



Art By Marti Walker

**Brock de Lappe - Marine Consulting - (510) 384-1083 - [brockdelappe@](mailto:brockdelappe@)**

**Public Comment – BCDC Commission Meeting  
January 19, 2023**

Good afternoon Commissioners.

I wish that today I could congratulate the BCDC Commission for its leadership role in accomplishing a multi-agency cleanup project on the Oakland Estuary. This would involve a substantial effort to coordinate the activities of the Oakland and Alameda Police departments, the Alameda County Sheriff, the United States Coast Guard, the State Lands Commission, the Alameda County District Attorney office, the United States Environmental Protection Agency, the California Coastal Commission, the Port of Oakland, and multiple San Francisco Bay harbor masters.

Like I said, I wish I could.

But the project I just described happened a decade ago in 2013.

And yet the conditions on the Oakland Estuary today are in some ways even more dire than those present in 2013.

For the past several years there has been a near complete lack of on-the-water law enforcement.

To be clear, there is no legal anchorage anywhere on the Oakland Estuary.

Nevertheless, a large and growing number of illegal anchor-outs populate the Oakland waterfront.

During the past several weeks of winter storms, several vessels have sunk and more have broken loose to drift freely as an extremely dangerous hazard to navigation.

Many have tied up on docks without permission and their trespass has not been addressed by authorities.

This is a travesty, and put more simply, a complete dereliction of duty from those responsible for protecting this resource.

The public has a reasonable expectation that laws will be enforced.

We know from our experience in 2013 that the necessary cleanup of the Oakland Estuary can be done.

It is simply a matter of setting priorities.

All agencies seem to point the finger at the other leaving the mess in bureaucratic, jurisdictional limbo with growing costs that will eventually be paid by once-again disappointed taxpayers.

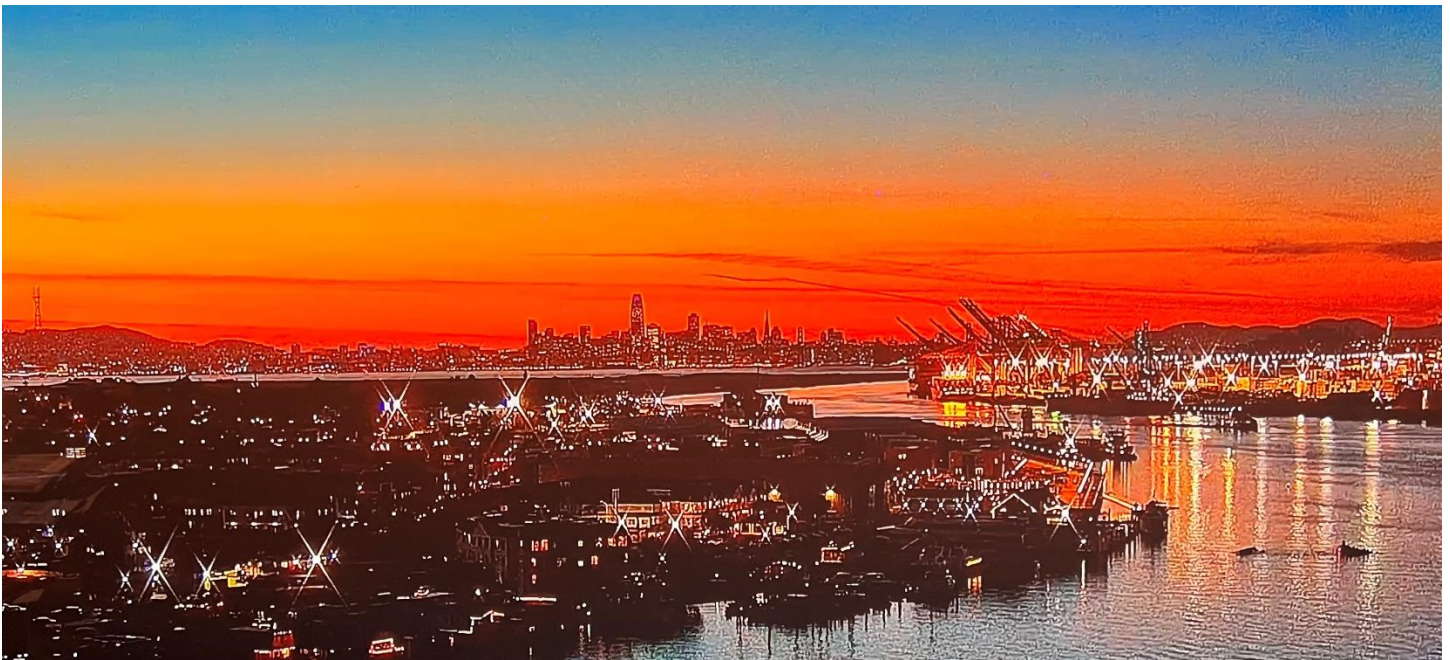
The BCDC should again take a leadership role in its mission to protect San Francisco Bay and ensure that the estuary is cleared of these illegal anchor-outs.

Once cleared again, it is essential that there be rigorous on-the-water enforcement to prevent a recurrence of this criminal activity.

It is hard to image that at this time there is any greater threat to the San Francisco Bay environment.

Please take appropriate action.

Thank You



Screen capture from KTVU Channel 2

From: **Alison Madden** < >

Date: Wed, Jan 18, 2023 at 12:26 PM

Subject: Fwd: Information to commissioners on the Oyster Cove "safe harbor" workout - misunderstandings

To: Selander, Nell <

This is my comment to the District, will be speaking live with them today

Pls see the points and attachments.

