 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 May 21, 2009 Meeting
2. Review report of Harbor Administrator
3. Approval of TMDL Implementation Plan
4. Approval of prior expenditures for May – June 2009
5. Approval of letter to State concerning AB 166
6. Public comments invited concerning items NOT on this Agenda (3-minute limit)
7. Staff comments
8. Board member matters

Adjourn. **NEXT MEETING:** Tentatively planned for September 17, 2009. 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)***

Marin County Community Development Agency, 3501 Civic Center Dr. Room 308, San Rafael, CA 94903  
Office 415/289-4143 Cell 415/971-3919 [bprice@co.marin.ca.us](mailto:bprice@co.marin.ca.us)

# RICHARDSON'S BAY REGIONAL AGENCY

## MEMORANDUM

July 16, 2009

**TO:** RBRA Board

**FROM:** Ben Berto, RBRA Clerk

**SUBJECT:** July meeting

Board members:

RBRA has moved into the new fiscal year. Thus far RBRA has received its dues contribution from one member jurisdiction (thank you Belvedere). Absent contrary budget news from member jurisdictions, I'll assume the remaining contributions are in various stages of transit to RBRA. Final spending and revenue calculations are in (see attached), and are largely consistent with the FY '08-09 budget year just completed, although both revenues and expenditures were down due to less than projected expenditures/reimbursements for boat wrecking and other budget categories.

All Board members have confirmed that they will be able to attend this hearing, although Member Wachtel has a meeting earlier Thursday and thus may be late. Members' ongoing commitments to RBRA meetings is appreciated.

The overall agenda is fairly light. Staff has completed a draft RBRA local response to the State Regional Water Quality Control Board's (RWQCB) Total Maximum Daily Load (TMDL) plan for Richardson's Bay. RBRA's Implementation Plan response is short and to the point, reflecting that the majority of the activities are being developed and implemented 'on the ground', in a manner of speaking. RBRA's clearly spells out RBRA's responsibilities and activities in furtherance of achieving TMDL water quality objectives, is responsive to the RWQCB, and consistent with the priority this agency places on its environmental stewardship.

Staff is continuing to work with BCDC staff on the mooring program, but thus far have not established a common a basis for moving forward. Attached to this packet is a letter from the State Lands Commission reminding RBRA about the Commission's jurisdiction. Staff is aware of the State Lands Commission's role, but intends to defer active discussions with them until after progress is achieved with BCDC.

Staff recently attended an abandoned watercraft workshop in Santa Clara. Many Bay area water-fronting jurisdictions are facing challenges similar to RBRA concerning derelict vessels. Their success or lack in addressing those challenges typically depends on the amount of program emphasis and resources allocated. Staff came away with the strong impression that in these recessionary times the problems are likely to get worse before (if) they get better. The fact that a variety of governmental agencies and private parties and organizations came together to share knowledge and discuss potential solution was a positive sign.

One potential ray of sunshine concerns Assembly Bill 166 (Lieu, attached). If adopted, AB166 would eliminate the current significant financial disincentive against cash-strapped boat owners turning their vessels in to a responsible disposal agency such as RBRA (versus “selling” it to unknown parties for \$1, with predictable undesirable consequences). Accordingly, Staff has prepared a draft letter from the Board to the Governor in support of AB 166. The bill enjoys widespread bipartisan support. An identical version sailed through both the State House and Senate last year, only to founder on the Governor’s desk for perceived lack of relevance to the State’s primary fiscal preoccupations. As noted in RBRA’s letter, Staff believes that this bill, if signed into law, would improve the economic circumstances of some boat owners in this State by providing them with a low cost, responsible to alternative to basically abandoning a vessel that has become a financial albatross. The status quo alternative is the current, increasing burdens on local jurisdictions in attempting to cope with the consequences of derelict, abandoned watercraft.

See you next Thursday.

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**PAUL D. THAYER**, Executive Officer  
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File Ref: G06-00 and G06-04

Bill Price, Harbor Administrator  
Richardson Bay Regional Agency  
c/o Marin County Community Development  
Agency, Planning Division  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903-4157

Subject: Proposed Mooring Fields in Richardson Bay

Dear Mr. Price:

It has been brought to the attention of staff at the California State Lands Commission (Commission) that the Richardson Bay Regional Agency (Agency) may be exploring the potential development of two 100-boat mooring fields in Richardson Bay.

As background, the Commission has jurisdiction over all ungranted filled and unfilled tidelands, submerged lands and beds of navigable waterways. The State acquired ownership of all such lands within its boundaries upon its admission to the United States in 1850. The State holds these lands for the benefit of all its people for the public trust purposes of water related commerce, navigation, fisheries, water oriented recreation and open space. The Commission also retains certain residual and review authority for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code §6301 and §6306). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc., are impressed with the Common Law Public Trust. The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these lands to waterborne commerce, navigation, fisheries, open space, recreation, or other recognized Public Trust purposes.

Based on the jurisdictional map retrieved from the Richardson Bay Regional Agency website, it appears that the Agency's jurisdictional limit includes:

1. Various partially filled, unfilled, and sold Board of Tideland Commission (BTLC) lots;
2. Lands legislatively granted, in trust, to the County of Marin, pursuant to Chapter 497, Statutes of 1959, as amended, with minerals reserved to the State of California;
3. Lands legislatively granted, in trust, to the City of Sausalito, pursuant to Chapter 791, Statutes of 1957, as amended, with minerals reserved to the State of California;
4. Lands condemned by the United States pursuant to Condemnation Case USDC 22126-S (Sausalito Marinship); and
5. Ungranted sovereign lands of Richardson Bay, Raccoon Strait, and San Francisco Bay under the direct management jurisdiction of the Commission.

It is important to stress, as discussions regarding the development of mooring fields proceed, that it is the position of Commission staff, based on advice from the Attorney General's office, that residential use of the State's tidelands and submerged lands, whether granted or ungranted, including residential liveaboard use, is not a use consistent with the Public Trust Doctrine, as it is for a purely private purpose that is unrelated to, not dependent upon, and does nothing to stimulate or promote the purposes for which tidelands are uniquely suited.

Further, as discussions advance on the exact location of any mooring field, please contact Commission staff so that it can be determined whether the proposed mooring field will occupy ungranted sovereign lands under the exclusive jurisdiction of the Commission. In such a circumstance, a lease from the Commission would be required. Additionally, the county of Marin and city of Sausalito should also be contacted in order to ascertain if authorization would be needed from either of these public agencies.

It is our understanding that discussions about the potential development of mooring fields are preliminary in nature; however Commission staff encourages the Agency to keep us updated as development plans evolve. If you have any questions, or require additional information, please contact Grace Kato, Public Land Management Specialist at (916) 574-1227 or via email at [katog@slc.ca.gov](mailto:katog@slc.ca.gov). Thank you.

Sincerely,

  
Barbara Dugal, Chief  
Land Management Division

cc: Bob Mitchell  
Jonathan Leone  
Jerry Butler  
Richard Collins  
Charles McGlashan  
Ken Wachtel  
Ben Berto  
Grace Kato

**RICHARDSON'S BAY REGIONAL AGENCY**  
**MINUTES OF MAY 21, 2009**  
HELD AT SAUSALITO CITY HALL CHAMBERS

**MEMBERS PRESENT:** Board Chair Charles McGlashan, (Marin County); Dick Collins (Tiburon); Jonathan Leone (Sausalito); Ken Wachtel, (Mill Valley)

**ABSENT:** Jerry Butler (Belvedere) – excused

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

Meeting called to order at 5:30 PM

**Minutes of January 15, 2009 Meeting**

Minutes were unanimously approved. The Board asked Staff to invite the WAM committee to the next RBRA meeting in July.

**Review report of Harbor Administrator**

The Harbor Administrator stressed the importance of the State Department of Boating and Waterways - a critical partner with the RBRA, and asked the Board to support them through a letter. Member Leone asked about the disposals and Staff stated that there had been two “midnight drop-offs” that couldn’t be tracked to an owner and had been destroyed. Member Leone asked if the motor ID plates could be tracked but Staff explained the ambivalence of the DMV towards boats in general and said it would be impossible.

