

# San Francisco Bay Conservation and Development Commission

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August 23, 2023

**TO:** Enforcement Committee Members

**FROM:** Matthew Trujillo, Enforcement Policy Manager (415-352-3633;  
matthew.trujillo@bcdc.ca.gov)

**SUBJECT:** Draft Minutes of August 23, 2023 Enforcement Committee Meeting

**[Note: Agenda Items 7 and 8 were taken out of order. These minutes reflect the agenda items as listed on the agenda and not as taken in chronological order.]**

**1. Call to Order.** The hybrid meeting was called to order by Acting Chair Eisen at 9:32 a.m. The meeting was held with a primary physical location of 375 Beale Street, 5th Floor - Redwood Room, San Francisco, California, and online via Zoom and Teleconference.

Acting Chair Eisen gave instructions to all attendees on procedures for participating in the meeting.

The Acting Chair announced that Agenda Items 7 and 8 would be heard before Item 6. Commissioner Belin was welcomed to the Enforcement Committee.

**2. Roll Call.** Mr. Trujillo called the roll. Acting Chair Eisen and Commissioners Belin and Ranchod were present. A quorum was achieved. Commissioner Vasquez joined after the Roll Call was taken.

Staff in attendance included Enforcement Policy Manager Matthew Trujillo, Principal Enforcement Analyst Adrienne Klein and Legal Secretary Margie Malan.

Acting Chair Eisen stated a quorum was present and the Committee was duly constituted to conduct business.

**3. Public Comment Period.** Acting Chair Eisen invited the general public to comment on items not on the day's Agenda.

Acting Chair Eisen gave instructions for members of the public to offer public comment.

Mr. Trujillo and Ms. Klein stated one public comment letter had been

received online.

No members of the public addressed the Committee.

**4. Approval of Draft Minutes from the June 21, 2023, Enforcement Committee Meeting.**

**MOTION:** Commissioner Ranchod moved approval of the June 21, 2023 Meeting Minutes; Commissioner Belin seconded the motion.

The motion carried by a show of hands with no abstentions or opposition.

**5. Enforcement Report.** Mr. Trujillo updated the Commissioners on new activity since the June 21 meeting.

Mr. Trujillo stated 20 new cases were received, 15 cases were resolved and as of June 21, 2023 there are 82 unresolved cases in the queue.

Mr. Trujillo gave an update on the Resolution pertaining to the Seaplane Investments, LLC. This item has been agendaized and removed on a couple of occasions due to continuing negotiations.

BCDC representatives met last week with the representatives of Seaplane Investments. The parties were able to come to terms on a stipulated order to resolve the issues at the site and to collect penalties.

The parties are currently working together to finalize the document and it will be brought forward at the next meeting for the Committee's consent.

In accordance with a request that was received from Commissioner Vasquez in July, staff will be bringing regular updates on the status of compliance with enforcement orders issued by the Commission.

Mr. Trujillo updated the Committee on compliance with CCD 2023.001.00 which was issued to the Family Gun Club of Solano County in March. Compliance staffer, John Creech asked Mr. Trujillo to report to the Committee that they are in compliance with all of the terms of that order at this time. If you have any questions, John is standing by to address them. (No questions were voiced)

**[Note: Agenda Item 6 was taken out of order and was heard after Agenda Item 8.]**

**6. Staff Briefing on Actions to Address Shoreline Encampments, Abandoned and Derelict Vessels and Anchor-outs in the Oakland-Alameda**

**Estuary, Alameda County.**

Acting Chair Eisen announced: This item is going to be presented by Adrienne Klein.

Ms. Klein addressed the Committee: I will briefly review what was covered during an Enforcement Committee meeting one-and-a-half years ago in February 2022. We will then summarize what direction was provided by the Enforcement Committee this past February 2023. I will summarize the status of conditions in the cities of Oakland and Alameda and go over next steps.

Ms. Klein covered the aforementioned items via a slide presentation.

Acting Chair Eisen asked for comments from Commissioners. No comments were voiced.

Acting Chair Eisen commented: Adrienne, based on slides five and six, you said that various commitments were made in February 2023 as well as ones made in 2022. You said that some were met and some were not. Of the ones that were not met, where are we on those? What is the plan of action with respect to whatever commitments have not yet been met?

Ms. Klein replied: The encampment has been removed but one day a site may be clear and another day it may not be. So, there are some situations that are "fluid".

The second commitment is to develop a comprehensive policy, there is now an occupied vessel policy but not a comprehensive policy In February the City recorded that it was unable to adopt a comprehensive policy until it had adopted a plan to address the occupied vessels.

The occupied vessels remain on the water. We will learn more about this tomorrow and you will learn more in September about how firm that December deadline is.

The City is the best to address to identify whether the current vessel storage area is adequately secure. Staff has heard that it is not entirely secure and that there are concerns by the members of the public who use this recreational Jack London Aquatic facility that they do not always feel safe..