This whole thing is a mess.

----- Forwarded message -----

From: **Alison Madden** < >

Date: Wed, Jan 18, 2023 at 10:01 AM

Subject: Fwd: Information to commissioners on the Oyster Cove "safe harbor" workout - misunderstandings

To: Melanie Hadden < >

Hi, Melanie,

I have looked at the website and the Agenda and am not sure exactly how to send email public comments. Myself and perhaps 1 to 2 others will dial in to speak for 2 minutes during general public comments of the meeting, and I am sending now by this email, my written public comment that I wish to be included in today's packet if possible for the commissioners.

This is a forward of a public comment sent to BCDC for their meeting tomorrow. I sent it Monday, as they desire extra days when attachments are included.

The attachments are the Harbor District and South San Francisco's memo (bulleted highlights) and Relocation Interest Form and Acknowledgment (HD's).

I spoke at the last meeting of 2022 to the Commissioners of the Harbor District and was unable to listen to the whole meeting. Apparently at the end Mr. Pruett addressed the issues and items I spoke on, and may have stated that the reality was different than what I had spoken on.

But this is not true. There is an Aug 31 end date of the "one year" that BCDC commissioners approved on Sept. 15. I do not believe they expected it to be less than one year from the Oyster Cove noticed lease termination date (in our view, not properly noticed under the Tenant Protection Act of 2019). We are asking that the one year end Oct 15 2023.

Also there was talk from the harbormaster and Ms. Lydon of BCDC of a "deadline". This was not a "South City" "assistance" deadline. South City continues to render assistance when asked. It was spoken of as a "deadline" to move over from OCM. However, the 6 remaining at OCM are insisting that their legal rights be acknowledged and that they be properly noticed. They can not and should not be denied any government offered safe harbor for standing on their civic and civil rights to proper UD and TPA treatment.

Finally there is a less than 6 months April 1 initial expiration of the initial temporary relocation agreement. This originated, we believe, from a totally unnecessary bureaucratic requirement of the BCDC enforcement staff for South City and the District to come up with a "compliance plan". But this is not necessary. Any boat that comes over should have a 1 year liveaboard right and upon expiration, just like any non liveaboard, they know they cannot stay on it more than 3 nights a week. Blu allows 2 days, Redwood City Muni as well, Stone Boatyard in Alameda allows 4, Westpoint allows 3. This is just a harbormaster management issue and no April 1 time frame was EVER on the BCDC commissioners' radar.

We ask that you get rid of the April 1 contrivance. It is totally out of step with how slips operate and has resulted in people feeling rushed and stressed, taking unsafe slips, not moving over, and more. I have heard reports that the harbor master or GM or another person TBI is walking around reminding people of the April 1 deadline in a way that feels like pressure to them. The material provided by the district and South City say that "every reasonable effort" must have been made to have found a slip by then. This was during a stressful time, with 2x rent, over the holidays and winter storms. There is utterly no need for this April 1 insertion, and quite simply grown ups know that their LA lease will expire Oct 15 (our ask, vs. Aug 31, less than a year from BCDC approval).

Thank you for hearing this with compassion and understanding. It is very easy to clean this up. Also it was the district that relayed that BCDC's policy is 10% of occupied slip, an error... It is 10% of total # of slips in the marina.

Thanks, Alison

----- Forwarded message -----

From: **Alison Madden** < >

Date: Mon, Jan 16, 2023 at 9:57 PM

Subject: Information to commissioners on the Oyster Cove "safe harbor" workout - misunderstandings

To: BCDC PublicComment < >

Dear Commissioners,

I am attaching two documents for this submitted written public comment.

One is the 2 documents given to Oyster Cove Marina (OCM) residents by the South San Francisco City Manager and one by the Harbor District.

The documents were given at a town hall held six days after the Commission's Sept. 15th approval of the "LoI" (letter of intent) approach to allow a "one year" exceeding of the currently set 10% allowable # of Liveaboards (LAs) in any given BCDC marina.

First, the Harbor District miscommunicated that the BCDC's policy was "10% of occupied slips in a BCDC marina"(vs. total # of slips overall existing in the marina).

Second, the "one year" ends Aug 31, 2023. Why this is the case vs. Sept. 15 or, more appropriately Oct. 15 (the noticed lease-termination date) isn't apparent.

Third, it was communicated by BCDC staff (Ms. Lydon) and the HD harbormaster for Oyster Point that there was a "deadline" for coming over. Perhaps this was a mis-statement as the only date mentioned in



the documents is that the District and City wanted people to indicate by Oct. 3 if they had an interest in potentially coming over.

\*There are people still at Oyster Cove who are insisting that Kilroy and Tideline properly notice the lease termination under the Tenant Protection Act of 2019, they are observing all marina rules and are proffering rent monthly (which Kilroy won't accept). When they are properly noticed, with the no fault just cause stated, and the final month rent waived, they will move. But they should be able to come to Oyster Point under the safe harbor. They should not be forced to lose a benefit extended to all for insisting that their legal rights be honored.

Fourth, there is a "1st lease period expiration" (initial relocation term) expiration on April 1! The City documents state that residents leaving Oyster Cove must have made "every effort to find a permanent home". This appears to have arisen from the BCDC enforcement staff requiring a "compliance plan" to be developed before the Town Hall that would result in no excess LAs as of the end of the 1 year.

