

San Francisco Bay Conservation and Development Commission

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February 22, 2023

TO: Enforcement Committee Members

FROM: Matthew Trujillo, Enforcement Policy Manager (415-352-3633;
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SUBJECT: Draft Minutes of February 22, 2023 Enforcement Committee Meeting

1. Call to Order. Chair Gilmore calls meeting to order at 9:33 AM.

2. Role Call. Matthew Trujillo calls role at Chair Gilmore's request. Present are Commissioners Eisen, Vasquez, Gilmore.

3. General Public Comment: Chair Gilmore gives instructions on how to participate and asks Margie Malan if there are any public comments to hear.

1. Tanya Boyce, resident of East Oakland, rowing coach at Oakland Strokes: Comments on Oakland Estuary. Chair Gilmore interrupts to provide clarification. Ms. Boyce continues her comments stating that the City of Oakland is failing to maintain the estuary in a safe manner for her students to use.
2. Benjamin Namayaka. Begins to speak on the Oakland Estuary. Chair Gilmore asks him to reserve his comments until Item 6.

4. Approval of Draft Minutes: Approval moved by Commissioner Eisen, seconded by Commissioner Vasquez; approval is unanimous.

5. Enforcement report. Mr. Trujillo gives his enforcement program report.

Public comment

1. Tanya Boyce: It would helpful to brief the public on the nature of the closed cases so that the public understands what work that enforcement is doing.

6. One-year update on actions to address shoreline encampments and anchor-outs in and along the Alameda-Oakland Estuary.

Chair Gilmore asks the representatives of Oakland and Alameda to identify themselves. Joe DeVries, Deputy City Administrator for Oakland announces himself and states that outside counsel, Oakland Police, City Attorney staff are also present. Lt. Erik Klaus, Alameda Police announces himself.

Chair Gilmore invites Adrienne Klein of BCDC's staff to introduce the item.

Ms. Klein presents her introduction.

Mr. DeVries gives his update to the committee.

Chair Gilmore invites questions for Mr. DeVries from the committee members. There are none.

Chair Gilmore invites the City of Alameda to give its update.

Lt. Klaus gives his update to the committee.

Chair Gilmore thanks both presenters, invites committee members to pose questions.

Committee questions.

Commissioner Eisen: Let's review where we stand on the various commitments made by the cities a year ago. Also, I want to get a sense on how many liveaboards were on the Estuary a year ago versus how many are there now.

Lt. Klaus: We currently have nine. I think last year was about four to five abandoned vessels. All live-aboards are in the marinas.

Mr. DeVries: The encampment between Dennison and Livingston was cleared and remains clear. There is now a policy of abandoned vessels and next week there will be a vote on changing the municipal ordinance to address occupied vessels. We are using the Jack London Aquatic Center parking lot for storage. We haven't been able to quantify what additional marine patrol units are. OPD has been struggling with recruitment. We haven't fully vetted the need for additional marine patrol personnel. There were 25 occupied and unoccupied vessels in Oakland waters a year ago, 18 are left. Hoping for a lot more removals in 2023.

Commissioner Eisen: Of the 18 remaining vessels, any guess as to when those will be removed?

Mr. DeVries: No. We are anticipating additional funding to come through in April.

Commissioner Eisen: Asks Klaus to comment on the City of Alameda's commitments.

Lt. Klaus: There are 6 unoccupied individuals left. No more of the seven abandoned and derelict vessels left. There are no abandoned vessels left at marinas. Sunken vessel on private land was removed.

Commissioner Vasquez: It seems that we keep approaching the abandoned and derelict vessel abatement issue piecemeal. Perhaps the Commission should initiate a more aggressive, coordinated regional effort to address the problem.

Chair Gilmore: That is a good point and maybe the committee should agendaize a discussion around that to talk about it and provide a recommendation to the full Commission. Meanwhile, we should continue to do what we have been doing.

Commissioner Vasquez: I agree, but we need legislative changes to deal with funding for removal and disposition and clean-up of pollutants in the Bay.

Chair Gilmore to staff: At a future date, please agendaize this for discussion with an eye toward recommending an action to the full Commission. I am a little distressed that we did not think about having an inventory a year ago. Going forward, we should have an inventory so we know exactly what is there and can measure progress.

Chair Gilmore to Mr. DeVries: you can ask the Port for more patrols because the more patrols there are, the faster the response time and the more accurate the data. When you do not address the low-hanging fruit (the most visible vessels), it creates a public perception that there is no progress being made. Has anyone asked the Sheriff's Department about what their boat is doing?

Mr. DeVries: I do not know.