Whether the storage location contributes to that is a concern and it is one of multiple factors that contribute to, less-than-ideal conditions for early morning rowing sessions.

The City has not formerly requested that the Port of Oakland provide

additional funding. And the Port of Oakland has indicated that a formal request would be necessary.

Based on recent reports from the public that there are ongoing issues in marinas, the marina harbormasters would benefit from leftover state funds to help abate vessels abandoned in marina berths.

Acting Chair Eisen asked: And the private landowner removing the sunken vessel, has that happened?

Ms. Klein answered: That has occurred.

Acting Chair Eisen continued: We will now have public comment. This is a fluid situation, and we are trying to keep on top of it.

Leah Iocco commented: I am a member at Marina Village Yacht Harbor. I wanted to voice my concerns with the ongoing pirate situation with anchor-outs on the Oakland side of the Estuary.

I have been boating for most of my life. I am relocating to this area, and I am a young, single female. I have fears that I have never had boating elsewhere in the country.

When I come to my boat after a work week and it is dark, I wonder – is there going to be someone on my boat? Is my radar display going to be there?

And as was previously mentioned, boating is not really a low to moderate income activity and maintaining a vessel is expensive. So, the fear for my boat but also for my personal safety with the crime that is not being addressed is really discouraging for boating in the area.

The area is beautiful and has a lot to offer. And our marina office has done a great job of securing our marina as best we can with cameras and gate-locking systems and private security patrols but unfortunately, that will not be enough if we keep getting pirates coming in from the Oakland side.

So, whatever we can do to provide resources to the Oakland Police Department and the Marine Patrol to take care of that illegal activity would be much appreciated.

Jonathan DeLong spoke: I am a lifelong mariner and I am a legal liveaboard in the Oakland/Alameda Estuary for the last eight years in Jack London and in Marina Village. I am also the Executive Director of the REAP Climate Center, a half-mile stretch of land along the Estuary. I am on the Navy and EPA appointee for the Restoration Advisory Board to clean up the Base. And I am

on the State Municipal Working Group for Sea Level Rise Adaptation in the Estuary.

I am civically minded, and I am also a master mariner and U.S. Coast Guard license holder.

Piracy is the only way I can think of describing the situation. I do appreciate the Staff Report, but it feels fairly cleansed and does not represent the terror that sometimes exists in the everyday life living aboard in the Estuary.

I am a large man and on a regular basis we wake up to people on the boat, on the dock. I can only describe it in some cases as hand-to-hand combat. There are folks coming from the water, sometimes from the land but mostly from the water, but it is quite obvious that you picked the boat out to see where there are large flotillas of boats that are quite stalled and quite dilapidated.

There is no help coming. When we call for help it takes a long time. I do not know how to really articulate this aside from, I've seen this escalate over the last eight years that I have lived aboard.

I grew up sailing in the Bay. There has never been a condition like this. It is absolute impunity. I would like to participate in a positive solution, but I do not know where to find that leadership to drive that solution.

It is a bit flabbergasting to try to do our part to maintain our waterway and be good civic participants and not feel like there is any help coming.

I hope this gives some context for you and adds some depth of color to the Report. To say that there is no awareness of encampments along the way, it is obvious. Maybe at the next meeting we should all get on a boat and go for a tour.

Patrick Crosby addressed the Committee: I have been a boater for many years. I lived on my boat up in Washington State and brought it down and lived on the Delta for a number of years and then moved out to Alameda County and lived in the San Leandro Marina for a period of time and now I am onshore.

There were two things that struck me about the boating community or the marinas: particularly in the Bay Area. The first is that there was a very strong reluctance to have liveaboards.

There seems to be an opinion that liveaboards are a lower level of society. That they are thieves and scoundrels, and it devalues the marina to have

liveboards.

And the Bay's policy on restricting the liveboards so heavily contributes to some degree to this problem in that the liveboards actually provide security to a marina. And having liveboards and people moving about on the docks provides a sense of security and keeps people from wandering aimlessly around the docks and being able to pilfer whatever they want.

I have had my boat burglarized while I was a liveboard and it is a very invasive and violating feeling. It is not something that you ever want to experience like having your home burglarized.

I do think that a big part of the solution is to increase the number of liveboards that are allowed in marinas. And some marinas don't even meet their capacity now.

It is a lifestyle. It is not just for the homeless or people in poverty. It is people that choose to live on the water. It is a beautiful experience.

The other policy that is particularly restrictive is parking. Particularly on the Oakland side, you cannot park and use your boat overnight. And that presents problems for boat owners and people that want to use their boat recreationally. But it also forces people out into anchor-outs.

We have these anchor-outs because the marinas do not allow liveboards. And there is no place for them to park and have access to their boat without kind of coming from these shoreline locations.