Quite simply, any vessel being relocated does not in itself mean it is a LA. If someone is granted a LA status under the safe harbor, their LA right and entitlement simply expires as of Aug. 31 (but it should be Oct. 15). If they have not been able to find a slip, they may only stay at OPM 3 nights a week. They may have made arrangements to have another slip that permits 4 nights a week, or developed some other arrangement or they may elect to put their boat for sale, etc. There is no need to contrive an April 1 cutoff with no logic or consistency to this date or among all LAs.

Also staff turns over. The City Manager of South City is now City Manager of Riverside, and he is gone, as is some of his staff. Whatever the intent, that is one key player that is gone. The harbor master and/or GM may also elect to change locations or positions. This April 1 time frame was not necessary, is too soon, is a blunt instrument and has resulted in some people having moved in the fall and winter because they located "some" slip, even in remote or dangerous locations, including one person whose power keeps going out. The inflexibility and the shortening of the one year and the introduction of the standard of best efforts and "Aug 31" being the end date, were all unnecessary to effectuate the goals of the safe harbor.

I am bringing this to your attention because I was not able to speak on this after your staff member's Staff Report last meeting, when they spoke on Oyster Cove status update, because there was not public comment after that line item, for whatever reason.

I would like to ask that the Commissioner ask the enforcement staff to communicate to the district that October 15 is the end date, there is no deadline for moving over, there is no "best efforts" standard to be shown during the year, but it is understood to be a harbormaster enforcement issue to monitor the 3 nights a week after Oct. 15 (which all harbor masters do, whether it is 2 nights, 3 or 4 that a marina allows, in this case it is 3). And we have advised the district that the BCDC's policy is not 10% of occupancy.

The email string with the harbor district is also attached for reference. We believe all of these misunderstandings would not have occurred but for having to contrive an unnecessary compliance plan vs. just managing their LAs as they always do

Thank you very much,  
Alison



Alison Madden [REDACTED]

**Re: [EXTERNAL]Re: Oyster Point**

1 message

Alison Madden &lt;[REDACTED]&gt;

Wed, Dec 28, 2022 at 11:20 AM

To: James Pruett &lt;[REDACTED]&gt;

Cc: "Christina Fernandez" &lt;[REDACTED]&gt; John Moren

Hi,

As a slight follow on, it was both Jim Smith and Anniken who spoke of 'deadlines' for people come over, not assistance from South City. Also South City expressly put on the attached documents I sent the other day, from the town hall, that South City was 'not' offering any compensation, no monetary relief. They have been offering all kinds of assistance, but they never inquired if someone met a deadline. The "deadline" reference was communicated to me as a "move over" deadline...

Just for your info. Again, I think this is all just natural human behavior, that people make assumptions, or take what one person said or did and then work with it. But this is why I raised: "no deadline" for anything, no end-date of Aug 31, 2023, no obligation to move before April 1 2023 and no obligation to show one has met a high or material burden by then, because of the realities of how slips work and the fact that people should not have to move from their community and/or undertake a large commute any sooner than absolutely required, and again, of course, going off total slips vs. occupancy for the 10%.

Also I can do a public record act request or. maybe even just look at BCDC's site for the permit, so I would very much appreciate if you could or would send the permit and any applicable amendments. It may be very helpful in working out some of the gaps.

Final final, I believe I noticed that "extended stays" were worked into liveaboard status due to there "being no extended stays". I agree with the concept and position that "extended stay" is not a thing, I've been telling people this for years. It's one thing to have 1 or 2 bona fide actual "cruisers" that come to a city and stay for six weeks or even six months, and allowing such a special use-case to be "extended stay". But it was something that was gamed for decades in my opinion to exceed the 10% of slips that permits allow. This goes for "tow boats" or "off papers" as we call it at OCM, or other contrivances. So I appreciate the tidiness of cleaning that up. I'm just wondering if they were given LA slips preferential to anyone else on the waiting list at the time, or matriculating even an OCM person who also was on the list over.

No one expects perfection, but fairness, flexibility, compassion and awareness, and (again thank you) continued communication are very much appreciated! ;-)

Thanks,  
Alison

On Tue, Dec 27, 2022 at 9:05 PM Alison Madden <[REDACTED]> wrote:

Jim,

First, thanks for the back and forth. On one hand, I did say before that I believe intent is one thing and then a 'game of telephone' can be another. I "do" believe a lot of these things I raised are different parties working in their silo and then overlapping but not all at one table.

As to the April 1 date, that's less than six months from Oct 15, and only a little more than six months from Sept. 15, the day that BCDC commissioners approved the Lol, whereas I think even "they" assumed the "one year" would be

from Oct 15, the noticed lease termination date. Of course there should be a little flex to account for: (a) a Town Hall 9/21/2022 where people first learned of the details; (b) Oct 15 as the end date that many people considered to be their "out date" and (c) people moving in between 9/21 and 10/15. I hardly think BCDC would have the granularity or desire to track "day by day" until it says "A-ha! On x day Oyster Point reached it's 10% so "that very day" is an enforcement trigger.

I can tell you that the "Commissioners" on 9/15, had ZERO idea that a six month metric would be inserted. Their first queries off the bat were "is one year even enough for these people" and "isn't the 10% a random thing we just picked out of thin air in the 80s". (Pretty much to that effect). I assume you were on the BCDC zoom that day, or present in person. I was there in person. Many LAs (liveaboards) spoke via Zoom, others in person. The Commissioners had a substantial back and forth. NO ONE thought that someone would insert a six month timeframe as a "check in" toward tracking progress for being out by Aug 31.

