

RICHARDSON'S BAY REGIONAL AGENCY

Board of Directors Meeting Agenda

Thursday, March 12, 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.

5:30 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 February 13, 2020.
- 2) Information Item: Presentation on Community Efforts
- 3) Richardson's Bay Anchorage Transition Planning. Staff recommendation: Direct staff to a) Draft a proposed transition plan based on the draft transition vision, principles, and actions, subject to any required CEQA analysis; and b) Prepare a presentation to the Bay Conservation & Development Commission (BCDC) based on Board direction on the draft vision, principles, and actions, and on progress in meeting BCDC expectations.
- 4) 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.
- 5) Reports/comments: a) Staff updates; b) Board Member matters
- 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 FEBRUARY 13, 2020

Board of Directors Meeting

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

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

OPEN SESSION

Open session convened at 5:30 pm. Chair Wickham announced no action was taken in closed session.

Consent Agenda

- 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.

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

Information Item: Presentation on Community Efforts

None at this time. Presentation on ten-year Safe Harbor Plan to be presented as part of the work session.

Reports/comments

a) Staff updates: Harbormaster Havel reported that at his last count there were 133 vessels on the anchorage, with an estimated 90 vessels occupied. He is working on securing an impound facility to assist on the 72-hour rule on new vessels. Security via the water side of the Army Corps dock has become an issue, with vessels being taken from the pier, the padlocking of the inside of the gate, and stolen materials and supplies. Security measures have been installed with some success. Starting in March the Coast Guard will join in patrol assistance. The Coast Guard retrieved a houseboat that had been taken from the Army Corps pier. Ongoing efforts are to preserve and promote recreational opportunities and ecological systems; the primary enforcement focus has been on unoccupied vessels, which is not a new system of rules but an affirmation of rules already on the books.

b) Board Member matters: Chair Wickham reported on a coffee with anchorouts earlier that week.

Open time for public expression.

Gregory Taylor said he loved both anchorouts and eelgrass and that anchorouts are important to Sausalito's economy. If shoreside facilities are made available, more cruisers would come to Sausalito and spend their money.

Jeff Chase said the nation's eyes are on Richardson's Bay to see what will happen with folks who don't buy into a system that demands higher and higher rents. Most of the people on the anchorage were born in Marin. He said there are 100 people on 90 boats. Many people are staying on their boats in terror they will be taken. He said to remember the human aspect, and that God's aspect is

James Larson, said he'd lived on various sailboats for about eight years. He recently came back to anchorout, which he did ten years ago. He hadn't realized all the changes that have taken place. He works in Tiburon, Sausalito, and San Rafael. While there is a love for maritime history it appears that what you want to do is get rid of maritime culture. There's an attitude about anchorouts and that for the bulk of people he's met it's a choice and way of life around the world, the original mobile home. He would like to see a meeting of the minds and hearts to work out the environmental issues, while also concerned about what policies will affect a lot of the people who are anchoring out.

Work session: Transition planning for Richardson's Bay.

Executive Director Pollard outlined background, 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.

Ideas were solicited and offered by attendees in topic areas:

Locations for eelgrass protection and for anchored and/or moored vessels

- Richardson's Bay eelgrass is second largest in the San Francisco Bay estuary, it is very important
- Area off Westshore: It is not that windy; Why not shore access at Belvedere/Tiburon? Figure out where there can be berths for people to preserve their maritime way of life by living aboard vessels in marinas
- others said it is windy out there - lee shore on SW and it is exposed on NNE; it would not be a comfortable anchorage.
- Boats going through the area designated as potentially no anchoring would be going through eelgrass
- Eelgrass Where can there be berths for vessels
- More eelgrass this year so the bay is doing well
- Herring season was small this year
- Anchorouts have lower environmental impacts; vessels have lower carbon footprints than residences on land; 60% of
- Anchorouts work to protect the ecosystem
- Carbon footprint of living on a boat is nearly zero
- Many people living on a vessel want the open water, not a marina
- Looking at pictures from 50 years ago, people were living in the more sheltered area further north
- Point Blue bird survey is currently underway
- Powerboats mow through the eelgrass at low tide
- Marinship off Gate 3 and off of Corps of Engineers are good locations
- By the heliport – it would be mud much of the time – but it's a possibility

Improving Vessel Conditions

- Want to be able to haul out boat for maintenance for a week and be able to return to the anchorage
- Only about ten people have the mariner skills to manage their boats in storms; if boats are in good condition but people can't operate them, it's a waste of money
- Want a replacement boat, just like upgrading a house
- Want to upgrade or replace my boat
- Mariners are the wards of the admiralty, have constitutional rights (poor and friendless)
- It sounds reasonable to expect boats would be in good condition, like it seems you could expect someone who works to afford housing, but these are people who bear the brunt, are socially vulnerable; these rules and regulations are in vacuum and don't take into account the real world; it's part of a Bay Area problem; is there really any affordable housing
- Don't discount people for getting riled up, it is understandable people would get riled up
- Is it really affordable housing?
- Special Anchorage Association standards don't have operable engines, only about ten boats who have working engines
- Help people put toilets in the boats
- Have the Harbormaster pump out the boats
- We're here to protect the bay
- We're often the first ones to rescue kayakers, deal with pollution; we're closer than the USCG, we should get applauded for what we do to help, yes, we have our problems but irks me that we get blamed, when I see pleasure boaters do irresponsible things like throw out trash
- The \$5,000 needed to make my boat safe is beyond my budget