**TMDL Plan Discussion**

Mr. Berto outlined the work that had been done to formulate a responsive plan for the Water Board. He also felt that the RBRA could offer to test for other agencies affected by the TMDL, for example Marin County Stormwater Pollution Prevention Program, as long as they covered the RBRA costs for the tests. Mr. Price explained the efforts made to get the marinas on track to have all live-aboards on mandatory pump-out, and he stated that an RBRA goal was to have three new installations and upgrade existing pump-out facilities. Member Leone asked about spreading the cost of testing to other agencies and said SASM was testing now. Member Collins asked if there were too many test sites. Mr. Price responded that the number had been reduced to a bare minimum, given the extensive area involved. Member Leone recommended testing at stormwater outflows as well. Mr. Berto said a final draft plan would be presented in July for Board approval.

**Approval of prior expenditures for January, February, March and April 2009**

Chair McGlashan inquired about the status of State reimbursements. Mr. Price responded that he was confident through the end of the year. Approved unanimously.

### **2009-10 preliminary budget overview, discussion, and acceptance**

Mr. Berto introduced the draft budget for 2009-10, explaining that we had approached the process with a “No Increase for 2010” mindset, in light of fiscal constraints faced by all jurisdictions. He clarified the increase in County CDA administrative costs to the Board, and outlined why the full revenue amount from the AWAF had not been received, due to the abbreviated budget cycle forced by the late issuance of the 2009 grant.

Mr. Berto stated that the draft was dependant on each respective jurisdictional budget process. The budget could be pared down further if necessary, although it would require some difficult program choices. Member McGlashan commended Staff for offering to forgo their COLA for this fiscal year.

The draft budget was accepted and approved unanimously pending budgetary approval by each respective agency.

### **Letter to State concerning DBW**

The draft letter was presented, and Mr. Berto explained the end run by the State to re-organize DBW into Parks and Recreation, which would adversely affect the boaters of California and the programs so vital for the operations of the RBRA. Chair McGlashan commended Staff for getting an immediate response from the County of Marin in April. Member Wachtel asked if a line could be inserted asking that if the merger was unavoidable, the boater’s interest must be preserved. However, Chair McGlashan felt that the “if it happens” clause should be addressed later with a separate letter.

Peter Romanowski, from the public, stated that he was in support of abolishing the DBW, since he had friends in the Delta that were being harassed by boating peace officers.

Member McGlashan asked Staff to re-format the letter with the Board’s different members identified on the left-hand column margin. Member Leone asked that we insert bullet points on water quality and boater safety, shoreline maintenance, and restoration.

The letter was approved unanimously once suggested changes had been made. The Board also designated Chair McGlashan as the single, overall signatory for the final draft.

### **Public comments invited concerning items NOT on this Agenda (3-minute limit)**

Dr. Gwen Meredith asked that the anchor-outs turn over their representation to Bill Price, the Harbor Administrator, since he would be a good advocate for them. She felt that a Mooring Field was a good idea and agreed to mooring inspections and MT Head pump-out.

Peter Romanowski stated that he would prefer someone from the anchorage act as the representative.



Jeff Jacob asked for a community garden space in Sausalito, and Member Leone suggested that he work within the existing process that had already begun within the City of Sausalito on this issue.

Peter Moorhead asked if the two new members had the narrative that he had previously provided to the Board. He felt that it was a crazy idea to have Mr. Price representing the anchor-outs. He asked to have an accounting of the vessels the RBRA disposes of at each meeting as was done in the past. He asked Chair McGlashan about his environmental focus and how he could justify public storage on open space, and he felt the RBRA should be enforcing its own ordinances with more infraction citations.

Lynne Lester applauded the website, and wanted to know what differentiated a houseboat from a live-aboard, and whether anyone could just tie up to a mooring. Mr. Price responded that there were no administered moorings in the area of the houseboat marinas, and that the Waldo Point area was not a functional anchorage area due to the shallow nature of the water there, so new anchor-outs were being actively discouraged.

Kevin Kuiper said that anchor-outs were citizens and deserved to be represented equally.

#### **Staff comments**

Mr. Berto explained a web consultant had been hired to post the agenda and perform minor website updates, and that the budget would accommodate the consulting costs.

Mr. Price explained the progress of AB 1610, the Vessel Turn-in Program, and its importance as far as getting derelicts off of the water before they turn into public nightmares.

#### **Board member matters**

Member Leone advised the anchor-outs to seek free legal advice from mediation services so they could organize as an independent organization along the same lines as the recently organized residents of the Sausalito Marineways marina. Member Collins asked Staff to research the possibility of adding on to an established Federal Stimulus Grant. He also asked Mr. Berto to comment on the moorings numbers provided by Mr. Bob Mitchell. Mr. Berto stated the Strategic Plan, written materials, etc., had always been focused on a goal of 100 moorings, and that 200 moorings had not been contemplated, nor was it likely to be. Chair McGlashan explained that the critical path for any mooring field discussion was still through the BCDC, followed by an in-depth public comment period. Without BCDC's pass-off on the floating fill conundrum, a recreation / long-term residential mooring field would be impossible. He continued to be optimistic and felt that Clem Shute had a convincing legal framework to present to the BCDC staff.

Member Leone asked that Staff inventory the moorings and buoys south of the Spinnaker Restaurant since the City of Sausalito was contemplating enforcement action that could be used as a potential offset in the BCDC discussions.

The meeting was adjourned at 7:00 PM

NOTE: The next meeting of the RBRA is scheduled for **JULY 16, 2009 at 5:30 PM** at the Sausalito City Hall Chambers.

# RICHARDSON'S BAY REGIONAL AGENCY

## HARBOR ADMINISTRATOR'S REPORT WORKING RELATIONSHIPS

July 10, 2009

- **Dept. of Boating and Waterways** – 1) Submitted a request for reimbursement to the AWAFF program for \$27,795. This is the final reimbursement request for the 2008/09 grant. The RBRA's next AWAFF Grant Request for \$112,200 for fiscal year 2009-10 has preliminary approval, but it is pending approval of the State budget. 2) Attended the Abandoned Vessel Advisory Committee in Sacramento to address the vessel turn-in program and expanding funding for the AWAFF program.
- **US Coast Guard** – Attending all meetings of the Abandoned Vessel group that the Coast Guard sponsors. Additionally, Clerk Ben Berto attended an Abandoned Boat Summit meeting sponsored by the Santa Clara Water District.
- **Sausalito Police Department** – Assisting with officer training aboard the patrol vessel.
- **Corps of Engineers** – 1) Helped to identify and remove two vessels abandoned at the COE dock. 2) Engaged in the process of renewing the RBRA license to use the base yard in Sausalito for another 5 – 10 years.
- **Marin County Sheriff** – worked with the new deputy in charge of the Water Patrol Unit to get him up to speed on issues confronting Richardson's Bay.

## DEBRIS REMOVAL

- Disposed of 6 vessels as well as 2 skiffs. 3 boats are currently impounded, with 1 in lien sale process.

## RAPID RESPONSE

- Two vessels were retrieved from West Shore Road, Belvedere
- Rescued a sailing boat with a man and two children in distress off the Sausalito channel.
- A dead seal was removed from a residence at West Shore Road, Belvedere.

## WATER QUALITY

- Two additional sign-ups have been added to the list, and MT Head employees are devoting time to getting new participants on-line with sewage pump-out service, and installing the new equipment to make it work.
- Regular meetings with State Water Quality Board officials, MCSTOPP, EHS and local sewage agencies to clarify the State's expectations regarding the upcoming TMDL requirements. MCSTOPP has agreed to share some of the RBRA's increased testing expenses.

## OTHER

- Hosted a Sausalito harbormasters meeting at the Bay Model that was followed by a California Harbor Masters and Port Captains meeting. Topics at the first meeting revolved around compliance issues surrounding the TMDL plan, and the RBRA's role in assisting development of individual marina response plans.
- Attended a Clean Marinas California meeting to prepare for the TMDL requirements so that local marinas can institute the certification program as part of best management practices.