I worked for over 10 years in the homeless community as a systems administrator and the one thing we learned about encampments is they do not go away. You only move them. And I see this happening throughout the Bay and forcing people with boats to relocate does not move the problem away and out of the Bay. It will only move it to another jurisdiction.

Mary Spicer spoke: I am the Founder of I (heart symbol) Oakland/Alameda Estuary Garbage Clean Up. We have been cleaning the Oakland Estuary since 2017. We partner with California Canoe and Kayak East Bay Row Club. And we do shoreline clean-ups by sending kayaks to the shorelines and cleaning up the garbage there as well as doing land clean-ups.

Yesterday at our clean-up at Jack London Aquatic Center a boat got unmoored and moved down the Lake Merritt Channel. We did report it via Open Stewardship but as far as I know there is a sailboat stuck underneath the Lake Merritt Channel.

It looks like people are actually living on the abandoned boats at Jack London Aquatic Center that have been pulled out. I definitely think there is a security issue there.

I have done very large public clean-ups with the Stewardship Team via Oakland. In 2022 there was an unhoused community issue on the Jack London Aquatic Center site where someone had been murdered in a tent that burned.

We called the city of Oakland. It looked like it was not fully cleaned up and I had 220 people coming for a public clean-up with Girl Scouts.

Since then, I have stopped doing public clean-ups because I do not feel safe in that area to bring the public there. I think the Jack London Aquatic encampment has a lot of hazards on the water. I just feel that it is not a stable area to bring the public out to.

I do work with the teams there, and we really are just hoping that there can be some better, wiser solutions because we really want to keep that area clean.

And then, we have taken some of the Port of Oakland and NOAA out on Oakland Estuary garbage tours via kayaks. We provide free kayaks if anybody wants to come out.

There also was lovely kayaking gentleman out there who took pictures of the sunken boat for me.

Steve Meckfessel commented: It was encouraging to see progress on Richardson Bay. I think the problem in the Oakland/Alameda Estuary is getting worse because there is a huge, huge crime component.

I am the Managing Investor of the Marina Village Yacht Harbor in Alameda which has 730 slips. We saw an eightfold increase in crime in our parking lots over the last three to four years.

We have spent about \$150,000 on 42 security cameras. We spend about \$40,000 a year monitoring that. This has definitely helped the problem immensely, almost back to what it was in the parking lots.

Now, in the Whack-A-Mole world that we live in, we are dealing with this problem out on the docks which is getting worse and worse.

We are seeing an increasing number of abandoned boats, loose boats running aground or showing up in our marina, sinking and causing environmental spills.

These events are threatening kayakers, rowers, boaters; not to mention people walking along the shore.

We are also experiencing increasing crimes on the water in nearby marinas and perpetrated in some cases by individuals who have been tracked back to the anchor-outs.

In summary, I believe this situation poses the greatest single threat to the current and long-term health of the San Francisco Bay today.

The difference between Richardson Bay and Oakland Estuary is it does not feel like anything is happening. It feels like we are on our own.

Between the regulatory agencies and the cities, you are the only government we have. We can't start vigilante forces and take care of this ourselves without the help.

It is getting worse. I can think of no better focus for BCDC in carrying out its mission to protect and enhance the Bay than to turn its full and immediate attention to addressing this dangerous and worsening situation. I urge BCDC to continue to work with cities including Oakland and Alameda in all due haste as they have with the city of Sausalito to prioritize this explosive situation before it becomes even worse and gets out of control. It may be out of control now.

Brock de Lappe commented: My name is Brock de Lappe. The Oakland Estuary is in a state of crisis. It is the worst I have seen over the past decade. This is not an exaggeration.

I hope that you have had a chance to read the many letters and emails that have been submitted by the public for this meeting.

Over the past several weeks several boats have been stolen from the Encinal Yacht Club, the Grand Marina, the Marina Village Yacht Club, the Golden Gate Yacht Club and the Alameda Community Sailing Center.

The Outboard Motor Shop has had a client's boat broken into while at their docks for service. Boats have been stolen from the Oakland Marinas and Embarcadero Cove.

Marina residents have been terrorized by pirates coming into the marinas late at night scoping out potential targets.

Last Thursday the Oakland Police Department did arrest one of these Estuary pirates from the anchor-out compound off of Union Point Park.



He was charged with possession of stolen property and an outboard motor. It remains to be seen whether he will ultimately be prosecuted by the Alameda County District Attorney. However, he is already out of custody.

Since December multiple derelict boats have sunk and are simply abandoned leaving the cost of salvage and removal to the public. The problem of waiting to remove these illegal anchor-outs until they sink is that it becomes far more expensive and more quickly depletes limited funding.

I do want to acknowledge the work that has been done over the past several months by the Oakland Police Department and the Marine Patrol Unit.

The guest stocks at Jack London Square have finally been cleared of derelicts although one which has been there for over a year remains trespassing on the Oakland Marina's docks.