Vessel Management

- Marinship Plan guaranteed public access for all boats and kayaks
- Tiburon used to have public access for all the anchorouts all the time
- This community cannot be cleansed of the lower rung of the ladder or else no one will rise
- Every dock should have public access as a matter of maritime law
- Conditional use permit for unpowered small vessels
- Audubon Sanctuary is closed to boat access
- It's not like a lot of homeless people from elsewhere will go out there, it's not a lifestyle for all
- Housing is so outrageously so expensive
- The 10% limit on marina slips for liveaboards increases the cost of those slips – making it impossible to afford
- Richardson's Bay is one of the few places left where someone who is used to living on their boat can go
- 5-10 people have been there more than 25 years; a number have been there 10 or 15 years, people come and go
- Bad condition boats are being sold cheaply, marinas are closing and enforcing
- There is raw sewage that leaks into the bay from the docks, from shore
- Subsidized marina slips as an alternative

Richardson's Bay Special Anchorage Association Safe Harbor Plan

Doug Storms, representing the Richardson Bay Special Anchorage Association (RBSA), presented a proposal for a Safe Harbor Plan (SHP) as an economic, sociological, and environmental grass roots solution by a devoted group of mariners anchored in Richardson Bay. They have been meeting for the past five years and in 20-18 formed this non profit,

RBSAA Safe Harbor Plan – 10 Year Plan

PURPOSE:

- Create a well managed and economically sustainable mooring field
- Establish ten public shore access points in Sausalito/ Waldo Point Harbor
- Build a marine service/hospitality center in Sausalito

Problems:

- Increased number of vessels (in 1994, there were 109 with 77% liveaboards, which got to 265 in Jul 2014) caused by: High cost of housing; Closing of all other open anchorages in San Francisco Bay. Vessel owners who can't afford berth cost.
- Storage/"used car lot": For awhile there were a few people who owned a lot of boats, which is good that Curtis is now dealing with in keeping out those boats.
- Untrained mariners and their vessels that pose a danger to themselves and others.
- Cost to government agencies and citizens.
- Environmental Concerns:
 - Eel grass damage caused by ground tackle, props, and keels.
 - Discharge of sewage
 - Untrained mariners and their vessels that pose a danger to themselves and others.
 - Cost to government agencies and citizens.
- Different laws for anchoring for the same body of water:
- Working definition of sea worthiness has not been agreed upon by mariners and the enforcement agencies.
- Limited shore access with different regulations and cost: Turney Street public dock and ramp (City of Sausalito); Napa Street dock - Galilee Harbor Community Association (GHCA); Schoonmaker Marina dock in litigation; Clipper Yacht Harbor docks - Launch Ramp closed to public use; Locked gates. Schoonmaker, Clipper, etc.;Lack of shore facilities: - bathroom, shower, water, garbage, electricity
- Majority of vessels do not meet the RBSAA Anchoring & Safety Guidelines: Registered (Federally Documented or State DMV); Seaworthy (capable of navigation); Sewage holding tank pumped out or other approved methods of waste disposal;Yearly ground tackle inspection.
- Current laws are based upon a 1984 study of San Francisco Bay; Up to a thousand kayakers and paddle boarders daily; All other open anchorages have been closed; Environmental changes; Emergency landing zones for seaplanes are hindered by vessel anchored under their flight path In Richardson Bay; No hospitality center for visiting mariners

SOLUTION: Richardson Bay Special Anchorage Association (RBSAA) Safe Harbor Plan (SHP):

Mooring Field:

- Designate locations for 200 moorings (centered 200 Ft apart).
- Designate fairways for vessels to transit through the mooring fields.
- Designate deep water open anchorage areas for deep draft vessels.
- Designate shallow water open anchorage areas for shallow draft vessels.
- Remove all anchored vessels from the seaplane landing zone.

Shore access: Work with property owners, marinas, City of Sausalito, and Waldo Point Harbor to establish 10 shore access docks and facilities (water, restrooms, garbage, showers); Require Clipper Yacht Harbor to open their boat launching ramp for public use for a reasonable fee;

The RBSAA will provide a list to the harbor master of the mariners requesting use of their landing: Will coordinate with owners to insure their tender is not left longer than 2 days; would pay marinas for services provided and work with them to unlock their gates and establish guidelines.

- Revise existing laws that are in conflict with one another.
- Coordinate and support an environmental study for eel grass, birds, fish, marine mammals, etc., with the help of the Audubon Society and local high schools, community colleges, and universities
- Establish quarterly meetings with representatives of the RBSAA, City of Sausalito, RBRA, MCS, SPD, and USCG. Invite community input and participation.
- Economics: If 25% of the moorings (50) were rented for \$30/Day, the annual income would be \$547,500; Revenue generated from mooring rental would pay for:- Building, maintenance, and management of the mooring field. - Shore access and facilities - Sewage pump out. Revenue for Sausalito businesses; Sales tax revenue for City of Sausalito; Income for mariners who would administer the Safe Harbor Plan (SHP); Reduce cost for RBRA, City of Sausalito, and other agencies

IMPLEMENTATION PLAN FOR SHP: This Plan requires ten years for full implementation.

