

# San Francisco Bay Conservation and Development Commission

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April 9, 2020

**TO:** Enforcement Committee Members

**FROM:** Priscilla Njuguna, Staff Counsel (415/352-3640; [priscilla.njuguna@bcdc.ca.gov](mailto:priscilla.njuguna@bcdc.ca.gov))

**SUBJECT:** Approved Minutes of April 9, 2020 Enforcement Committee Meeting

**1. Call to Order.** The meeting was called to order by Chair Scharff at 9:30 A.M. The meeting was held online via Zoom.

**2. Roll Call.** Present were Chair Scharff and Commissioners Gilmore, Techel and Vasquez.

Not present was Commissioner Ranchod.

Chair Scharff stated that a quorum was present.

Staff in attendance included Executive Director, Larry Goldzband; Chief Deputy Director, Steve Goldbeck; Regulatory Director, Brad McCrea; Staff Counsel, Karen Donovan; Enforcement Program Manager, Priscilla Njuguna; Principal Enforcement Analyst, Adrienne Klein; Enforcement Analyst, Matthew Trujillo; and Enforcement Analyst, Schuyler Olsson.

Also in attendance was Deputy District Attorney, Shari Posner on behalf of the Office of the Attorney General.

Chair Scharff read an opening statement that covered the following points:

- Regarding public health-related closures of public shoreline, no enforcement actions will be taken by BCDC staff until public health concerns no longer justify the closures. However, the Committee and staff are making their best efforts to ensure that agencies and entities comply with BCDC laws, policies, and regulations.

- Regarding the unauthorized vessels and habitat impacts on Richardson's Bay, BCDC will not ask any entities to undertake actions that conflict with the guidance from the Centers for Disease Control or local public health officials. While taking into consideration the economic downturn, BCDC will continue to advance a solution for Richardson's Bay. BCDC prefers that there be a locally-driven solution that covers all the necessary aspects of this problem.

**3. Public Comment.** Chair Scharff called for public comment on subjects not on the agenda.

Reverend Paul Mowry, Sausalito Presbyterian Church, asked for a moratorium on boat evictions of those living on Richardson's Bay. He stated

that during this unusual time, every vulnerable person living on a boat that is removed is placed in an even more precarious position.

**4. Approval of Draft Minutes and Transcript for the March 12, 2020 Meeting.** Chair Scharff asked for a motion and second to adopt the minutes and transcript of the March 12, 2020 meeting.

**MOTION:** Commissioner Vasquez moved for approval of the March 12, 2020 meeting minutes and transcript, seconded by Commissioner Gilmore. The motion carried unanimously by a vote of 3-0-1 with Commissioners Gilmore, Vasquez and Chair Scharff voting "YES", no "NO" votes, and Commissioner Techel voting to "ABSTAIN" because she was not present at the last meeting.

**5. Enforcement Report.** Ms. Njuguna gave the Enforcement Report as follows.

A general summary of the Enforcement program showed that in the first quarter of 2020, staff had closed eight cases, received 19 new cases, issued one enforcement after-the-fact permit, and presented one proposed cease and desist order to the Committee for approval.

The four-month pilot program sending Initial Contact Notice of Violation letters ended March 31. She reported that staff issued eight letters and had seen some good results: two cases were closed when the alleged violators were able to provide proof that the allegations were unsubstantiated. This was in keeping with the letter's intent: to give information to alleged violators as quickly as possible once staff receive reports, enabling timely case resolution.

Ms. Njuguna then highlighted that in the last quarter procedural changes were implemented that included status code changes within the enforcement database, and the new grouped approach for resolving cases.

Commissioner Gilmore asked if staff anticipates continuing with the initial contact letter pilot program, based on the results they obtained. Ms. Njuguna answered that enforcement intends to continue using initial contact letters. She elaborated that the next steps include integrating edited language into the letters, and systematically adapting letters to identified scenarios. For example, the pilot established that staff coordination with other resource agencies early resulted in timely case resolution.

