Subject: RE: Westpoint Harbor -- Status Update
Date: Friday, June 30, 2017 at 9:28:11 AM Pacific Daylight Time
From: David Smith
To: Zeppetello, Marc@BCDC

Marc,

I just spoke with Mark. He confirmed that he met with Redwood City yesterday and that they would be providing notice to Pacific Shores (as required by the easement) that they consider the area stabilized via the fencing and that they are ok with removal of the fence between the Harbor and Pacific Shores. Once delivered, we fully expect Pacific Shores to approve removal of the fence. It should come down later this morning or this afternoon.

Also, silence out of KSDG leads us to conclude that they will not be retained for the work we discussed, so we are reaching out to alternate design professionals.

Best for a great Fourth of July holiday. D.

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From: David Smith
Sent: Thursday, June 29, 2017 8:18 AM
To: Marc Zeppetello (marc.zeppetello@bcdc.ca.gov) <marc.zeppetello@bcdc.ca.gov>
Subject: Westpoint Harbor -- Status Update

Marc,

Thank you, Matthew, and Sarah, again, for meeting with me Thursday. I wanted to follow up and provide a status update on several of the matters we discussed:

Amendment 9:
Mark continues to explore whether acceptance of the four foot fence, as opposed to six, presents any preclusive legal or liability issues. We would reiterate that the permit itself consistently specifies "a six-foot-tall fence . . . to enclose the dry boat storage ***and boatyard areas*** to ensure public safety . . . . " (Sec.

I.,A.,Phase 2, 4, ***emphasis added***.) Additionally, with regard to views (the apparent reason for requesting four feet as opposed to six), the existing permit addressed this consideration specifically for the fencing and protection of designated view corridors; it did not include views of the boat yard facilities themselves. (See, Sec. II.,FF.,(2).) I note this simply to say that new and different requirements with each effort to resolve our outstanding permit compliance concerns, particularly when the permit expressly addresses such concerns, certainly contributes to the delay and complexity in trying to accomplish that resolution. Nonetheless, as noted, Mark continues to attempt to confirm whether the request presents preclusive legal or liability concerns. We hope to have a confirmed response shortly.

Retail Area Temporary Fence:
We hope this will be completed today. The contractor had some confusion on the location of the gate, given the multiple earlier plans/designations. The appropriate location has been confirmed and will hopefully be installed today to complete the project. Mark has appointments today with both Redwood City and Pacific Shores officials to confirm the placement of the fencing and obtain the sign-offs to remove the fence between the Pacific Shores and Harbor pathways. As I explained to you, installation of the fence resulted in instances of damage to irrigation lines and equipment that had to be repaired concurrently, resulting in the installation taking longer than anticipated, but we hope today is it. I will confirm status COB today or first thing in the morning.

Surf 101:
Here is the explanation by Surf 101 of their standard approach with customers:

"The rental process at 101 Surf Sports (101) starts with a readiness process of getting all the paddlers prepared for their day. Upon arrival the 101 customers are guided through the parking, storage, and preparation steps for outlined in our process documents. Every single customer over 18 must sign the waiver and then those under 18 also initial the boating safety and environmental awareness sections. We then get the entire group together for a review of the map. This is only done when the entire group is ready to go. The map review covers the same material found on the boating safety and environmental awareness section for a second time but adds in the navigation and route planning elements. in addition the map review brings context through images to these sections highlighting the areas of danger (flow restrictors, heavy vessel traffic, strong current, and shallow waters) and then specifically points out the areas of Greco and Bair Islands giving them navigational items to help them identify them on the water (power lines and channel markers)."

Attached are four exhibits of the materials utilized by 101 to emphasize, among other matters, that access to either Greco or Bair Islands is prohibited.

Retention of Design/Landscape Professional:
Given his prior knowledge of the project, Mark has reached out to Kevin Stephens and KSDG to reengage with the project. Unfortunately, we have been unable to confirm this retention yet. Pending are designs for the gate installation and the sign plan, as we discussed. Should KSDG prove unavailable, we will work to identify a new firm with whom to contract for this work that has a strong existing understanding of working with BCDC, as well as future plan review needs. Again, I will provide you an update on our progress early

next week, hopefully confirming retention of KSDG given their existing institutional knowledge as well as their professional capabilities.

Launch Ramp Sign:
As you requested, notwithstanding his original engagement with them, Mark is again reaching out to USFWS and Redwood City regarding the acceptability of the content of the launch ramp sign, in particular relating to its reference to the prohibition on any access to Greco Island.

Roosting Habitat and Non-Tidal Wetlands:
I will be following up later today with information relating to these matters.

Again, Marc, we very much appreciate our ongoing dialog and efforts to clarify and resolve outstanding issues with the Westpoint Harbor permit. Though incremental, I do believe we are making notable progress finding resolution, issue-by-issue.

Please let me know if you have any questions with regard to the matters addressed above, and I will be following up as noted.

Many thanks. D.

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