All derelict trespassers have been removed from the Heidel docks further down the Estuary. And at least four abandoned derelicts have been removed from the Estuary hold up into the parking lot at the Jack London Aquatic Center awaiting final disposal.

And yet, the Oakland Waterfront remains impacted by many other illegal anchor-outs. I am certain that the Oakland Police Department and Marine Patrol Unit would effectively deal with this vessel problem if they were provided with the necessary support from the city of Oakland.

The City's annual budget is 2.12 billion dollars. The annual budget for the Port of Oakland situated on the Oakland Estuary and it is the fourth largest port on the West Coast is \$558 million dollars.

This year the Port received a grant from the state of California of \$119 million dollars for infrastructure improvements.

Are we to believe that there is no funding available to protect the Oakland Estuary and the waterfront? This problem cannot be continued to be deferred.

We have had promises in the past that these boats would be removed and that has not happened. This must be made a priority.

Michael Gorman was yielded the floor: My name is Michael Gorman. I am here as a Director and Co-Director of the Encinal Yacht Club Junior Sailing Program. I am a longtime member of the community as a city councilman, planning director and vice-mayor of the city of Alameda.

I have been there all my life. I have been on the waterfront all my life in

one capacity or another and the problem as Mr. Brock de Lappe just recited is – it has never been this bad. It is 10 times, 20 times, 100 times worse.

We have had multiple boats stolen, four, five, six, boats stolen. The police response is inadequate. We know where they are. We go take them back.

So far, the criminals have been willing to give them back rather than wait for the police but it is getting to be a rather tenuous situation.

I have sent a lot of pictures into Matthew but just pass this along. This was Sunday, some of our Yacht Club members recovering a boat stolen from the day before from the Alameda Community Sailing Center event – four boats stolen in one night.

Two they could not start. They set them adrift. One was found on the shore by Oakland Airport and the other one on the Alameda shore.

They usually say they found it. They bought it. They found it drifting or something like that. They always have a hundred stories about what they've got, what they've got.

The city of Oakland successfully cleared the Union Point encampment primarily because of BCDC enforcement pressure and threats of fines. You did a good job. Union Point Park is clear but the encampment, but the criminals are still there.

They are 50 feet offshore. You can drive up and talk to them. So, the encampment is still there, they are just on boats.

There is a core group of criminals. Not all anchor-outs are criminals. But this core group of some of which you see here, are stealing one, two, three, four, five boats a night from as far away as the Golden Gate Yacht Club.

An hour before this, some of our members recovered a Golden Gate Yacht Club boat.

They do things like paint the motor silver, paint over the color of silver, paint over the number of silver. They think they are disguising things.

We are here to pleading and beseeching you to do something. Do something to stimulate Oakland to do something about these problems.

These people are defiling, defacing and ruining the shoreline that the public trust and BCDC is meant to protect; the waterway and the shoreline for its use by the public.

You have already heard about how many people do not want to go anywhere near it now. It is threatening. It is a mess.

One of the M.O.s is they steal an inflatable boat and take the motor off because it is easy to sell and hard to identify. Our kids saw them do this several weeks ago. They stab all kinds of holes in this boat and just let it sink.

And there are probably dozens of sunken boats there at Union Point.

So please, please help us.

Tracy Reigelman spoke: My name is Tracy Reigelman and I am on the Board of Directors. I am a Rear Commodore at Oakland Yacht Club. I am a resident of Marina Village Apartments. I work at the Marina Village Yacht Harbor and I am also a licensed Coast Guard Master Merchant Mariner.

It is really good to see the progress they have made at Richardson Bay. There are several locations that need to be added to that list, places where there are encampments next to the shoreline that are causing problems.

The anchor-outs and the boats on the other side of the Estuary in Oakland are definitely one part of the problem when it comes to theft, crime and property destruction.

But also, there is unpermitted use of facilities within 100 feet of the shoreline. For example, there is a place called Eddie's Place. They are using that as a medical facility, a respite care center.

And that is a hotel that is 100 feet from the shore that has significant structural issues with the building. The owners of the hotel have sprayed illegal substances on the Bay Trail to get that Bay Trail to get rid of the rodents.

They brought in homeless folks into that facility that are, quote, one step above 5150. People are afraid to use that facility. They don't have the use of the Bay Trail. They don't have the security and oversight there anymore. So, what happens is, not only do we have the anchor-outs, but we have the encampments and the others that come in from Oakland because their friends are there, and they can walk in and out of the hotel.

And now they go and decide to steal, break into property on our docks where they had Oakland Yacht Club where they sprayed Round Up on the ground.

You can literally at low tide, physically walk onto the docks without even

getting your feet wet. People died in March that understood boating that worked in the marine industry. They were putting very fragile populations within 100 feet of the shoreline in a shoreline that has been destroyed.

The bottom line here is, the whole Oakland/Alameda Estuary Area has really been ignored. The anchor-outs and the piracy is a huge problem.