**6. Update on a Transition Plan for the Management of Vessels in Richardson's Bay, Marin County.** Mr. Goldbeck reported on staff's recent conversation with Senator Mike McGuire, who has taken a leadership role in trying to resolve the anchor-out issues on Richardson's Bay, on April 2, 2020. Senator McGuire, has been working with the Richardson's Bay Regional Agency (RBRA) and local governments, and has reached out to the Enforcement staff to include BCDC in these discussions. Senator McGuire is pursuing funding to

construct housing on land for the anchor-outs. The Senator has asked for patience from BCDC as the local efforts continue and will be providing a letter outlining his approach.

Ms. Njuguna summarized the current state of the Richardson's Bay situation, noting that the enforcement case and work towards resolution has been ongoing for a number of years. She referenced the December 3, 2019, BCDC letter that required enhanced reporting requirements and was in keeping with previous efforts to ensure that the City of Sausalito and the RBRA bring the area into compliance with the Richardson's Bay Special Area Plan, as well as BCDC's laws and regulations. BCDC required a transition plan with a reasonable timeline for management of vessels and mitigation of harm to the eelgrass habitat.

Ms. Klein gave a brief on the matters the Committee should consider.

- In November the Enforcement Committee directed the local agencies to take five specific actions.
- On April 2, BCDC participated in a telephone call with the agencies and Senator McGuire. The work he is proposing is as follows.
  - Seek and identify permanent on-land housing for residents of the anchorage.
  - Restore the habitat values of Richardson's Bay.
  - Pursue enhanced enforcement.

Sausalito Council Member Joan Cox gave a presentation to the Committee that included the following information:

- In June 2017 the City of Sausalito withdrew from the RBRA. However, since then the two agencies have continued to collaborate regarding the handling of Sausalito and Richardson's Bay waters.
- Ms. Cox reviewed the City's priorities for addressing the issues on Richardson's Bay, with the top priorities matching those outlined in BCDC's Enforcement letter.
- On January 22, 2018, the City Council modified Phase IV Waterfront Management Plan with a two-part strategy: immediate enforcement of the 72-hour ordinance for any new occupied boats and deferred enforcement of legacy anchor-outs.
  - Ms. Cox noted that the Special Anchorage Area is for storms and, contrary to some assertions, does not provide immunity from regulation.
  - In July 2017, Sausalito hired two part-time temporary specialists for monthly mapping of boats in Sausalito's waters. In mid-2019 Sausalito elicited support from the Coast Guard Station Golden Gate. In January 2020 Sausalito hired a part-time Marine Patrol Officer.

- There are currently 13 boats moored in Sausalito waters in Richardson's Bay, a couple of which are moored together.
- The number of new vessels has gone down markedly as a result of active enforcement of the 72-hour ordinance for new boats entering Sausalito's waters.
- The City has communicated in numerous ways with the various marina owners and anchor-outs. Recent owner notifications resulted in the removal of two vessels and five unauthorized mooring balls.
- In June-July 2019 Sausalito and the RBRA paid for an ecological survey of eelgrass beds.
- Sausalito has reduced the number of vessels anchored in its waters from 90 to 12 (an 87% reduction). The eelgrass beds can now expand.
- Sausalito declared the waters off of Dunphy Park as an open water area for recreational boating and water vista; thus mooring in those waters is unlawful.
- To demonstrate the results of ongoing enforcement efforts, Ms. Cox showed a map of Dunphy Park, and photos of boats currently in Sausalito waters and Richardson's Bay.
- Since the start of the Waterfront Management Plan, Sausalito has abated 26 vessels as marine debris, and 12 as part of the Vessel-Turn-In Program.
- Sausalito has issued a variety of citations since November 2017. Their ordinances have been posted on all vessels moored or anchored in Sausalito waters.
- Ms. Cox gave statistics on the 72-hour tows--Sausalito has removed over 50 mooring balls and devices from Richardson's Bay.
- Sausalito conducts annual debris collection events.
- Each year Sausalito incurs adverse public safety impacts related to the waterfront.
- Sausalito provides a mobile shower program as part of its effort to assist anchor-outs transitioning into other housing.
- With other agencies, Sausalito has commenced a Safe Harbor program to assist in empowering anchor-outs toward an independent life. Various marina operators have agreed to make eight live-aboard slips available for 6 to 18 months. On March 10, 2020, the City Council goal made the once pilot program a permanent program. Ms. Cox noted that additional resources are provided to facilitate the transition away from homelessness.