Officer Albino, Oakland PD: The sheriff's office has been out there. They are also short staffed. There is a vessel turn-in program. I am going to apply for \$150k in April, hope to receive it around July, and hope to use it this fall. We are not yet approved for an additional full-time maritime officer. We are currently paying overtime.

Chair Gilmore: How aware is the community about the vessel turn-in program?

Officer Albino: Typically, information is disseminated through harbormasters and through the Division of Boating and Waterways website. I receive calls about it frequently. I also tell individuals about the program.

Commissioner Eisen: There are environmental justice considerations at issue here. I am really glad that we are going to hold the discussion the Chair has recommended.

Public comments.

Chair Gilmore: We have received eight written comments on this item.

Chair Gilmore invites public comments:

1. Brock de Lappe: Acknowledges the work the City of Oakland has done to remove encampments around the Embarcadero neighborhood. The Oakland Estuary waterfront remains problematic. This is a dangerous condition. Sunk vessels are dangers to navigation. Owners cannot deal with trespassers on their property. Funding sources are not identified to do the clean-up and should be found. The marine patrol unit should be fully staffed. Suggested that the EPA could assist. I hope the problems are resolved this year.

2. Steve Meckfessel, manager at Marina Village yacht harbor in Alameda: I am encouraged by this hearing and thank the Alameda police department. I support the idea of a regional solution. Thank you. I want to stress that this is an environmental and safety threat.
3. Tanya Boyce, East Oakland resident: I do not think the City of Oakland has done a great job. The encampments that were cleared out of the Embarcadero neighborhood has moved to my neighborhood. Why doesn't the city have dumpsters to collect the trash that builds up in the encampments. There are encampments under bridges full of trash and human excrement, all very visible. I fell into the Estuary a few months ago and became severely ill for two and a half weeks with roundworms. We are not dealing with homelessness in the way we need to. East Bay Regional Parks actually has a campsite where we could let the unhoused live. Why aren't we doing that?
4. Tommaso Boggia, legal liveaboard in the Estuary: Please speak more kindly about the unhoused. They should be considered people who are struggling with serious life issues, not criminals. Let's not criminalize poverty. The major sources of pollution in the Bay are not anchor-outs. Industrial polluters and runoff are the most egregious sources of pollution. Clearing people out of one place without a place to go simply shifts the problem to other areas of the Bay. Stop criminalized homelessness and provide public housing.
5. Tom Horton, boathouse manager at Jack London Aquatic Center: JLAC is one of the most heavily used water access facilities by the public. We are concerned about the impact of the anchor-outs on the Estuary. There are navigational and environmental hazards. The fact that the City of Oakland has closed public restrooms gives anchor-outs nowhere else to go. Things are happening much too slowly. We would like the comprehensive clean-up to progress more quickly and want the illegal anchor-outs to be cited. We do not want the JLAC parking lot used for storage.
6. Libby Edelson, resident of Berkeley, rower: Rowing has changed my life. Being out on the water has inspired me to work on behalf of the environment. I am concerned about the danger that anchor-outs pose to rowers out of JLAC. There are navigational hazards, anchor-outs dump their trash in the JLAC parking lot. I urge more timely attention to anchor-outs.
7. Matt Bliven, resident of Marina Drive in Alameda: Not enough discussion or enforcement along the shoreline and the Bay Trail. There are numerous RVs, abandoned vehicles, and piles of trash along Alameda Avenue within the 100-foot shoreline band.

There are obstructions in the Bay Trail. There are encampments under bridges, garbage piles in the tidal area. The city no longer dispatches clean-up crews along Alameda Avenue. The Fruitvale Alive project is proceeding in Oakland, but its value is diminished by these problems.

