

POLICY BRIEFING AND UPDATE ON THE MANAGEMENT OF VESSELS IN RICHARDSON'S BAY, MARIN COUNTY

AGENDA ITEM 6

ADRIENNE KLEIN, CHIEF OF ENFORCEMENT, BCDC

SEPTEMBER 12, 2019



THREE-PART BRIEFING AND COMMITTEE DISCUSSION

- **BCDC Overview**
- **Updates on Progress Since February 21, 2019 Briefing from:**
 - Richardson's Bay Regional Agency (RBRA)
 - City of Sausalito
- **Public Comment and Enforcement Committee Discussion**

REMINDERS FROM THE FEBRUARY 21, 2019 BRIEFING

- The McAteer-Petris Act promotes recreational use of SF Bay and prohibits residential uses of the Bay, except under limited circumstances, such as a limited number of live-a-board slips in marinas under specified conditions, and existing houseboats in houseboat marinas
- The Bay Plan policies state that live-a-board boats should be allowed in marinas only if the number would not exceed 10%, unless a greater number is necessary to provide security or other use incidental to marina use and adequate facilities are provided for occupants and guests
- The 1984 Richardson’s Bay Special Area Plan states that live-a-board boats should be allowed only in marinas and all anchor-outs should be removed from Richardson’s Bay
- The Richardson’s Bay Special Area Plan defines “anchor-out” as a houseboat or live-a-board boat which is moored or anchored offshore and not at a marina or shoreside facility

SUMMARY OF AUDUBON CALIFORNIA'S COMMENTS ON FEBRUARY 21, 2019

- Anchor-outs are adversely impacting between 50 and 84 acres of subtidal eelgrass habitat in Richardson's Bay
- Eelgrass is a statewide resource of importance that supports herring, reduces erosion and promotes stable shorelines, and reduces ocean acidification
- Globally, eelgrass is declining by 30,000 acres/year
- In Richardson's Bay, the bed size has reduced from 675 acres in 2009 to 335 acres in 2014
- Recommend restoration of eelgrass at a ratio of 1.2 acres for every 1 acre of damage
- Estimated restoration cost is between \$3 million to \$6 million dollars in Richardson's Bay

SUMMARY OF RBRA COMMENTS ON FEBRUARY 21, 2019

- Approximately 200 vessels on Richardson's Bay and about half of them are occupied
- Recent successes are:
 - * Water quality tested and meets standards
 - * Mobile pump-out boat available
 - * Special Anchorage Association formed to improve vessel conditions and mariner skills among the anchor outs
- Challenges are:
 - * Impacts to eelgrass
 - * Improperly secured vessels breaking loose
 - * Housing crisis and moored boats offering an affordable source of housing
- RBRA contracted for study to explore how moorings could be used to improve management of the Bay
- RBRA requests that BCDC recognize its challenges and look for local solutions tailored to local conditions

SUMMARY OF SAUSALITO COMMENTS ON FEBRUARY 21, 2019

- Implementing a Water Management Plan that respects existing laws and regulations, the environment and the lives of those living on the Bay
- 75 vessels in Sausalito waters in July 2017, reduced to 41 in January 2019
- Goal is to provide the anchor-outs with needed services and provide an alternative to open water through robust outreach to the community
- Original enforcement priority order was: (1) marine debris; (2) unoccupied vessels; (3) unregistered vessels; (4) vessel with occupants who are a danger to themselves or others; and (5) legal, compliant, occupied vessels
- In January 2019, priorities updated to: (1) confirm deferred enforcement of existing occupied boats, making social services and resources available to the anchor-outs; (2) enforce a newly adopted 72-hour ordinance for all new vessels entering City water; (3) pursue additional measures to provide alternatives to living on the water

ADDITIONAL SAUSALITO COMMENTS ON FEBRUARY 21, 2019

- City wants BCDC to allow the City to continue to implement its management plans
- City may ask BCDC to support a proposal to increase the live-aboard limits in marinas to facilitate the transition of anchor-outs to marina slips or on-land housing
- Moorings are not necessary for the success of the City's plans and City is concerned about actions that may promote long-term continuance or growth in anchor-outs because the City is currently the only point of access for anchor-outs

FEBRUARY 21, 2019 MEETING – QUESTIONS AND DISCUSSION

• Questions for Committee Discussion

- Does the Enforcement Committee have confidence that the RBRA, the City and their partners will generate and implement a holistic solution?
- Would the Committee be comfortable directing staff to direct local agencies to establish and meet milestones to remove all anchor outs from Richardson’s Bay?
- Would the Committee like a progress update this year and, if so, when?

• Committee Comments

- Requested clarification on the vessel abatement process, which will be described as part of Agenda Item 7
- Requested clarification on how vessel influx can be limited
- Stated that enforcement using existing rules should likely precede a mooring field
- Commended the City of Sausalito for its efforts and expressed support for resolution at the local level
- Noted complexity of the issue and requested follow up meetings and additional discussion

STAFF REPORT ATTACHMENTS

- RBRA Vessel Survey Summary, dated June 16, 2019 –
Notes that 180 vessels and 91 dinghies observed = 38% increase since March 2019
- RBRA Staff Report and Board Resolution Number 03-19 –
Incorporates into RBRA's enforcement priorities the enforcement of the limits on anchoring for more than 72 hours without a permit
[Note that RBRA Ordinances allow issuance of a 30-day permit, which can be renewed for 2 additional 30-day periods]
- RBRA Staff Report and Draft Ordinance 19-1 –
Updates definitions and sets forth vessel conditions required for mooring and anchoring in Richardson's Bay
[Requires that vessels be seaworthy and operable but allows for Harbor Master to grant exceptions]
- RBRA Mooring Feasibility and Planning Study Scope of Work prepared by Merkel and Associates Inc.

QUESTIONS FOR COMMITTEE DISCUSSION FOLLOWING TODAY'S PRESENTATIONS

- Are the entities with jurisdiction over Richardson's Bay taking adequate actions to control, and ultimately reduce, the boats that are anchored in Richardson's Bay and reduce the damage to eelgrass and other resources?
- Have the entities with jurisdiction over Richardson's Bay put in place adequate measures to stop new vessels from anchoring for extended periods in Richardson's Bay?
- Should BCDC take any actions to prevent new vessels from anchoring for extended periods in Richardson's Bay?
- Is it time for the Enforcement Committee to consider a formal, multi-step enforcement action in Richardson's Bay and what should this be?

PRESENTERS AND ATTENDEES

- Jim Wickham, Mayor, Mill Valley, and Board Chair, RBRA
- Beth Pollard, Executive Director, RBRA
- Curtis Havel, Harbormaster, RBRA
- Keith Merkel, Merkel and Associates Inc.

- Joan Cox, Councilmember, City of Sausalito

- Jill James Hoffman, Councilmember, City of Sausalito
- Chief John Rohrbacher and Captain Bill Fraas, Sausalito Police Department
- Adam Politzer, Sausalito City Manager
- Jason Wu, Police Chief, Belvedere

END PRESENTATION