



Sequoia Audubon Society  
PO Box 620292  
Woodside, CA 94062-0292  
<http://www.sequoia-audubon.org>

December 6, 2018

Via email: [marc.zepetello@bcdc.ca.gov](mailto:marc.zepetello@bcdc.ca.gov)

Bay Conservation and Development Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

RE: Enforcement Committee's Recommended Enforcement Decision Regarding Westpoint Harbor; Proposed Settlement Agreement between the Commission and Westpoint Harbor, LLC

Dear Chair Wasserman and Commissioners:

Sequoia Audubon Society is writing in regard to Item 10 of the Commission's December 6, 2018 Agenda. Our mission is to protect native birds and other wildlife and their ecosystems in San Mateo County. We urge the Commission **not** to approve the enforcement decision as currently proposed for Westpoint Harbor

Our organization provided written comments and oral testimony to the Enforcement Committee and to the Commission over the past year on BCDC's proposed enforcement action regarding Westpoint Harbor.

There are a number of significant problems with this proposed enforcement decision:

1. The proposed decision would amend the Westpoint Harbor Permit to authorize a helipad at a location that is near tidal marsh providing important habitat for endangered species, and adjacent to roosting shorebirds in Cargill's Pond 10 – wildlife that could be significantly impacted by the noise from landing/departing helicopters. Wildlife on the Refuge's Greco Island and in Westpoint Slough could be impacted by flyovers. BCDC should not permit a helipad in this sensitive location without thorough CEQA environmental analysis, and an opportunity for state and federal wildlife agencies and the public to comment. The Commission should require the removal of the unauthorized asphalt pad as originally proposed by the Executive Director last November to ensure that the helipad cannot be used in the future.

2. The decision proposes to permanently relieve Westpoint Harbor of any obligation to create 3 acres of shorebird roosting habitat with functions and benefits for shorebirds similar to the habitat lost when this project was built and the harbor basin was excavated. Not only was this part of BCDC's original conditions for approval of this controversial bay fill project, it was also a mitigation requirement in Redwood City's project Mitigated Negative Declaration, the US Army Corps of Engineers' Westpoint Harbor Permit, LSA's August 2001 Project "Biotic Resources Report", and was included in substantive comments by resource agencies and the public.

3. The decision proposes to amend the existing permit to relieve Westpoint Harbor of any obligation to install and maintain signage to protect sensitive habitats from the boat wakes of vessels traveling up Westpoint Slough from the confluence with Redwood Creek. The proposed permit amendment would add new language stating that Westpoint Harbor is in full compliance with identifying Westpoint Channel as a "No Wake" zone, even though BCDC staff has provided no documentation that appropriate signage is in place at the entrance to Westpoint Slough alerting boaters that they are now entering a "no wake" zone. Signage on a new buoy recently installed in this area does not identify a "**No Wake**" zone because it also displays a **10 MPH** speed limit sign. We are concerned that boats traveling at high speeds along the shoreline of the National Wildlife Refuge at Greco Island will cause significant adverse impacts to the endangered Ridgeway's Rail and Salt Marsh Harvest Mouse and their fragile habitat. "No Wake" buoys and signs were part of the BCDC original Westpoint Harbor permit as a means to protect Westpoint Slough mudflats and endangered species tidal marsh habitat on Greco Island from erosion caused by boat wakes. This condition was also included in the Redwood City Mitigated Negative Declaration at the request of the U.S. Fish & Wildlife Service – the agency with enforcement authority under the federal Endangered Species Act.

4. The proposed permit amendment will authorize Westpoint Harbor to dredge 150,000 cubic yards of sediment within a 24-month period from Westpoint Slough without prior environmental review. It was BCDC's position in November 2017 that dredging an average of 50,000 cubic yards per year for ten years was not exempt from CEQA. Yet now, dredging 75,000 cubic yards per year for two years may be approved by BCDC without the comprehensive environmental study and agency review required under CEQA .

5. BCDC's proposal to amend this permit in this manner conflicts with its public trust obligations and statutory duties. The proposed changes show a blatant disregard on the part of BCDC to uphold the agency's legislative mandate to protect Bay resources. The proposed permit changes establish a terrible precedent, and jeopardize the public's trust in BCDC's willingness to protect the Bay and its resources. Further, BCDC's proposed backsliding is inconsistent with original permit Findings that "the project will result in the protection of Bay resources including marshes and fish and wildlife because Special Conditions ensure the protection of surrounding valuable habitat and require mitigation for any impacts to wildlife or habitat at the project site."