Also I don't think the Commissioners thought the end date would be Aug 31. But that's what the docs say. That's six weeks shy of Oct 15.

You say below that the check in was your idea and "It is a forced check in with the Harbormaster and SSF on progress towards vacating the slip on or before the October deadline".

Again, I think you guys made the deadline Aug 31. Also I spoke to Anniken Lydon of BCDC as noted, and she did think that South City and the District would work out a plan for compliance, but this is a pretty short time frame.

You say "progress toward vacating by October ..." But that really means that you made people start looking now, in the Fall and Winter, for slips and through the first quarter of 2023. If they find a slip, they'd have to take it. Slips go fast. So really what if someone just says "fine, I want to be in south city through Sept until Oct 15" and I will move my boat to the Delta if I don't find a local slip. Why can't they do that? Why do they have to show anything as of April 1? If you know boat slips, and I know you do, it means making people move by April 1. Also the City material said "every effort" and the district info also had kind of a material standard.

In any event, I would like you to acknowledge that the district is the one that said "BCDC's policy of 10% of occupied slips". First, this is "not" BCDC policy. Second, if that's what is referenced in the permit, I would expect the inquiry not to be "reaching out to them to ask them what they mean" but to tell them it's just plain wrong. I have not seen it in any other permit.

Also, I am aware of many BCDC permits, which say "no houseboats" etc. This is not supported by the McAteer-Petris Act. Also the presence of liveaboards is not "solely " for safety and security. There has been an ENORMOUS amount of bureaucratic creep that is not supported by either the MPA or the Bay Plan. This is why our group Liveaboards United! and S.F. Bay Marinas for All, Inc. are advocating to the BCDC to 'fess up and start cleaning up this creep. It's not fair and it is interfering with a free flow of people and property and with property values, making people's crafts less valuable due to misunderstandings (i.e. the ridiculous fear of a "flat top" vessel form factor b/c it may be called a "houseboat" (colloquially, as a descriptor), when the craft has propulsion and is navigable).

I am bound and determined to ensure the BCDC honors the intent of the Legislature, not its own bureaucratic staff. We actually SUPPORT harbormaster and owners and operators of marinas, because such owners, operators and harbormasters should not be acting out of fear, confusions, misunderstanding, and "certainly" not just at the mercy of the staff advising what the law is. Their lawyers is one thing, and I would push back against them, and did so in the Sept. 15th meeting, as did many COMMISSIONERS. They are policy makers, they aren't stupid.

So anyway, I do appreciate the back and forth. I would like to know what the verbiage in the permit is. It is a public document after all. It is not solely at the advisement of enforcement staff to say what it means. They definitely need to be checked.

I am on the verge of bringing a dec relief and injunctive action, and a claim for a taking, as my WW2 craft, which has propulsion, has been denied at six marinas, even though it's a vessel landing craft, with a designer cabin on top. I paid \$100K and it's worth \$500K in a slip in Marin. And no one will allow it, even Jim Smith of the HD would not put it on a wait list for OPM. I am not talking about suing any marina or harbormaster, but the denials and all the comm and emails regarding it will be evidence in my action vs. BCDC.

I am beyond hopping mad and sick of BCDC by now....

Thanks,  
Alison

On Tue, Dec 27, 2022 at 4:31 PM James Pruett [REDACTED] wrote:

Alison,

The April date in the berthing agreement was required by the District based on my recommendation. It is a forced check in with the Harbormaster and SSF on progress towards vacating the slip on or before the October deadline.

The berthing agreement will be extended if the tenant is in good standing, i.e. the slip payments are up to date and the tenant has made some effort to vacate the slip on or before Oct 2023. The "effort or action" to vacate by October 2023 will be liberally interpreted by the District during the April 2023 slip agreement renewal.

As for vessels remaining at OCM, those vessels, if they qualify, will be allowed to obtain a slip at OPM with the same requirements as above. The October 3 deadline relates to financial assistance from SSF, not to the qualification to moor at OPM.

As to the number of authorized liveaboard slips, I noted something interesting in the permitting documents and have posed a question to BCDC for clarification. Once I hear back, I will let you know.

Jim

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**From:** Alison Madden [REDACTED] >  
**Sent:** Thursday, December 22, 2022 11:16 AM  
**To:** James Pruett [REDACTED] >  
**Cc:** Christina Fernandez [REDACTED] >; John Moren [REDACTED] >  
**Subject:** [EXTERNAL]Re: Oyster Point

**\*\* External Sender \*\***

Hi, All,

Here are the documents.

The first page is the checklist given at the Town Hall. It is a summary likely from South City but likely also circulated and approved by the District. It says that the first portion of what we are calling the safe harbor (from enforcement), "expires" April 1, 2023. From my understanding, the BCDC never had this concept in their minds, the commissioners that is. I also believe that even Anniken never heard of this, from my call with her. She is with BCDC, did the 9/15/2022 presentation, and handed over this issue to enforcement staff recently. I have no idea if this concept of April 1 was ever circulated to anyone at BCDC, or Supervisor Pine. Perhaps it was with BCDC "enforcement" staff, but we have no knowledge of this. We have no idea where this came from, as between City staff and the District and any other player or entity, if any. The City bullet summary says "every effort" to find a permanent home.