- As a consequence of COVID-19, much of the funding for the Safe Harbor program is on hold.
- Ms. Cox backed the comments made by Ms. Klein and Mr. Goldbeck regarding the meetings with Senator McGuire.
- Sausalito is developing a three-part conceptual plan as follows:
  1. The provision of permanent supportive housing for individuals living on the water.
  2. Restoration and improvement of Richardson's Bay water quality including eelgrass restoration.
  3. Enhanced enforcement of Richardson's Bay.
- Ms. Cox reported that Senator McGuire is working to find funding for affordable housing, as well as restoration of Richardson's Bay.
- Ms. Cox asserted that Senator McGuire is requesting BCDC's support of the conceptual plan, as well as additional time to collaborate, formalize and implement the plan.
- The financial impacts of COVID-19 are uncertain but are anticipated to be significant.
- Sausalito continues to seek from BCDC:
  - Support for the existing plan for legacy anchor-outs.
  - A permanent increase in the live-aboard allocation from 10% to 15%.

Ms. Klein clarified that BCDC's December 3, 2019, letter did not require all unoccupied vessels to be removed from the anchorage by the end of March but asked for as much progress as possible toward that end goal.

Mordechai Winter, RBRA Board Member, provided a progress report on their efforts in mitigating the marine debris in Richardson's Bay. Since November the RBRA has made significant progress in reducing the number of vessels from the bay and planning for further reduction. They have secured more local and regional resources to maintain and improve enforcement against new vessels settling in, remove unoccupied vessels, and improve bay health and safety. They recognize the need for alternative housing.

RBRA Executive Director Beth Pollard then gave a presentation to the Committee that included the following information:

- She reviewed the RBRA Mission statement.
- She reviewed recent RBRA efforts to improve Richardson's Bay health, safety and management.

- She restated BCDC's expectations as conveyed in the December 3 letter was to continue to enforce and improve enforcement of the permitted time limits. Since then, she reported, RBRA has notified all incoming vessels of the time limits and enforced on those failing to comply. RBRA has also expanded the number of personnel, agencies, and hours engaged in patrol and enforcement.

- Ms. Pollard provided numbers: 75 vessels removed and disposed of, 35 vessels voluntarily left, and 15 vessels obtained 30-day permits.

- She explained the expanded personnel, agencies, and hours.

- In responding to the BCDC expectation to initiate action to remove certain categories of vessels:

- On March 12 the RBRA initiated action on direction from their Board to remove all unoccupied marine debris vessels by a date in 2021. The RBRA has removed more than 70 unoccupied vessels, and the remaining 15 are in the process of abatement.

- Unregistered vessels will be required to enroll in a Seaworthy and Safe program being initiated this spring.

- For unsafe/inoperable vessels, the RBRA will look at the evidence of how people have conducted themselves on their vessel (whether it has drifted or run aground). Failure to maintain a vessel will cause it to be subject to removal.

- Another BCDC expectation was transition planning. Challenges are that this cannot happen overnight. Housing is a particularly difficult issue.

- Ms. Pollard noted the decrease in vessel count from August 2019 to March 2020, from 184 to 125.

- She then spoke of the RBRA's Transition Vision.

- To address the principle of preventing additional vessels from extended stays, Ms. Pollard reiterated the importance of increasing staffing – that of both RBRA and other agencies, including the Sheriff and the Coast Guard.

- To address the principle of protecting eelgrass, RBRA is continually looking for opportunities to partner with interested agencies and to find resources to restore and protect. Ms. Pollard noted that data from the Merkel marine ecology study could be used to designate zones for the anchorage.

- Ms. Pollard then discussed the Seaworthy and Safe Program which addresses the principle of accommodating legacy anchor-outs that meet RBRA requirements.