6. The public has not been afforded an adequate opportunity to review the drastic proposed changes in the Enforcement Decision. This matter was previously before the

Committee on November 16, 2017 and January 18, 2018, and before the Commission on March 15, 2018. At the November 16, 2017 hearing, the Enforcement Committee adopted the Executive Director's recommended enforcement decision including the proposed cease and desist and civil penalty order for \$513,000. After six months of confidential settlement discussions - that the public was not privy too - BCDC has allowed the public only 10 days to review and comment on proposed changes to the permit, which relieves Westpoint Harbor of numerous mitigation requirements, reduces the civil penalty by over 70% to \$150,000, and allows dredging without environmental review. Our organization has not had an adequate opportunity to consult with scientists, wildlife agency personnel, and policy makers about the impacts and precedent set by these proposed permit amendments.

7. The Commission is not restricted from modifying the terms of the proposed settlement agreement. Even the Settlement Agreement negotiated behind closed doors provides that if the Commission makes recommendations to be incorporated into the permit, the Executive Director and Westpoint Harbor agree to address such recommendations.

In conclusion, we urge the Commission not to approve the currently proposed Westpoint Harbor enforcement decision. Instead, we urge you to protect critically important Bay habitats and uphold the permit conditions to protect these resources.

Thank you for the opportunity to provide comments on the proposed enforcement decision.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Flint".

Leslie Flint  
Conservation Committee  
Sequoia Audubon Society

**Subject:** West Point Harbor Proposed Settlement Agreement

**Date:** Thursday, December 6, 2018 at 8:42:07 AM Pacific Standard Time

**From:** Charlene Thayer

**To:** Zeppetello, Marc@BCDC, Steve  Hiller , doug@westpointharbor.com

Dear Mr. Zeppetello

I am sending this email in support of the West Point Yacht harbor. I have known Mark Sanders since the inception of the Marina, we re-located our boat from Newport Beach California to the West Point Yacht Harbor in the early days when the Harbor first opened. Mark has painstakingly and meticulously designed that Harbor to meet and exceed all aspects of marina industry standards.

He has been an active supporter of the local community, he has opened his marina for sporting events, sailing regattas and an avid supporter of the Redwood City police and fire departments. I cannot say enough about Mark Sanders Commitment to his marina and the industry. We urge your support to approve the settlement agreement between the BCDC and WPY.

Sincerely,

Stephen Hiller  
President  
Toyota 101  
525 E Bayshore Rd  
Redwood City, Ca 94063



**COMMITTEE FOR  
GREEN FOOTHILLS**

December 5, 2018

The Honorable BCDC Commissioners  
San Francisco Bay Conservation and Development Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019  
Via email: [marc.zepetello@bcdca.gov](mailto:marc.zepetello@bcdca.gov)

**RE: Item 10 - Proposed Settlement Agreement between the Commission and Westpoint Harbor**

Dear Commissioners:

Thank you for your thoughtful consideration of the proposed settlement. Committee for Green Foothills represents over 1,000 households and advocates on their behalf for the protection of open space, farmlands, and natural resources in Santa Clara and San Mateo Counties. We recognize the importance of keeping the San Francisco Bay accessible to all, while protecting this resource as designated by the California Constitution. We appreciate the opportunity to comment on the Westpoint Harbor proposed settlement.

Given our mission, we are concerned by the precedent the proposed settlement could set for future environmental protections. The proximity of Westpoint Harbor to the Don Edwards San Francisco Bay National Wildlife Refuge's Greco Island means that Westpoint Harbor is already causing damage to the environmental habitat due to the wake caused by boats, and noise from helicopters; this proposal could further worsen the negative effects on wildlife, and the large number of birds that make this area their home.

In particular, we are concerned that the settlement allows a helipad that was built without a CEQA permit. As it sits directly adjacent to Greco Island, this encroachment flies in the face of every environmental regulation possible. As researchers have noted numerous times, helicopters emit intense noise, both high and low frequency, which is highly disruptive to waterfowl (Miller 1991, Mosbeck & Glahder 1991, Holm 1997). The threatened Ridgway rail nesting grounds on Greco Island in the adjacent Don Edwards National Wildlife Refuge could be severely compromised. Please consider some sort of mitigation for the helipad, or outright removal.

