

March 1, 2018

Marc A. Zeppetello
Chief Counsel
San Francisco Bay Conservation and Development Commission

Dear Mr. Zeppetello:

I am writing to share my experience as a member of the public who has tried to access Westpoint Harbor and Marina.

Over the last several years, I have often ridden my bicycle to Pacific Shores Center to explore the area around the shore. The trails along the Bay there are very pleasant and make for a great outing.

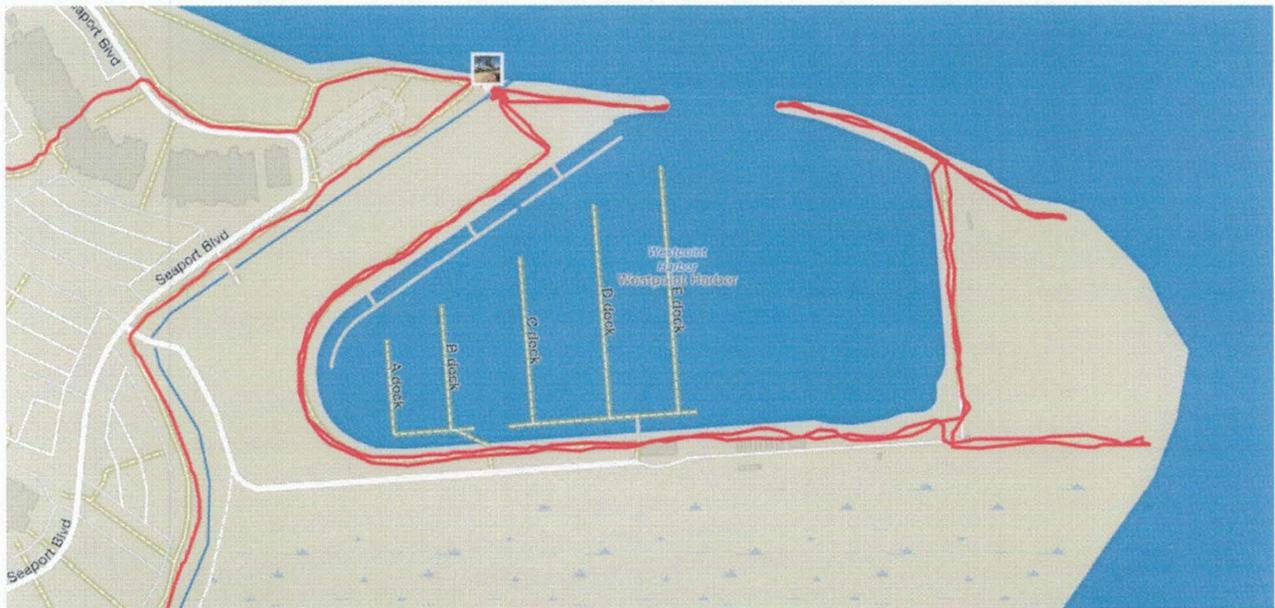
On those trips I often wondered what was at the end of the road to the marina, but I never went down the road because there were signs indicating that the road was for members only. I certainly would have explored further if it had not appeared to be private property.

I have also been to the north-east corner of the Pacific Shores Center property several times. On those occasions, there was a fence there that blocked public access further along the shore.

On January 13, 2018, my wife and I rode out to Pacific Shores Center again and we were delighted to find that there was now a connection along the shore at this location!



There were numerous trails and we explored the entire area, as shown on the map below:



While my wife and I are very excited that these trails are now open, we recently became aware of the enforcement action by BCDC. These documents indicate that the trails we just enjoyed should have been opened to the public many years earlier. What a shame!

As recently as June 24, 2017 I rode along the Pacific Shores Center trails, but was not able to access the marina area:



I am frustrated that my wife and I (and other members of the public) have been unnecessarily blocked from enjoying this part of the shore for so many years.

I don't have any direct knowledge about the BCDC permit or the process that lead to the shore finally being opened. But if, as it appears in the enforcement decision, the public access has been avoided or delayed then I support a punitive penalty against the marina. Merely opening the public access now (years late) is not a sufficient remedy, since it would not discourage the marina or other property owners from behaving similarly in the future.