- Ms. Pollard then discussed the RBRA's approach for clearly identifying and upholding expectations as fundamental grounds for this program. She stated that the RBRA will be setting a date in 2021 by which people need to find housing and remove their vessels; to repair their vessels to meet required conditions; or to have a one-time replacement.

- To address the principle of realizing a decreasing number of live-aboard anchor-out vessels over time, she reported that the RBRA has established that vessels failing to meet requirements in 2021 will not be allowed to stay. RBRA will continue the coordinated outreach for housing subsidy support. Ms. Pollard noted that the RBRA is heartened to be able to work with Senator McGuire, the City of Sausalito, and other partner agencies to create housing opportunities.

- Ms. Pollard noted that even when vessels meet the standards, if they cannot be controlled by the owners/occupants and continue to drift and drag, they will be subject to removal.

- She then asserted that an estimated 20 of the 90 or so occupied vessels currently meet the requirements. Of the remaining 70, RBRA estimates that 15 will depart the anchorage in the next year. About 50 will remain after completion of this program in 2021.

- RBRA estimates a departure/removal rate of about 10% per year going forward. In 20 or fewer years, fewer than 10 vessels will be left.

- Ms. Pollard indicated that the RBRA needs funding for vessel abatement and alternative housing.

Ms. Klein listed questions for the Committee to consider regarding the following:

- Whether the City of Sausalito fully responded to BCDC's December 3 letter.

- Whether the RBRA fully responded to BCDC's December 3 letter.

- Additional information that each agency's plan should include.

- A determination of reasonable timelines to remove vessels from Richardson's Bay and restore damaged eelgrass habitat. A determination of whether it is appropriate for the transition plans to be completed in phases.

**Commissioner Questions.** Commissioner Gilmore asked the City of Sausalito where the funding for boat abatement came from. Ms. Cox answered that abatement funding came from grants while enforcement funding came from city itself (their General Fund).

Commissioner Gilmore asked about the thinking behind the RBRA's one-time boat replacement policy. Ms. Pollard answered that RBRA is trying to set a date by which all boats need to be safe. In some situations, she noted,

because of the low income of some of the residents, it would be less expensive to acquire an alternative boat than to bring a dilapidated boat up to standards. The RBRA is also trying to protect the legacy anchor-outs as they obtain housing opportunities.

Chair Scharff asked what “legacy anchor-out” means – how long must you have lived on the Bay? Ms. Pollard answered that people who have been on vessels since the Sheriff’s census in August 2019 are eligible to request legacy anchor-out status. They must be compliant with all the requirements that RBRA will set: vessels in good condition, waste management practices followed, deck clear of debris, appropriate anchoring, and appropriate control of the vessel.

Ms. Pollard noted that RBRA has no way of knowing how long vessels were there before the August census.

Ms. Cox stated that the City of Sausalito has a slightly different view: they grant legacy anchor-out status to vessels that have been in their waters from July 2017 to the present. Sausalito knows every individual on every boat through hard data and GIS mapping. Most legacy anchor-outs, based on in-person conversations, have been there 8-10 years or longer and are aged between 68 years old to 80 years old.

Chair Scharff asked what funds would be used to replace someone’s boat if they could not bring it up to compliance. Ms. Pollard answered that there are no plans to use public funds – funds would come from the anchor-outs themselves or grant funding.

**Public Comment.** Chair Scharff stated that 29 comments received via email had been posted on the BCDC website. He then asked for comment from people participating by web or phone.

Robbie Powelson asked how the people in the anchor-out community are being involved in the present conversations with Senator McGuire.

Reverend Mowry emphasized the key role of available housing on land, or funding for alternative vessels on the water. Housing or a slip through the Compassionate Relocation program of Sausalito needs serious funding; it is an important integral aspect of any plan the Committee implements. Somewhere there needs to be direct action on the Committee’s part to help support funding. Another key is the RBRA Seaworthy and Safe program, which has sound expectations for the vessels, but which presents an economic hurdle for most of these people. He asked whether it was right or fair to place a financial burden on poor people without also providing financial assistance to meet that burden.