Additionally, we urge the Committee to amend the proposal to ensure that all mitigations are fully proportionate and enforceable. For example, in Permit Amendment 10, BCDC relieved Westpoint Harbor of all obligations to provide the required mitigation for the loss of shorebird roost habitat that was destroyed when the harbor basin was excavated. Again, this leniency contradicts appropriate

**COMMITTEE FOR  
GREEN FOOTHILLS**

3921 E. Bayshore Road  
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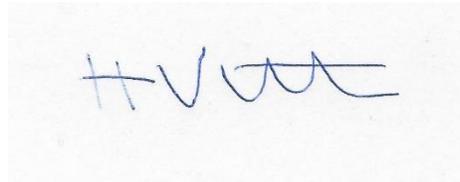
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[www.GreenFoothills.org](http://www.GreenFoothills.org)

environmental regulations that were set at the time of permit approval. This mitigation requirement was included in the original MND for the project, and needs to be enforced to ensure that future mitigations are taken seriously.

We agree with others that finalizing the agreement would be easy, and is long overdue, but we are concerned that such an agreement for agreements sake will prove environmentally costly for any future enforcement actions. Please take this opportunity to set a precedent that will be valued in future years.

Again, thank you for your thoughtful consideration of these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. Wolter", is centered on a light-colored rectangular background.

Helen Wolter  
Legislative Advocate, Committee for Green Foothills

**Subject:** Support for Westpoint Harbor Proposed Settlement Agreement  
**Date:** Wednesday, December 5, 2018 at 8:42:03 PM Pacific Standard Time  
**From:** Matthew Sanders  
**To:** Zeppetello, Marc@BCDC

Greetings, BCDC Commissioners,

I am writing this email to express my support of the proposed Settlement agreement regarding Westpoint Harbor.

My father has, for as long as I can remember, been my greatest example of a hard working individual who advocates for a healthy and clean natural environment, strong community, and powerful sense of personal integrity. He supported a variety of outdoor communities as he has developed Westpoint Harbor, and continues to reach out to others in an effort to maintain the San Francisco Bay as a healthy and accessible place for boaters and outdoor enthusiasts alike.

I support the settlement agreement, and ask that you vote to support it on December 6th.

Sincerely,

Matt Sanders

**FOR IMMEDIATE RELEASE:**

**Westpoint Harbor is North American Large Marina of the Year**

*Nashville, TN - December 5, 2018* – The prestigious Marina of the Year awards were presented today at the annual The Docks Expo in Nashville, Tennessee. Westpoint Harbor, in Redwood City, was named Large Marina of the Year in a tough competition that saw entries from all three countries in North America.

Mark Sanders, owner of Westpoint Harbor, said “It is a great honor to be recognized like this. We have worked hard to create a facility that takes care of boaters, the environment, and which offers everyone an opportunity to enjoy the water.”

Westpoint Harbor celebrated its 10<sup>th</sup> year of successful operations in August this year. The harbor is known for its innovations that make boating safer and easier, for the extensive environmental stewardship of the Bay Trail and surrounding natural habitats, for its welcoming team of harbormasters who provide guidance and help to hundreds of visitors each month but is especially known for its exceptional modern facilities.

Marina Dock Age, who sponsors the award annually, set the bar very high and perform a detailed investigation in to the applicant harbor. They are particularly looking for harbors that excel in terms of their business practices that support customers, the harbor’s custodianship of the environment, and harbors that promote the boating industry.

After receiving the award from Editor-in-Chief Anna Townsend, Mr. Sanders added, “This award is really recognition for our whole harbor community, from the marvelous team of harbormasters, our dedicated maintenance and landscaping crews, but also to the members of the harbor who make the marina a special place to be, to our partners and vendors, who deliver excellent products and services, and to the many members of the public who come to the harbor every day to enjoy the trails, picnic at lunch time, or just to hang out and take in the views. This is truly team effort and we are all proud of what we have achieved.”

Pike’s Bay Marina in Bayfield, Wisconsin, won Small Marina of the Year.

Contact:  
Kevin Parker  
Kevin@WestpointHarbor.com  
101 Westpoint Harbor Drive  
Redwood City CA 94063  
PH: +1-650-701-0545

Print ready images follow:

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We Go Where The Wind Blows

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# BCDC to Vote on Westpoint Settlement Tomorrow

By Tim Henry | December 5, 2018 | 0 (<https://www.latitude38.com/lectronic/bcdc-vote-westpoint-settlement-tomorrow/#respond>)

Tomorrow, the BCDC commissioners will vote on a settlement with Westpoint Harbor, marking the possible conclusion of a years-long conflict between one of the Bay Area's newest marinas and a government agency that many people feel has gone astray of its founding mission. The commission will meet on Thursday, Dec. 6, at 1 p.m. in the Bay Area Metro Center, 375 Beale Street, Board Room, First Floor, San Francisco.