The homeless encampments are a huge problem. It is creating loss of property and it will create loss of life. It is creating fear and apprehension in the public.

I can go through several more thefts and several more issues that we have had. We had an assault take place in front of the restaurant down there last week. They stole a washer and a dryer out of the apartment complex. They have stolen cars.

We need help. We don't know where to turn. I am here to plead help from BCDC in enforcing the rules and regulations that are in place and making the Estuary a safer place.

Dan Knox commented: I am 70 years old. I maintain a residence in San Francisco with my wife. We are members of the South Beach Yacht Club and we kept a boat at Marina Village Yacht Harbor for almost 20 years.

I am here because during the last few weeks or couple of months, things have gotten really terrible at our marina. There have been a lot of thefts. There have been assaults from these people that mostly are living in anchor-out boats that cross the Estuary in Oakland.

There have been things stolen. And there have even been a few assaults which is very disheartening and scary.

We feel, actually we are afraid. We are frightened. As people do, this week we had a few people over to our boat who live in the Marina and there were actually discussions of people saying they were going to acquire guns to protect themselves from these pirates.

This is terrible. We need the city of Oakland, the city of Alameda, the marina that we are involved in, BCDC, we need everyone to escalate this problem. This is a serious problem. People could be killed.

I hope that at these meetings can escalate this problem and if we can get all these organizations working together to solve it and give it the sense of urgency that it really needs.

Brad Gross was recognized: I am with the Richardson Bay Regional Agency. I am listening to all of this and I sympathize with my colleagues, my fellow mariners.

I too am a master mariner with a license for 35 years. I have a long history in the Bay Area. And I have seen this type of situation although I have not been to Oakland recently. I can hear the intensity in everybody's voice.

What is happening there is reflective of so many things that are happening everywhere right now with these types of communities both on the water and landside.

Instead of an aggressive and forceful removal of these people, I encourage the development of programs specific to this population.

I heard some of the speakers talk about putting this type of pressure does not make these people go away. As I talked about earlier, we have a population that we are trying to keep contained. We have services for them and we do not want to force them out so that they end up in a place that does not have those services and it sounds like the folks in the Estuary are having these problems.

I just hope that while you guys are working on these programs, you are thoughtful about the fact that they do not go away. They just end up someplace else.

We have programs at Richardson Bay specifically for the population that we have identified. Over the years you have seen this yoyo of people in Richardson Bay moving to Oakland. When the pressure gets too hot in Oakland they come back to Richardson Bay.

So again, we will do the best we can at Richardson Bay to support everybody on all of these programs. But I just hope there is a thoughtful process when we talk about moving these people out with no options, no place to go.

I would hope that when they do see folks leaving the area that they are monitored. We know where they end up and they just don't end up being a problem for somebody else in another jurisdiction.

I really appreciate the work that BCDC and the Board is doing and, again, I sympathize with my colleagues there on the other side of the Bay.

Marianne Armand addressed the Committee: I am Marianne Armand, and I am a liveaboard in Marina Village Yacht Harbor. I want to echo the absolute

exhaustion and frustration of living with this.

Nightly, these people come by and they are stealing and they are going back to their boats and nothing is happening.

We can't get the Alameda Police, the Oakland Police, the Coast Guard – it is very obvious who these people are. In broad daylight we have videos of them unloading stolen goods at the public dock in Alameda.

Nothing is happening. And as a liveaboard I am going to reiterate what Leah says. I am exhausted and scared. And it is very real. And it is ongoing. It is terrorism and it is just unfortunate.

I appreciate anything you all can do. I would just like to reiterate how uncomfortable and awful this has been. And it has increased significantly in the last few weeks.

I look forward to, hopefully, some sort of resolution.

Barry Demas spoke: Like many, I have been involved with the Estuary for many years. I have been a Coast Guard licensed captain, boating instructor and charter captain and an unofficial ambassador.

My voice is shaking a little bit now because I have heard my friend Marianne and I know how much this pains and hurts my friend Jonathan DeLong. These are maritime professionals, and these are tough people. And they are waving a white flag.

BCDC does so much to attempt to protect and enhance the use of these natural resources but where we are today is an abject failure. We are behind where we were a year and a half ago when I started seeing the recording of status. At best, it is one step forward, two steps back. And the two steps back are accelerating and getting worse.

I guess it is the economic impact that really draws people to act. I can tell you anecdotally, people are stopping renting slips in the Alameda/Oakland Estuary. They are moving out. They are moving away. People are getting out of boating. This is impacting boat brokers and dealers and captains and instructors. And it is truly a trickle-down economy. We are failing.

And we are scared. And we are absolutely terrorized. I think Brad Gross unwittingly implied that this is a regional Bay problem. It is like Whack-A-Mo and not to be unsympathetic, there are all of us who share this concern and are very empathetic and sympathetic to the homelessness problem, the unhoused

problem. We contribute and we are active. We do what we can.