- Remove all vessels from seaplane take off and landing zone.
- Identify location for 200 mooring, 200 FT apart, with GPS coordinates.
- Identify deep water and shallow water open anchorage locations with GPS coordinates³. Designate fairways for vessels transiting the mooring fields.
- Remove underwater hazards and toxins from the mooring fields and open anchorage locations.
- Assign mooring locations to members of the RBSAA that are in compliance with the RBSAA anchoring and safety guidelines.
- Upgrade all moorings capable of holding up to a 60' vessel.
- Upgrade all moorings to a two point anchoring system: Reduce surface area use by up to 75%; Reduce eel grass damage by 75%; Reduce maintenance cost.
- Mariners who choose to participate are grandfathered in. Estimate that it would take an average of a \$1500 per mooring to bring the moorings up to the 60' vessel standard. The mariner would not own any one mooring but would have access to any of the moorings when available. The mooring could be rented when not occupied.
- Form a community-based citizen working group of mariners, marina owners, maritime businesses, elected officials, etc that will implement the RBSAA Safe Harbor Plan.
- Full enforcement of the CUP requirements and Mariner Plan that already exist.
- Endorse the request by the RBSAA for up to 200 moorings from the BCDC
- Storms said that all government agencies are invited to support the request by the RBSAA to the Bay Conservation Development Commission (BCDC) for up to 200 mooring permits. The 1994 ruling by the 9th district appellate court (*Mariners of Richardson Bay vs. BCDC*) stated that the mariners never requested a permit to moor their vessels in Richardson Bay. They list six criteria, and if any one of them were met, then a permit would be granted. One of them was if the use benefited the public trust.
- We believe that based upon the number of lives and vessels that have been saved, along with the thousands of dollars that we have saved the the local governments, that we meet this requirement. In addition, if a well regulated and economically viable mooring field was established, the boating public would benefit tremendously. The economic benefit to the City of Sausalito would be substantial. A San Francisco Bay boater that visits Richardson Bay would add to the tax revenue of Sausalito with the added benefit that they usually don't bring their car with them.

Adjournment.

The meeting was adjourned at 7:20 pm.

RICHARDSON'S BAY REGIONAL AGENCY (RBRA)

STAFF REPORT

For the meeting of: March 12, 2020

To: RBRA Board of Directors

From: Beth Pollard, Executive Director

Subject: Richardson's Bay Anchorage Transition Planning

STAFF RECOMMENDATION:

1. Direct staff to draft a proposed transition plan based on the draft transition vision, principles, and actions contained in this staff report, subject to any required analysis under the California Environmental Quality Act.
2. Direct staff to prepare a presentation to the Bay Conservation & Development Commission (BCDC) based on Board direction on the draft vision, principles, and actions, and on progress in meeting BCDC expectations.

BACKGROUND:

The Richardson's Bay Regional Agency (RBRA) has been working towards the goals of a safe, healthy and well-managed bay. The agency has taken multiple steps in the past few years towards this goal, including:

- Adoption and gradual clarification of enforcement priorities for vessels on the bay; most notably, the Board has given top priority to the removal of all unoccupied vessels and the enforcement of permitted time limits for vessels entering Richardson's Bay;
- Completion of a marine-ecology based mooring feasibility and planning study to inform possible placement of moorings in Richardson's Bay in the context of eelgrass and other bay conditions;
- Adoption of Ordinance 19-1 updating standards required of vessels in Richardson's Bay;
- Initiation of a coordinated outreach effort to connect and assess persons on the bay for housing and other services;
- Communication with persons anchored in Richardson's Bay, including a standing monthly community report from the Richardson's Bay Special Anchorage Association;
- Reduction in the number of vessels on the bay essentially in half, from a high of 250 vessels to the current day census of approximately 130 vessels.

The Board has received multiple presentations to inform its decision-making:

- Audubon California presented images of damage to eelgrass in the anchorage from anchored vessels, information about the critical importance of Richardson's Bay eelgrass to the ecosystem, and restoration costs (April 2018);
- Merkel & Associates presented its analysis, mapping, and recommendations from the mooring feasibility & planning study it completed for RBRA (September 2019);
- Andrew Hening, who RBRA hired to coordinate outreach for housing and social services for persons on the anchorage, presented this initiative's findings, challenges, opportunities, and next steps (January 2020);

- The Morro Bay Harbor Director presented information about logistics, costs, benefits and challenges in operating a mooring program that includes liveboards (January 2020); and,
- In addition to monthly reporting, the Richardson’s Bay Special Anchorage Association made two special presentations:
 - Anchoring and mooring approaches to protect eelgrass, eelgrass restoration support, and emergency response by anchorouts to vessels in trouble (October 2019); and,
 - A proposed “Safe Harbor Plan” to create a well managed and economically sustainable mooring field, establish 10 public shore access points in Sausalito/Waldo Point Harbor, and build a marine service/hospitality center in Sausalito. (February 2020)

In the attached December 3, 2019 letter, BCDC informed RBRA of its expectations for RBRA by March 31, 2020 to initiate action to remove certain types of vessels and to convey a plan with timelines to transition all other vessels off the water within a reasonable period of time. A February 2020 letter expresses its objection to replacement vessels. RBRA is scheduled to present a progress report and a plan to the BCDC Enforcement Committee on March 25, 2020.

DISCUSSION:

The Belvedere, Sausalito, environmental and maritime communities have consistently expressed the following concerns to the RBRA:

- Vessels anchored in Richardson’s Bay are causing adverse impacts to the environment, including but not limited to damage to important eelgrass beds and adversely impacting water quality, which interferes with the healthy functioning of the bay ecosystem;
- The vessels anchored in Richardson’s Bay are often unseaworthy/inoperable and represent a significant hazard to the public health and safety when vessels go uncontrollably adrift and run aground (particularly along the populated areas of Belvedere and Sausalito);
- There has been an increased volume in calls for service (both medical and law enforcement) related to drug overdoses, public drunkenness, theft, and vandalism;
- Demands on public safety and other public agency personnel, and associated risks in taking actions on the water during storms or in unpredictable situations; and,
- Shoreside impacts, notably from an increase in the size of the vessel population competing for limited dinghy tie-up space and irresponsible disposal of rubbish.

Members of the anchorout community have consistently expressed the concerns such as the following about enforcement of the RBRA code:

- The anchorout population is a low-to-very-low income community, making it difficult to maintain vessels in a seaworthy state
- It is not necessary on the bay for vessels to be operable in order to be seaworthy;
- There is a very limited supply of on-shore affordable housing for people currently anchored out, many of who have low-to-very-low incomes.
- The behavior of some anchorouts unfairly tarnishes the reputation of all;

- Persons who live on the water have a lower carbon footprint than most persons on land
- The constant stress of uncertainty about which regulations are being enforced and whether anchorouts will be required to leave;
- Limited shore access and facilities, and concern about prohibitive distance
- The potential loss of historical and cultural tradition due to the enforcing of the RBRA code and also gentrification.