I fully support BCDC's efforts to ensure that full public access to the shoreline is provided and maintained at this and other shorefront locations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Self". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matthew Self
525 Middlefield Road
Apt 1086
Redwood City, CA 94063



State of California
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco CA 94102

Dear Chairman Wasserman and Members of the Commission,

Re: Westpoint Harbor

We at Galilee Harbor have reviewed the materials on the Commission's website regarding the enforcement action against Mark Sanders and Westpoint Harbor. We have no comments on the underlying issues but noticed that many of the public comments were critical of BCDC staff, including claims that staff is not sensitive to the needs of the boating community. This is totally inconsistent with our experience working cooperatively with BCDC staff.

In 2016 Galilee Harbor negotiated an amendment to a settlement agreement with the BCDC staff to reauthorize the continued residential use of our marina and make a number of modifications to our project. Throughout that process we found staff to be professional, responsive, and understanding of the need to make modifications to our settlement agreement in light of changed circumstances. As you may recall in January 2017 the Commission unanimously approved the amended agreement that we cooperatively negotiated with staff.

Thank you for your consideration.

Sincerely,

Verne Bryant, President

For the Galilee Harbor Board of Directors

4958 Bosworth Court
Newark, CA 94560
February 18, 2018

Commissioners
Bay Conservation and Development Commission
455 Golden Gate Ave
San Francisco, CA 94102



Re: Westpoint Harbor Hearing - March 18, 2018

Mr. Chairman and Commissioners:

My name is John Bradley. I serve on the Board of Directors for the nonprofit Citizens Committee to Complete the Refuge¹. Since the early 1980s our organization has vigorously advocated for the preservation of the natural resources of the baylands of the San Francisco Estuary.

As a retired fish and wildlife biologist, whose last assignment (8 years) was with the San Francisco Bay National Wildlife Refuge Complex, it has been extremely frustrating to observe Mark Sander's/Westpoint Harbor's failure to comply with the terms and conditions of the BCDC permit. The BCDC staff has spent a great deal of time and effort in reviewing the proposed marina project, including analysis, on-site reconnaissance, meetings with the permittee, consultation with other agencies and public stakeholders—all to ensure that the marina project would meet the public trust goals of the McAteer-Petris Act and could be approved by the Commission. By ignoring many of the conditions of the permit intended to assure reasonable public access and to protect sensitive wildlife, Mr. Sanders has broken his contract with the public agency and failed the public trust.

Directly across from the Westpoint Marina there is a small, vegetated islet called Greco Island. It is vital to the recovery of the endangered clapper rail (Ridgway's) and the salt marsh harvest mouse both of which call this island "home." This mostly undeveloped piece of real estate represents one of the few pristine remnants of the pre-historic San Francisco Bay salt marshes. It is not surprising that Greco Island has supported since surveys were

¹ <http://www.bayrefuge.org>

initiated in the 1970's one of the largest populations of nesting clapper rails in the San Francisco estuary.

As outlined in the USFWS *Tidal Marsh Ecosystem Recovery Plan*², Greco Island is not only "a critically important refuge for populations of endangered species," but the island serves as a repository "containing invaluable and irreplaceable information, preserving clues of the origin, development, structure, and composition of natural tidal marsh systems over several thousand years." We need to rely on this information as a practical benchmark in evaluating the success of our future Bay habitat and restoration efforts.

In fact, the basis for including certain conditions in the BCDC permit for the Westpoint Marina development was to avoid the harassment of endangered clapper rails and salt marsh harvest mice and the erosion of their fragile salt marsh habitat that could result from on-going marina operations. If we don't make sure BCDC permit conditions to protect these species and their habitat are implemented promptly and maintained appropriately at the Westside Marina and other shoreline developments around the Bay, then these species' habitat will gradually be destroyed and the critters will very likely go extinct.

After ten years of being out of compliance with permit conditions that are based on recommendations from USFWS, and after failing for the last decade to heed notifications from BCDC staff, the proposed cease and desist and civil penalty order is warranted and very overdue.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "JR BRADLEY". The signature is stylized and cursive.

