

From: LJ pfeifer <pfeiferlj@hotmail.com>  
Sent: Thursday, July 9, 2020 9:25 AM  
To: BCDC PublicComment [publiccomment@bcdc.ca.gov](mailto:publiccomment@bcdc.ca.gov)  
Cc: LJ pfeifer <pfeiferlj@hotmail.com>; Barbara <bsalzman48@gmail.com>

Subject: Public Comment: Sausalito Anchor Outs 09JUL 2020

THURSDAY July 9, 2020

To: Enforcement, BCDC

From: Linda Pfeifer, Sausalito CA 94965

Regarding: Public comment on Anchor Outs in Sausalito Waters and the Sausalito Draft General Plan and Draft EIR

Enforcement Committee, BCDC:

As a Sausalito resident I am concerned that the illegal anchor out situation in Sausalito waters continues to grow. City "enforcement" resembles enablement and accommodation, with permits extended for continuous living in the bay's open waters along the Sausalito shoreline.

BCDC was established to ensure our bays are not filled. Allowing a hundred and more boats serving as "floating condos" in Sausalito's open waters is bay fill. This contributes to pollution, and disrupts wildlife habitat. I learned of one anchor-out who was Air BnB-ing out her boat in the harbor.

Sausalito's anchorage is meant for maritime travelers who need to "drop anchor" a couple of days and then move on. That is the purpose of an anchorage, not year-around living. Our bay along Sausalito is filled with these anchor-out boats. Why has BCDC helped other bay area harbors remove anchor-outs, but has not enforced Sausalito's situation?

Now Sausalito's draft General Plan and Draft Environmental Impact Report (EIR) appears to institutionalize and legalize anchor outs. BCDC must comment on this and must not let this happen.

Excerpt:

Chapter 10.44.170 Liveboards: establishes standards for allowing and regulating liveboards on private vessels in recreational marinas or harbors.

Comment: Traditionally, liveboards were docked in marinas, and anchor outs were out in the harbor. The wording in the above statement from the Draft EIR implies the term "liveboard" is being blurred to refer to someone living on a boat in EITHER a marina OR the harbor.

Additional subtle statements appear in the General Plan without clear definition for boundaries:

Policy LU-1.19.Affordable Housing. Consider areas for affordable housing, workforce housing, senior housing, live/work spaces for artists, and maritime workers with long-term affordability in mind, as well as opportunities for water-based housing.

ACTION:

I request BCDC review Sausalito's draft General Plan and Draft EIR to ensure both documents include statements condemning living on Sausalito bay. It is fine to have a small percentage of liveaboards in the marinas, but anchor-outs living year-around in Sausalito's waters/harbors is illegal and this BCDC policy must be enforced through language in the new Draft General Plan and Draft EIR.

Link for Draft General Plan:

<https://m-group.app.box.com/s/je697wcwmp7hhxe0pa0u6ogrbhfch5an>

Link for Draft EIR-- Deadline to Comment is August 5th

<https://m-group.app.box.com/s/iqs9p7waule6t3l61xmo9k504biuhudp>

Sincerely,

Linda Pfeifer  
Sausalito resident  
PfeiferLJ@hotmail.com

## Item 7 Public Comments for the July 9, 2020 Enforcement Committee Meeting

**From:** Anne Libbin <libbin18@gmail.com>

**Sent:** Tuesday, July 7, 2020 9:57 AM

**To:** BCDC PublicComment <publiccomment@bcdc.ca.gov>

**Cc:** Barbara Salzman <bsalzman48@gmail.com>; Terri Thomas <t12thomas2@gmail.com>

**Subject:** Item 7 on July 9 Enforcement Committee agenda, RBRA Plans

I am a resident of Tiburon, a member of the Marin Audubon Conservation Committee, a docent for the EOS Center Bay Shore Studies program, and the mother of a marine biologist whose PhD and post-doctoral research is in seagrass.

Because of a long-term laxity in enforcement by RBRA, anchor-out vessels have moved from areas of the San Francisco Bay with less critical habitats to Richardson's Bay's eelgrass beds, as those other locations enforced the regulations prohibiting long-term anchoring. The environmental degradation caused by RBRA's negligence should not be perpetuated by a allowing long-term anchoring in the eelgrass beds that were damaged by the anchored vessels. The RBRA plans fail to provide sufficient deadlines and protections for the areas where eelgrass could recover or be restored once the vessels are removed.

The plan also should provide that any occupants of a safe and seaworthy legacy vessel is no longer exempt from enforcement of regulations prohibiting long-term anchorage once the occupants have been offered a slip in a marina or on-Shore housing. In other words, legacy status does not come with an option to remain anchored in Richardson's Bay just because the occupants prefer it to the offered marina or housing.

BCDC should also consider offering financial and policy assistance to RBRA, for the removal of non-compliant vessels, and for additional availability of marina slips around the San Francisco Bay. For example, as a condition of issuing permits for marina development or improvements, BCDC could require a minimum number of affordable or subsidized slips for low-income liveaboards.

The eelgrass beds are a designated habitat of special concern, and Richardson's Bay is one of the locations within San Francisco Bay best suited to healthy and extensive eelgrass beds. BCDC should require RBRA to provide stronger and more timely protection for this special habitat. BCDC and other local government agencies and marinas can assist RBRA in facilitating the vessel occupants' relocation away from anchoring in Richardson's Bay.

Thank you

Anne Libbin

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July 7, 2020



Protecting Marin Since 1934

SF Bay Conservation and Development Commission  
Enforcement Division  
375 Beale Street, Suite 510  
San Francisco, CA 94105

**Re: BCDC Enforcement Case No ER2010.038**

Dear Commissioners:

Marin Conservation League (MCL) is monitoring the BCDC Richardson Bay case and we are pleased about how far it has progressed. We are comfortable with Sausalito's Transition Plan and have been following RBRA's progress on their transition plan. We accept that the RBRA Enforcement Plan is a step in the right direction.

MCL urges BCDC to continue their request for a shorter end date for the RBRA Transition Plan. Without a reasonable end date, the momentum for finding any necessary housing options may be lost. There appears to be interest in the county and state offices for this effort at this time. We want to proceed while this political will exists. This would be consistent with the timeline for Sausalito.

The shorter transition is also important for the ecology of Richardson's Bay. The June 24 BCDC meeting included a presentation by Dr. Kathy Boyer on the value and restoration of eelgrass in Richardson's Bay. She acknowledged that there has been success in restoration. She also identified that they had not been able to explore restoration in the anchorage due to the continued disturbance by anchors. An additional aspect of eelgrass degradation she noted was the decrease of eelgrass in shaded areas such as bridges. The combined shading of the boats in the bay is worth exploring as an additional impact. Ensuring a more timely transition will enable active restoration of eelgrass habitat, which is an Essential Fish Habitat and Habitat of Special Concern under the Magnuson Steven's Fishery Conservation and Management Act.