Staff has prepared the attached draft transition vision, priorities, and actions that endeavor to address the range of concerns and BCDC expectations, while also mindful of presentations and comments received and Board actions to date.

FINANCIAL IMPACT:

The RBRA’s operations are funded by dues paid by member agencies. These fees have increased in recent years – most notably after the departure of the City of Sausalito. Vessel abatement itself is funded by grants awarded on an annual basis by the State Division of Boating and Waterways through its Surrendered and Abandoned Vessel Exchange Program (“SAVE”). In 2019, RBRA additionally received a grant from the National Oceanic & Atmospheric Administration (“NOAA”) for marine debris removal.

The costs and arrangements anticipated with the draft principles and actions include:

An Assistant Harbormaster position to support:

- Preventing the population of vessels from increasing
- Any RBRA registration and inspection processes
- Abatement of non-complying vessels
- Monitoring on-going compliance with vessel location and any other requirements

The cost of the position and associated overhead is estimated at up to \$ 125,000 for a three-quarter-time position, which translates to a 27% increase in member dues.

Continued coordinated outreach support to connect persons living on vessels with housing alternatives:

Cost is estimated at approximately \$25,000 per year

Grant funding to contract for outreach services with case management oversight:

Estimated at \$120,000 per year per position

Grant funding to support subsidized housing on land or in marina slip: Estimated at \$25,000 to \$30,000 per year per household.

Development and implementation of eelgrass protection/no-to-minimal anchoring zone(s), and anchoring and/or mooring zone(s), and CEQA analysis and compliance:

Costs unknown; would seek grants/partnerships with environmental advocacy organizations and other agencies. With assistance from the County, and the cities of Belvedere, Tiburon, and Sausalito, RBRA has spent \$140,000 to date on the marine ecology-based mooring study, which provides useful data and information for any environmental review. Scope and cost of further studies are unknown at this time, as is potential

mitigation cost. Issues pertaining to shore access, facilities and services impacts will also likely arise in any analysis of actions. For planning purposes, staff projects a placeholder cost of approximately \$100,000 for the development, environmental analysis, and initial implementation of an eelgrass plan; approximately \$6,000 per conservation mooring if that approach is pursued.

Grant funding to support eelgrass restoration: Eelgrass restoration costs range widely depending on specific conditions; for planning purposes it is estimated at \$100,000 to \$150,000 per acre. Audubon California estimates restoration work is needed in 70 acres, which would mean a cost estimate of \$7 million to \$10.5 million.

Abatement costs: The cost to remove and abate/demolish a vessel is wide-ranging, depending on factors such as its size, material, whether it has sunk, etc. For planning purposes, staff has used a general estimate of \$6,000 per vessel, although the estimate for the remaining vessels in the anchorage exceeds \$1 million. In recent years, RBRA has been receiving \$180,000 to \$250,000 from the SAVE program. Historically these funds have been depleted for (a) the costs of abating vessels that sink or break loose, (b) vessels that pose imminent risks to the environment and/or the public health and safety, (c) unoccupied vessels in marine debris condition, and (d) vessels turned in to RBRA in lieu of them being left on the anchorage (although RBRA has moved away from accepting vessel turn-ins except from the anchorage). These funds are being applied to abatement of unoccupied vessels and new vessels that fail to comply with time limits, in addition to those that sink, break loose or pose imminent risks. Funds will continue to be needed to abate any vessels left on the anchorage or new vessels that fail to comply with time limits; this cost cannot be estimated as the agency has only recently added these enforcement priorities. This year RBRA received a \$150,000 grant from the NOAA marine debris removal program, but most of those funds have been spent to remove unoccupied marine debris.

NEXT STEPS:

Staff is seeking Board direction on whether to further develop and refine the draft transition plan, principles, and associated actions, and/or pursue alternatives.

This Board direction will also inform the presentation RBRA will make to the BCDC Enforcement Committee on March 25, 2020. In addition to presenting Board direction on transition planning, RBRA will report on its progress on the other BCDC expectations, notably initiating action on the removal of certain vessels/conditions. As requested by BCDC, RBRA has submitted monthly reports on its progress since December 12, 2019; attached is the most recent monthly report from February 13, 2020. An additional report will be prepared and submitted on March 12, 2020 as requested by BCDC, which will additionally serve as a basis for the March 25 presentation.

Attachments:

Draft Transition Planning Overview
Letters from BCDC dated December 3, 2019 and February 7, 2020
February 13, 2020 monthly report from RBRA to BCDC

DRAFT
Richardson's Bay Regional Agency Transition Planning

Draft Transition Vision:

Richardson's Bay has essential value as a recreational and environmental resource where eelgrass is increasingly protected, preserved and restored; vessels on the anchorage become seaworthy, operable and compliant with other requirements; and the number of liveaboard anchorout vessels diminishes over time.

Draft Transition Principles:

- Prevent additional vessels from extended stays
- Protect and promote eelgrass growth
- Accommodate registered "legacy anchorouts" on vessels that meet RBRA requirements
- Realize a decreasing number of liveaboard anchorout vessels over time

Draft Transition Actions:

- Prevent additional vessels from extended stays.

The most crucial priority for RBRA is preventing an increase in the population of extended-stay vessels. There is a general consensus that problems from the anchorage expanded when the population rose dramatically in the mid-to-late part of the first decade of this century (due to other anchorages closing/enforcing, the recession, rising housing costs). It is essential that the word get out that Richardson's Bay is no longer a destination for extended stays.