John R. Bradley, Ph.D.

²U.S. Fish and Wildlife Service. 2013. *Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California*. Sacramento, California. xviii + 605 pp.



Friends of Westpoint Harbor
info@friendsofwestpointharbor.org

February 19, 2018

Dear BCDC Commissioners,

Westpoint Harbor, located on Westpoint Slough in Redwood City, is a community resource that was built in harmony with the environment and positively supports bay wildlife, nature lovers, and boaters. Every aspect of the harbor was thoughtfully developed with conservation in mind, and the project was approved with the support of more than a dozen government and environmental agencies, including the San Francisco Bay Conservation and Development Commission.

Westpoint Harbor, led by its founder Mark Sanders, was built as a labor of love to support two of his passions: boating and the [Marine Science Institute](#), an organization that inspires students of all ages to respect and protect the marine environment. The site selected for the project was an old bittern pond containing brine saturated with low-value residual chemicals which is sterile and cannot sustain life, a bi-product of the salt-making process. For ten years between 1993 and 2003, Mark worked diligently with government and environmentalists including:

- California Division of Boating and Waterways,
- California Fish and Game Commission,
- California State Lands Commission,
- The City of Redwood City,
- Friends of Redwood City,
- National Audubon Society,
- National Oceanic and Atmospheric Administration,
- The Port of Redwood City,
- The San Francisco Bay Conservation and Development Commission,
- The San Francisco Bay Regional Water Quality Control Board,
- San Mateo County,
- United States Coast Guard,
- United States Environmental Protection Agency,
- US Army Corps of Engineers,
- US Department of Fish and Wildlife,

to secure the proper permits and conduct a half-dozen environmental and geotechnical studies.

In addition to meeting the requirements set forth by the permitting process in 48 mitigation measures, Westpoint Harbor proactively sought out ways to be a good steward of the environment and the community. Instead of simply removing bittern from the 26 acres needed for the harbor, it was removed from the entire site, creating 130 acres of clean habitat for wildlife and human life too. Of the 4.3 million tons of mud excavated to build the harbor, the majority was used to create 24 acres of uplands at the harbor, a move that was highly praised by the Army Corps of Engineers and which they continue to use as a great example of beneficial reuse of dredged materials. The remaining mud was donated to the Bair Island restoration project. The harbor also pioneered a new approach to managing bio-waste from berthed boats, and is now a model for marinas around the world. Furthermore, the harbor formed partnerships with the CA Division of Boating and Waterways and US Fish and Wildlife service, supporting the [The Invasive Spartina Project](#), to monitor and protect endangered species and waterfowl in the marina and the nearby Don Edwards San Francisco Bay National Wildlife Refuge, and to develop advanced sewage management systems.

Westpoint Harbor was open to the public in late 2008, and as a result of enlightened concern for the boating community and the environment, the harbor has created:

- 26 acres of new bay surface
- Over 50 acres of protected roosting habitat for shorebirds
- A clean habitat for bivalves, fish and water mammals in water that routinely tests cleaner than the Bay
- Approximately one mile of new San Francisco Bay Trail
- Facilities and support for the California Department of Fish and Wildlife and the Invasive Spartina Project
- A [Certified Clean Marina](#) and a model for harbor development around the world

Honorable commissioners, we appreciate your time in learning about Westpoint Harbor's mission and its long history of good environmental stewardship. We invite you to find out more about this important asset for the community and the ecosystem at www.friendsofwestpointharbor.org.

Respectfully,

Friends of Westpoint Harbor

The Friends of Westpoint Harbor seeks to share and responsibly enjoy the Bay with our community in, on and around the water and help preserve the natural beauty and wildlife that surrounds the Bay shoreline for generations to come.

Secondarily, we want to raise awareness in our community about Westpoint Harbor, the Bay's most southern marina as a model for its environmental stewardship.