Additional high value habitats identified in the Richardson Bay Special Area Plan should be considered when evaluating the RBRA Transition Plan. These habitats include: marine, estuarine, sub-tidal, marshes, rocky shoreline and sandy-pebble beaches, as well as mudflats, which provide important feeding habitat for shorebirds. They are also important for local ecosystem health and the bio-diversity.

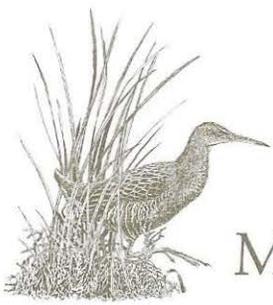
Thank you,

A handwritten signature in black ink that reads "Bob Miller". The signature is written in a cursive, flowing style.

Bob Miller  
President

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |  
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.



# Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | [MARINAUDUBON.ORG](http://MARINAUDUBON.ORG)

July 8, 2020

Greg Schariff, Chair  
Enforcement Committee  
Busy Conservation and Development Commission  
375 Beale Street, 510  
San Francisco, CA 94105

Re: Richardson Bay Anchor Outs

Dear Enforcement Committee Members:

As confirmed in the follow-up letter from staff, RBRA is moving to comply with the Enforcement Committee's direction at the last Committee meeting. However, they are not quite there. We urge the Committee to require the RBRA to modify their Transition Plan as discussed below.

**Adopt the 5-year deadline** for all anchor outs to be removed from the Bay. The RBRA is clear it will enforce time limits on vessels not complying with the Safe and Seaworthy program over the next 15 months and will remove vessels not complying with vessel requirements within two years, but no deadline for removing anchor outs is set. The RBRA's Transition Plan promises to "set a sunset date for deferred enforcement of time limits on occupied vessels." Assuming this means they will begin to enforce removal of anchor outs from the bay, including legacy anchor outs as stated in the Transition Plan, the RBRA should set that date now. In 20 years, no boats should remain.

The Safe and Seaworthy Program appears to be a beneficial program for both the Bay and vessel residents. The RBRA's efforts to move anchor out residents into marinas and on-shore housing is a most worthy effort. Worthy as it may be, however, a Safe and Seaworthy program is not the same as removing anchor outs from the Bay. RBRA's Vision only speaks to "occupied vessels diminishing over time." We are concerned that the Safe and Seaworthy Program will allow for anchor outs to remain, or press for remaining in the Bay after they have spent time and money improving their vessels. The goal should be to eliminate, not reduce anchor outs from the Bay.

**One Time Replacement is contrary** to the Special Area Plan, as pointed out by the Committee, and should not be allowed.

**Protect and restore eelgrass** – The concept of zones put forward by the RBRA appears more intent on providing mooring areas than protecting eelgrass.

As commissioners know, eelgrass is an essential aquatic habitat and that value is reflected in the following:

- Richardson Bay Special Area Plan policy #1. *The open water, marshes, and mud flats of Richardson Bay are particularly valuable wildlife habitat and should be afforded maximum protection. Eelgrass beds, important to herring spawning and for production of detritus, should also receive maximum protection.*
- BCDC policy on Subtidal Habitats #2 *Subtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eelgrass beds, sandy deep water or underwater pinnacles) should be conserved.*
- Federal law: 1996 Magnuson Stevenson Act designates eelgrass as Essential Fish Habitat and Habitat of particular concern.

Continued impacts to eelgrass violates all of these provisions should not be allowed.

RBRA proposes four vaguely defined zones as its approach to restoring eelgrass:

- 1) Eelgrass Restoration Zone – stretching from the Audubon Sanctuary to the Bay Model – would have no anchor outs.
- 2) Protection Zone - where vessels could anchor even though the area supports eelgrass. Mooring is “justified” by the use of two point anchoring systems and a promise of restoration in the future. Coverage of bay waters, shading, possible damage from boat use transporting to shore, would continue to degrade eelgrass habitat even with conservation moorings.
- 3) Anchoring Zone - where visiting vessels would moor and possible establishment of a future-mooring project.

Because of its precarious status in the bay, the vital ecosystem services it provides and ongoing and historic damage by anchor out vessels, eelgrass should receive maximum protection. There should be no mooring in eelgrass regardless of condition of the eelgrass or the moorings.

### **Bird Use**

It is not just the eelgrass that warrants protection in Richardson Bay. The Bay is important for many species. As noted in the Merkel Report, there is little information on bird use. We have begun to close that gap. Our surveys last year, done by Pt. Blue (attached), show important use of the areas the Merkel report has singled out as possible mooring sites. Undoubtedly, other areas of Richardson Bay that we have not yet surveyed have as much bird use or perhaps even more.

### **Conclusion**

The current Plan would allow ongoing destruction of eelgrass habitat and result in further delay removing vessels, but it does begin the work of cleaning up the bay and assisting with finding alternative housing. The plan should be sent back to the RBRA to be brought into compliance with BCDC's requirements for removing anchor outs and restoring eelgrass.

The virus is a worldwide tragedy that requires understanding and empathy but this should not relieve jurisdictions of their obligation to comply with BCDC regulations. Enforcement of time limits could be relaxed as called for in the Transition Plan, not deferred. The efforts to obtain alternative locations for housing on land and in existing marinas should continue and be enhanced. Housing on land seems a more accessible location to help and provide services during a pandemic.

We very much appreciate your consideration of our input.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Barbara Salzman', written in dark ink.

Barbara Salzman, Co-chair  
Conservation Committee



**Point Blue**  
Conservation  
Science

# Richardson Bay Proposed Mooring Waterbird Surveys

July 2020



# Richardson Bay Proposed Mooring Waterbird Surveys

Final Report – July 2020

## Prepared by

Point Blue Conservation Science

Megan Elrod      Julian Wood

## With funding from

Marin Audubon Society

### Suggested citation:

Elrod, M.L.\*, J.K. Wood. 2020. Richardson Bay Proposed Mooring Waterbird Surveys. Point Blue Conservation Science (Contribution No. 2321), Petaluma, CA.

\*Corresponding author: [melrod@pointblue.org](mailto:melrod@pointblue.org)

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**Conservation science for a healthy planet**  
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## INTRODUCTION

Richardson Bay is designated as an Important Bird Area by Audubon California (Cooper 2004). This 3,000-acre bay located north of San Francisco in southeastern Marin County provides habitat for tens of thousands of migrating and overwintering waterbirds, the majority of which are diving ducks (Shuford 2008). Richardson Bay includes a 900-acre protected area, the Richardson Bay Audubon Sanctuary (Sanctuary), which is seasonally closed to boats to protect wintering waterfowl. The sheltered waters of Richardson Bay are also important for Pacific herring who spawn on extensive eelgrass beds in the northern and western portions of the bay. These eelgrass beds, important habitat for birds and fish, are negatively impacted by over 200 boats and their anchoring equipment which are concentrated in the western portion of Richardson Bay adjacent to the Sausalito shoreline. To address this issue, a report was produced that assessed the ecological impacts of moorings and anchor-outs and proposed five areas where permanent moorings could be located to reduce negative impacts (Merkel 2019). To better understand the value of the proposed mooring areas for birds, Point Blue Conservation Science (Point Blue) entered into a contract with Marin Audubon Society to conduct surveys to characterize bird use of the proposed mooring areas and describe their habitat value.