Since July 2019, RBRA has included in its enforcement priorities time limits on new vessels in the anchorage. The Harbormaster regularly notices new vessels with the 72-hour deadline by which to apply for a 30-day permit to stay for a limited period of time,. He has taken enforcement actions to compel compliance with timed limits. To aid in the success of preventing such vessels, RBRA is hiring a temporary Assistant Harbormaster through the end of June 2020, and staff will program this position into the draft 2020-21 RBRA budget; this will increase member agencies' dues.

- Protect and promote eelgrass growth.

Eelgrass is a crucial resource for the Richardson's Bay ecosystem. Recognizing its importance, RBRA commissioned a marine-ecology based Mooring Feasibility & Planning Study. Completed by Merkel & Associates, it provides current and historical data on eelgrass and bathymetry, analysis of this data and other information, and recommendations to consider for any potential mooring program relative to eelgrass and other and issues. The study showed that a fair amount of the navigable part of the bay is an attractive habitat for eelgrass beds, which are vulnerable to damage from anchor chains and from vessel keels that drag on the bay floor at low tide.

To help assure protection and promotion of eelgrass, staff recommends that a portion of the anchorage be designated as a no-to-minimal anchoring zone because of its suitability for eelgrass growth. Furthermore, staff recommends that RBRA actively partner with agencies and organizations on research and restoration projects to enhance eelgrass viability in the designated zone. The span of the minimal or no anchoring zone could expand over time as anchorout vessels leave the anchorage.

As a first step, RBRA will coordinate with organizations on their funded research and restoration effort to inform best practices for restoration of eelgrass in Richardson's Bay as well as accomplish some restoration. In summary, the researchers will test restoration techniques for various conditions in anchor chain scars and elsewhere; another effort will involve planting eelgrass as a restorative measure. This work is a significant start to setting the stage for future eelgrass protection and restoration efforts. To accommodate the work, in the immediate future staff will coordinate with vessel owners in the affected areas in these north and west parts of the anchorage to move their vessels away from the research and restoration work.

The remaining area of the anchorage is where anchorout vessels and visiting vessels would locate. As a transition plan is developed and refined, RBRA would make a determination on whether to: a) apply to BCDC for a recreational mooring field permit for visiting vessels; and b) whether to pursue placement of anchorout vessels on moorings, allow or require anchoring to certain specifications (such as two-point anchoring), or allow individual vessel discretion.

Staff has retained Merkel & Associates to be available to advise on mooring/anchoring approaches, and to draft general boundaries to propose for eelgrass preservation zone(s); a visiting vessel/cruiser zone as a potential mooring field; and an area for the legacy anchorouts – keeping in mind (in addition to eelgrass) the concerns about safe conditions for vessels and accessing the shore -as well as safety concerns from Westshore Avenue properties. A portion of a proposed anchorout area may be where eelgrass damage has already occurred.

- Accommodate “legacy anchorouts” that meet designated RBRA requirements

Vessels as housing: Some anchorout occupants report they have lived on the bay for decades. Many have stated that the vessel they live on is their primary or only place to live; many have added that they cannot afford a location on land or in a marina slip even if a liveaboard slip was available. Others have indicated it is a lifestyle preference, with some adding that it is a longstanding historical and cultural tradition for the anchorage.

Housing alternatives: RBRA is working with housing and social services agencies to conduct outreach and connect anchorouts with alternative living arrangements. Specifically, RBRA has contracted with Andrew Hening to coordinate outreach and connection work. However, local affordable housing options are not plentiful and other persons seeking subsidized housing in Marin County generally have scored higher on the

vulnerability assessment scale, placing these other persons in a higher priority for available housing vouchers and subsidies.

Safe Harbor Program: The City of Sausalito arranged with local marinas to relocate about a half dozen anchorouts and their vessels into marina slips. Called the Safe Harbor Program, the City subsidizes the cost for the marina slip and a case manager for the occupant, and certain vessel conditions are required. The City is obtaining grant funds to help the program continue. The City is also asking BCDC to allow the cap on liveaboard vessels in marinas to increase from 10% of the vessels to 15% for a period of time to allow more vessels to move off the anchorage and into slips. Such a program could be an option for RBRA, subject to availability of funding. The advantages are that it allows an owner/occupant to retain their vessel, access marina facilities, and generally be out of harm's way in storms. The disadvantages are the approximately \$2,000+ monthly costs for a slip, marina liveaboard fee, and case manager; and uncertainty about securing an outcome whereby the occupant pays the monthly costs or finds other housing on land so as to end ongoing costs to the supporting agency.

Summary: In summary, there are ongoing efforts and ideas for anchorouts to relocate, while there are also obstacles of funding, interest, qualifications and opportunities. To support continued efforts to connect people with alternative housing, staff will program into the draft 2020-21 budget continued support for coordinated outreach. In the meantime, a proposed transition principle is to accommodate legacy anchorouts and their vessels, as long as they meet designated RBRA requirements.

- Designating RBRA requirements for legacy anchorout vessels

Section 3.04020 of the RBREA code states that "living aboard a houseboat or vessel anchored or moored in Richardson's Bay is prohibited." RBRA has upheld requirements for vessels on the bay generally through Board adoption and staff implementation of an increasing level of priorities for enforcement of RBRA codes, to the point that the priorities now include removal of all unoccupied vessels and time limits on vessels new to the bay.

The vast majority of vessels remaining on the bay are occupied, with most not likely to meet all the RBRA requirements the Board adopted in July 2019 via Ordinance No. 19-1 for vessel seaworthiness, operability, valid registration, authorized waste management facilities, and clear decks.

The Richardson's Bay Special Anchorage Association itself established guidelines for vessel seaworthiness, which are generally consistent with the requirement definitions in RBRA's Ordinance 19-1 - although with less emphasis on operability. It pursued a burgee system to designate vessels that met their guidelines.