## RBRA Vessel Disposal List - FY 2008/09

	<b>BOAT</b>	<b>SIZE</b>	<b>COST</b>	<b>LOCATION</b>
1.	Markente IV	28' f/g power	4,200.00	
2.	Calypso	25' f/g sail	319.68	marina
3.	Lagniappe	30' wood power	897.14	marina
4.	Anais	30' wood sail		
5.	Herreschof	30' wood sail	1,111.32	
6.	Orrion	17' f/g power	1,121.11	
7.	Magregor 22	22' f/g sail	185.00	
8.	Pilings	Dolphin removal	1,100.00	
9.	Danny Skiff	18' f/g power	278.90	sunk
10.	San Vincenzo	28' wood power	1,750.00	sunk
11.	Liberty	70' wood power	829.28	marina
12.	Columbia 22	25' f/g sail	269.90	
13.	Jessie T	32' f/g sail	1,959.58	adrift
14.	Marco Polo	55' ferro sail	11,800.00	
15.	Can O Beans	36' steel houseboat	144.36	marina
16.	Court Jester	30' f/g sail	1,333.66	marina
17.	Listereen	24' f/g sail	493.92	
18.	Frog	18' f/g power	1,840.00	sunk
19.	Silverton	38' f/g power	3,705.80	
20.	Ruby II	42' wood power	8,000.00	
21.	Lady Irma	40' wood power	5,500.00	SR
22.	Lady L	28' wood power	901.66	
23.	Getaway II	36' f/g power	2,647.00	sunk
24.	Barefoot	24' wood sail	990.44	sunk
25.	Firefly	35' wood power	1,007.00	marina
26.	Yo Islander	40' wood houseboat	1,150.00	
27.	Bo	29' f/g sail	1,385.00	beached
28.	Pearl Robin	25' f/g houseboat	1,337.25	sunk
29.	Easom Serenade	40' wood sail	1,911.73	sunk
30.	Irish Mist	26' f/g sail	105.00	
31.	Animal House	52' steel houseboat	7,996.00	sunk
32.	Skua	32' f/g sail	1,989.67	
33.	Good Chance	33' f/g power	4,000.00	SF
34.	Bayliner	22' f/g power	454.00	
35.	Folkboat	25' wood sail	2,435.00	sunk
36.	Sojourner	35' wood sail	2,383.75	burned

37.	Donna	44' wood sail	7,300.00	sunk
38.	Oakland	36' wood power	529.44	beached
39.	Watsey Chris	28' wood power	1,269.28	sunk
40.	Cheoy Lee	28' wood sail	1,686.60	beached
41.	Luciano	23' f/g power	1,151.70	
42.	Starlite	28' f/g sail	2,028.07	marina
43.	Red Aerosail	25' f/g sail	200.00	sinking
44.	Speedboat C	20' f/g power	329.28	beached
45.	Mairs Chris	44' wood power	4,000.00	SR
46.	Sharky	30' f/g power	729.28	
47.	Green Goblin	28' f/g sail	1,437.05	adrift
48.	Ferro	50' ferro sail	8,588.00	
49.	Glastron Cove	22' f/g power	246.96	sunk
	<b>Total \$\$\$\$</b>		<b>\$113,327.77</b>	
	<b>Average cost</b>		<b>\$2,312.00</b>	

# RICHARDSON'S BAY REGIONAL AGENCY

## TMDL Implementation Plan

July 16, 2009

### **Background:**

The California Regional Water Quality Control Board – San Francisco Bay Region (RWQCB) has tasked the Richardson's Bay Regional Agency (RBRA) with developing a response to the RWQCB's recently passed TMDL (Total Maximum Daily Load) Plan requirements for achieving water quality improvements in Richardson's Bay. The TMDL has assigned to the RBRA and several other local agencies water quality improvement-related responsibilities concerning anchored-out vessels, houseboats, marinas, and water quality testing. This document is RBRA's Implementation Plan.

### **Purpose:**

The purpose of RBRA's TMDL Implementation Plan is to set forth RBRA program activities and timing consistent with RWQCB TMDL implementation measures, in furtherance of achieving compliance with the TMDL overall water quality objectives for Richardson's Bay. RBRA's program responsibilities for multi-agency program activities are limited to those identified in this Plan as being performed by the RBRA.

### **RBRA Implementation Plan Response:**

Commencing with adoption of this local Implementation Plan, and in full effect after the State Water Quality Control Board and USEPA adopt the final Basin Plan Amendment (anticipated for late 2009), RBRA will implement the following:

#### Water Quality Testing

The RBRA will conduct water quality testing for Fecal Coliform, Total Coliform, Enterococcus, and E. Coli. Water testing protocols will be multiple tube for Fecal Coliform and Total Coliform, and enzyme substrate for Enterococcus and Total Coliform. A total of 16 sites will be sampled and tested. Tests will be performed on samples taken at each of the test sites at weekly intervals for five (5) consecutive weeks. The five-week sample and test series will be conducted once during the dry season and once during the winter, for a total of 10 tests at each of the test sites. The test results will be reported to the RBRA and the RWQCB.

Timeline: Dry season testing in Fall 2009, and wet season testing in late Winter 2010.

#### Anchor-Out Vessels

RBRA will pursue 100% participation in the MT Head pumpout program for live-aboard anchorout vessels, and will assist live-aboard vessel owners in obtaining marine sanitation devices (msd's) with holding tanks, to be used in conjunction with the pumpout program. State Pump-Out Grant assistance will be utilized to pay operating costs for

pumping out the vessels and may pick up some, if not all, of the costs for setting up vessels with msd's and holding tanks.

Timeline: Initial implementation immediately, full compliance by Winter 2010

#### Marina/Anchorouts

Marina owners/operators, houseboat owners, and anchorouts will implement a "neighborhood watch" for sewage spills for both houseboat and recreational marinas, and anchorouts, with a hotline directed to first responders (EHS, RBRA, SASM, Southern Marin Sewage, etc.).

Timeline: Winter 2010

Harbormasters will coordinate with RBRA to ensure 100% compliance with their pump-out programs for live-aboards.

Timeline: Winter 2010

RBRA will work directly with the three marinas that do not have sewage pump-out facilities to assist them in achieving State grant funding to install infrastructure.

Timeline: Marina operators to submit grant applications by July 2010

RBRA will work with all local marinas to assist their becoming certified California Clean Marinas.

Timeline: Ongoing, certification goal July 2011

RBRA will continue to work with Gates Cooperative marina to repair and upgrade their system until the Gates master marina upgrade project is complete.

Timeline: Ongoing until project completion

RBRA will work with local marinas to facilitate their development and activation of implementation measures required in the TMDL.

Timeline: July 2011

#### **Multi-Agency Plan Response**

A multi-agency approach will be used to satisfy certain TMDL implementation measure requirements. RBRA Staff has met with representatives of the County of Marin Environmental Health Services (EHS) and Marin County Stormwater Pollution Prevention Program (MCSTOPPP), and received their preliminary commitment to participate in the multi-agency response in the following shared TMDL plan elements:

EHS will take the lead in ensuring houseboats are tested on a biennial basis for sewage conveyance system integrity. RBRA will facilitate meetings between the houseboat marina owners/operators, houseboat association representatives, and EHS. The meetings will develop and implement procedure(s) for testing the sewage conveyance system of all houseboats in each houseboat marina.

Timelines: Immediately for initial implementation steps, full compliance estimated Winter 2010

MCSTOPPP will conduct additional water quality testing associated with stormwater program responsibilities. RBRA has agreed to conduct sampling on behalf of MCSTOPPP for the testing sites that relate to MCSTOPP program responsibilities. Timeline: Dry season testing in Fall 2009, and wet season testing in late Winter 2010.