Previous surveys of Richardson Bay have highlighted wintering waterfowl use of the Sanctuary and have typically spanned November through March, starting in the 1980s (Shuford 2008). However, this current study's focus was to show the potential habitat value to waterbirds within proposed mooring areas located outside the Sanctuary. In a summary of historic bird survey efforts in Richardson Bay, Shuford (2008) recognized that it is difficult to accurately survey and summarize results, particularly with shifting survey methods, and to quantify the use of the whole of Richardson Bay as waterbird movements can fluctuate greatly depending on the seasonal Pacific herring run and conditions in Richardson Bay relative to the rest of the San Francisco Bay Estuary (Estuary). Much work has been done to document wintering waterbird abundance and distribution in relation to foraging opportunities and vessel traffic in the highly urbanized Estuary (De La Cruz, et al 2014). This report aims to complement much larger studies and a well-established body of literature on the importance of seagrass, Pacific herring, and declining bird populations. This report documents the locations of birds within five proposed mooring areas and acknowledges that the results apply only to a fraction of the habitat in Richardson Bay.

The timing of the surveys conducted by Point Blue in 2019-20 corresponded with peak waterbird use in Richardson Bay which occurs during the winter months (Shuford 2008). Richardson Bay also provides foraging opportunities for some waterbird species outside the peak winter use (e.g., grebes, pelicans, cormorants, and terns). We used a repeated survey method to account for the inherent variability in bird survey data and because the seasonal timing of the peak number of waterfowl in Richardson Bay varies by species. Multiple surveys were conducted throughout the winter and one in the spring to provide a more complete understanding of bird use of the proposed mooring areas.

## METHODS

### Study Area

Point Blue worked with Marin Audubon to establish five survey plots based on the proposed mooring areas identified in Merkel (2019). Four plots were located in Richardson Bay and one plot was located in Belvedere Cove (Figure 1).

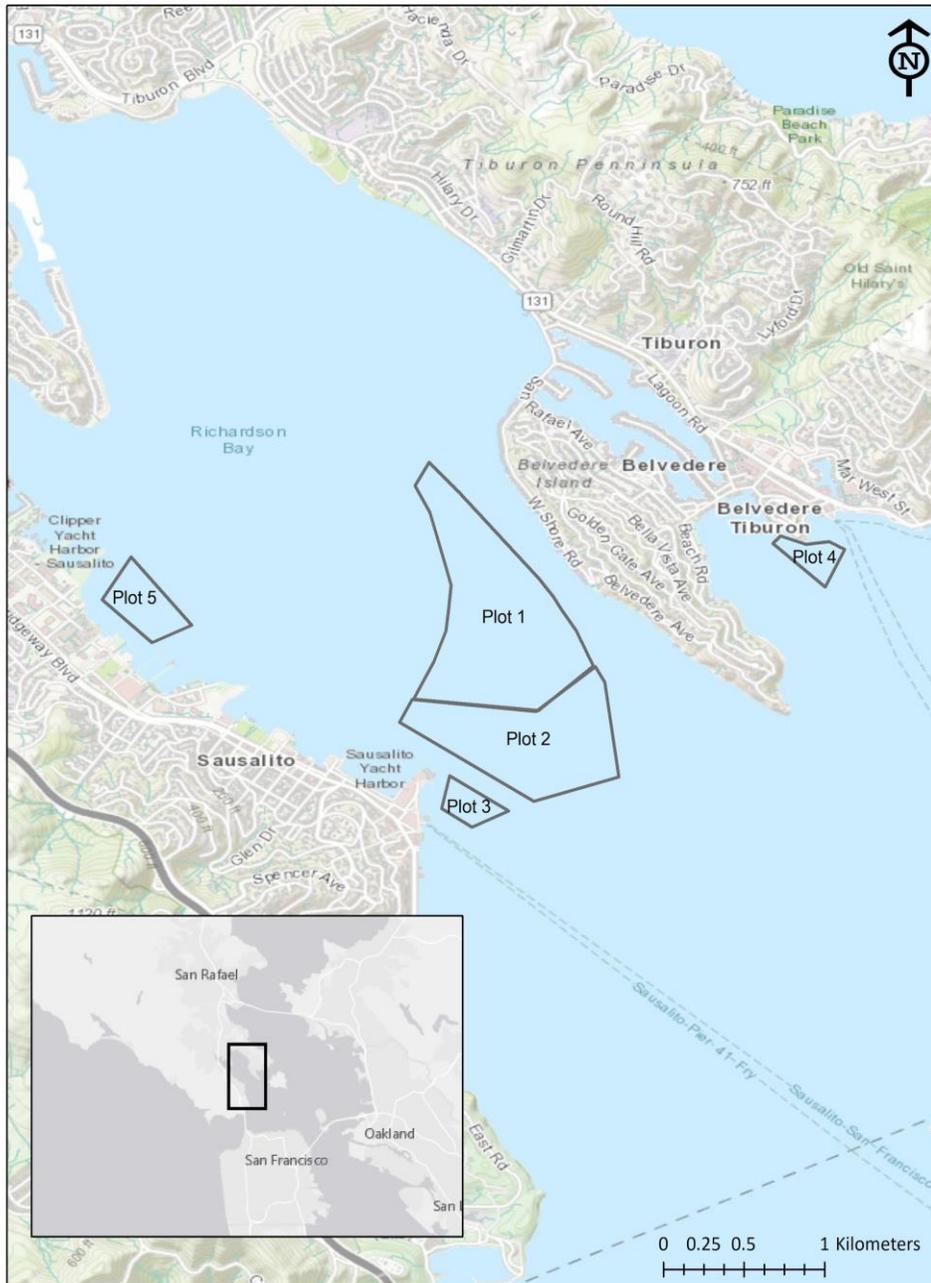


Figure 1. Location of survey plots within Richardson Bay.