"The BCDC Staff and the Enforcement Committee have recommended approval," said Bob Wilson, a member of the San Francisco Bay Stewardship Alliance. The proposed settlement is the result of months of negotiations between Westpoint and the Bay Conservation and Development Commission, and comes in the midst of a state audit of the BCDC.



One of the newest, most modern and most environmentally friendly marinas in the Bay Area has, ironically, been in the crosshairs of the Bay Conservation and Development Commission, or BCDC.

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"Many boaters are writing to the BCDC to support the settlement. Support is overwhelming!" said Wilson. "The letters (<http://www.bcdc.ca.gov/cm/2018/1206WPHCommentLetters.pdf>) get posted several times ahead of the meeting."

The Friends of Westpoint Harbor — an advocacy group that has supported the marina through its trials with the BCDC — has also circulated a petition (<https://www.change.org/p/westpoint-harbor/u/23692056>) urging people to weigh in. “We can take nothing for granted, so the Friends of Westpoint Harbor urges you to continue voicing your support for the marina by sending emails or letters to the Commission before their next meeting, or by attending the Commission meeting to provide visual and moral support to Westpoint Harbor.”

We’ll bring you the results of tomorrow’s BCDC meeting on an upcoming *‘Lectronic*.

%20story%20from%20Latitude%2038%3A%0A%0ATomorrow%2C%20the%20BCDC%20c

long%

20conflict%20between%20one%20of%20the%20Bay%20Area%E2%80%99s%20newest%20marinas%20and%20a%20government%20agency%20westpoint-settlement-tomorrow%2F%3Futm\_source%3DI38\_webshare%26utm\_medium%3Demail)

### Leave a Comment

Please keep it friendly.

Your Name (Required)

Your Email (Required)

Boat Name (if any)

Boat Type (if any)

Home Port or Town

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E-MAIL  
Assemblymember.Waldron@assembly.ca.gov

# Assembly California Legislature



**MARIE WALDRON**  
ASSEMBLY REPUBLICAN LEADER  
ASSEMBLYMEMBER, SEVENTY-FIFTH DISTRICT

DISTRICT OFFICE  
350 W. 5TH AVENUE, SUITE 110  
ESCONDIDO, CA 92025  
(760) 480-7570  
FAX (760) 480-7516

December 5, 2018

Subject: BCDC Meeting December 6th, 2018

Dear Mr Zeppetello and Mr Goldzband,

I am aware that on December 6th, 2018 the BCDC Commission will vote on a settlement agreement with Westpoint Harbor. I understand Westpoint Harbor and BCDC staff negotiated and formalized this agreement in response to the Commissions recent directive to offer a fair and definitive resolution and create a productive, workable way forward.

As a concerned Legislator, I will monitor the outcome and hopeful resolution of the meeting on Thursday.

Please post this commentary and make sure the Commissioners are in receipt of it prior to commencement of the meeting tomorrow.

Sincerely,

A handwritten signature in blue ink that reads "Marie Waldron".

Marie Waldron  
Assemblymember, 75<sup>th</sup> District

Cc: Assembly Pro Tem Kevin Mullin

**Subject:** ATTN: Westpoint Harbor Proposed Settlement Agreement  
**Date:** Wednesday, December 5, 2018 at 7:43:20 AM Pacific Standard Time  
**From:** Philippe & Carolyn  
**To:** Zeppetello, Marc@BCDC  
**CC:** info@friendsofwestpointharbor.org

Dear BCDC Commissioners,

We strongly urge you to approve the proposed settlement agreement with Westpoint Harbor at the December 6, 2018 meeting. As tenants of Westpoint Harbor, we fully support this agreement because it acknowledges the Harbor's work to protect San Francisco Bay Wildlife Refuge roosting areas, allows for the Harbor's docks to be used by Redwood City police and fire departments in the event of an emergency, and will enable maintenance dredging that is critical for boaters and marina infrastructure.

We recently moved our sailboat to the docks at Westpoint Harbor and have been consistently impressed by the cleanliness and ease of public access. With well-maintained facilities and pathways, twice per year water quality testing, and a clean marina certification, Westpoint Harbor has clear values and high standards. The harbormaster, employees of Westpoint Harbor, and owner, Mark Sanders, have continually reiterated their commitment to ecological sensitivity, conservation, and thoughtful development.