RWQCB has offered to participate in water quality testing. RBRA has not assigned any budget support amount from RWQCB. If RWQCB can contribute, it will help defer some of RBRA's expenses. RWQCB has also indicated it will provide water quality-related informational/educational materials, which RBRA will distribute to boaters and houseboat residents.

**Attachments:**

1. Table 7-4 Trackable implementation measures for Richardson's Bay pathogens TMDL (RWQCB, 07/09/08).
2. Revised testing sites diagram



# Adopted Basin Plan Amendment

## **Richardson Bay Pathogens Total Maximum Daily Load (TMDL)**

The following sections establish the TMDL for pathogens in Richardson Bay. The numeric targets, load allocations, and implementation plan are designed to support and protect the Bay's designated beneficial uses, water contact recreation and shellfish harvesting. The TMDL includes actions for adaptive implementation to evaluate the effectiveness of implementation actions, monitor progress toward targets, and review the scientific understanding pertaining to pathogens, which may result in modifying the TMDL in the future.

## **Problem Statement**

Richardson Bay is impaired by pathogens. Monitoring results indicate that the Bay exceeds bacteria water quality objectives for shellfish harvesting (e.g., clam, mussel, and oyster harvesting), and water contact recreation (swimming, fishing); Table 3-1). The presence of pathogens is inferred from high concentrations of fecal coliform bacteria, a commonly used indicator of human pathogenic organisms. Therefore, the beneficial uses of shellfish harvesting and recreational water contact are not fully supported.

## **Sources**

Pathogen sources are identified based on elevated coliform bacteria (pathogen indicator) levels downstream or in the vicinity of identified land uses or facilities and from documentation of inadequately treated human waste discharges. If not properly managed, the following source categories have the potential to discharge pathogens to Richardson Bay: sanitary sewer systems, stormwater runoff, houseboats, and vessels.

- High coliform levels detected downstream of storm drains, and the increase in the number of wet season exceedances as compared to the number of dry season exceedances, point to stormwater runoff as a potential pathogen source.
- Documentation of sanitary sewer overflows in Richardson Bay area municipalities suggests that sanitary sewer systems are a potential source of pathogens to the Bay.
- Consistently high coliform levels in houseboat and vessel marinas indicate that houseboat and vessel marinas' failing sewage collection systems are potential sources of pathogens.

Bacteria levels are low at monitoring sites that contain wildlife but are minimally impacted by human activities. This suggests that wildlife may not be a significant, widespread potential source of pathogens in Richardson Bay. Wildlife may be a significant source on an intermittent, localized basis.

**Numeric Targets**

The numeric targets (desired future long-term conditions) proposed for pathogen indicators in Richardson Bay are presented in Table 7-1.

<b>Table 7-1. Numeric Targets for Richardson Bay<sup>a</sup></b>	
<b>Beneficial Use</b>	<b>Numeric Target</b>
Shellfish Harvesting	Median fecal coliform density <sup>b</sup> < 14 (MPN <sup>c</sup> /100 mL) 90 <sup>th</sup> percentile fecal coliform density < 43 (MPN/100 mL)
Water Contact Recreation	Geometric mean fecal coliform density < 200 90 <sup>th</sup> percentile fecal coliform density < 400 Geometric mean Enterococci density < 35 CFU <sup>d</sup> /100 mL 90 <sup>th</sup> percentile Enterococci density < 104 CFU/100 mL
<p>a. Based on a minimum of five consecutive samples equally spaced over a 30-day period</p> <p>b. "Density" refers to the number of bacteria in a given volume of water (U.S. EPA, 1986, 2002, 2003). The term is analogous to "concentration," which refers to the mass of chemical pollutant in a given volume of water. "Bacterial density" and "bacterial concentration" are sometimes used interchangeably.</p> <p>c. Most Probable Number (MPN) is a statistical representation of the standard coliform test results.</p> <p>d. CFU stands for colony forming unit (e.g., as in number of bacterial colonies)</p>	

The bacterial density targets are based on the Basin Plan's shellfish harvesting and water contact recreation water quality objectives for fecal coliform and on U.S. EPA's recommended Enterococci criteria for water contact recreation in salt water.

**Total Maximum Daily Load**

Table 7-2 shows Richardson Bay's density-based pathogens TMDL, expressed as fecal coliform bacteria concentrations.

<b>Table 7-2. Total maximum daily load for pathogen indicators (fecal coliforms) for Richardson Bay</b>	
<b>Indicator Parameter</b>	<b>TMDL</b>
Fecal coliform	Median <sup>a</sup> < 14 MPN/100 mL 90 <sup>th</sup> Percentile <sup>b</sup> < 43 MPN/100 mL
<p>a. Based on a minimum five consecutive samples equally spaced over a 30-day period.</p> <p>b. No more than 10% of total samples during any 30-day period may exceed this number.</p>	

**Load Allocations**

Density-based fecal coliform allocations for each potential pathogen source category in Richardson Bay are presented in Table 7-3. Each discharger in the Richardson Bay

watershed is responsible for meeting its source category allocation. All potential dischargers are also responsible for complying with applicable waste discharge requirements, or waste discharge prohibitions (Table 4-1, Prohibitions 5, 15, and 18).

All discharges of raw or inadequately treated human waste, including sewage from vessels, are prohibited. All sources of untreated or inadequately treated human waste have an allocation of zero.

<b>Table 7-3. Density-Based Pollutant Wasteload and Load Allocations<sup>a</sup> for Richardson Bay</b>		
<b>Categorical Pollutant Source</b>	<b>Wasteload and Load Allocations Fecal Coliform (MPN/100 mL)</b>	
	<b>For Direct Discharges to the Bay</b>	
	<b>Median<sup>b</sup></b>	<b>90<sup>th</sup> Percentile<sup>c</sup></b>
<i>Stormwater Runoff<sup>d</sup></i>	<14	< 43
<i>Wildlife<sup>e</sup></i>	<14	< 43
<i>Sanitary Sewer Systems</i>	0	0
<i>Houseboats</i>	0	0
<i>Vessels (Recreational, Live-aboard, Anchor-out Boats)</i>	0	0
<p><i>a. These allocations are applicable year-round. b. Based on a minimum of five consecutive samples equally spaced over a 30-day period.</i></p> <p><i>c. No more than 10% of total samples during any 30-day period may exceed this number.</i></p> <p><i>d. Wasteload allocation for discharges from municipal separate storm sewer systems (NPDES Permit Nos. CAS000004 and CAS000003).</i></p> <p><i>e. Wildlife is not believed to be a readily controllable source of pathogens; therefore, no management measures are required.</i></p>		

**Implementation Plan**

The Richardson Bay Pathogens TMDL Implementation Plan builds upon previous and ongoing successful efforts to reduce potential pathogen loads in Richardson Bay and its tributaries. The plan requires actions consistent with the California Water Code (CWC 13000 et seq.), the state’s Nonpoint Source Pollution Control Program Plan (CWC Section 13369), the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, and human waste discharge prohibitions (Table 4-1, Prohibitions 5, 15, and 18).

Table 7-4 lists the required implementation measures for the source categories listed in Table 7-3. These measures include evaluation of operating practices, identification of comprehensive, site-specific pathogens control measures and an associated

implementation schedule, and submittal of progress reports to the Water Board documenting actions taken.