## Survey Method

Point Blue employed a repeated non-time constrained area search method that allowed the greatest flexibility to accurately identify and count all birds within the survey plots. Beginning late November through February, four surveys were conducted to characterize the winter season. A survey in June was conducted to characterize bird use of the survey plots during the breeding season. Each survey was conducted by boat, beginning mid-morning on a medium to low flood tide. Surveys were conducted during fair weather conditions in winds less than 10 mph. The number of individuals of each bird species, as well as marine mammal species, was recorded in notebooks along with any evidence of foraging. The approximate location (within 50 m) of each individual or group of individuals was recorded onto a map. Birds flying over were recorded separately. Birds flying over the plot and determined to be foraging (i.e., aerial fish foragers) were included in the plot counts. Incidental bird and mammal detections outside the plot borders were not the focus of this study but were recorded separately as time allowed and included notable detections such as species not yet detected and large rafts of birds encountered while the observers traveled among plots. One observer was responsible for identifying and counting birds while another person operated the boat and recorded data. Each plot was surveyed thoroughly by traveling across the plot in relatively straight lines about 200 m apart or as needed depending on the shape of the plot. The boat's path deviated from straight lines only to avoid disturbing large flocks, to approach individuals to confirm identification, or to avoid obstacles such as other boats. The order in which the plots were surveyed varied. The survey duration was on average 20 min per plot (range 5 to 50 min) with smaller plots and plots with fewer birds being completed more quickly than larger plots and plots with more birds. The total survey effort of all five plots concluded at midday.

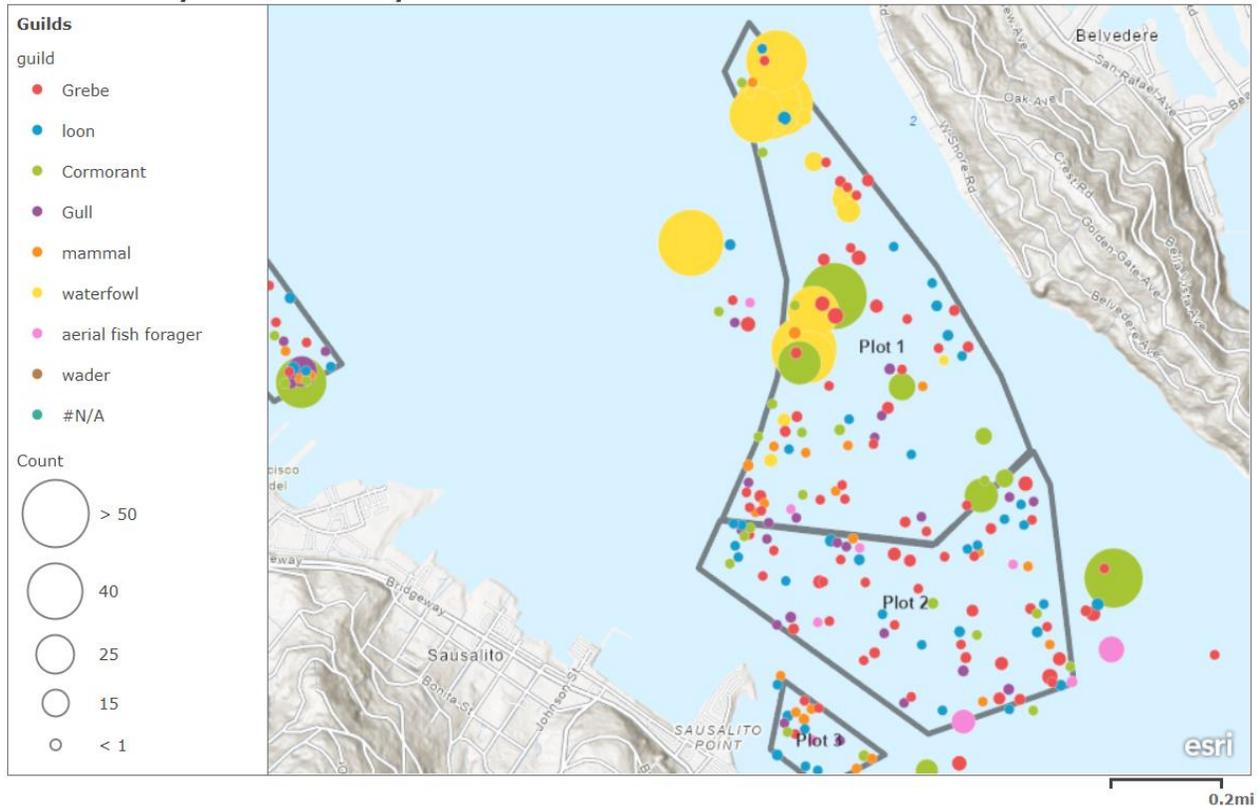
The winter survey period co-occurred with the Pacific herring (*Clupea pallasii*) spawn which typically runs annually from November through February, and is important to many bird species who feed on the roe during the spawning event. The herring run alters bird use and distribution throughout Richardson Bay (e.g., birds may move into or out of the surveyed areas), as well as the larger San Pablo and Central San Francisco Bay area (De La Cruz 2014). Because of logistical and environmental constraints (e.g., wind speed and tide levels) we were unable to conduct a survey during the peak of a suspected spawning event that may have occurred around February 1 through 8, although the presence of spawning herring and/or roe deposits may have continued to attract birds through the end of the month.

## RESULTS

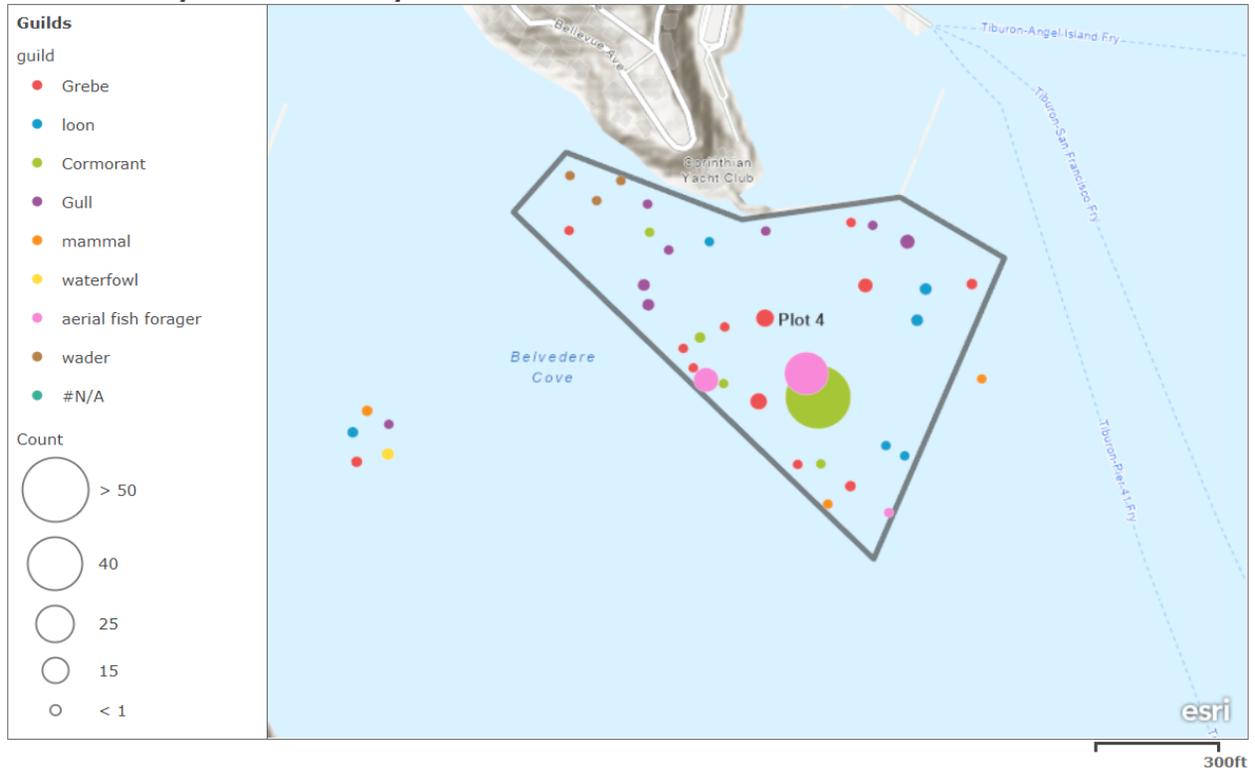
A total of 23 species were detected across all five plots and all five visits with bird species richness per plot varying from 7 during the spring visit to 14 during the early February visit (Table 1). The total number of individuals detected across all plots varied from 88 during the spring visit (visit 5) to 1,018 during the late February visit (Table 1). The mapped locations of individual birds and groups of birds did not reveal any avoidance of areas within plots (Figures 2-4). All areas within each plot were used by waterbirds. Most species were not detected on every visit which demonstrates the value of conducting multiple surveys to capture the full diversity of waterbird species using the plots (Table 2), particularly during the winter season when waterfowl are present. Visits 1-4 were summarized in Table 4 to show winter bird use, while visit 5, conducted on June 17, represented the breeding season use and was not included in the averages by plot. The total number of individuals, by species, summed across plots for each survey visit, including the spring season (visit 5), is provided in Table 3.