The next 4 pages are the District's "Relocation Interest Form and Acknowledgment". It is two documents, with the second page of each being essentially a single carryover sentence or a signature block that states agreement.

Accordingly, it's really 2 pages - the RIFA description and the application form (or statement of interest) itself.

The Summary cover page states. "per established BCDC policy, no marina may have more than 10% of occupied slips dedicated to liveaboards." Although actual #s of slips is not represented there, at the meeting, the # was presented as fairly low. If I recall correctly, it was around 29 due to 290 being represented as occupied. If the total slips is 400~ then yes, 40 would be allowed (and literally permitted).

The Summary cover page also states that the initial berthing agreement is through April 1 subject to potential extension for those in good standing including "making diligent and good faith efforts" to find a permanent slip elsewhere. This is less than the City's "every effort" but still a material measure and if such diligent and good faith efforts are made, it is understood or inherent that some would take a slip then, which is a huge impact on people's lives, having to move much sooner than the year, and even someone who might be in a reasonable spot to move off the waiting list to the permitted LA list.

In short, the April 1 date, to me, makes no sense, and introduced a real panic that had never even been seen by BCDC and, again, as mentioned above, Anniken hadn't known about it when I raised it and spoke to her in October 2022. We really ask for a thoughtful discussion on whether this April 1 time frame and even any interim step, is required to manage ultimate compliance.

And finally, it was Oct. 3. So if I got Mr. Smith's name right as harbormaster, and now that I send the documents, I was right that it was presented as "occupied slips" and this was represented as "BCDC's policy" but that is "NOT" its policy, it's total slips, and the Oct. 3 date was stated as a requirement to move over (so a condition precedent that has been described by Anniken and Mr. SMith as a "deadline").

Again, when I wrote the commissioners, I definitely said I think that these nits or nuances which have a big impact, are likely either a miscommunication or misunderstanding (Mr. Smith thinking there was ever a "deadline"), etc. are honest gaps that can be discussed. I do believe we were told or shown something by South City that referenced the 290 occupied and 29 LAs. This would be a totally understandable mistake on "their" end.

Also I wanted to clarify a fragment sentence in my first email. My clients at OCM still, actually "may" have filled out the form by Oct 3. Thus, they may have met the condition precedent in time, and thus the 'deadline' to express interest. They are still at OCM until properly noticed. Mr. Klein mentioned coming over when they are properly evicted. This may or may not occur. The lack of proper notice is a complete defense to the UDs that the developer and manager intend to bring in Jan. This will be litigated by motion and writ/appeal, and could take weeks, months or years. It may or may not be resolved by Oct. 15, 2023, Sept. 15, 2023, Aug. 31, 2023 or any other relevant date. So I hope that they who are at OCM, and/or potentially even those who did not fill out the form by 10/3/2022, because they felt they could not afford it, etc. will be allowed at any time in the year as ultimately defined...

Thanks!

Alison

On Thu, Dec 22, 2022 at 11:39 AM Alison Madden <[REDACTED]> wrote:

Thanks, if you can please provide also my email from this AM that would be great.

I did not know that you spoke at the meeting at the end. I'm not trying to be difficult, but sometimes that's hard without the back and forth we've had today by email, because the Commissioners then get your comments without the benefit of this back and forth, and it gets cemented in their minds I fear. The 'deadline' wasn't April, it was prior, and the August item is also of concern. I think the BCDC will be flexible enough to consider the year from 10/15/2022-10/15/2023, people had to maximize their financial interests and the Town Hall wasn't even until 9/21/2022 so they couldn't even start doing the forms until then. So anyway, I think there's room for nuanced changes and clearing up stuff that maybe was South City's mistake in the documents. I will find those and send ASAP.

Best, Alison

On Wed, Dec 21, 2022 at 5:29 PM James Pruett <[REDACTED]> wrote:

Correction, your emails were provided to the commission after the meeting today.

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**From:** James Pruett

**Sent:** Wednesday, December 21, 2022 3:17 PM

**To:** [maddenlaw](#) [REDACTED]

**Cc:** Christina Fernandez [REDACTED]

John Moren

**Subject:** Oyster Point

Alison,



Thank you for your comments and emails. Your emails were provided to the Board prior to the meeting and posted on our agenda webpage.

As a follow up to your statements today, we do base the number of permittable liveboards at Oyster Point on the number of slips, not the number of tenants. OPM has 408 slips, meaning OPM can have 41 liveboards under normal circumstance.

As to the April deadline, that is a check-in, not a deadline. The Harbor District will be checking in with the Oyster Cove tenants at OPM and see if they have an exit plan. For those who do not, the Harbor District will be working with the City to assist them. The deadline to have our liveboard population back down to 41 is October 15<sup>th</sup>.

Jim



# ATTENTION

## Oyster Cove Marina Residents

- ✓ The San Francisco Bay Conservation and Development Commission (BCDC) will allow Oyster Point Marina to accept temporarily relocated boats from Oyster Cove Marina.
- ✓ This temporary accommodation applies only to boaters currently residing at Oyster Cove Marina.
- ✓ The San Mateo County Harbor District, in its sole discretion as operator of the Oyster Point Marina, will determine which boats are eligible for temporary relocation and the terms of such relocation.
- ✓ The initial relocation term will expire on April 1, 2023 and may be extended for those in good standing with Oyster Point Marina, which includes making every effort to find a permanent home.
- ✓ BCDC's policy has not yet been finalized. The terms of temporary relocation to Oyster Point Marina might change based on the final BCDC policy.