**Table 7-4. Trackable implementation measures for the Richardson Bay pathogens TMDL**

<b>Source Category</b>	<b>Implementing Party</b>	<b>Action</b>	<b>Completion Dates</b>
Sanitary Sewer Systems	Marin County Sanitary District No. 5, Sewerage Agency of Southern Marin, Tamalpais Community Services District, City of Mill Valley, Homestead Valley Sanitary District, Alto Sanitary District, Almonte Sanitary District, City of Sausalito, Sausalito Marin City Sanitary District, Richardson Bay Sanitary District	<ol style="list-style-type: none"> <li>1. Comply with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.</li> </ol>	As specified in applicable WDR permit
Stormwater Runoff	Marin County, City of Sausalito, City of Mill Valley, City of Tiburon, City of Belvedere, Caltrans	<ol style="list-style-type: none"> <li>1. Implement applicable stormwater management plan.</li> </ol>	As specified in approved stormwater management plan and in applicable NPDES permit
<ol style="list-style-type: none"> <li>2. Update/amend applicable stormwater management plans, as appropriate, to include specific measures to reduce pathogen loading, including additional education and outreach efforts, and installation of additional pet waste receptacles.</li> </ol>			
<ol style="list-style-type: none"> <li>3. Report progress on implementation of pathogen reduction measures to Water Board.</li> </ol>			

**Table 7-4. Trackable implementation measures for the Richardson Bay pathogens TMDL**

Source Category	Implementing Party	Action	Completion Dates
Houseboats	RBRA; Marin County; local cities	1. Submit to the Executive Officer for approval a plan and schedule for 1) evaluating adequacy and performance of sewage collection systems (onboard sewage systems, pumps, sewer lines, etc.) for all houseboats in Richardson Bay, 2) biennial evaluation of sewage collection system operation and maintenance for all houseboats once they have been repaired/upgraded such that they do not discharge any sewage into the Bay.	July 2009
		2. Conduct evaluation per submitted plan.	July 2010
		3. Report progress on implementation of the plan to Water Board.	Annually
	Houseboat marina owners	1. Submit to the Executive Officer for approval a plan and schedule for 1) repairing/upgrading identified substandard/malfunctioning sewage collection systems (onboard sewage systems, pumps, sewer lines, etc.) such that they do not discharge any sewage into the Bay, 2) long-term operation and maintenance of the systems.	July 2011
		2. Report progress on implementation of the plan to Water Board.	Annually
	Houseboat owners, houseboat marina owners	1. Repair/Upgrade identified substandard/malfunctioning sewage collection systems (onboard sewage systems, pumps, sewer lines, etc.) such that they do not discharge any sewage into the Bay.	July 2013
		2. Operate and maintain sewage collection systems such that they do not discharge any sewage into the Bay.	Ongoing

Source Category	Implementing Party	Action	Completion Dates
Vessels	RBRA; Marin County; local cities	1. Submit to the Executive Officer for approval a plan and implementation schedule for 1) evaluating adequacy and performance of sewage collection systems (sewage dump stations, sewage pumpout stations, onboard sewage systems, sewer lines, etc.) for all vessel marinas and vessels with toilet facilities in Richardson Bay, 2) biennial evaluation of sewage collection system operation and maintenance for all vessel marinas and vessels once they have been repaired/upgraded such that they do not discharge any sewage into the Bay.	July 2009
		2. Conduct evaluation per submitted plan.	July 2010
		3. Report progress on implementation of the plan to Water Board.	Annually
	Vessel marina owners	1. Submit to the Executive Officer for approval a plan and schedule for 1) installing, as needed, an adequate number of sewage pumpout and dump stations. If no new sewage pumpout and dump stations are needed, provide an explanation as why they are not needed, 2) repairing/upgrading identified leaky/malfunctioning sewage collection systems (sewage dump stations, sewage pumpout stations, onboard sewage systems, sewer lines, etc.) such that they do not discharge any sewage into the Bay, 3) long-term operation and maintenance of the systems such that they do not discharge any sewage into the Bay.	July 2011
		2. Report progress on implementation of the plan to Water Board.	Annually
	Vessel owners, vessel marina owners	1. Repair/upgrade identified leaky/malfunctioning sewage collection systems (sewage dump stations, sewage pumpout stations, onboard sewage systems, sewer lines, etc.) such that they do not discharge any sewage into the Bay.	July 2013
		2. Operate and maintain sewage collection systems such that they do not discharge any sewage into the Bay.	Ongoing
		3. Enroll in RBRA's mobile sewage collection and disposal service for all live-aboards (both anchor-outs and marina-berthed vessels).	July 2010

**Regulatory Framework**

The state’s Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program requires that current and proposed nonpoint source discharges be regulated under waste discharge requirements, waivers of waste discharge requirements, Basin Plan discharge prohibitions, or some combination of these tools. Municipal and highway stormwater runoffs are regulated under NPDES permits. Table 7-5 describes the regulatory mechanism by which dischargers in each source category will be regulated.

<b>Table 7-5. Regulatory Framework</b>	
<b>Source Category</b>	<b>Regulatory Tool</b>
Sanitary Sewer Systems	General WDR permit
Stormwater Runoff	NPDES permit
Houseboats	Existing prohibition of human waste discharge (Table 4-1, Prohibitions 5 and 15)
Vessels	Existing prohibition of human waste discharge (Table 4-1, Prohibitions 5, 15, and 18)

**Ongoing Water Quality Monitoring in Richardson Bay**

Water quality monitoring will be conducted to assess water quality improvements and obtain additional information for further refinement of the TMDL. The main objectives of the ongoing monitoring program are to:

- Assess attainment of TMDL targets
- Evaluate spatial and temporal water quality trends in the Bay
- Obtain additional information about significant potential pathogen source areas
- Collect sufficient data to prioritize implementation efforts and assess the effectiveness of source control actions

All water quality monitoring (including Quality Assurance and Quality Control procedures) will be performed pursuant to the State Water Board’s Quality Assurance Management Plan for the Surface Water Ambient Monitoring Program.

**Adaptive Implementation**

In 2013, the Water Board will evaluate monitoring results and assess progress toward attaining TMDL targets (Table 7-1) and load allocations (Table 7-3). The Water Board will also evaluate compliance with the trackable implementation measures specified in Table 7-4, as documented by submitted progress reports.



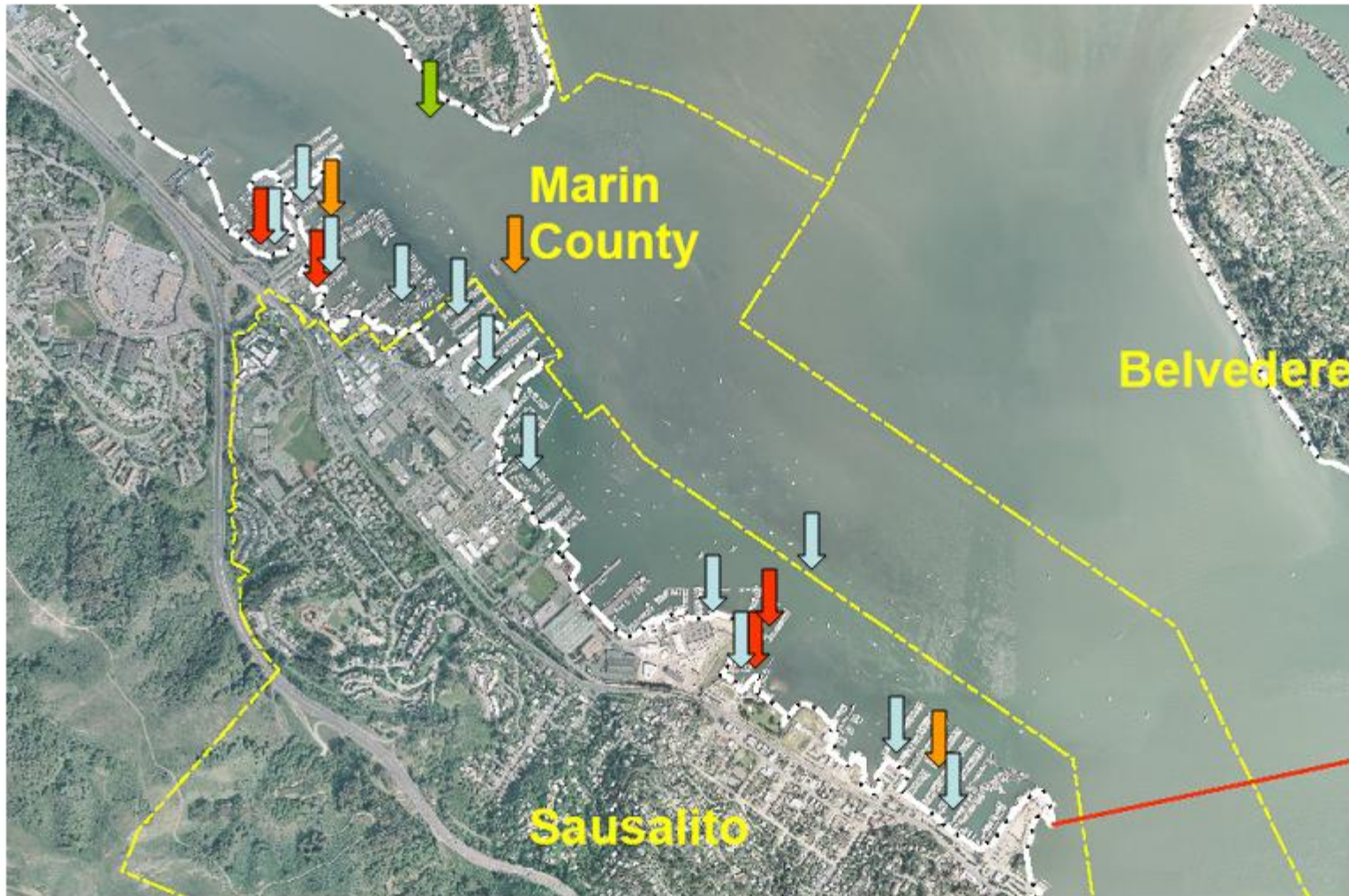
If evaluation and monitoring show that source control actions have been fully implemented throughout the watershed, but the TMDL targets (water quality objectives) are not attained, the Water Board may re-evaluate the attainability/applicability of designated water quality objectives.