**Table 1.** Richardson Bay survey effort, avian species richness, and total individuals summed across five survey plots. Flyovers and observations outside plot boundaries are not included in these totals.

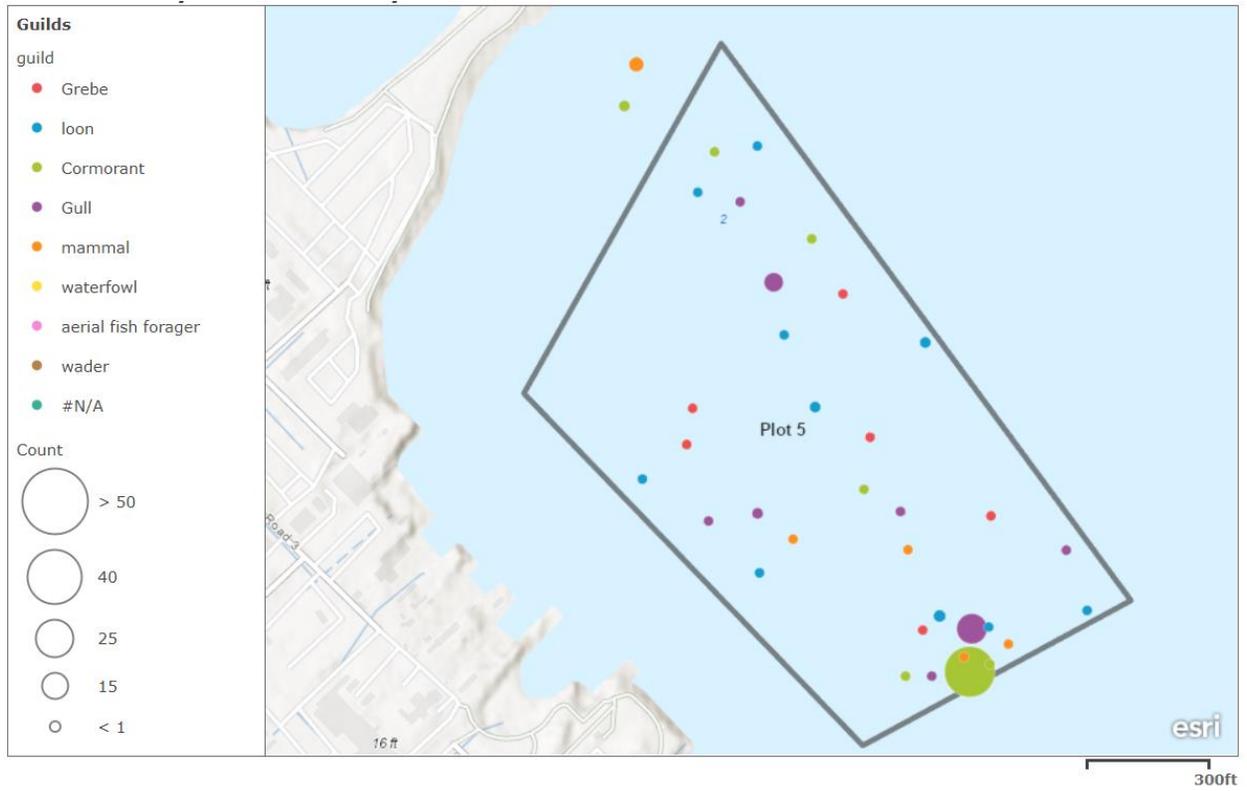
| Date          | Visit | Bird Species richness | Total individuals |
|---------------|-------|-----------------------|-------------------|
| Nov. 25, 2019 | 1     | 13                    | 134               |
| Dec. 16, 2019 | 2     | 8                     | 116               |
| Feb. 13, 2020 | 3     | 14                    | 455               |
| Feb. 26, 2020 | 4     | 11                    | 1018              |
| June 17, 2020 | 5     | 7                     | 88                |



**Figure 2.** Locations of individuals and groups of individuals by guild in Plots 1, 2, and 3, across all survey visits, including notable detections outside the plots and excluding flyovers. Symbol size indicates the number of individuals detected at that location and symbol color indicates the guild.



**Figure 3.** Locations of individuals and groups of individuals by guild in Plot 4, across all survey visits, including notable detections outside the plots and excluding flyovers. Symbol size indicates the number of individuals detected at that location and symbol color indicates the guild.



**Figure 4.** Locations of individuals and groups of individuals by guild in Plot 5 across all survey visits, including notable detections outside the plots and excluding flyovers. Symbol size indicates the number of individuals detected at that location and symbol color indicates the guild.