Friends of Westpoint Harbor
info@friendsofwestpointharbor.org

February 13, 2018

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019

attn.: Executive Director Goldzband

Dear Director Goldzband,

This is a letter to introduce Friends of Westpoint Harbor (FOWPH), a group of people who benefit from the environmental success that is Westpoint Harbor Marina. We have long since watched the transformation of a wasted bay front property to the environmental sanctuary that it is today, a place with the potential to become a haven for boaters as well as the community at large. This includes the construction of a much needed boatyard serving the southern peninsula along with facilities such as a restaurant where everyone can enjoy the splendid nature of the South Bay.

We regard Mark Sanders as a person of vision, tenacity and boundless energy to pursue his passion. That Mark recycled a bittern pond into its present day Bay ecosystem provides plenty of motivation for us to support his wishes for a thriving environment. As we followed the progress of the marina, we gradually became aware of a growing obstacle to completing the requirements of the building permits. It seemed that Mark had met the needs of every government and regulatory agency except yours.

The San Francisco Bay Conservation and Development Commission's mission is to protect and enhance San Francisco Bay. A casual walk around the marina would suggest Westpoint Harbor is a showcase example of your success. Challenging visitors to identify a few of BCDC's alleged permit violations, let alone all thirty-five, would be met with a bewildered stare. At least that was our reaction when we learned Mark Sanders had been quietly struggling with this and that BCDC's threatened actions could result in closing the marina.

In light of this, on November 25th of last year we held what was in retrospect our organizational meeting. We decided to do whatever we could to assist the process of satisfying BCDC's permit requirements. We reviewed the BCDC complaint that listed the allegations and then Mark's rebuttal. The stunning contrast left us in a quandary. On the surface both parties seemed to have reasonable arguments, although our natural tendency was to empathize with Mark. But taking a deeper look and being as objective as possible revealed several issues on BCDC's side that could interfere with the resolution process.

We decided on two paths to help resolve the issues. The first was to make as many people as possible aware of the situation as well as our point of view. The second was to strongly encourage an independent party to preside over a review of BCDC's enforcement process, leading to dismissal of the permit issues. The existing BCDC-controlled process consists of one side spending vast sums of personal finances to construct a defense and the other side spending hundreds of thousands of our tax dollars to prosecute. We believe our proposal would be more efficient, more cost effective and more conclusive.

In January we refined our advocacy and called on the public to sign a petition to:

- Call on BCDC to dismiss all allegations and proposed fines against Westpoint Harbor.
- Call on the California legislature and State Auditor to investigate the activities of BCDC enforcement actions and exorbitant fines.
- Support the rights of equal access to the Bay for all relevant water-oriented recreation groups.
- Enlist an independent, fair, objective and knowledgeable agency to review this case, and shine a light on this aberrant behavior.

While Westpoint Harbor remains busy with the permit issues, our group has evolved into Friends of Westpoint Harbor. Our expectation is the permit problems will eventually be resolved and we look forward with the awareness that we could provide long term benefit to all parties by adopting three core values we always had but which consciously materialized with the permit issues acting as a catalyst:

- Protecting our environment
- Preserving our natural resources
- Sharing Westpoint Harbor with our community

Our vision is to augment and extend the effort of Mark Sanders to enrich Westpoint Harbor as a valuable community asset. Our mission is to do exactly that by protecting, preserving and sharing Westpoint Harbor. While it is truly unfortunate that we have to introduce ourselves by a spirited response to your processes and conclusions, we hope in the longer term you will view us as your advocate to advance the BCDC mission. While we want the same objective, we seem to have strangely different paths to get there.

On Saturday and Sunday, March 3rd and 4th, we will be assisting Westpoint Harbor's Open House to continue its heartfelt welcome of the Peninsula community. The Open House will accompany our support of Stanford's 14th Treeathlon event, a portion of which will involve contestants of all ages swimming in the Bay's cleanest water – thanks to BCDC and Westpoint Harbor working together. Without our partnership, this would not otherwise have happened. We hope you will be able to join Westpoint Harbor's Open House and experience our hospitality first hand.

To reach Friends of Westpoint Harbor, contact us by phone at (650) 394-6291 or email info@friendsofwestpointharbor.org.

Sincerely yours,

Friends of Westpoint Harbor

Cc: BCDC Commissioners and Alternates