

San Francisco Bay Conservation and Development Commission

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State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

February 7, 2020

Board of Directors
Richardson's Bay Regional Authority
c/o Marin County Community Development Agency
Planning Division
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

SUBJECT: Richardson's Bay Regional Agency (RBRA) Resolution of Anchor-Outs in Richardson's Bay (BCDC Enforcement Case No. ER2010.038)

Dear Chair Wickham and Members of the RBRA Board of Directors:

As part of a renewed focus on the Richardson's Bay situation, San Francisco Bay Conservation and Development Commission staff have been working closely with your Executive Director and staff during the past 21 months to resolve the matter referenced above. We appreciate the RBRA's recent steps to address the boats illegally moored in Richardson's Bay, including the adoption of Resolution No. 03-19, which your staff discussed with our Enforcement Committee at its meeting on September 12, 2019. At that meeting, your staff updated the Committee on a number of recent initiatives, including your steps to enforce a 72-hour limit for newly arriving vessels in Richardson's Bay. Staff explained that these steps were consistent with Resolution No. 03-19, which resolved to incorporate into the RBRA enforcement priorities the enforcement of permitted time limits for vessels entering Richardson's Bay.

BCDC agrees that preventing new vessels from arriving in Richardson's Bay is a key measure demonstrating progress in reducing the number of vessels illegally moored in Richardson's Bay. Thus, we are concerned about the discussion at your January 2020 meeting that demonstrated confusion about the interpretation of Resolution No. 03-19 and whether RBRA should allow people who are were previously in possession of vessels illegally moored in Richardson's Bay to bring a new vessel into the anchorage to replace the prior vessel if that prior vessel is destroyed, either voluntarily or involuntarily, or otherwise leaves the anchorage.

To assist you in clarifying your enforcement priorities, this letter reiterates our expectation that residents of the anchorage should not be allowed to replace vessels that that sink, or break anchor, or leave the anchorage through any means with a vessel that is not currently in the anchorage. Any vessel that is not currently in the anchorage should be treated as a new vessel entering Richardson's Bay and should not be allowed to remain beyond the 72-hour limit.

Despite any recent assertions made by others to the contrary, the meaning of “new vessels” is clear and such vessels must not be allowed to enter the anchorage and stay for extended periods. Such an exclusionary policy is essential to preventing an increase in the number of vessels and bringing under control existing problems with the illegal moorings. The definition of the word “new” is unambiguous, and any interpretation of “new vessel” that would allow replacements of existing vessels is inconsistent with our prior understanding of your enforcement priorities and our expectations.

Our staff continues to want to support your efforts in implementing enforcement actions that are consistent with both removing all anchor-outs from Richardson Bay and limiting the time that new vessels can remain there. Please continue to work with Karen Donovan, Enforcement Attorney (415-352-3628 or karen.donovan@bcdc.ca.gov), and Adrienne Klein, Principal Enforcement Analyst (415-352-3609 or adrienne.klein@bcdc.gov) to accomplish these tasks.

Sincerely,



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cc: Beth Pollard, Executive Director, RBRA
Marin County Board of Supervisors
Members of the Belvedere City Council
Members of the Tiburon Town Council
Members of the Mill Valley City Council
Members of the Sausalito City Council
Members of the BCDC Enforcement Committee