As active recreational sailors who have had careers in science, education, and water conservation, we are extremely mindful of our environmental footprint. We have kept our boat in many Bay Area harbors, but this is the first time we have seen an approved vendor list where vendors are rigorously vetted to ensure their practices are environmentally responsible. We commend the 10 years of thoughtful planning, 5 environmental reviews, and positive remediation work that went into Westpoint Harbor's construction. We are thrilled to be a part of this new community and urge BCDC approval of the settlement.

Sincerely,

Dr. Philippe Marguet & Carolyn Marguet, S/V Untangled

**Subject:** Settlement Agreement between Westpoint Harbor and BCDC

**Date:** Tuesday, December 4, 2018 at 4:47:42 PM Pacific Standard Time

**From:** Paula Cuneo

**To:** Zeppetello, Marc@BCDC

Dear Mr. Zeppetello,

The proposed settlement agreement between Westpoint Harbor and BCDC has recently come to my attention. It is my understanding that BCDC has agreed to rewrite the Westpoint Harbor permit, removing all errors and conflicts, and recognizing everything in the harbor is in fact fully permitted. The settlement ends all BCDC enforcement actions, voids all allegations of permit violations and claims for fines and penalties.

**I would like to register my strong support that this settlement agreement be ratified.** The dispute between the parties has lingered on for far too long, and has needlessly wasted time, energy and money that could have otherwise provided provided a better return for the common good. **It is past time to finally take a step in a positive direction.**

Thank you kindly for your attention.

Sincerely,

Paula Cuneo  
Retired Deputy Assessor-Clerk-Recorder  
County of San Mateo

December 4, 2018

Larry Goldzband, Executive Director and BCDC Commissioners

Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600

San Francisco, CA 94102-7019

Dear Mr. Goldzband and BCDC Commissioners:

We are writing to request that the Commission approve the BCDC-Westpoint Harbor (WPH) settlement on Dec. 6 at the commission meeting. We agree with the settlement agreement as submitted by BCDC and WPH. The settlement agreement speaks well to what can and will be done to move forward in a fair and beneficial way for BCDC, WPH, the shoreline environment and the public.

Thank you.

Robert and Patricia Ragan

**Subject:** Westpoint Harbor Proposed Settlement Agreement  
**Date:** Tuesday, December 4, 2018 at 12:40:03 PM Pacific Standard Time  
**From:** Brenda Hattery  
**To:** Zeppetello, Marc@BCDC  
**CC:** Info, harbormaster, John Arndt

San Francisco Bay Conservation and Development Commission (BCDC) c/o Mr. Mark Zeppetello:

This email is sent in support of the proposed agreement between Westpoint Harbor and BCDC. The marina and its management have increased public access to the Bay by the boating and the non-boating public while simultaneously making substantial efforts to protect the nearby San Francisco Bay Wildlife Refuge from the public.

The proposed settlement agreement between the San Francisco Bay Conservation and Development Commission and Westpoint LLC supports sensible development around the Bay and it benefits the environment and the public alike. The agreement can bring an end to the acrimony between the parties. I encourage the Commission, at the December 6, 2018 meeting, to unanimously approve the settlement agreement without modification, as already signed by Mr. Sanders for Westpoint Harbor LLC.

Commissioners, thank you for your public service on behalf of the people of the State of California.

Respectfully,

Brenda K Hattery and David W. Hattery, D.Sc.

Schooner Mahdee  
202.726.1994

Please include this email in the public comments in the public record and delivered to the members of the Commission.

**Subject:** West Point Harbor Agreement  
**Date:** Tuesday, December 4, 2018 at 11:46:34 AM Pacific Standard Time  
**From:** Mik Maguire  
**To:** Zeppetello, Marc@BCDC  
**Attachments:** CYBAlogo0109blue.jpg, signature.jpg



Dear Marc & Members of the BCDC Commission,

The California Yacht Broker's Association, a non-profit organization that represents the interests of California licensed yacht brokers and salespeople, is in support of the negotiated agreement between BCDC and the ownership of West Point Harbor, Redwood City, California. The needs of recreational boaters and the legacy of the public's navigation of the waters of San Francisco Bay is in the forefront of our organization's priorities. We feel that West Point Harbor also represents those interests and therefore we support them.