Alden Bevington read a letter that he would send. He acknowledged the minefield of issues that BCDC faces and expressed confidence that the multiple

sides involved with the Richardson's Bay situation can work to achieve beneficial outcomes through honest engagement and being willing to extend beyond their individual comfort zones.

Vicki Nichols, Sausalito resident of 38 years, commented that an agreement to use a common census could bring the conversation forward. She suggested that RBRA use the Sausalito census data that begun two years ago. She noted that a definition of "legacy" is necessary; someone residing in a place for only four months should not fall into that category. She asserted that there was a need to establish a baseline population upon which to base discussions.

Anne Libbin, Marin Audubon Conservation Committee member, pointed out that the problem of marinas and government agencies auctioning off vessels that are not safe and seaworthy for as little as \$1 or \$10. She asserted that if there is going to be a program allowing replacement vessels, the only way those could be cheaper than repairing a current vessel is through these auctions. Vessels only slightly less derelict could, but should not, be used as the replacements.

**Commissioner Discussion.** Commissioner Gilmore expressed uneasiness with the RBRA's 20-year time horizon. Although this is a difficult situation, she noted that we have already been discussing it for decades.

Chair Scharff agreed. He recognized that the RBRA has made tremendous progress in coming up with a plan. However, he noted that people cannot live on the bay basically forever; 20 years is not acceptable. Chair Scharff preferred a plan in which everyone leaves within the next five years – this cannot be a community (albeit a smaller community) that exists in perpetuity. He asserted that the plan needs to have a land-based solution that transitions people off the water.

Commissioner Gilmore noted that the Committee had discussed with the RBRA that a permanent mooring was not acceptable. She affirmed that the City of Sausalito and the RBRA had taken to heart the comments made by the Committee at the last meeting and had done a great job in terms of their enforcement. However, she noted that the RBRA needs to come up with a plan to help this community transition permanently off the bay.

Chair Scharff preferred a plan that is closer to five years, although in actuality it could take up to 10 years. He stated that a time period longer than that is not acceptable. He stated that the direction to the RBRA is to return to the Committee with a plan stipulating that people cannot live there forever.

Commissioner Gilmore also expressed concern about the one-time boat replacement. She noted that the RBRA's approach would not get BCDC to its ultimate goal of transitioning people off the water. Another potential problem she recognized was the safety of the boat replacements. She expressed

concerns about the kind of replacement boat being obtained if it is cheaper to replace the boat than to fix the original boat. She stated the RBRA could be leaving people in the same precarious position.

Chair Scharff added that by replacing a boat, we are basically extending the time that people are on the water.

Commissioner Gilmore commented that Sausalito and the RBRA do not have a consistent definition of "legacy anchor-outs." She agreed that being out on the water for four or five months should not enable someone to be defined as legacy.

Chair Scharff stated that further discussion is warranted between staff and the RBRA on the issue of how people can prove that they have been on the water for a number of years.

He commented that the Committee is heading toward telling the RBRA that they need a plan that acknowledges that this will not be a permanent community, and that the goal is to get everyone off the water in an understanding manner. Chair Scharff stated that staff needs to come up with a target date (on the outside, no more than 10 years) for all vessels off the water. Chair Scharff noted that this goes to the historical/legacy challenge that the RBRA faces.

Commissioner Techel felt that this goal makes sense and that this timeline is reasonable.

Chair Scharff asked staff to consider whether they would recommend the notion of boat replacement which would affect the plan the RBRA comes up with.

Ms. Klein stated that regarding the vessel replacement inquiry, it might be valuable to also include the related elements of possible no-anchoring zones and the replacement of ground tackle which were other features of enrollment in the Safe and Seaworthy program.

Commissioner Gilmore asked if the assumption that fewer anchor-outs mean less destruction of eelgrass is correct. She also asked what restoration means – are we doing something actively, or just hoping that the eelgrass recovers if it is not being constantly scoured? Ms. Klein answered that a number of studies have been conducted on the extent of impact, including studies funded by the Audubon and the RBRA's feasibility study. Restoration without some kind of active support may not occur because of the mud level being scoured from the ground tackle. She noted that there are plans underway to do some test planting areas to discern how to conduct restoration.