This is not that problem. This is something else. I know it is related to a host of societal problems but suffice it to say, we are in a code red situation.

Acting Chair Eisen added: I'm sure everyone is feeling what I am feeling which is that we have an enormous and sometimes feeling that it is an intractable problem in front of us. What this Commission can do, what is the obligation of other entities – I am sure for those that are dealing with it, it is extraordinarily frustrating to try to figure out who is going to be stepping up to help.

But that is something that we are going to be wrapping our heads around and working really hard to see what we as an agency can do to help with this problem.

I have heard the voices of fear and terror. There is a lot of crime that has been described for us. We are obviously not a law enforcement agency, but we understand what we are hearing. And we are going to work with others to figure out if there is anything we can do to be helpful.

Commissioner Belin stated: I have learned a fair amount today. This last item has been really discouraging. The first part was really exciting, but I have a lot to learn and I will be reaching out to various people who know a lot more than I do.

#### **7. Briefing by the City of Sausalito - First 2023 Update (Enforcement Case ER2018.018.00).**

Acting Chair Eisen announced that a briefing by the city of Sausalito on the Anchor-out Abatement and Eel Grass Restoration in Richardson Bay would be heard.

City of Sausalito representatives announcing their attendance were as follows: Joan Cox, Council Member for the city of Sausalito, Brandon Phipps, City of Sausalito Community Development Director, Katie Thow Garcia, Robert Mooney, Marine Taxonomic Services, and Brian Mather from the Sausalito Police Department.

Ms. Klein introduced the item and briefly mentioned history, ongoing developments and potential future developments pertaining to this matter.

Ms. Cox addressed the Committee: An update of pertinent information and actions was made to the Committee.

Mr. Brian Mather of the Sausalito Police Department reported on the Waterfront Management Plan being implemented at the site. He highlighted priorities, strategies as well as forecasted activities coming up.

Mr. Mather stated that we have been talking to the owner of the Vadura for several years. I have been on marine patrol for 15 years and it has been there for at least that period of time. We believe it is vacant right now and there is a caretaker that comes and goes.

Mr. Brandon Phipps gave an update on the Regional Cooperation-Housing strategy of the Management Plan. He covered prior, ongoing, and anticipated actions involved with the Plan.

Mr. Robert Mooney presented details pertaining to the Eelgrass Habitat Mitigation and Damage Avoidance Plan. Anchor-outs damage to the beds and methods of mitigation were discussed.

Ms. Cox discussed the Draft Eelgrass Restoration Plan (ERP) expert's comments. She discussed nuances and anticipated results as well as future actions based on the expert's comments received.

Cooperation with and continued coordination with BCDC was emphasized as a necessary component of effectuating a successful restoration effort.

Acting Chair Eisen thanked the presenters and offered praise for the succinctness and professionalism inherent in the presentations.

Commissioner Belin commented: I thought it was a good presentation. We will have access to the various slide shows that were presented.

Acting Chair Eisen asked that prior reports and ongoing reports be provided to be able to see them side-by-side to gauge the progress being made.

Commissioner Vasquez thanked the city of Sausalito for their presentation and praised them for their successful efforts in addressing the situation.

Acting Chair Eisen spoke: I wanted to ask about the 724 units that you have agreed to provide. To what extent moving the number up from 10 percent to 15 percent is going to help with the housing goal? Are you planning on meeting some of that 724-unit goal with this increase that is being negotiated?

Mr. Phipps replied: The short answer is – yes. It could potentially be a great way for the city of Sausalito to increase our residential unit count and an alternative way for us to do it.



Of course, that will only be done based on Sausalito's ability to collaborate with BCDC. It will require a Bay Plan amendment most likely.

Ms. Cox chimed in: I interviewed each of the eight marina operators. Not all eight marinas are interested in a 15 percent allotment. Making that revision would not actually result in a total 15 percent occupancy.

We are only seeking that as additional potential to address our low-income housing needs as well as the need to continue to address the anchor-outs living on Richardson Bay.

Acting Chair Eisen added: I know that it is a big issue, and it would impact other communities around the Bay as well. I know that we do have a big housing crisis in California that needs to be resolved.

We now have time for public comment on this item if there are any who wish to provide public comment.

Rebecca Schwartz Lesberg with the Coastal Policy Solutions spoke: I would encourage that if the 1.2 to 1.0 ratio is not possible, that there be conversations about offsite mitigation or in-lieu fee mitigation to make up for that compensatory loss of eelgrass.

In terms of passive restoration, it makes a lot of sense to not necessarily carve that out as separate so long as that passive restoration is happening in areas of previous damage. If it is happening in other areas, it could be reflective of a good year for eelgrass as opposed to actual recovery of the bed.

I do have concerns about increasing the marina capacity to 15 percent. In this specific instance it might make a lot of sense, but we do need to look at the precedent it would set for the entire Bay and how we are using our Bay for permanent residency. Once that cap goes up it is unlikely that it would ever go back down.