Sincerely,

Mik Maguire  
President, CYBA

**Michael (Mik) Maguire**  
Certified Yacht Broker - B03308  
*CYBA President, 2017-2018*  
Cell: 510-552-7272 Office: 510-521-6213



December 3, 2018

Larry Goldzband, Executive Director  
San Francisco Bay Conservation and Development Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

**John Marshall**  
President

RE: Westpoint Harbor

**Ray Durazo**  
Vice President – North

Executive Director Goldzband and Commissioners:

**Dan Hodge**  
Vice President - South

Recreational Boaters of California [RBOC] strongly urges the San Francisco Bay Conservation & Development Commission [BCDC] to approve without modification the proposed settlement between BCDC and Westpoint Harbor brought forth by the BCDC staff and the Commission’s Enforcement Committee.

**Otis Brock**  
Secretary – Treasurer

RBOC is the nonprofit governmental advocacy organization that works to protect and enhance the interests of the state's recreational boaters before the legislative and executive branches of state and local government. RBOC was formed as a statewide organization fifty years ago and from that date forward has continued its commitment to promoting the enjoyment, protection, and responsible use of our waterways.

**Peter Robertson**  
Past President

Since its establishment nearly a decade ago, Westpoint Harbor has become a valuable asset to the Bay’s recreational boating community. The harbor has been justly recognized by the public, governmental entities, environmentalists, enthusiasts and the boating community as a successful marina development which adds significant value to the San Francisco Bay Area, its environment and recreation.

Legislative Advocates  
**Jerry Desmond**  
Director of  
Government Relations

Mail donation checks to  
**RBOC**

c/o Otis Brock  
1253 Yuba Avenue  
San Pablo, CA 94806

Sincerely,

John Marshall, President

C: RBOC Board of Directors

December 3, 2018

Larry Goldzband, Executive Director and BCDC Commissioners  
Bay Conservation and Development Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

Dear Mr. Goldzband and BCDC Commissioners:

This letter is in reference to the Commission's consideration of the BCDC-Westpoint Harbor settlement agreement on the December 6, 2018 commission meeting agenda. I strongly urge approval of the settlement agreement as submitted by BCDC and WPH.

Please approve the BCDC/WPH agreement for settlement so that we, the taxpayers will have an end to the wasting of time and resources concerning this.

Thank you.

Sheila Finch

**Subject:** Westpoint Harbor Proposed Settlement Agreement

**Date:** Monday, December 3, 2018 at 3:58:31 PM Pacific Standard Time

**From:** Sonya Boggs

**To:** Zeppetello, Marc@BCDC

Commissioners  
Bay Conservation and Development Commission  
455 Golden Gate Avenue Suite 10600  
San Francisco, CA. 94102-7019

RE: Westpoint Harbor Proposed Settlement Agreement

Dear Commissioners,

We are writing to the Commission to voice our support of the proposed settlement agreement between the Bay Conservation and Development Commission (BCDC) and Westpoint Harbor.

We are among the many San Mateo County residents who are appreciative of BCDC's mission and Westpoint Harbor's contribution to our community and The Bay. We look forward to the continued enjoyment of an increased shoreline for walks and bird watching, easier access to the water for paddle sports, and an award-winning environmentally conscientious marina.

We urge the Commission to approve the settlement agreement, without modification, at its December 6th meeting.

Thank you for your consideration and service to The Bay Area.

Respectfully submitted,

Sonya Boggs & Paul Kettle

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Sonya Boggs & Paul Kettle  
PO Box 6918  
Redwood City, CA 94063

**Subject:** Westpoint HarborProposed Settlement Agreement

**Date:** Monday, December 3, 2018 at 10:58:05 AM Pacific Standard Time

**From:** consultnd

**To:** Zeppetello, Marc@BCDC

Bay Conservation and Development Commission:

Your Enforcement Committee in concert with Westpoint Harbor have reached a "Negotiated Settlement Agreement." This settlement ends all Bay Conservation and Development Commission (BCDC) enforcement actions and voids all allegations of permit violations and claims for fines and penalties. This proposed settlement was approved by your Enforcement Committee and has been forwarded for your approval at the 6 December 2018 commission meeting.

**I strongly encourage you to approve the settlement. Doing so would be in the best interests of BCDC; it would be a positive step toward improving BCDC's long-standing tarnished image.**

Sincerely,

Neal Doten

**Subject:** Endorsement of Westpoint Harbor Settlement Agreement

**Date:** Monday, December 3, 2018 at 10:17:28 AM Pacific Standard Time

**From:** Jill Singleton

**To:** Zeppetello, Marc@BCDC

**CC:** info@friendsofwestpointharbor.org

Dear Mr. Zeppetello,

Please convey to the commission these comments.