**Table 2.** Presence (black filled cell) of bird species detected by visit in at least one plot. Flyovers and outside plot detections are excluded.

| Guild               | Species Code | Species Full Name                 | Visit |   |   |   |   |
|---------------------|--------------|-----------------------------------|-------|---|---|---|---|
|                     |              |                                   | 1     | 2 | 3 | 4 | 5 |
| Aerial Fish Forager | BRPE         | Brown Pelican                     | ■     |   |   |   | ■ |
|                     | CATE         | Caspian Tern                      |       |   |   |   | ■ |
|                     | FOTE         | Forster's Tern                    | ■     |   |   |   |   |
| Cormorant           | BRAC         | Brandt's Cormorant                | ■     |   | ■ |   | ■ |
|                     | DCCO         | Double-crested Cormorant          | ■     | ■ | ■ | ■ | ■ |
|                     | PECO         | Pelagic Cormorant                 |       |   |   |   | ■ |
|                     | XXCO         | Unidentified Cormorant Species    | ■     |   |   |   | ■ |
| Grebe               | CLGR         | Clark Grebe                       |       | ■ |   |   | ■ |
|                     | EAGR         | Eared Grebe                       | ■     | ■ | ■ | ■ |   |
|                     | HOGR         | Horned Grebe                      | ■     | ■ | ■ | ■ |   |
|                     | GREB         | <i>Podiceps</i> Grebe             |       |   | ■ |   |   |
|                     | WCGR         | <i>Aechmophorus</i> Grebe         |       |   | ■ | ■ | ■ |
|                     | WEGR         | Western Grebe                     |       |   | ■ | ■ |   |
| Gull                | CAGU         | California Gull                   | ■     |   |   |   |   |
|                     | HERG         | Herring Gull                      | ■     |   |   |   |   |
|                     | MEGU         | Mew Gull                          |       |   | ■ | ■ |   |
|                     | RBGU         | Ring-billed Gull                  | ■     |   |   |   |   |
|                     | WEGU         | Western Gull                      | ■     | ■ | ■ | ■ | ■ |
|                     | XXGU         | Unidentified Gull Species         | ■     |   |   | ■ | ■ |
| Loon                | COLO         | Common Loon                       | ■     | ■ | ■ | ■ |   |
|                     | PALO         | Pacific Loon                      |       |   | ■ |   |   |
|                     | RTLO         | Red-throated Loon                 |       | ■ | ■ | ■ |   |
| Wader               | GBHE         | Great Blue Heron                  |       |   |   | ■ |   |
|                     | SPSA         | Spotted Sandpiper                 | ■     |   | ■ |   |   |
| Waterfowl           | AMCO         | American Coot                     | ■     |   |   |   |   |
|                     | BUFF         | Bufflehead                        |       | ■ | ■ | ■ |   |
|                     | SUSC         | Surf Scoter                       |       |   | ■ |   |   |
|                     | XSCA         | Lesser/Greater Scaup              |       |   |   | ■ |   |
|                     | XXME         | <i>Mergus</i> (Merganser) Species |       |   | ■ |   |   |

### Waterfowl species

The waterfowl guild consisted entirely of diving duck species with the exception of two American Coots observed in Plot 1. The most numerous waterfowl species were Greater/Lesser Scaup and Bufflehead. Waterfowl detections were limited to Plot 1 and incidental observations while traveling among plots (Figs. 2-4). Waterfowl were incidentally observed within and adjacent to the Sanctuary and three mergansers were detected outside Plot 4 in Belvedere Cove. The February 26 visit had a high count of diving ducks in Plot 1 (312 Bufflehead and 600 Greater/Lesser Scaup out of 1018 total individuals of all species). Surf Scoters, a sea duck whose decline in wintering numbers in the Estuary are of concern (De La Cruz 2014), were only observed within Plot 1 on the February 13 visit and may have been related to a Pacific herring spawn.

### Gull species

Five species of *Larus* gulls were observed, and while gulls observed on the surveys were not always identified to species (recorded as XXGU), all *Larus* species can be grouped together for their similar foraging behavior. All gulls observed in the plots are surface feeders, as opposed to the diving aerial foragers and diving ducks, and their presence is an indicator of foraging opportunities. *Larus* gulls are known to congregate in large numbers in the winter throughout the Bay, following Pacific herring runs. Pacific herring runs in the Bay are a critical component of the ecosystem for wintering waterfowl and gull species, particularly in Central San Francisco and San Pablo Bay (De La Cruz et al. 2014). This study's aim was to document use of specific areas of Richardson Bay, but it is important to note that bird movements rely heavily on the annual spawning event. Recent efforts have been made by others to track and understand the declines in both herring spawning events and relation to wintering waterfowl numbers. In 2020, based upon local birder's shared information via the Listserv, "North Bay Birds," the herring spawning event may have occurred on February 1, with concentrations of gulls observed through February 8. Our survey on February 13 was closest in time to the suspected spawning event and had higher numbers of gulls including the highest count for Western Gull.

### Piscivorous species

Cormorants, loons, and grebes, while distinguished in this report as separate guilds, all are piscivorous species that forage using deep dives. Cormorants, like the *Larus* gulls, are known to track the herring runs, with the gulls foraging on eggs and the cormorants preying upon the adult herring. The highest numbers of Brandt's Cormorants were observed on the February 13 survey, where 240 individuals were counted (Table 3). All three cormorant species observed breed within San Francisco Bay, and their numbers on the spring survey indicate these breeders are utilizing Richardson Bay. The Pelagic Cormorant, an uncommon breeder on Alcatraz Island (Saenz et. al. 2006), was only observed on the June 17 visit. Loon and grebe species were observed within all plots and on all winter visits. Loon and grebe numbers were notably higher within Plot 2 compared to the other plots surveyed (Table 4). The *Aechmophorus* grebes (Clark's and Western Grebes) were present on the spring survey as well, indicating that Richardson Bay provides habitat year-round, however, they are unlikely breeders in our area (Shuford 1993).

### **Wader species**

Species in the wader guild that were observed included Spotted Sandpiper, Great Blue Heron, and Black Oystercatcher. Black Oystercatcher was only detected as a flyover, but is known to occur on the shoreline year-round and breed in low numbers (Shuford 2008). Waders were not the target of this study and not enough shoreline or shallow water habitat was included in the plots to demonstrate their use of Richardson Bay (particularly shorebirds, herons, and egrets). Plot 4, within Belvedere Cove, did include one large dock with piling and exposed rock features where both the Spotted Sandpiper and Great Blue Heron were observed (Fig. 3).

### **Marine mammals**

While not the focus of the study, marine mammals were also detected within the plots. Three species of marine mammal were observed- harbor seal, harbor porpoise, and California sea lion. Harbor seals and sea lions were detected consistently within plots, while the harbor porpoise was detected on two visits in the deeper water channel off Peninsula Point (Fig. 2-4). Harbor seals were notably concentrated at haulout locations on docks near Plot 5, but were not counted due to time constraints. Although not a mammal, bat rays were notably observed in the Sanctuary waters on the June 17 visit.