To be considered for relocation, you must complete a Relocation Interest Form & Acknowledgement by October 3, 2022. To do so, contact:

**housing@ssf.net | (650) 829-6620**







## Relocation Interest Form and Acknowledgement

On September 15, 2022, the San Francisco Bay Conservation and Development Commission (BCDC) met to discuss temporarily suspending enforcement of its cap on the number of liveaboards allowed at Oyster Point Marina. Per established BCDC policy, no marina may have more than 10% of occupied slips dedicated to liveaboards. BCDC staff recommended temporarily suspending enforcement of this cap at Oyster Point Marina for a term of one year. The Commission agreed with their staff's proposed direction.

As a result of BCDC's discussion, liveaboards, extended stays, and other habitual tenants currently residing at Oyster Cove Marina may be considered for a slip at Oyster Point Marina. The number of boats, the condition of boats allowed, slip locations, and the terms of their berthing agreements are at the sole discretion of the San Mateo County Harbor District, which operates the Oyster Point Marina. Any boats moved from Oyster Cove Marina to Oyster Point Marina will have an initial berthing agreement term expiring April 1, 2023 with extensions available to those in good standing with the Harbor District, which includes making diligent and good faith efforts to find a permanent slip or housing elsewhere.

***Please be aware that BCDC has not yet issued a final letter regarding its suspension of enforcement for one year. The terms set out in this Interest Form and Acknowledgement might change as a result of the details of the final letter from BCDC.***

The City, in its capacity as owner of the Oyster Point Marina, is helping to facilitate this temporary relocation and will provide additional relocation assistance to former Oyster Cove Marina boaters that move to Oyster Point Marina to ensure they find permanent housing elsewhere. The City will not be providing financial assistance to boaters, but will connect boaters to housing resources both at other marinas and upland, as well as any available financial and healthcare resources.

To be considered by the San Mateo County Harbor District to move to Oyster Point Marina and receive relocation assistance from the City of South San Francisco you must ***complete the form and acknowledgement on the reverse of this page and return it to Corina Lazo at [housing@ssf.net](mailto:housing@ssf.net) by October 3, 2022.***

Once you have completed the Relocation Interest Form and Acknowledgement, your name and contact information will be provided to the San Mateo County Harbor District to schedule an inspection of your boat and begin the application to be considered for a slip at the Oyster Point

**Marina. The Harbor District will not consider your boat for relocation until you have completed this Form and Acknowledgement.**



## Relocation Interest Form and Acknowledgement

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Your Name

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Boat Registration Number

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Oyster Cove Marina Slip Number

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Names of any additional person(s) living on your boat

---

Phone Number(s)

---

Email Address(es)

---

Mailing Address

To be considered by the San Mateo County Harbor District to move to Oyster Point Marina and receive non-financial relocation assistance from the City of South San Francisco, I acknowledge the following:

1. I am currently residing at Oyster Cove Marina.
2. The San Mateo County Harbor District, in its sole discretion, will determine if my boat is suitable for temporary relocation to Oyster Point Marina and the terms of such relocation.
3. All temporary berthing agreements at Oyster Point Marina will expire on April 1, 2023 and may be extended by the Harbor District to a date no later than August 31, 2023.
4. Consideration of an extension past the initial term of April 1, 2023 will only be given to those in good standing with the Harbor District, which includes working diligently and in good faith to find a permanent slip or housing elsewhere.
5. The City of South San Francisco is not obligated to find me alternate housing nor provide me with financial assistance.
6. **If BCDC provides the City or Harbor District with notice that it intends to begin enforcement of the liveaboard cap at Oyster Point Marina and I still reside at Oyster Point Marina, I will promptly comply with direction from the City and Harbor District as necessary to avoid the City or Harbor District incurring penalties, fines, or other enforcement consequences imposed by BCDC.**

I agree to the terms set out above and acknowledge that the statements made above are true and correct to the best of my knowledge.

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Signature

5196800.1

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Date



**From:** Brock de Lappe <brock.delappe@[REDACTED]>

**Date:** Monday, January 16, 2023 at 4:05 PM

**To:** "Klein, Adrienne@BCDC" <adrienne.klein@[REDACTED]>

**Cc:** Larry Goldzband <larry.goldzband@[REDACTED]>, "Scharff, Greg@BCDC" <greg.scharff@[REDACTED]>, "Goldbeck, Steve@BCDC" <steve.goldbeck@[REDACTED]>

**Subject:** Submission for January 19th BCDC Commission Meeting

**Attachments:**

[Protection of the Oakland Estuary.pdf](#)

[Oakland Estuary-28Dec2022.pdf](#)

[Oakland Estuary- 5Jan2023.pdf](#)

[Oakland Estuary-15Jan23.pdf](#)

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I made some necessary edits to my opinion piece (attached).

Could you make sure that this version, and the photo surveys are made available to the full commission prior to Thursday's meeting.

In the wake of the past few weeks of winter storms, the situation on the estuary has gone completely critical.