Commissioner Gilmore commented that the first step of a phased approach may be to allow these pilot planting projects. Ms. Klein noted that this is one of the three-pronged elements of the conversation Senator McGuire

is leading. Data on the test plots will inform the costs of restoring the damaged acreages.

Chair Scharff expressed concern that with the state of the current economy, budgets could be falling. Slides in the Sausalito presentation indicated that the same level of enforcement may not continue due to budget issues. Ms. Cox stated that Sausalito remains committed to its waterfront management plan as presented. For the coming year, they are in a budgetary position to continue basic services which include the waterfront management plan.

Ms. Pollard clarified that the 20-year timeframe projection in their last slide was based on what they know now on alternative housing as well as natural attrition of people off the Bay. If there is more money available to assist people into safe harbor or alternative housing, the timeline could certainly shift downward. The RBRA's position on the transition plan goal is ultimately to have no vessels.

She continued that a key element of the concept for replacement vessels is to ensure that vessels on the Bay during this transition period are safe and secure. In some situations, the lack of alternative housing options makes it necessary for people to be on a vessel that is not going to sink or drift. The Harbormaster will be inspecting all boats; it may be that an alternate vessel will be more appropriate for conditions on the bay and more secure.

Regarding the "legacy anchor-outs", Ms. Pollard pointed out that the RBRA is using the same definition as Sausalito; Sausalito had simply started their more precise surveys two years before the RBRA. She noted that the RBRA survey does include the vessels that moved from Sausalito waters to RBRA waters. The term "legacy anchor-out" was coined for consistency purposes between the agencies. They have grounded the term in the Sheriff's survey and the Harbormaster observations in the past several months, remaining consistent with Sausalito's approach the difference being that the City's survey was in 2017 while the RBRA's was in 2019.

Ms. Klein informed the Committee that the RBRA has been conducting anchorage surveys for many years, so they do have more data than just the August survey to determine the date by which to limit the influx of new vessels. Ms. Pollard clarified that those surveys gave numbers of vessels, but did not identify the specific vessels.

Executive Director Goldzband encouraged the Committee members to be very specific and direct on what they want staff to think about and bring back to the Committee.

Ms. Donovan pointed out that the Committee can give staff direction without going through a formal motion.

**MOTION:** Chair Scharff motioned to close the Public Hearing portion of the meeting, seconded by Commissioner Gilmore. The motion carried unanimously with a vote of 4-0-0 with Commissioners Gilmore, Techel, Vasquez and Chair Scharff voting “YES”, no “NO” votes, and no “ABSTAIN” votes.

Commissioner Gilmore stated that she would like to see staff discuss the timeline with the RBRA. She preferred a five-year timeline. She also wanted to see more discussion on the one-time boat replacement. She noted that while she understood the safety considerations she is concerned that having boats replaced would push the vessel removal in the wrong direction. She stated that BCDC wants to see fewer boats on the bay. Commissioner Gilmore also wanted to see staff discuss the eelgrass pilot projects with the RBRA. Specifically what funding is available, when the pilot project could occur, when the Committee can then expect results back from the pilot. She requested a two-month time frame for an update.

Mr. McCrea agreed with Commissioner Gilmore’s comment that timelines often slip. He asserted that staff would work with Sausalito and the RBRA to set time limits that allow for factors outside of our control. He stated that staff would have a candid conversation with the two agencies on the practicality of replacement vessels. Mr. McCrea agreed to use the two-month timeframe for the eelgrass pilot projects.

Executive Director Goldzband confirmed with Ms. Njuguna that staff understands the direction as provided.

Chair Scharff asked about the change from 10% to 15% for Safe Harbor. He asked whether the Committee should be taking the issue as a possible permanent solution to the Commission. Executive Director Goldzband answered that it is ultimately a question for the Commission to decide. He proposed that at the end of six to eight weeks, when staff gets back to the Committee, they will ask the Committee how they want to proceed. That decision would go to the Commission for ratification.