### **Anchor-outs**

During the five survey visits, anchored boats were unevenly distributed throughout Plots 1, 2, and 5. Plots 3 and 4 are smaller, and have mooring buoys but no boats were present within these plots during the surveys. The northern boundary of Plot 1 abuts the Sanctuary, which is seasonally off-limits to boats, and while not a focus of these surveys, incidental observations within the Sanctuary indicated a much higher concentration of waterfowl near and within these protected waters. It is unclear from our surveys whether large rafts of waterfowl are deterred from the area east of Plot 1 by anchored boats, as the habitat there is likely suitable particularly with the presence of eelgrass.

**Table 3.** Total number of individuals by species summed across plots for each survey visit. Excluding outside plot detections and flyovers.

| Guild               | Species Code | Visit      |            |            |             |           |
|---------------------|--------------|------------|------------|------------|-------------|-----------|
|                     |              | 1          | 2          | 3          | 4           | 5         |
| Aerial Fish Forager | BRPE         | 32         | 0          | 0          | 0           | 47        |
|                     | CATE         | 0          | 0          | 0          | 0           | 4         |
|                     | FOTE         | 1          | 0          | 0          | 0           | 0         |
| Cormorants          | BRAC         | 3          | 0          | 240        | 0           | 4         |
|                     | DCCO         | 3          | 2          | 6          | 2           | 13        |
|                     | PECO         | 0          | 0          | 0          | 0           | 1         |
|                     | XXCO         | 55         | 0          | 0          | 0           | 2         |
| Grebes              | CLGR         | 0          | 1          | 0          | 0           | 6         |
|                     | EAGR         | 5          | 20         | 4          | 6           | 0         |
|                     | HOGR         | 12         | 2          | 27         | 32          | 0         |
|                     | GREB         | 0          | 0          | 1          | 0           | 0         |
|                     | WCGR         | 0          | 0          | 13         | 23          | 6         |
|                     | WEGR         | 0          | 0          | 17         | 1           | 0         |
| Gulls               | CAGU         | 1          | 0          | 0          | 0           | 0         |
|                     | HERG         | 1          | 0          | 0          | 0           | 0         |
|                     | MEGU         | 0          | 0          | 2          | 2           | 0         |
|                     | RBGU         | 2          | 0          | 0          | 0           | 0         |
|                     | WEGU         | 4          | 8          | 34         | 9           | 4         |
|                     | XXGU         | 5          | 0          | 0          | 3           | 1         |
| Loons               | COLO         | 9          | 10         | 5          | 5           | 0         |
|                     | PALO         | 0          | 0          | 2          | 0           | 0         |
|                     | RTLO         | 0          | 11         | 7          | 22          | 0         |
| Waders              | GBHE         | 0          | 0          | 0          | 1           | 0         |
|                     | SPSA         | 1          | 0          | 1          | 0           | 0         |
| Waterfowl           | AMCO         | 2          | 0          | 0          | 0           | 0         |
|                     | BUFF         | 0          | 62         | 57         | 312         | 0         |
|                     | SUSC         | 0          | 0          | 37         | 0           | 0         |
|                     | XSCA         | 0          | 0          | 0          | 600         | 0         |
|                     | XXME         | 0          | 0          | 2          | 0           | 0         |
| <b>Total</b>        |              | <b>136</b> | <b>116</b> | <b>455</b> | <b>1018</b> | <b>88</b> |

**Table 4.** Average number of individuals detected per species across all four winter visits, by plot. Excluding outside plot detections and flyovers.

| Guild               | Species | Plot   |      |      |       |      |
|---------------------|---------|--------|------|------|-------|------|
|                     |         | 1      | 2    | 3    | 4     | 5    |
| Aerial Fish Forager | BRPE    | 0      | 0.25 | 0    | 7.75  | 0    |
|                     | FOTE    | 0      | 0    | 0.25 | 0     | 0    |
| Cormorants          | BRAC    | 50.75  | 0.5  | 0.25 | 0     | 9.25 |
|                     | DCCO    | 0.5    | 0.75 | 0.5  | 0.25  | 1.25 |
|                     | XXCO    | 0      | 0    | 0    | 13.75 | 0    |
| Grebes              | CLGR    | 0      | 0.25 | 0    | 0     | 0    |
|                     | EAGR    | 3.75   | 4.25 | 0    | 0     | 0.75 |
|                     | HOGR    | 9.25   | 7    | 0.25 | 1.25  | 0.5  |
|                     | GREB    | 0.25   | 0    | 0    | 0     | 0    |
|                     | WCGR    | 0.25   | 3.5  | 0    | 5.25  | 0    |
|                     | WEGR    | 2.0    | 1.25 | 0.5  | 0.5   | 0.25 |
| Gulls               | CAGU    | 0.25   | 0    | 0    | 0     | 0    |
|                     | HERG    | 0      | 0.25 | 0    | 0     | 0    |
|                     | MEGU    | 0      | 1.0  | 0    | 0     | 0    |
|                     | RBGU    | 0      | 0.5  | 0    | 0     | 0    |
|                     | WEGU    | 1.25   | 2.5  | 0.25 | 1.25  | 8.5  |
|                     | XXGU    | 0      | 0    | 0.25 | 1.75  | 0    |
| Loons               | COLO    | 1.0    | 2.5  | 1.25 | 0.25  | 2.25 |
|                     | PALO    | 0      | 0    | 0.5  | 0     | 0    |
|                     | RTLO    | 3.25   | 4.5  | 0    | 1.0   | 1.25 |
| Waders              | GBHE    | 0      | 0    | 0    | 0.25  | 0    |
|                     | SPSA    | 0      | 0    | 0    | 0.5   | 0    |
| Waterfowl           | AMCO    | 0.5    | 0    | 0    | 0     | 0    |
|                     | BUFF    | 107.75 | 0    | 0    | 0     | 0    |
|                     | SUSC    | 9.25   | 0    | 0    | 0     | 0    |
|                     | XSCA    | 150.0  | 0    | 0    | 0     | 0    |
|                     | XXME    | 0.5    | 0    | 0    | 0     | 0    |

## RECOMMENDATIONS

Given that we observed birds using all areas surveyed over the course of the five visits, we recommend mooring facilities not be located in any of the five plots. Our surveys were designed to assess bird use within the proposed mooring areas and not to compare those plots to adjacent areas, therefore we cannot make recommendations if moorings could be located elsewhere within Richardson Bay without impacts to waterbirds. Should other mooring locations be considered, additional waterbird surveys should then be conducted which are spatially and temporally comprehensive. An analysis of survey data sampling the entire Richardson Bay is recommended to describe the distribution, abundance, and movement patterns of waterbirds and to quantify habitat value for waterbirds. Marine mammals should also be included in future surveys and habitat suitability analyses. Factors potentially affecting the distribution and abundance of waterbirds should be investigated including the distribution of anchored boats, vessel traffic, distance to developed shorelines, water depth, salinity, and characteristics of the benthos including eelgrass cover.

## REFERENCES

Cooper, D.S. 2004. Important Bird Areas of California. Audubon California. 286 pp. Available (online) at: <https://www.audubon.org/important-bird-areas/richardson-bay>.

