

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600

San Francisco, CA 94102-7019

13 November 2017

**Attention: BCDC Commissioners
BCDC Enforcement Committee Members**

Reference: Westpoint Harbor Proposed Order No. CDO 2017.04

Dear Sir/Madam,

I write to you as a boat owner and lease-holder in Westpoint Harbor, Redwood City CA.

It has come to my attention that the BCDC has made a number of allegations against the marina, its management, and its implementation of proper respect for the regulations and norms of developments on the San Francisco Bay Shore.

I am not an environmental expert certainly, nor am I a lawyer, so I write as a concerned citizen only. My respect for and support of the conservation of the San Francisco Bay Shore is without limit. This wonderful enclosed waterway is one of the wonders of the world. Over its history it has been abused by mankind in many guises and over many different periods of human occupation of the Bay Shore. In recent decades, finally some serious effort has been made to preserve, restore, and sustainably develop this incredible California asset in the appropriate manner.

This evidently requires the careful and close monitoring of the activities of people, of activities and of businesses around the Bay Shore. And this is clearly one of the main roles, if not the very charter, of the BCDC.

It is therefore with both surprise and dismay that I learn of the egregious behaviour that the BCDC has enacted upon the Westpoint Harbor project. This astounding project, widely praised by civic groups, conservation groups, and large swathes of the general public, not to mention its customers like myself who keep our boats here, fits exactly in the frame of preserving, restoring, and sustainably developing its small part of the Bay Shore.

Let me give you a few small examples of the environment in Westpoint Harbor.

The birdlife that we observe around the marina is stupendous. At different times of the year, we see a huge variety of birdlife, fully absorbed in its own life cycle, yet completely in harmony with the marina, the boats, and the people.

Pelicans regularly fish in the marina fairways, alongside cormorants, grebes, herons and egrets. A snowy egret haughtily stalks the pontoon on a daily basis, intent on the water surface looking for breakfast as we walk past only a few feet away. After nightfall, a great blue heron inhabits one of the finger piers and its ghostly and almost silent winged departure is a great privilege to watch in the gloom. A pelican will often stand on the end of a finger pier, digesting the meal he has just successfully dived for, only slightly aware of the human traffic passing close by. In the springtime, the barn swallows pair and seek nesting sites. One favoured site that boaters try to discourage is between the folds of sails. But they still manage to find sites for their "adobe" nests in very close proximity to humanity, and successfully breed. One pair always nests under the main ramp leading from the land to the main floating pontoon, and is totally unperturbed by the constant traffic of footfalls above. One species of tern fishes from the air, like a pelican, but it has a great ability to use a sort of sonar "click" to avoid obstructions such as buildings, masts, superstructures... while using its vision solely to study the water below for prey. And when it dives, it plummets into the water sometimes only feet away, quite unperturbed.

Mammals are fewer than the birdlife of course. But there is one favourite friend, a harbour seal who regularly visits the marina fairways, and hunts for dinner between the boats. A whistle to him in between dives will always attract a curious but unafraid stare. Smaller mammals are hard to detect, but they leave clear signs that indicate that several species manage to find a comfortable habitat very close to the marina's parking lots and walkways.

The flora around the marina area, both in the developed as well as undeveloped area, is obviously ideally suited to the environment, with low water requirements, and completely in harmony with the flora that we observe in other wild places around the Bay Shore.

I ask – just how much of this wildlife could profit from this wonderful area if it were still a bittern pond, full of toxic chemical concentrates, with little or no flora surviving close by, suitable for concealment or nesting? The development of Westpoint Harbor has been a tremendous addition to the cleanup and re-establishment of this part of the Bay Shore as a natural habitat, yet providing a superb facility for boatowners, for the general public, and for civic society as a whole, both co-existing naturally.

I compare it to the nearby Cargill salt ponds. While there are a large number of birds that congregate on some of the ponds when empty, once they are filled with brine and start into the evaporation cycle, they become sterile fields of salt with no birdlife at all. Yet Cargill pursues its economic interests without let or hindrance from the BCDC. Why is it that Westpoint Harbor is at the sharp end of the BCDC's attention, when the marina project is achieving on its own so many of the objectives that the BCDC was set up to pursue?

The management of Westpoint Harbor does, in my humble opinion, a superb job in providing the ideal balance:

- of civic participation, with support and free or low-cost services for the Fire Service, the Police Service, rowing clubs, Sea Scouts, as well as several Federal agencies;
- of openness to public access to the Bay Shore as required by statute, by regulation, and by local norms;
- of security for both the public as well as marina lease-holders such as myself;
- of cleanliness, maintenance, presentation, professionalism that is, in my personal experience, unmatched in marinas I have used in 4 continents;
- of adherence to the norms of construction, access, environmental protection, care for the natural habitat... which is at least equal to or better than that of the neighbouring Pacific Shores complex, and so evidently far surpasses those of both the Cargill salt operation, and of the neighbouring Cemex and other industrial enterprises on the Redwood Creek shoreline.

Yet the BCDC chooses to harry and harass the Westpoint Harbor project profoundly and continuously. The reasons for this behaviour are unclear, but they certainly appear mischievous, and at the borderline, downright vindictive.

Even some of the best efforts of the Westpoint Harbor management to provide good security for the public as well as leaseholders are diminished or annulled by some of the convoluted, complex and contradictory application of directions emanating from the BCDC. This quite unnecessary and dangerous security reduction has been the topic of feedback from some other leaseholders, I know, therefore I will not dwell upon it here.

In many of the other Bay Area marinas that I checked out before deciding on Westpoint Harbor for my boat, I was confronted with evidently insufficient security, largely due to sloppy management control or insufficient or inappropriate investment by the marina owners. The BCDC's application of random rules that have the net effect of reducing the level of personal security for public and for leaseholders almost seems targeted at reducing the desirability of Westpoint Harbor as a destination, with a goal of prompting a commercial failure. My feeling on this point may appear exaggerated, but it is very hard to detect another reason.

To recap my input to your deliberations, it appears to me that the Westpoint Harbor project is the ideal example of how a commercial project on the Bay Shore can integrate completely with the recovery, sustainability, respect for the environment, public service, and overall success.

It reminds me of some of the principles set out by my Scottish-American compatriot, John Muir, in his determination to establish the principles of preservation of the natural environment, as he famously expressed in co-founding the Sierra Club in 1892; and in persuading President Theodore Roosevelt during an overnight camping trip in 1903 in Yosemite, just the two of them, of the value of preserving the wild places in America, which eventually led to the foundation of the National Park Service in 1916 under President Woodrow Wilson

I beg your indulgence in considering Westpoint Harbor as a fitting project that respects many of those principles, and in desisting from confused, conflicting, and contradictory efforts to diminish its success.

Yours,

G. Mowat

Le Lavandou, France