The Water Board will review the Richardson Bay Pathogens TMDL and evaluate new and relevant information from monitoring, special studies, and scientific literature. At a minimum, these reviews will aim to find answers to the following questions. Additional questions may be developed in collaboration with stakeholders.

1. Is Richardson Bay progressing toward TMDL targets? If progress is unclear, how can monitoring efforts be modified to detect trends? If there has not been adequate progress, how might the implementation actions be modified?
2. What are the pollutant contributions for the various source categories? How have these contributions changed over time? How do they vary seasonally? How might source control measures be modified to improve load reduction? If the answers to these questions are not clear, how can monitoring efforts be modified to answer these questions?
3. Is there new, reliable, and widely accepted scientific information that suggests modifications to targets, or implementation actions? If so, how should the TMDL be modified?

Modifications to the targets or implementation plan will be incorporated into the Basin Plan via an amendment process.

# Water testing site options 03/13/09

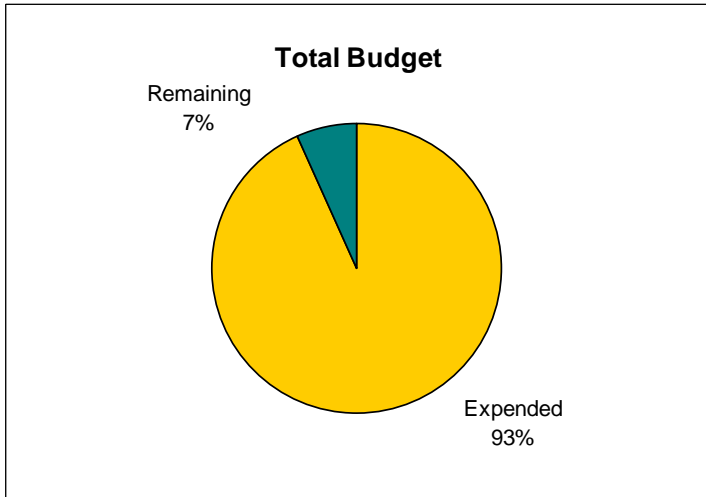
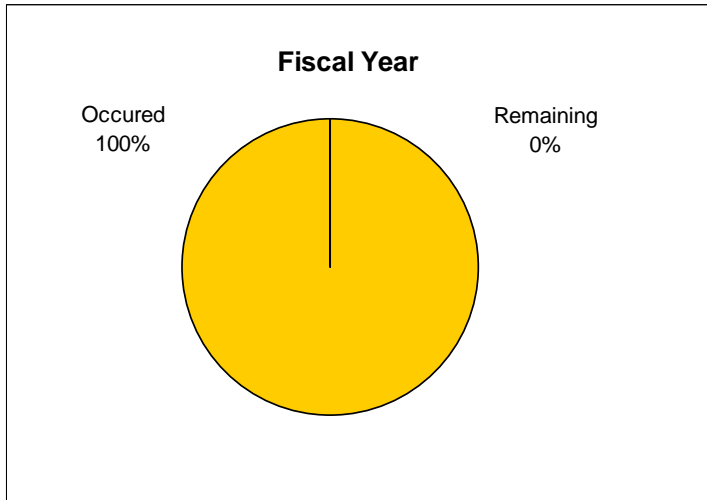


 EXISTING REMAINING	 EXISTING TO BE REMOVED	 EXISTING FOR POTENTIAL REMOVAL	 PROPOSED NEW
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## RBRA MAY - JUNE 2009 BALANCE SHEET

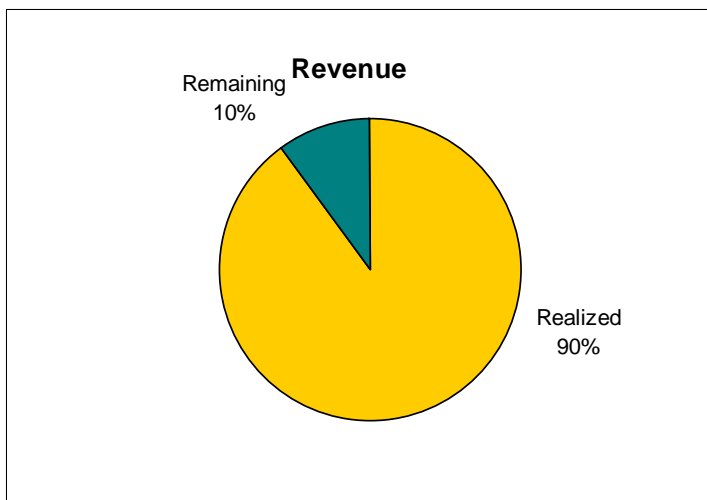
ACCOUNT NAME	EXPENDITURES	REVENUE
Mooring rental - Emerson		-600.00
Mooring rental - White		-300.00
Boat disposal fees - Clipper		-350.00
Boat disposal fees - Steckler Pacific		-460.00
State AWAFF Grant reimbursal		-37,993.50
Internet website consultant	260.00	
Day labor - Fleshman	100.00	
Daves Diving - move moorings	1,580.00	
San Rafael Yacht Harbor - boat disposal fees	4,000.00	
Day labor - Fleshman	200.00	
Day labor - Fleshman	200.00	
San Rafael Yacht Harbor - boat disposal fees	6,500.00	
San Rafael Yacht Harbor - boat disposal fees	4,000.00	
Reimburse mooring fees - Merlati	150.00	
Marine Outboard - repair on Waste Aweigh	363.50	
San Rafael Yacht Harbor - boat disposal fees	750.00	
San Rafael Yacht Harbor - boat disposal fees	1,600.00	
Bay Cities debris box fees	821.00	
County of Marin legal Counsel	4,462.50	
Clem Shute legal fees	50.00	
Special Appointment - salary	9,036.01	
Special Appointment - salary	13,906.78	
ATT Internet & fax	77.93	
earthlink internet	5.90	
Cell phone refund		-0.94
May cell phone	66.62	
April cell phone	109.36	
March cell phone	124.07	
Hertz backhoe rental	467.07	
Hertz backhoe rental	467.07	
Hertz backhoe rental	528.39	
Libertyship dry storage	240.00	
Sausalito Shipyard slip rental	200.00	
Schoonmaker slip rental	147.50	
Schoonmaker slip rental	275.00	
ICB Building office rental	420.00	
Sausalito Shipyard slip rental	200.00	
Sausalito Shipyard slip rental	200.00	
Sausalito Shipyard slip rental	200.00	
Schoonmaker slip rental	276.76	
Schoonmaker slip rental	147.50	
Libertyship dry storage	240.00	
Travel - Mileage - Sacramento meetings	176.00	
Marin IJ legal notices	87.66	
Office Depot - office supplies	9.84	
Office Depot - office supplies	31.74	
Fed Ex shipping	17.00	
MT Head - pump-out fees	225.00	
MT Head - pump-out fees	225.00	
MT Head - pump-out fees	225.00	
Water Street hardware - hose & fittings	29.96	
West Marine - boat parts	11.86	
West Marine - boat parts	16.52	
Goodman hardware - tools & gloves	65.80	
West Marine - boat parts	84.53	
	53,578.87	-39,704.44