Protection against health and safety risks is a critical consideration for allowing continued access for legacy anchorouts to live on vessels on the bay. To assure realization of improved conditions, RBRA would need to designate requirements it will uphold and add to its enforcement priorities; failure to meet these requirements would subject the vessel to removal. Moreover, if the Board adopts no-to-minimal anchoring zones, another requirement would be to avoid anchoring in such an area.

Of note, there was an effort in 1993 through a memorandum of understanding between public agencies and anchorouts to establish conditions for a one year interim permit for residential use of the bay.

Vessel owners and their occupants have insisted that their vessels are seaworthy and that they can sufficiently manage them. However, vessels are still found running adrift or sinking. Vessel owners/occupants and their supporters have also pleaded that they lack the resources to invest in an improved vessel – whether through repairs or replacement. Vessel improvements can range from the hundreds of dollars into the thousands or even over ten thousand dollars. Moreover, the uncertainty of whether a vessel will be allowed to remain can have a dampening effect on investing in repairs or replacement.

One way to somewhat address and/or balance conflicting principles of health and safety on the one hand and the limitations of those with the fewest resources on the other hand is looking to provide a certain amount of advance lead time for meeting vessel requirements. During this interim time, vessel owners and occupants would be encouraged to seek housing alternatives and volunteer and/or philanthropic assistance with vessel improvements or potentially replacement.

A general outline of such a program is:

- a short-term timeline for vessel owners/occupants to register themselves and their vessels with RBRA
- a medium-term deadline for vessel improvement or one-time replacement to comply with the requirements designated by RBRA. Staff recommends that the requirements be those contained in Ordinance No 19-1, most notably seaworthiness, operability, valid registration, waste management facilities, and clear decks
- a continued prohibition on the use of vessels new to the bay as liveaboards and a prohibition on the transfer of a registered vessel to a new owner.

The program reflects some consistency with the Special Anchorage Association's proposed Safe Harbor Plan, which suggests compliance with its guidelines in order to be eligible for a mooring ball. (Its proposal for a mooring plan also proposes adding shore access points and building a maritime center.)

- Realize a decreasing number of liveboard anchorout vessels over time

During the second half of 2019, RBRA tracked that 28 people left the anchorage on their own accord. This provides some evidence that there will be a certain amount of natural attrition of people leaving the anchorage going forward. The discreet number will drop over time as the census of vessels and persons diminishes. But it is reasonable to project there will be a decreasing number of vessels even without enforcement of requirements on those remaining, as long as a new population of anchorouts does not settle in – again, the most critical component of the transition. With enforcement of requirements, the vessel population likely would diminish more dramatically.

Staff projects that over a 20-year timeframe, the vast majority of vessels will leave voluntarily, be compromised beyond repair due to weather, neglect or other factors, and/or

fail to meet requirements that RBRA may apply. Any vessels that remain at that time are anticipated to be a de minimus use of the anchorage relative to the recreational and environmental resources. If during the interim period of time there is not the realization of a steady decrease of vessels, RBRA could consider stronger measures to minimize the vessel number and/or duration.

Alternatives:

Alternatives to, or variations of, the registration and deadline for vessel compliance program include the following:

1. Incrementally expand enforcement priorities

In this approach, the Board would adopt additional enforcement priorities in a sequential fashion, such as by utilizing safety factors for the order of enforcement priorities. From an RBRA feasibility perspective, the timed sequence would depend on available resources – primarily SAVE abatement funds – to accomplish the next priority. A potential order of sequence might be:

- a. Occupied vessels that run adrift/break loose and are in marine debris condition
- b. Occupied vessels that run adrift/break loose whether or not they are marine debris
- c. Marine debris vessels new to the anchorage occupied by persons who had been on removed vessels
- d. Occupied vessels without authorized waste management facilities
- e. Occupied vessels when there is a failure to remove debris on deck
- f. Unregistered occupied vessels that are marine debris
- g. Occupied vessels that are marine debris
- h. Vessels new to the anchorage occupied by persons who had been on removed vessels even if the vessel is not marine debris and is registered.
- i. Unregistered occupied vessels that are not marine debris
- j. All occupied vessels that fail to meet any and all of the vessel requirements of the RBRA code (e.g. seaworthy/operable, registered, waste management facilities, no debris on deck)

An additional priority could be all occupied vessels.

The timeline for completion of all of the above enforcement priorities depends upon resources and the demands on their use; a rough estimate for all those listed is five years, but it could be less or more. Adoption of all the enforcement expansion options would address the BCDC expectations.

The advantages of this approach are that it is likely to satisfy BCDC; it lays out priorities for vessels and expectations for vessel owners in meeting these priorities; the timing of enforcement direction would be paired with the availability of abatement funds; and the emphasis on safety over registration. The disadvantages are that a layered approach can lead to confusion in real world conditions; without a specific up-front timeline there are

not clear deadlines. An alternative to the latter disadvantage is to adopt a timeline in advance for each of the steps while recognizing timing may shift with resource availability. Enforcement would also meet resistance from occupants and others, especially as to occupants unable to secure onshore housing.

2. Set a date after which liveaboard anchorouts will not be allowed.

Administer a reduction in the number through attrition of vessels that leave voluntarily, sink or are damaged when they break loose, and set a date by which there shall be no anchorouts. A minimal regulation in the meantime that most vessels could achieve and that could be required is DMV vessel registration or USCG documentation. Without requirements for vessel conditions during this time, the risk of vessels running adrift or sinking remains relatively similar to present conditions. With registration requirements and removal of vessels that break loose or sink, this approach would essentially address the BCDC expectations other than removal of marine debris.

A rough estimate of the number of vessels that would depart through natural attrition might average around five to fifteen per year, although some hardy vessels and individuals would likely remain at the end of a ten-to-fifteen year period.