De La Cruz, S.E.W., Eadie, J.M., Miles, A. K., Yee, J., Spragens, K.A., Palm, E.C., Takekawa, J.Y. 2014. Resource selection and space use by sea ducks during the non-breeding season: Implications for habitat conservation planning in urbanized estuaries. *Biological Conservation* 169: 68-78.

Merkel and Associates, Inc. 2019. Ecologically-based Mooring Feasibility Assessment and Planning Study. Report to Marin County Community Development Agency, San Rafael, CA.

Saenz, B.L., Thayer, J.A., Sydeman, W.J., Hatch, D.A. 2006. An Urban Success Story: Breeding Seabirds on Alcatraz Island, California, 1990-2002. *Marine Ornithology* 34:43-49.

Shuford, W.D. 1993. The Marin County breeding bird atlas : a distributional and natural history of coastal California birds. California Avifauna Series 1. Bushtit Books: Bolinas, CA.

Shuford, W.D. 2008. Waterbird Censuses at Richardson Bay Audubon Sanctuary, 1982 to 2006. Point Blue Conservation Science Report to Audubon California and the Richardson Bay Audubon Center and Sanctuary



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July 9, 2020

Greg Scharff, Chair  
San Francisco Bay Conservation and Development Commission  
376 Beal Street, Suite 510  
San Francisco, CA 94105

Attention: Enforcement Committee

Re: Update on Transition Plan for Management of Vessels in Richardson Bay

Dear Chair Scharff and Commissioners,

Audubon California is thankful for the opportunity to offer our conservation expertise and opinions on Richardson Bay Regional Agency's (RBRA) transition plan for mariners living on Richardson Bay waters. In general, we agree with and support the approach detailed in the plan from June 2020. We have also appreciated the numerous occurrences RBRA has collaborated with Audubon California on the development of this transition plan as well as their willingness to listen to our feedback in community meetings. Finally, we would like to take this opportunity to encourage both BCDC and RBRA to continue to consider the COVID-19 pandemic and its impacts on the mariner community in Richardson Bay prior to making any final decisions.

More specifically, Audubon California immensely appreciates the plan's focus on protecting and restoring eelgrass in Richardson Bay. We support RBRA's efforts to ensure individuals that currently live on Richardson Bay are treated with respect and dignity, especially during these unprecedented times. However, we are seeking clarification on a handful of points (which may be addressed during the presentation), such as the sunset date, the development of ground tackle rules, and the hesitation to ensure Eelgrass Protection Zones would continue to expand as vessels depart.

Audubon California is immeasurably supportive of RBRA's plan to develop an Eelgrass Management Plan as well as their planned engagement of an eelgrass habitat specialist to coordinate these efforts. As a stakeholder and as a conservation organization and neighbor with expertise in community engagement and restoration, Audubon California would like to offer our assistance as needed throughout the development of this management plan. We look forward to hearing more on this exciting project.

As stated in our previous comment letter dated April 7<sup>th</sup>, 2020, we also greatly appreciate the details provided for the implementation of the Safe & Seaworthy program for legacy mariners as well as the coordinated and continued outreach to the community residing on Richardson Bay. Audubon California staff commit to continuing to support outreach efforts by providing transportation to and from the vessels anchored in Richardson Bay as needed by RBRA and human services organizations.

Despite our support of the comprehensive Eelgrass Management Plan and the Safe & Seaworthy program, Audubon California does require and request additional details on RBRA's Transition Plan before we can provide our full support.

Our detailed comments and questions are as follows:

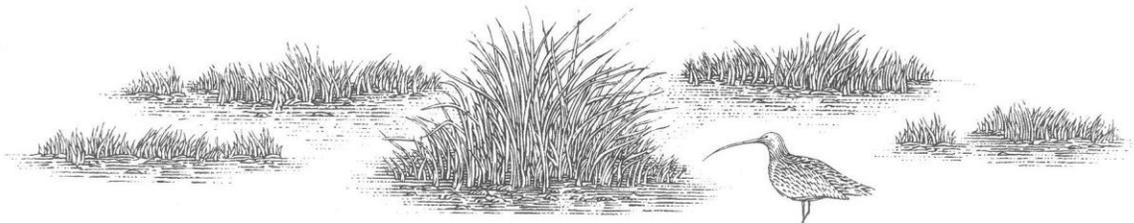
- Will the sunset date be determined on an individual mariner basis or does RBRA plan to have a target date for all mariners to comply by?
- More specificity and development of ground tackle rules is needed, especially as it relates to the development of a potential mooring field.
- We would like to see stronger language in the plan regarding Eelgrass Protection Zones, specifically a guarantee that as vessels leave the anchorage and as eelgrass restoration work is completed on an area that the protection zone expands.
- The Eelgrass Protection Zones need additional detail including location, size, timing and transition as well as an assurance of development of an Eelgrass Management Plan adopted through an RBRA board resolution (as was done with the Safe & Seaworth program).
- We would appreciate a better understanding of how the zones mitigate for the damage of approximately 57 acres quantified previously by Audubon.
- We are uncomfortable with some language in the Safe & Seaworthy priorities document that links criminal activity participation to a decreased chance of Program enrollment opportunities for mariners. We would like to see this particular section amended or removed.

As always, Audubon California appreciates the opportunity to provide comments and we look forward to continuing to collaborate on this important environmental and social justice issue.

Sincerely,

A handwritten signature in cursive script that reads "Casey Arndt".

Casey Arndt  
Center Director, Richardson Bay Audubon Center & Sanctuary



MARIN BAYLANDS ADVOCATES



P.O. BOX 2598

MILL VALLEY, CALIFORNIA 94942

July 9, 2020

Bay Conservation and Development Commission  
Enforcement Committee  
375 Beale Street  
San Francisco, CA 94105

Via email: [Publiccomment@bcdca.gov](mailto:Publiccomment@bcdca.gov)

Enforcement Committee Meeting July 9, 2020,  
SUBJECT: 7/9/2020: Item #7

Dear Enforcement Committee Members:

Marin Baylands Advocates is supportive of the Richardson Bay Regional Agency's progress in addressing the Commission's concerns about anchor outs. The Agency appears to have made progress developing a Safe and Seaworthy program, however, several aspects of their Transition Plan need to be corrected:

- The Agency has not committed to removing anchor-outs in five years as requested by the committee. It appears that the Agency does not intend to meet the 5-year deadline for removal of all anchor out boats.
- Moorings are proposed in eelgrass. Considering the fragile state of eelgrass in the Bay and the historic adverse impacts on Richardson Bay eelgrass from anchor out boats, continued moorings in eelgrass is unacceptable.

We recommend that the Committee hold firm on the five-year deadline for removal of all permanent anchor outs in the Bay and not allow continued use of eelgrass as a mooring location.

Thank you for considering our comments.

Sincerely,

*Susan Ristow*

Susan Ristow

*Ann Thomas*

Ann Thomas