Chair Scharff asked for clarification on the Safe Harbor Program: is it just in Sausalito, and in the future can it be expanded to other marinas? Ms. Njuguna answered that each marina works separately and we don’t have a blanket requirement for the marinas. Ms. Klein stated that the City has suggested that they may be willing to expand the program to encompass residents coming from county waters.

Ms. Cox stated that the City has discussed with the Sausalito marinas the possibility of including boats from Richardson’s Bay; they are not opposed, so long as there is enhanced enforcement to prevent backfill of boats removed or transitioning off the water into slips. Currently the other challenge with the Safe Harbor Program is that the majority of the grant funding is tied up in the

county's coffers. The City is working with the County Department of Health and Human Services to move forward with the grant application process. However, increasing their live-aboard berth capacity from 10% to 15% would give the City flexibility to accommodate additional boats (if the funding is freed up).

Commissioner Gilmore asked about the actual number of slips. Ms. Cox explained that 10% equals 200 slips while 15% equals 300 slips. Sausalito has roughly 2,000 slips, not counting slips in county waters. The City of Belvedere and other towns are also considering the possibility of this type of program.

Commissioner Gilmore asked if her tally of approximately 140 vessels for Sausalito and RBRA waters was correct. Ms. Cox answered that there may be approximately 90 occupied boats there; not all of them are willing to participate in the Safe Harbor Program. The hope is that assuming Sausalito can free up some additional grant funding, the proven success and path forward of the program will build trust and attract additional participants.

Chair Scharff asked how many boats Sausalito has on the water. Ms. Cox replied that they have 12 boats and intend to get down to six or eight legacy boats who will transition out within five years.

Chair Scharff asked about the number of boats in RBRA waters in 2021 after the safe certification. Ms. Pollard estimated that currently, there are 95-100 occupied vessels in RBRA waters. She confirmed that by the end of 2021, after certification, they expect to have about 50 boats. Ms. Cox pointed out that not all the boats are eligible to moor in a slip – some require significant repairs before berthing in a marina. Further, she noted that the City will have to do considerable work to persuade marinas to take a significantly larger number of boats.

Chair Scharff asked, if they got down to 50 boats and then certified them as being safe – removing those that are not – would those remaining boats meet the requirements to be in a slip? Ms. Pollard answered that one of the underlying principles is that the process transitions the boats to being more likely to be eligible for that alternative. Ms. Cox emphasized that the marina operators are far more stringent than RBRA – they are responsible for abating any boats that sink.

Chair Scharff suggested looking at the marina requirements. Mariners who want to stay on the water could have the option of moving to a slip while other people could use the option of a land-based solution. Standards for the 2021 certification would have to be high enough for those people who want to move their boats into marina slips.

Commissioner Gilmore stated that this is the kind of information we need in order to fully assess the City of Sausalito's request to go from 10% to 15%. BCDC wants to ensure that whatever action we take is useful in a practical way for local governments to implement.

Commissioner Techel felt that enlarging the number of live-aboards should be tied to taking in these vessels that have been moored out on Richardson's Bay. Chair Scharff agreed.

Commissioner Vasquez reiterated the need for a common definition of anchor-outs.

**7. Future Agenda Items.** Ms. Njuguna stated that at the last meeting on March 12, the Committee voted on a proposed cease and desist order for Union Point Park. Given the developments since then with COVID-19 she stated that some of the timelines set in the order need to be shifted. She informed the Committee that at the next Committee meeting on April 22, staff will bring a proposed extension of some of the deadlines. The matter will be heard by the full Commission around September of this year.

**8. Adjournment.** Commissioner Techel suggested for the Committee members review their listed phone numbers as provided to BCDC to verify accuracy.

Executive Director Goldzband requested the Commissioners provide feedback on this meeting: what they liked and didn't like, what worked and what did not work.

**MOTION:** Chair Scharff moved to adjourn the meeting, seconded by Commissioner Techel. The motion carried unanimously by a vote of 4-0-0 with Commissioners Gilmore, Techel, Vasquez and Chair Scharff voting "YES", no "NO" votes, and no "ABSTAIN" votes.

The meeting adjourned at 11:56 a.m.