Thank You,

Brock

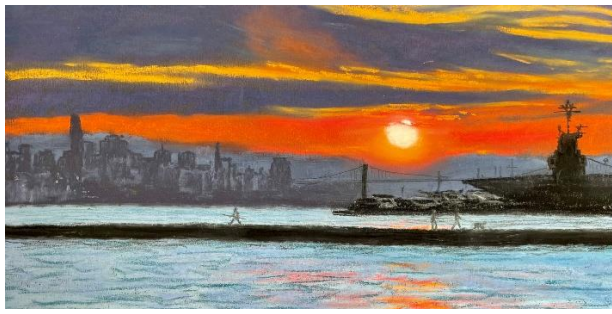
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Brock de Lappe

(510) 384-1083 cell

[brockdelappe@\[REDACTED\]](mailto:brockdelappe@[REDACTED])

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Art By Marti Walker

**Brock de Lappe - Marine Consulting - (510) 384-1083 - [brockdelappe](mailto:brockdelappe@brockdelappe.com)**

## Protection of the Oakland Estuary

January 6, 2023

To many marine enthusiasts, the Oakland Estuary is considered to be a treasured jewel locale in San Francisco Bay. Situated between Alameda and Oakland, the sunny calm waters of the estuary microclimate are largely protected from the blustery winds, waves and fog of the central bay. It is a true watersports playground with rowing, sailing, kayaks, canoes, SUPs and even occasional recreational swimmers throughout the year. The unfortunate reality is that this unique environment is becoming increasingly impacted by the presence of illegal anchor-outs, derelicts and abandoned vessels.

The protection of the estuary falls largely to the jurisdiction of both the Oakland and Alameda Police departments, supplemented by the Alameda County Sheriff. The USCG defers most enforcement to these agencies, and seemingly provides a free pass to the renegade vessels on issues of registration and safety equipment that are expected from responsible boaters at the time of boarding and inspection. There is no legal anchorage area anywhere on the estuary. Why then, is this allowed to happen?

In 2019 the Oakland Police Department marine patrol unit conducted a cleanup in the estuary using funding obtained from the California Division of Boating and Waters **SAVE** program (**S**urrendered and **A**bandoned **V**essel **E**xchange). Despite all illegal anchor-out vessels being properly posted with a 30-day notification, the City of Oakland was sued for \$900,000 for impounding and crushing two derelict vessels. The city ultimately settled for \$280,000. While this financial hit was considerable, the worst outcome was a de facto standdown by the Oakland Police Department marine patrol unit. And thus, with no on-the-water enforcement, the estuary has become a haven for watercraft willing to break the law.

Allowing unhoused individuals to anchor-out on the Oakland Estuary in derelict end-of-life vessels has proven to have dire consequences. Since most of these vessels are not properly registered or insured, when they break away and cause damage or sink, they are simply abandoned leaving the cost of cleanup to taxpayers. It is well past time that appropriate shoreside housing is made available to this population so that the estuary can be cleared of this navigational and environmental hazard.

The consequences for lack of enforcement are considerable. During the storms of late December and early January, multiple vessels have sunk with resulting fuel spills into the estuary. On January 5<sup>th</sup>, an entire raft of derelict vessels broke loose and drifted into the bridge at Coast Guard Island. Further incidents should not be required to demonstrate the substantial threats posed by these vessels. What can be done?

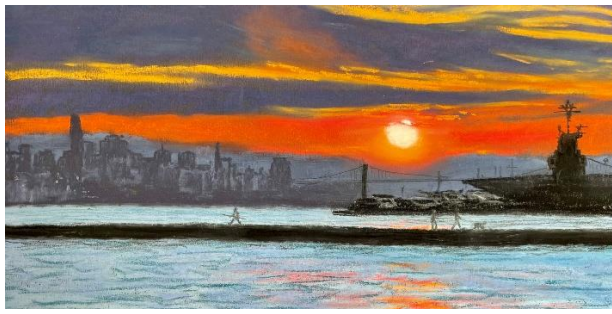
Most important, all responsible agencies must acknowledge the urgency of the current situation. In 2013 there was a large \$7 million multiagency cleanup project on the estuary, so it can be done if simply made a priority. Aside from the watersports on the estuary, there are many large shoreline developments underway or proposed (Brooklyn Basin, Alameda Marina, Del Monte, Encinal Terminal, and the \$12 billion Oakland A's waterfront stadium). Given the increased tax revenue that these projects will provide, it would certainly make sense to protect and preserve the adjacent waterway.

It is also important for SAVE funds to be made available to estuary marinas on a regular, ongoing basis. Under the current SAVE legislation, funding can only be granted to another government agency. Private marinas cannot apply for this funding directly. As such, the estuary marinas are dependent on the Oakland and Alameda marine patrol units to apply for this funding annually. Marinas simply cannot afford the salvage costs of end-of-life vessels that are abandoned in their marinas. While Alameda has done an exemplary job of obtaining and administering SAVE funds, the Oakland PD has been missing in action on this front, with no funding available to marinas for several years. It is far better to salvage abandoned/liened vessels directly from marinas before they become a public nuisance on the waterways.

A final consideration is the ready availability of on-the-water law enforcement. The Port of Oakland, the 4<sup>th</sup> largest on the West Coast, is located at the mouth of the Oakland Estuary. Should there be a need, it is currently unclear that the Oakland Police Department could respond in a timely manner with a single on-the-water police unit. This would require both a functional vessel and appropriate, certified, staffing. To date it would appear that the City of Oakland has not prioritized this need. If new funding is necessary the Port, a division of the City of Oakland, should step up appropriately.

This problem cannot be allowed to continue to fester.

Those responsible must act responsibly.