I am among the large number of people who support Westpoint Harbor and the proposed settlement agreement with BCDC to end the longstanding enforcement and permitting uncertainties regarding this wonderful asset to the bay, Redwood City and the Peninsula and the boating community.

I have read a great deal about this dispute. I have been familiar with the property for decades, and understand the issues involved, as well as the surrounding properties, the local community and various interest groups that have concerned themselves with Westpoint Harbor.

Having talked to a number of business and community leaders on the Peninsula about Westpoint Harbor over the past few years, it is my sense that there is profound agreement that Westpoint Harbor is a wonderful development that should be fully supported.

I urge the Commission to approve the settlement agreement, without modification, at its Dec. 6, 2018 meeting.

Respectfully,  
Jill Singleton

**Subject:** Support for Westpoint Harbor

**Date:** Sunday, December 2, 2018 at 8:13:52 PM Pacific Standard Time

**From:** Robert Douglass

**To:** Zeppetello, Marc@BCDC, info@friendsofwestpointharbor.org

Mr. Zeppetello,

This email is being sent in support of the proposed agreement between Westpoint Harbor and BCDC. I trust that it will be added to public comments delivered to the members of the commission.

I had a role in the early planning, permitting and land acquisition efforts for the Westpoint Marina. Since those early days I have remained keenly interested in and supportive of Mark Sanders' incredible project. What the marina is today is a result of Mr. Sanders' vision, dedication and determination.

The role of the San Francisco Bay Conservation and Development Commission in the development of the marina, while critical and absolutely necessary for the required permit, proved to be a difficult and often contentious one as well.

The Commission is well aware of the long and difficult history between BCDC and Westpoint Harbor. The settlement agreement between the San Francisco Bay Conservation and Development Commission and Westpoint LLC. brings an end to the acrimony for both parties and I encourage the Commission to unanimously approve the agreement, already signed by Mr. Sanders.

There will be, of course, opposition to the execution of this agreement. That is to be expected, nothing is easy in the permitting business in the San Francisco Bay area. Those objections have been noted and resolved.

Please approve the agreement at your December 6th meeting.

Robert C. Douglass

Civil Engineer

**Subject:** Westpoint Harbor

**Date:** Sunday, December 2, 2018 at 12:13:17 PM Pacific Standard Time

**From:** ANR

**To:** Zeppetello, Marc@BCDC

Dear Marc, just a short e-mail to let you know how pleased we are with the potential agreement/settlement between the BCDC and Westpoint Harbor at the upcoming meeting on December 6, 2018. From all we know, this is a good resolution of a long back and forth and in the best interest of all parties involved.

Kind regards,

Adriana and Andries Ruijssenaars.

Sent from [Mail](#) for Windows 10



Virus-free. [www.avast.com](http://www.avast.com)

**Subject:** Support for Westpoint Harbor Proposed Settlement Agreement  
**Date:** Sunday, December 2, 2018 at 7:35:12 AM Pacific Standard Time  
**From:** Ruijsenaars, Robert  
**To:** Zeppetello, Marc@BCDC  
**CC:** info@friendsofwestpointharbor.org

Attention: Westpoint Harbor Proposed Settlement Agreement

Dear BCDC Commissioners:

We are writing you this email in support of the proposed settlement agreement with Westpoint Harbor. The marina and its management have made substantial efforts to protect the nearby San Francisco Bay Wildlife Refuge from boater intrusions. We support them and the settlement agreement unequivocally and encourage you vote to support the settlement on December 6<sup>th</sup>.

Kind regards,  
Jennifer & Robert Ruijsenaars  
209 277 6966

December 2, 2018

Larry Goldzband, Executive Director and BCDC Commissioners

Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600

San Francisco, CA 94102-7019

Dear Mr. Goldzband and BCDC Commissioners:

I am writing to address the Commission's consideration of the BCDC-Westpoint Harbor settlement agreement on the December 6, 2018 commission meeting agenda. I strongly urge approval of the settlement agreement as submitted by BCDC and WPH.

I have the unique perspective of having been present for the majority of the negotiated settlement meetings. The final agreement is the product of eight months and hundreds of hours of challenging meetings, problem-solving sessions and negotiations. It speaks to the commitment of the participants (four from BCDC; three from WPH) that meetings were ultimately productive and provide closure to a long-standing, complicated permitting and compliance process. *These individuals are the people who know the details, complexity and history better than anyone else and are most qualified to fashion a meaningful, fair resolution. They have done so and submit it to the commission for approval.* The settlement agreement speaks to what can and will be done to move forward in a fair and beneficial way for BCDC, WPH, the shoreline environment and the public.