Barbara Salzman with the Marin Audubon Society was recognized: I have been involved with this issue for almost 30 years. I am very pleased to see this moving along so well.

I agree with the points that Rebecca made especially with the point about the Bay Plan Amendment potential and increasing the capacity.

It is a matter of not only Sausalito but is a matter of what is happening in the whole Bay. It also has implications for public trust. The public trust clearly states that public waters are not supposed to be used for personal use.

I am pleased with the eelgrass participation and progress. I do have a question about public participation. This is the first opportunity that I have seen to have any input. I am wondering if there is a way where members of the public could have some participation potential for finding out what is going on and having some input.

Steve Meckfessel commented: I am the Manager of the Marina Village Yacht Harbor in Alameda. I want to say, wow, to the city of Sausalito. It is discouraging to feel alone and like we have no government. It is so positive and encouraging to see what the city of Sausalito is doing along with BCDC on this issue.

I think your idea of the five percent falling into the additional five percent, marinas can accommodate that, and I think it is a brilliant idea. It will provide a much-needed resource.

Benjamin Yamanaka addressed the Committee: I am the Manager of the Oakland Yacht Club. I want to thank the city of Sausalito and BCDC for all the hard work and effort they have put into this challenging problem.

I did have a comment about the additional five percent for the liveaboards. The challenge with this situation is that usually those vessels are owned by the person coming in, and will there be some kind of standard for the integrity of the vessel, the safety, the seaworthiness and the long-term situation?

All boaters know that the longer you keep something in the water, the more maintenance is required. Are these people going to be able to maintain and keep the vessel seaworthy over a long period of time?

And if something does happen in the future, who then becomes responsible for removing that vessel? The costs to remove a vessel are extremely expensive.

Barry gave public comment: A lot of people in the boating community realize that living aboard is not a cheap alternative and it is probably wrong to look at it as affecting the supply of housing. A different way to look at it is that it affects the demand on housing.

Anecdotally, the people who should be living on boats are boaters on boats that are actively used and maintained and that is consistent with the original policies of BCDC when they set the arbitrary 10 percent.

By affecting the demand side of the equation for lower-income housing

and marinas are being prevented from accommodating those people who would then make other housing available for other people.

Acting Chair Eisen continued the meeting. No one else from the public gave comment.

**8. Briefing by the Richardson Bay Regional Agency - Second 2023 Update (Enforcement Case ER2010.038).**

Ms. Klein requested that Jim Malcolm, Rebecca Schwartz Lesberg and Brad Gross be promoted to panelists.

Mr. Brad Gross addressed the Committee. He identified as the Director of Richardson Bay Regional Agency and stated that he would be presenting material. Harbormaster Jim Malcolm and Rebecca Schwartz Lesberg would be presenting material as well.

Ms. Klein gave a brief introduction of this item. She briefly updated the Committee on the RBRA Settlement Agreement. Year-to-date activities and projected actions were discussed.

Brad presented salient information to the Committee in a short presentation.

Ms. Rebecca Schwartz Lesberg provided project information via a slide presentation.

Harbormaster Jim Malcolm addressed the Committee: I am the Harbormaster for the Richardson Bay Regional Agency. He briefed the Committee on vessel census and other activities.

Mr. Brad Gross presented information pertinent to the Housing components of the project.

Acting Chair Eisen acknowledged all the presentations and opened the floor for the Enforcement Committee to make comments.

Commissioner Ranchod spoke: I reviewed the proposed letter that would extend the deadline until October 15, 2023, to remove the post-2019 vessels and it looks fine, so I have no objection to proceeding with that.

I appreciate the presentations and all of the work going into this project. I need to leave the meeting early so I will be departing.

Acting Chair Eisen had questions: I wanted to ask about the eelgrass. I understand that you received this grant, 2.7 million, to complete a plan to

restore the eelgrass. If I am understanding correctly, that 2.7 million does not go towards actually restoring the eelgrass – only to create the plan.

Rebecca Schwartz Lesberg replied: The grant does fund the on-the-ground restoration – the first 15 acres over four years.

Acting Chair Eisen continued her questioning: With respect to the question of the extension, Mr. Malcolm, I am thinking about your vessel consensus that you presented.

One of your slides mentioned that you had 53 units in 2022, 42 in 2023, and a goal of zero in 2024.

Mr. Malcolm chimed in: I think the slide you are referring to was the eelgrass protection zone slide that has the number of vessels that are in the eelgrass protection zone now at 42.

In October of 2024 there are to be no vessels in the eelgrass protection zone. This is why we are working on the signage that Harbormaster Malcolm mentioned at the end of his presentation to identify those areas that have been delineated as a protection zone and the effective date of that is October 15, 2024.