# Percent of Budget and Percent of Year as of June 30, 2009



## Expenditures vs. Budgeted Expenditures

Expenditures	\$306,883
Adopted Budget	\$328,831



## Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$297,717
Budgeted Revenue	\$330,627

# RICHARDSON'S BAY REGIONAL AGENCY

July 16, 2009

## **Board**

**Charles McGlashan**  
Chair  
Board of Supervisors  
County of Marin

**Richard Collins**  
Vice-Chair  
Councilmember  
Town of Tiburon

**Jerry Butler**  
Councilmember  
City of Belvedere

**Jonathan Leone**  
Mayor  
City of Sausalito

**Ken Wachtel**  
Councilmember  
City of Mill Valley

The Honorable Arnold Schwarzenegger, Governor  
State of California  
State Capitol  
Sacramento, CA 95814

SUBJECT: Support for AB 166

Dear Governor Schwarzenegger:

The Richardson's Bay Regional Agency (RBRA) is a joint powers agency comprised of the City of Belvedere, the County of Marin, the City of Mill Valley, the City of Sausalito, and the Town of Tiburon. The Board of the RBRA is writing to urge that you sign Assembly Bill 166 into law once it reaches your desk for decision.

The State of California shares with the rest of the Country the dire fiscal burdens associated with the worst economic downturn in decades. One of the consequences of this economy is many people find themselves unable to financially cope with the cost of boat ownership. Under current laws, it is impossible for a person to simply surrender their boat to a responsible government agency for disposal. Now, even if the vessel has reached the stage of being worthless, the boat owner faces very expensive disposal costs to get rid of the boat responsibly. The end result is many of these vessels end up transferred to parties unknown and later they are found abandoned and sunk throughout the State's waterways. This is occurring increasingly around the State, causing environmental damage and greatly increased expenses for subsequent salvage, recovery and disposal.

Both the State Assembly and Senate have recognized the unacceptable and increasing burden this epidemic of boat abandonment has created on the constituencies they represent, and have thrown their widespread bipartisan support behind this legislation. AB 166 will provide a low cost alternative for responsible boat owners to dispose of unwanted vessels regardless of value, while assuring that such boats will never become part of the rising tide of derelict, abandoned or sunk boats. With this law, the cost of responsible boat disposal to jurisdictions would be a fraction of the cost of recovering and wrecking a boat that has been abandoned, beached or sunk. The current impacts on the environment from sunken boat fuel and other hazardous material is unacceptable, and can only be avoided if the vessels are responsibly turned in and disposed of properly.

In these dire fiscal times, it is incumbent for the government to continue to exercise leadership in providing solutions to a problem that currently confounds its citizenry and local jurisdictions. The RBRA urges your support and signature for AB166. California deserves no less.

Sincerely,

The Board of the Richardson Bay Regional Agency

Charles McGlashan  
Chair, Richardson Bay Regional Agency  
Supervisor Third District  
County of Marin

CC: State Department of Boating and Waterways  
Senator 3rd District Mark Leno  
Assemblymember 6th District Jared Huffman

DRAFT

**ASSEMBLY BILL**

**No. 166**

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**Introduced by Assembly Member Lieu**  
**(Coauthors: Assembly Members John A. Perez, Portantino, Saldana,**  
**and Torlakson)**  
(Coauthor: Senator DeSaulnier)

January 28, 2009

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An act to amend Sections 525 and 526 of, and to add and repeal Section 526.1 of, the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 166, as introduced, Lieu. Vessels: abandonment: abatement.

Existing law makes it an infraction with a minimum \$500 fine and maximum \$3,000 fine for a person to abandon a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property, except for the urgent and immediate concern for the safety of those aboard the vessel. Existing law provides that 80% of the moneys collected as fines shall be deposited in the Abandoned Watercraft Abatement Fund. Upon appropriation by the Legislature, moneys in the fund may be used for grants to be awarded by the Department of Boating and Waterways to local agencies for the abatement and removal of abandoned, wrecked, and dismantled vessels, or parts of those vessels.

This bill would increase the minimum fine to \$1,000. The bill would also allow the moneys in the fund to be used for the abatement and removal of a hulk, derelict, wreck, or parts of any ship, or other watercraft sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition upon municipal or other public corporation property, and for the disposal of a surrendered vessel, as defined.

This bill would prohibit the state from assuming liability for any injuries or damages to a person or entity, public or private, connected to or resulting from the processing or disposal of a surrendered vessel.

Existing law authorizes wrecked property that is an unseaworthy derelict or hulk, or abandoned property removed from a navigable waterway, as specified, to be sold or otherwise disposed of by the public agency that removed or caused the removal of the property, subject to certain conditions, including that the property has been appraised by disinterested persons, and has an estimated value of less than \$2,000.

This bill would, until January 1, 2013, except from those provisions a surrendered vessel, as defined. The bill would require the Department of Boating and Waterways to track the number of surrendered vessels accepted by a public agency that disposes of those vessels using grant funds from the Abandoned Watercraft Abatement Fund from January 1, 2010, to January 1, 2012, inclusive, and the total amount of expenditure from that fund for surrendered vessels during the same period. The bill would require the department to report that information to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing with any recommendations for revising or continuing the use of fund moneys for those purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 525 of the Harbors and Navigation Code  
 2 is amended to read:  
 3 525. (a) Except for *the* urgent and immediate concern for the  
 4 safety of those aboard a vessel, ~~no~~ a person shall *not* abandon a  
 5 vessel upon a public waterway or public or private property without  
 6 the express or implied consent of the owner or person in lawful  
 7 possession or control of the property.  
 8 (b) The abandonment of ~~any~~ a vessel in a manner as provided  
 9 in subdivision (a) is prima facie evidence that the last registered  
 10 owner of record, not having notified the appropriate registration  
 11 or documenting agency of any relinquishment of title or interest  
 12 therein, is responsible for the abandonment and is thereby liable  
 13 for the cost of *the* removal and disposition of the vessel.  
 14 (c) ~~Violation~~ A violation of this section is an infraction and shall  
 15 be punished by a fine of not less than ~~five hundred~~ *one thousand*



1 dollars—~~(\$500)~~ (\$1,000), nor more than three thousand dollars  
2 (\$3,000). In addition, the court may order the defendant to pay to  
3 the agency that removes and disposes of the vessel the actual costs  
4 incurred by the agency for that removal and disposition.

5 (d) ~~All fines~~ *Fines* imposed and collected pursuant to this section  
6 shall be allocated as follows:

7 (1) (A) Eighty percent of the moneys shall be deposited in the  
8 Abandoned Watercraft Abatement Fund, which is hereby created  
9 as a special fund. Moneys in the fund shall be used exclusively,  
10 upon appropriation by the Legislature, for grants to be awarded  
11 by the department to local agencies for the abatement, removal,  
12 storage, and disposal as public nuisances of any—~~abandoned~~  
13 ~~wrecked~~, *abandoned property as described in Section 522 or for*  
14 *the disposal of surrendered vessels as defined in Section 526.1,*  
15 *wrecked or dismantled vessels, or parts thereof, or any other*  
16 *partially submerged objects—*~~which~~ *that* pose a substantial hazard  
17 to navigation, from navigable waterways or adjacent public  
18 property, or private property with the landowner’s consent. These  
19 grants shall not be utilized for abatement, removal, storage, or  
20 disposal of commercial vessels.