The advantages of this approach is that it sets a clear expectation and timeline by which those staying on vessels would need to find other living arrangements; it is also likely to meet BCDC's requirements, and the registration requirement would give RBRA clear information on vessel accountability. The disadvantages are that it does not actively address safety concerns of vessels that are not seaworthy, operable or otherwise meet RBRA ordinances, nor does it actively seek to improve vessel conditions other than by gradual departure of non-performing vessels. It would also have the same issues about opposition to enforcement as the proposal above.

3. Realize a reduction in vessels through natural attrition

There will a natural attrition of current legacy anchorout vessels as people leave the bay on their own and new vessels are prohibited. The Special Anchorage Association notes that the average stay by persons on boats is about four to five years, and that at least about four to five people leave on their own each year. The second half of last year, more than 25 persons were observed to leave the bay on their own. While age data is not known, staff projects that after about 25 years most of the legacy anchorouts will have left the bay even if no requirements are implemented.

The advantage of a natural attrition only approach is that it minimizes stress in the near-to-medium future about housing for many anchorouts. The disadvantages include that without vessel requirements, the safety and health risks are still present for persons, the bay, and property; shore access, facilities, and services will be impacted; and there will be public agency costs for emergency response and addressing and abating hazardous and derelict vessels that sink, break loose and/or are an immediate danger. Moreover, this approach is unlikely to meet BCDC's expectations.

San Francisco Bay Conservation and Development Commission

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December 3, 2019

Board of Directors
Richardson's Bay Regional Agency
c/o Marin County Community Development Agency
Planning Division
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

**SUBJECT: RBRA Resolution of Anchor-Outs in Richardson's Bay, Marin County
(BCDC Enforcement Case No. ER2010.038)**

Dear Chair Wickham and Members of the RBRA Board of Directors:

San Francisco Bay Conservation and Development Commission staff have been working more intensely with your Executive Director during the past nineteen months to resolve the matter referenced above. We acknowledge that, historically, BCDC has not provided the necessary direction to the RBRA to resolve the anchor-outs issue, and that the RBRA has not taken the steps necessary to eliminate the illegal and dangerous mooring that occurs in the Bay. We appreciate the RBRA's recent steps, including commencing enforcement against newly-arriving vessels in Richardson's Bay, obtaining a marine-ecology based Mooring Feasibility and Planning Study, and adopting an ordinance to update and clarify vessel requirements. However, BCDC believes that a stronger Board focus toward eliminating the anchor-outs in both the near- and medium-term and documenting demonstrable progress in reducing the number of vessels moored in Richardson's Bay within the next four and a half months is necessary.

After our staff's discussions with Executive Director Pollard, attendance at your public meetings, and based upon direction from BCDC's Enforcement Committee at its November 20, 2019 meeting, I want to let you know of the actions BCDC staff expects of the RBRA and its members:

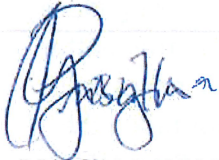
1. Consistent with Resolution Number 03-19, adopted by the RBRA on July 11, 2019, continue to enforce, and improve enforcement of, the permitted time limits for vessels entering Richardson's Bay;
2. In collaboration with each RBRA member agency and other stakeholder agencies, including the City of Sausalito, secure sufficient funding and resources to enable success of the following initiatives:
 - a. By March 31, 2020, initiate all appropriate actions to remove from Richardson's Bay (i.e. on the property owned by Marin County and the Cities of Belvedere and Tiburon) 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; and,



- b. By March 31, 2020, submit a plan with timelines to transition all other vessels off the water within a reasonable period;
3. By the second Thursday of each month, commencing on December 12, 2019, and on a monthly basis thereafter, provide BCDC with a short written report that contains anchorage statistics relating to the scope of the problem and other types of progress made toward its resolution, including how RBRA will address and resolve the damage to natural habitat in Richardson's Bay; and,
4. In February 2020 update BCDC's Enforcement Committee on the status of implementing each of these actions at a regularly-scheduled Committee meeting.

I have directed BCDC staff to support your success in implementing these actions to the maximum extent possible. Please continue to work with Karen Donovan, Enforcement Attorney (415-352-3628 or karen.donovan@bcdc.ca.gov), and Adrienne Klein, Chief of Enforcement (415-352-3609 or adrienne.klein@bcdc.gov) to accomplish these tasks.

Sincerely,



PRISCILLA NJUGUNA
Enforcement Policy Manager

PN/AK/mm

cc: Beth Pollard, Executive Director, RBRA
Marin County Board of Supervisors
Members of the Belvedere City Council
Members of the Tiburon Town Council
Members of the Mill Valley City Council
Members of the Sausalito City Council
Members of the BCDC Enforcement Committee

Beth Pollard, Executive Director
Richardson's Bay Regional Agency
c/o Marin County Community Development Agency
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Marin County Board of Supervisors
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San Francisco Bay Conservation and Development Commission

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February 7, 2020

Board of Directors
Richardson's Bay Regional Authority
c/o Marin County Community Development Agency
Planning Division
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

SUBJECT: Richardson's Bay Regional Agency (RBRA) Resolution of Anchor-Outs in Richardson's Bay (BCDC Enforcement Case No. ER2010.038)

Dear Chair Wickham and Members of the RBRA Board of Directors:

As part of a renewed focus on the Richardson's Bay situation, San Francisco Bay Conservation and Development Commission staff have been working closely with your Executive Director and staff during the past 21 months to resolve the matter referenced above. We appreciate the RBRA's recent steps to address the boats illegally moored in Richardson's Bay, including the adoption of Resolution No. 03-19, which your staff discussed with our Enforcement Committee at its meeting on September 12, 2019. At that meeting, your staff updated the Committee on a number of recent initiatives, including your steps to enforce a 72-hour limit for newly arriving vessels in Richardson's Bay. Staff explained that these steps were consistent with Resolution No. 03-19, which resolved to incorporate into the RBRA enforcement priorities the enforcement of permitted time limits for vessels entering Richardson's Bay.