Acting Chair Eisen continued: So my question is, looking at the trajectory from 53 to 42 in one year and for a projected 42 to 0 in one year, if you just look at that trajectory it doesn't seem very hopeful that you would meet that goal of 0 in 2024.

Mr. Malcolm explained: We have not had the designated date requirement for vessels to be out of there, so we can't use an enforcement arm to say that you need to be out of the eelgrass protection zone. But what we can do, which will be done with the signage, is to say, that you must be out of the eelgrass protection zone by October 15, 2024. Failure to remove your vessel from the eelgrass protection zone will result in the same enforcement notifications that Harbormaster Malcolm talked about.

Folks will be notified. And we have been working on a six-month notification. So, six months before that October 2024 deadline, they will have a notice on their boats that say, you need to talk to us. You need to communicate. And we will keep working towards that date.

I am confident that and I'm sure Harbormaster Malcolm can confirm his confidence that we will have the boats out of the eelgrass protection zone by that date.

Acting Chair Eisen acknowledged: Okay.

Brad Gross stated: I would add one more thing. The 42 to 0, that is not complete removal and abatement from Richardson Bay. That is just moving from where they sit into the new designated anchorage area which once we get the signage up and posted; it is basically going to be speaking to mariners, anybody who is either waiting on a housing voucher, participating in a housing voucher, just to say, okay where you are anchored now we need to get you moved to a new location. It is not complete abatement or removal from the anchorage.

Acting Chair Eisen sought clarification on what the extension was directed toward. Which vessels is it? Is it moving people out of the eelgrass protection zone? Is it moving people off the Bay entirely? Tell me what that one-year extension is designed to accomplish.

Ms. Klein replied: We have distinguished that there are different categories. The current extension request is for 14 vessels which were identified as arriving on the anchorage sometime after August 2019.

The Settlement Agreement requires them to be removed this October. And for a variety of reasons outlined in in the draft letter that we hope to send tomorrow absent your objection, the RBRA has requested a one-year extension to get those vessels off the anchorage.

Jim and Brad can best indicate how many of those may be located in the eelgrass protected zone or not.

Acting Chair Eisen confirmed clarification: These are 14 vessels to be removed from the Bay entirely.

Ms. Klein replied: Correct.

Acting Chair Eisen continued: A year from October.

Mr. Gross interjected: Let me correct that. These are 14 vessels that are required to be removed from Richardson Bay Regional Agency area. They can go elsewhere in the Bay and anchor or go to a marina. But these vessels are on our list of needing attention.

The reason for the extension is that all of these vessels are occupied. We have just begun our voucher, the Temporary Housing Voucher Program.

And the communication that I had with Adrienne at the time was that we have these people in an area. We know them. They know of our program. We

kind of have our arms wrapped around them.

And if we are required to remove them or have them leave the anchorage, they are simply going someplace else and they are going to be a problem for another agency, another location who may not have the services that we have available for them.

I am sure you will hear from some of the people from the Oakland Estuary if we are going to have to do that and move them out by October 15.

We would much rather keep them close to us where we can provide them with the services. Get them the temporary housing vouchers. Get them into our Vessel Buy Back Program.

So, there are all sorts of opportunities, and it will benefit everybody in the surrounding areas also. It will get the people who are desperately in need of housing into some land-based housing opportunities.

Acting Chair Eisen asked: And the next time we will have a report from you that will tell us how well we are doing on that?

Mr. Gross answered: That will be in three months. And we will be briefing the Enforcement Committee staff monthly on this.

Acting Chair Eisen stated: I guess my conclusion is that I agree with Commissioner Ranchod that I do not have an objection to the extension. But I do have a sense of urgency about making sure that this does not get extended and extended and extended.

Everybody is hoping to get some results as quickly as possible. I am sure you are as well.

Acting Chair Eisen moved to Public Comment.

Barbara Salzman commented: I am representing the Marin Audubon Society. It would be good to have the ability to have some comments as a member of the public.

In addition, I would like to commend the RBRA for the work they are doing. I agree that the priority is getting people and vessels out of the eelgrass.

But I would like to express some concern about the urgency. I don't hear anything about removing vessels from the Bay itself which is a second priority. But it is, nevertheless, a priority and a requirement.

And I am concerned that this extension not establish a pattern. It is going to be difficult because the RBRA is taking a more passive approach than it did previously. I realize there were a lot of difficulties and objections from the community about the more aggressive enforcement.

I just have a feeling that there is going to have to be more aggressive enforcement in the future. We cannot lose sight of the goal of getting all of the vessels out of the Bay.

Acting Chair Eisen continued: I thank all of the commenters on this item. That will take us to our last briefing which is a staff briefing on actions to address shoreline encampments, abandoned and derelict vessels and anchor-outs in the Oakland Alameda Estuary.

**9. Adjournment.** Upon motion by Commissioner Belin, seconded by Commissioner Vasquez, the Enforcement Committee meeting was adjourned at 12:15 p.m.