21 (B) In evaluating a grant request submitted by a local agency  
22 pursuant to subparagraph (A), the department shall place great  
23 weight on the following two factors:

24 (i) The existence of an active local enforcement program to  
25 control and prevent the abandonment of watercraft within the local  
26 agency’s jurisdiction.

27 (ii) The existence of a submerged navigational hazard abatement  
28 plan at the local level—~~which~~ *that* provides for the control or  
29 abatement of water hazards, including, but not limited to,  
30 abandoned watercraft, wrecked watercraft, hazardous floating  
31 debris, submerged vessels and objects, and abandoned piers and  
32 pilings.

33 (C) A grant awarded by the department pursuant to subparagraph  
34 (A) shall be matched by a 10-percent contribution from the local  
35 agency receiving the grant.

36 (2) Twenty percent shall be allocated as set forth in Section  
37 1463.001 of the Penal Code.

38 (e) *The state shall not assume liability for any injuries or*  
39 *damages to a person or entity, public or private, connected to or*

1 *resulting from the processing or disposal of a surrendered vessel,*  
2 *as defined in Section 526.1.*

3 SEC. 2. Section 526 of the Harbors and Navigation Code is  
4 amended to read:

5 526. (a) Notwithstanding any other provision of law, any  
6 wrecked property that is an unseaworthy derelict or hulk, ~~or~~  
7 abandoned property as described in Section 522, or property  
8 removed from a navigable waterway pursuant to Section 523 or  
9 524 that is an unseaworthy derelict or hulk, may be sold or  
10 otherwise disposed of by the public agency that removed or caused  
11 the removal of the property pursuant to this section, subject to the  
12 following *conditions, except a surrendered vessel, as defined in*  
13 *Section 526.1, may be disposed of immediately upon acceptance*  
14 *by a public agency and is not subject to the following conditions:*

15 (1) The property has been appraised by disinterested persons,  
16 and has an estimated value of less than two thousand dollars  
17 (\$2,000).

18 (2) There is no discernable registration, license, hull  
19 identification number, or other identifying insignia on the property,  
20 or the Department of Motor Vehicles is unable to produce any  
21 record of the registered or legal owners or lienholders.

22 (3) Not less than 72 hours before the property was removed,  
23 the peace officer or authorized public employee securely attached  
24 to the property a distinctive notice stating that the property would  
25 be removed by the public agency.

26 (4) Within 48 hours after the removal, excluding weekends and  
27 holidays, the public agency that removed or caused the removal  
28 of the property sent notice of the removal to the registered and  
29 legal owners, if known or discovered subsequent to the removal,  
30 at their addresses of record with the Department of Motor Vehicles,  
31 and to any other person known to have an interest in the property.  
32 A notice sent by the public agency shall be sent by certified or  
33 first-class mail.

34 (5) If the public agency is unable to locate the registered and  
35 legal owners of the property or persons known to have an interest  
36 in the property as provided in paragraph (4), the public agency  
37 published, or caused to be published, the notice of removal for at  
38 least two weeks in succession in one or more daily newspapers  
39 circulated in the county.

1 (b) The notice of removal required by paragraphs (3) to (5),  
2 inclusive, of subdivision (a) shall state all of the following:

3 (1) The name, address, and telephone number of the public  
4 agency providing the notice.

5 (2) A description of the property removed.

6 (3) The location from which the property is to be or was  
7 removed.

8 (4) The location of the intended or actual place of storage.

9 (5) The authority and purpose for removal of the property.

10 (6) A statement that the property may be claimed and recovered  
11 within 15 days of the date the notice of removal was issued  
12 pursuant to paragraph (4) or (5) of subdivision (a), whichever is  
13 later, after payment of any costs incurred by the public agency  
14 related to salvage and storage of the property, and that following  
15 the expiration of the 15-day period, the property will be sold or  
16 otherwise disposed of by the public agency.

17 (7) A statement that the registered or legal owners or any other  
18 person known to have an interest in the property have the  
19 opportunity for a poststorage hearing before the public agency that  
20 removed, or caused the removal of, the property to determine the  
21 validity of the removal and storage if a request for a hearing is  
22 made in person or in writing to that public agency within 10 days  
23 from the date of notice; that if the registered or legal owners or  
24 any other person known to have an interest in the property disagree  
25 with the decision of the public agency, the decision may be  
26 reviewed pursuant to Section 11523 of the Government Code; and  
27 that during the time of the initial hearing, or during the time the  
28 decision is being reviewed pursuant to Section 11523 of the  
29 Government Code, the vessel in question shall not be sold or  
30 otherwise disposed of.

31 (c) (1) Any requested hearing shall be conducted within 48  
32 hours of the time the request for a hearing is received by the public  
33 agency, excluding weekends and holidays. The public agency that  
34 removed the vehicle may authorize its own officers or employees  
35 to conduct the hearing, but the hearing officer shall not be the same  
36 person who directed the removal and storage of the property.

37 (2) The failure of either the registered or legal owners or any  
38 other person known to have an interest in the property to request  
39 or attend a scheduled hearing shall not affect the validity of the  
40 hearing.

1 (d) The property may be claimed and recovered by its registered  
2 and legal owners, or by any other person known to have an interest  
3 in the property, within 15 days of the date the notice of removal  
4 was issued pursuant to paragraph (4) or (5) of subdivision (a),  
5 whichever is later, after payment of any costs incurred by the public  
6 agency related to salvage and storage of the property.

7 (e) The property may be sold or otherwise disposed of by the  
8 public agency not less than 15 days from the date the notice of  
9 removal was issued pursuant to paragraph (4) or (5) of subdivision  
10 (a), whichever is later, or the date of actual removal, whichever is  
11 later.

12 (f) The proceeds from the sale of the property, after deducting  
13 expenses for salvage, storage, sales costs, and any property tax  
14 liens, shall be deposited in the Abandoned Watercraft Abatement  
15 Fund for grants to local agencies, as specified in paragraph (1) of  
16 subdivision (d) of Section 525.

17 (g) It is the intent of the Legislature that this section shall not  
18 be construed to authorize the lien sale or destruction of any  
19 seaworthy vessel, *other than a surrendered vessel as defined in*  
20 *Section 526.1*, that is currently registered and operated in  
21 accordance with local, state, and federal law.

22 SEC. 3. Section 526.1 is added to the Harbors and Navigation  
23 Code, to read:

24 526.1. (a) For purposes of this article, “surrendered vessel”  
25 means a vessel that the verified titleholder has willingly  
26 surrendered to a willing public agency under both of the following  
27 conditions:

28 (1) The public agency has determined, in its sole discretion, that  
29 the vessel is in danger of being abandoned, and therefore has a  
30 likelihood of causing environmental degradation or becoming a  
31 hazard to navigation.

32 (2) The decision to accept a vessel is based solely on the  
33 potential of the vessel to likely be abandoned and cause  
34 environmental degradation or become a hazard to navigation.

35 (b) The department shall track the number of surrendered vessels  
36 accepted by a public agency that disposes of surrendered vessels  
37 using grant funds from the Abandoned Watercraft Abatement Fund  
38 between January 1, 2010, and January 1, 2012. The department  
39 shall also track the total expenditure from the fund for surrendered  
40 vessel abatement during the same period. On or before July 1,

1 2012, the department shall report this information to the Assembly  
2 Committee on Transportation and the Senate Committee on  
3 Transportation and Housing, along with any recommendations to  
4 revise or continue the use of fund moneys for these purposes.

5 (c) This section shall remain in effect only until January 1, 2013,  
6 and as of that date is repealed, unless a later enacted statute, that  
7 is enacted before January 1, 2013, deletes or extends that date.

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10 **CORRECTIONS:**

11 **Heading—Couthors—Lines 2 and 3.**

12 **Digest—Page 1.**

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