

# **BRIEFING AND UPDATE ON THE MANAGEMENT OF VESSELS RICHARDSON'S BAY, MARIN COUNTY**

ITEM 7

NOVEMBER 20, 2019

KAREN DONOVAN, ENFORCEMENT ATTORNEY

ADRIENNE KLEIN, CHIEF OF ENFORCEMENT

# ENFORCEMENT COMMITTEE COMMENTS ON 9.12.2019

- 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? **Wanted to see how the newly-implemented 72-hour regulation goes; expecting a dramatic decrease.**
- 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? **Observed that the City of Sausalito is taking actions and the RBRA is moving in that direction but needs a clear plan.**
- Should BCDC take any actions to prevent new vessels from anchoring for extended periods in Richardson's Bay? **Wanted to know what is on the table and what we can do – recognizing the staff function of finding options.**
- Is it time for the Enforcement Committee to consider a formal, multi-step enforcement action in Richardson's Bay and what should this be? **Thought actions may be pre-mature but suitable in six months. Staff was asked to determine what a formal plan would entail. If the RBRA does not present a formal plan, then it would be time for a formal multi-step enforcement action.**

# CITY FOLLOWED BY RBRA PRESENTATIONS

# NOVEMBER 14, 2019 DRAFT COMMUNICATION FROM BCDC TO THE RBRA

- Enforce permitted time limits for vessels entering Richardson's Bay
- 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
  - By March 31, 2020, initiate all appropriate actions to remove all marine debris, unoccupied vessels, unregistered vessels, and vessels occupied by persons who are not able to control the vessels during storm events or the vessels that are endangering or threatening to endanger others
  - By March 31, 2020, submit a plan with timelines to transition all other vessels off the water within a reasonable period
- By the second Thursday of each month, commencing on December 12, 2019, and monthly thereafter, provide BCDC with a short, written report that contains anchorage statistics relating to the scope of the problem and progress made toward its resolution, including how RBRA will resolve the damage to natural habitat in Richardson's Bay
- In February 2020 update BCDC's Enforcement Committee on the status of implementing each of these actions at a regularly-scheduled Committee meeting

# ENFORCEMENT COMMITTEE/COMMISSION OPTIONS

- Continued staff level discussions and EC Briefings
- Executive Director-issued order (90 days duration) to RBRA, Marin County, City of Belvedere, City of Tiburon, and City of Mill Valley
- Commission-issued order to RBRA, Marin County, City of Belvedere, City of Tiburon, and City of Mill Valley
- Commission-issued order to City of Sausalito
- Court action
- Hybrid approach

# POSSIBLE ELEMENTS OF AN ORDER THAT WOULD APPLY TO THE RBRA JPA AND ITS LOCAL GOVERNMENT MEMBERS (1 OF 2)

- Limit the influx of vessels into Richardson's Bay
  - Monthly reports to BCDC with vessel statistics
  - Removal of marine debris and moorings
  - Removal of unoccupied vessels and moorings
  - Removal of unregistered vessels and moorings
  - Removal of occupied vessels
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- Mitigation for portion of 80+ acres of eelgrass habitat damage on Marin County and Cities of Tiburon and Belvedere properties

# OTHER POSSIBLE ELEMENTS OF A LONG-TERM PLAN (AUTHORIZED THROUGH ENFORCEMENT) BY THE RBRA JPA AND ITS LOCAL GOVERNMENT MEMBERS (2 OF 2)

- Moorings for a discrete number of compliant occupied vessels to allow a transition
- Regulation of moorings
  - Vessel may not be marine debris or unseaworthy
  - Vessel must be compliant with Harbors and Navigation codes, including registration
  - Vessel must use and pay for pump out and other services
  - Same owner/occupant per vessel
  - Mooring removed when resident vacates
- Public management of transitional "enforcement" moorings

# POSSIBLE ELEMENTS OF A LONG TERM PLAN (AUTHORIZED THROUGH ENFORCEMENT) BY THE CITY OF SAUSALITO

- 15% liveboards, with the additional 5% comprising anchor outs, at certain marinas for a discrete period of time
- Mitigation for portion of 80+ acres of eelgrass habitat damage on City of Sausalito property

# STAFF SEEKS INPUT FROM THE ENFORCEMENT COMMITTEE ON THE FOLLOWING:

Staff action directing the RBRA to:

- By March 31, 2020, initiate all appropriate actions to remove from Richardson's Bay all marine debris, unoccupied vessels, unregistered vessels, and vessels occupied by persons who are not able to control the vessels during storm events or the vessels that are endangering or threatening to endanger others.
- By March 31, 2020, submit a long-term plan to transition all vessels from the open waters of Richardson's Bay and make the Bay compliant with the McAteer-Petris Act, SF Bay Plan and RB Special Area Plan.
- By the second Thursday of each month, commencing on December 12, 2019, and monthly thereafter, provide BCDC with a short written report that contains anchorage statistics relating to the scope of the problem and progress made toward its resolution, including how RBRA will address and resolve the damage to natural habitat in Richardson's Bay.
- In February 2020 update BCDC's Enforcement Committee on the status of implementing each of these actions at a regularly-scheduled Committee meeting.

# FOR THE CITY OF SAUSALITO, STAFF SEEKS DIRECTION FROM THE ENFORCEMENT COMMITTEE ON THE FOLLOWING:

- Staff action directing the City to:
- By March 31, 2020, continue all appropriate actions to remove from City waters all marine debris, unoccupied vessels, unregistered vessels, and vessels occupied by persons who are not able to control the vessels during storm events or the vessels that are endangering or threatening to endanger others.
- By March 31, 2020, submit a long-term plan to transition all vessels from City property and make those waters compliant with the McAteer-Petris Act, SF Bay Plan and Richardson's Bay Special Area Plan.
- By the second Thursday of each month, commencing on December 12, 2019, and monthly thereafter, provide BCDC with a short, written report that contains anchorage statistics relating to the scope of the problem and progress made toward its resolution.
- In February 2020 update BCDC's Enforcement Committee on the status of implementing each of these actions at a regularly-scheduled Committee meeting.

# DISCUSSION