Art By Marti Walker

**Brock de Lappe - Marine Consulting - (510) 384-1083 - [brockdelappe@gmail.com](mailto:brockdelappe@gmail.com)**

## **Oakland Estuary Photo Survey January 15, 2023**

**Public Fishing Pier – Union Point Park**









**73-Foot Wooden Powerboat sinks in December 26, 2022 Storm  
September 7, 2022**



**January 15, 2023**





## Bridge to Coast Guard Island, Alameda



## Alameda Marina development in the background









**During the night of January 14/15 two rafted, unlit sailboats drifted unmanned**



**Photo Anthony Cirillo**

**Derelict ends up tied to Hadal dock**





**Hadal is a Defense Dept. contractor who must maintain secure docks leased from the Port of Oakland, now completely overrun with derelicts. No response from OPD or USCG.**



**Note grounded wreck on shore of Coast Guard Island**

















## Grounded Wreck on Coast Guard Island





# Jack London Aquatic Center





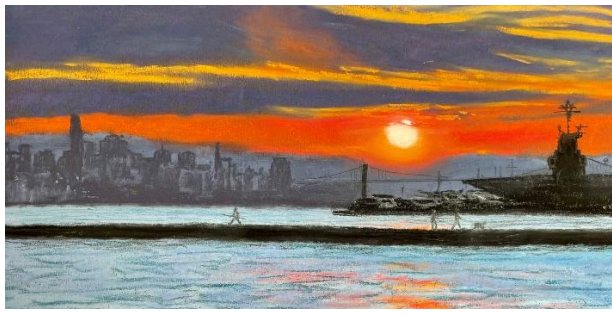
## Public Dock at Jack London Aquatic Center



## Public Launch Ramp







Art By Marti Walker

**Brock de Lappe - Marine Consulting - (510) 384-1083 - [brockdelappe@gmail.com](mailto:brockdelappe@gmail.com)**

## **Predictable & Preventable Disaster on Oakland Estuary January 5, 2023**

**Offshore of Union Point Park – December 28, 2022**



**After Storm - January 5, 2023**



**January 5, 2023**



**This is dramatic evidence that inaction can result in severe consequences. These illegal anchor-outs on the Oakland Estuary had been previously reported as a threat to the estuary environment. During the current storm they have drifted into the bridge to Coast Guard Island as the result of improper/inadequate anchoring.**

**There should not be a need for further incidents to emphasize the true risk of allowing these vessels to illegally anchor in the estuary, in blatant disregard for the existing law. These derelicts need to be removed in an orderly, but expedited process, to prevent even more dire consequences.**

**Those responsible must act responsibly.**

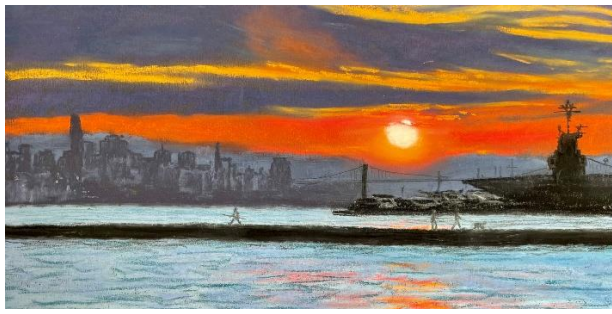


**December 28, 2022**



**January 5, 2023**





Art By Marti Walker

**Brock de Lappe - Marine Consulting - (510) 384-1083 - [brockdelappe@gmail.com](mailto:brockdelappe@gmail.com)**

## **Oakland Estuary Photo Survey**

**December 28, 2022**

**BCDC Mission Statement - <https://www.bcdc.ca.gov/aboutus/>**

The San Francisco Bay Conservation and Development Commission (BCDC) protects and enhances San Francisco Bay and encourages the Bay's responsible and productive use for this and future generations.

Almost every day, many of the people who live in the Bay region see the Bay. Whether from their homes, their places of work, or their travels in between, they can enjoy the visual magic and majesty of the Bay; they can watch the Bay being protected. This frequent visual evaluation of its work keeps the San Francisco Bay Commission diligent and makes it proud of what it has accomplished.

### **73 Foot Wooden Naval Vessel tied to Union Point Park Public Fishing Pier Derelicts reported to BCDC and City of Oakland September 7, 2022**









**Navy Vessel Sinks in Storm – December 26, 2022**  
**Substantial and Ongoing Fuel Release into the Oakland Estuary**







**Fuel Release Into Oakland Estuary**





Despite repeated citations from the Jack London Square security agency, Securitas, this vessel, the *Pheona Love* has tied up on the 4-hour Broadway public dock for months. Once this is allowed to happen it invites similar trespass by other derelict vessels.





## Jack London Aquatic Center



**Sunken vessels are far more expensive to salvage**



**Public launch ramp**



## Public dock at the Jack London Aquatic Center





# In the background is the \$3.5 billion Brooklyn Basin Project













**Offshore of Union Point Park**





## Beached vessels off Union Point Park





August 19, 2021 8:30 am

## **Pollution Incident from Capsized Derelict Vessel**

**NRC# 1314142 OES# 21-4473**

This morning a yellow fiberglass runabout power boat was observed to be capsized on the Oakland Estuary between Union Point Park and Coast Guard Island. There was a large sheen on the water, likely gasoline. Reports were made to the National Response Center and the California Office of Emergency Services. Weeks prior to this incident the presence of this derelict, and many others on the estuary, were reported to municipal, state and federal authorities. No action was taken at that time.





**Offshore east parking lot, Union Point Park**