8. Val Hammel, East Bay Rowing Club rower, liveaboard: Speaks to the history of this issue, which has been going on for many years. There were many commitments made a year ago. Reads from transcript of March 2022 and September 2022 enforcement committee meetings.
9. Mary Spicer, founder of I Heart Alameda-Oakland Estuary dot com: I think we need a regional initiative to address this issue. Agrees with Tanya, Tommasso. I don't think the JLAC parking lot should be used for storage. We need major funding to deal with this issue now. The State of California should provide funding as soon as possible. It is extremely painful to watch the sunken vessels degrade the environment. We pick up trash and excrement along the shoreline. It should be possible to address abandoned vessels before they sink.
10. Kris Leverich, port captain at Aeolean Yacht Club: Despite the shortage of affordable housing, there are criminal activities occurring in the Estuary. There has not been enough done on the Oakland side of the Estuary. Boats are not a housing solution. They are dangerous and hazardous. Numerous instances of boat abandonment at marinas, spikes in sunken vessels. Another major concern is an impending recession that hits the discretionary spending of middle-class and will lead to an influx of abandoned vessels.
11. Collette Lucas-Conwell, boardmember East Bay Rowing Club: I loved hearing more from the Alameda Marine Patrol Unit about their monthly public meetings. Would like more engagement. I was concerned by DeVries comments that they cannot quantify how much marine patrol resources are needed. There should be more information shared about using Measure DD funds.
12. Damon Taylor, anchor-out at Jack London Aquatic Center: I have personally tried to sustain some self-policing among the anchor-outs there. We have asked certain anchor-outs to leave if they pose a risk to navigation. We are all making an effort to help each other out and take collective action to get rid of unwanted or unsafe elements. We did a clean-up at JLAC this past week. I have helped four to five grounded vessels be removed.
13. John Timothy, slipholder at Union Point Marina: Expresses sympathy for homeless people, but believes they are not entitled to put others at risk. One anchor-out last week caught fire. A week ago, one anchor-out lost its mooring, blew over and crashed

into one of the boats in the marina. Those sorts of incidents are dangerous to the people around the marina and to property. There is currently a boat that is half-way out of the water that has been there for weeks. I don't understand why those vehicles can't be treated like road vehicles and be tagged and towed if parked illegally. I appreciate everyone's hard work on this.

14. Hannah Zucherman, resident of Jack London Square, rower for East Bay Rowing Club: Walking to practice at JLAC is unsafe. The parking lot is unsuitable for storage. It would inhibit parking of users of the center and their boats. A boat near the dock caught fire. Our coach went to help, but it's not their responsibility. I love being a rower and a resident. Thank you.
15. David Schmidt, area resident: A year or two ago there was a fight between the shoreline residents and anchor-out residents. There were a dozen witnesses at the marina. When we called the police we were put on hold for 12 minutes. We heard a gunshot and witnessed an attack with a pole and a sword. We saw someone shoot a hole in the boat. We took video and showed it to the police. The police declined to act because the video did not capture the gunshot, despite having many eyewitnesses willing to testify. There was a World War II era boat that sank. The Coast Guard refused to act. He was told that the political situation in Oakland made it impossible for the Coast Guard to Act.
16. Denise Martini, President of the Board of East Bay Rowing Club: We have a club of 150 adult rowers and several hundred youth rowers. Rowers row in the dark. A lot of these things cannot be seen in the dark. Unhoused people at JLAC are scary in the dark. Our rowing club is trying to get as many kids from around the city as we can, but parents are hesitant to allow their children to be there in the dark due to the perception of danger. We want to be able to provide a safe rowing program.
17. Michael Fanfa, member of the Oakland Yacht Club: Twenty years ago, abandoned boats were hauled out of the water, crushed, and loaded into dump trucks. In my opinion, the best place to take boats are the unused boat ramps on Alameda Island.
18. Marjorie Setchko, rowing coach for small club behind Coast Guard Island: There are frequently a great number of anchor outs alongside the CGI bridge. They are unlit and invisible. We have to go by these people to get in and out of our club. I have had kids get tangled up and flip. We have asked the anchor-outs to move, but they just scream and laugh at us. We want to work with them, they don't want to work with us. We have talked to the city of Oakland, but they won't do anything. No one is doing anything to enforce. It's time for somebody to do something.

Chair Gilmore thanks the public for taking the time to attend and give input: We always learn from members of the public who are our eyes and ears. Asks Ms. Klein to put up her question slide.

Ms. Klein mentions that the enforcement committee should also consider whether there is a role for the new Compliance staff to play in this effort.

Chair Gilmore: I acknowledge that both cities have made strides, but we should restructure our approach. I am thinking about sending this to Compliance staff to help keep the cities on track. I think that monthly updates are too much given how long these actions take. I am leaning toward quarterly reports. I would leave it to compliance staff to determine a working schedule with the cities. What do other members think?

Commissioner Vasquez: I agree with you.

Larry Goldzband: Greg is out of the country this week, so I am stepping in as a senior staffer. I agree that this should be moved to compliance. I will ask Greg to have Compliance come back in June. I would ask that the cities come back in June to report out.

Chair Gilmore: Should just Compliance report-out in June or the cities too?

Mr. Goldzband: That should be left up to General Counsel.

Chair Gilmore: Any comments from the committee members?

No comments.

7. Adjournment. Chair Gilmore moves adjournment, Commissioner Vasquez seconds.
Adjournment at 11:31 AM.