BCDC agrees that preventing new vessels from arriving in Richardson's Bay is a key measure demonstrating progress in reducing the number of vessels illegally moored in Richardson's Bay. Thus, we are concerned about the discussion at your January 2020 meeting that demonstrated confusion about the interpretation of Resolution No. 03-19 and whether RBRA should allow people who are/were previously in possession of vessels illegally moored in Richardson's Bay to bring a new vessel into the anchorage to replace the prior vessel if that prior vessel is destroyed, either voluntarily or involuntarily, or otherwise leaves the anchorage.

To assist you in clarifying your enforcement priorities, this letter reiterates our expectation that residents of the anchorage should not be allowed to replace vessels that sink, or break anchor, or leave the anchorage through any means with a vessel that is not currently in the anchorage. Any vessel that is not currently in the anchorage should be treated as a new vessel entering Richardson's Bay and should not be allowed to remain beyond the 72-hour limit.



Despite any recent assertions made by others to the contrary, the meaning of “new vessels” is clear and such vessels must not be allowed to enter the anchorage and stay for extended periods. Such an exclusionary policy is essential to preventing an increase in the number of vessels and bringing under control existing problems with the illegal moorings. The definition of the word “new” is unambiguous, and any interpretation of “new vessel” that would allow replacements of existing vessels is inconsistent with our prior understanding of your enforcement priorities and our expectations.

Our staff continues to want to support your efforts in implementing enforcement actions that are consistent with both removing all anchor-outs from Richardson Bay and limiting the time that new vessels can remain there. Please continue to work with Karen Donovan, Enforcement Attorney (415-352-3628 or karen.donovan@bcdc.ca.gov), and Adrienne Klein, Principal Enforcement Analyst (415-352-3609 or adrienne.klein@bcdc.gov) to accomplish these tasks.

Sincerely,



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PN/AK/mm

cc: Beth Pollard, Executive Director, RBRA
Marin County Board of Supervisors
Members of the Belvedere City Council
Members of the Tiburon Town Council
Members of the Mill Valley City Council
Members of the Sausalito City Council
Members of the BCDC Enforcement Committee

RICHARDSON BAY REGIONAL AGENCY

February 13, 2020

Priscilla Njuguna
Enforcement Policy Manager
Bay Conservation & Development Commission
375 Beale Street, Suite 510
San Francisco, CA 94105

Via email: Priscilla.njuguna@bcdca.gov

Re: Enforcement Case No. ER2010.038

Dear Priscilla,

The Richardson's Bay Regional Agency (RBRA) is submitting the below update on its progress on reduction of vessels on Richardson's Bay, pursuant to your letter of December 3, 2019.

In August, 2019, the Marin County Sheriff's Office (MCSO) performed a survey of vessels anchored in Richardson's Bay. The survey was performed over three days and identified 185 vessels in the anchorage (Sausalito performed an independent survey of the anchorage in September of 2019 concluding that there were 192 vessels in the anchorage - note that Sausalito counted tenders as separate, primary vessels). The MCSO survey is important because it established a baseline number for existing vessels anchored in Richardson's Bay, and provides a clear determination as to vessels that are new to the anchorage.

RBRA's Harbormaster performed a survey of vessels in RBRA's anchorage on January 28, 2020, at which time there were 135 vessels anchored in Richardson's Bay. This represents a reduction of 50 vessels from the August 2019 vessel MCSO survey, a reduction of 57 vessels from the September 2019 Sausalito survey, and a reduction of 17 vessels from the count reported January 9, 2020.

Since August of 2019, the RBRA Harbormaster has achieved the following objectives:

- Removal of 17 illegal moorings from the anchorage
- Issuance of twelve 30-day anchoring permits (these vessels departed the anchorage upon expiration of their permit)
- All new vessels to the anchorage (i.e. vessels not listed in the MCSO August 2019 survey) have been provided with 72-hour notices.

Ms. Njuguna
February 13, 2020
Page 2

- 51 vessels have been removed from the anchorage and disposed of consistent with best management practices
- 15 additional vessels have been noticed for removal
- Drafting a contract with a marina operator to use of berth space for impound

The RBRA continues to conduct regular bay patrols with law enforcement from Mill Valley, Belvedere, Tiburon and the Marin County Sheriff's Marine Unit. The RBRA harbormaster is currently in conversation with the USCG about patrolling with USCG officers once every other week beginning in March.

The RBRA met with staff from Sausalito on January 27, 2020 to continue to explore ways to work together to maintain the 72-hour limit on incoming vessels and to identify unoccupied vessels. The RBRA harbormaster maintains open communication with Sausalito marine patrol staff on nearly a daily basis.

RBRA's progress in reducing the number of vessels, anchors and moorings from Richardson's Bay continues to reduce the risk of vessel damage to eelgrass beds, increase opportunities for eelgrass propagation, and reduce hazards to the bay from vessels that are marine debris.

As requested, RBRA will make a presentation of its progress in meeting BCDC's expectations at the Enforcement Committee meeting of March 25, 2020. Our invitation to tour the bay with the RBRA Harbormaster remains open to you and other staff, as well as to Enforcement Committee members.

Please feel free to contact me with any questions or comments.

Sincerely,



Beth Pollard
Executive Director

cc: Adrienne Klein, BCDC
Karen Donovan, BCDC
RBRA Board of Directors
Curtis Havel, RBRA Harbormaster
County of Marin
City of Belvedere
City of Mill Valley
Town of Tiburon
City of Sausalito