I urge you to trust the people whom you tasked with bringing closure and resolution to this process and to vote on Dec. 6 for approval of the settlement agreement.

Maureen O'Connor Sanders



## SF Bay Stewardship Alliance

*Promoting informed conservation and responsible development of The  
SF Bay for the enjoyment of all*

December 2, 2018

Larry Goldzband  
Executive Director  
Bay Conservation and Development Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

Dear Mr. Goldzband:

We are writing in response to the Commission's consideration of the proposed settlement between the BCDC and Westpoint Harbor. Our group, the San Francisco Bay Stewardship Alliance, strongly recommends the approval of this settlement.

Although we remain at odds with the BCDC over its governance and focus, we support the settlement. Modification or rejection after months of hard work by both sides would risk further unnecessary and costly delays to resolve this enforcement action.

The Alliance is encouraged that commission staff and Westpoint Harbor have worked diligently to come to a mutual consensus on the issues raised in the dispute. We believe the proposed settlement serves both the public interest and promotes a better environment.

Further, we are confident that the extra steps taken by Westpoint Harbor in response to November's enforcement committee hearing are satisfactory to assuage any further concerns by BCDC commissioners and staff. We noted objections at the enforcement hearing from some parties regarding roosting habitat. The Alliance supports continued stewardship of the existing habitat on the Cargill site. It has been well maintained as a habitat far better than what was there before Westpoint Harbor for almost 20 years.

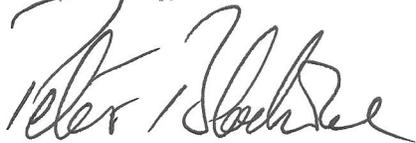
Any further development at the Cargill site would require this habitat to be addressed. The Alliance will continue to vigorously defend the environment. We as a community and specifically The Alliance will continue to monitor the Cargill site and join with others who support both environmental protections and responsible growth in the future.

We would also point out that a substantial contribution is being made by Westpoint Harbor and Mr Sanders to two worthy environmental groups is part of the settlement. A total of \$150,000 will be split between the Marine Science Institute, which helps educate over 50,000 students a year on the unique enco systems in SF Bay and the California Coastal Conservancy. This substantial contribution is another great reason to support this settlement today without further delay.

Now is the time to move forward and for both parties to continue the work of improving the San Francisco Bay estuary and the public's access to it for generations to come. Westpoint Harbor is a small business, yet it serves as a model for future developments. The Alliance hopes more projects will follow its lead in being both a significant community resource and environmentally responsible. Development and environmental responsibility can exit side by side. Westpoint Harbor proves it!

The Alliance urges the commission to approve this settlement without further delay.

Respectfully,



Peter Blackmore  
Co-Founder  
SF Bay Stewardship Alliance  
[www.baystewards.com](http://www.baystewards.com)



Bob Wilson  
Co-Founder  
SF Bay Stewardship Alliance

CC: Navi Dhillon Baker Potts L.L.P.

**Subject:** Westpoint Harbor Proposed Settlement Agreement

**Date:** Saturday, December 1, 2018 at 11:26:52 AM Pacific Standard Time

**From:** jbreits@charter.net

**To:** Zeppetello, Marc@BCDC

**CC:** 'Harbormaster@westpointharbor.com'

December 1, 2018

Commissioners  
Bay Conservation and Development Commission

re: Westpoint Harbor Proposed Settlement Agreement

Dear Commissioners,

As supporters of the Westpoint Harbor project since it's inception, we are pleased that the BCDC Staff and Westpoint Harbor have finally reached a Negotiated Settlement Agreement, and we urge you to vote in favor of this agreement on December 6, 2018. By adopting this Agreement, both the BCDC and Westpoint Harbor can resume their efforts to provide responsible public access to all the San Francisco Bay has to offer without the distraction of this dispute.

My wife Marilyn and I have the opportunity to kayak in and around the marina area and had an exceptional experience. Westpoint Harbor sets the standard for marinas in the Bay Area and should be lauded as an example for thoughtful and effective enhancement of the Bay. Westpoint Harbor is a tribute to the Bay, recognized as one of the most advanced, innovative, and environmentally friendly marinas, offering direct access to new walking trails, kayaking, rowing, sailing, canoeing and stand-up paddle boarding. A shimmering marina teeming with wildlife, which only 30 years ago was industrial waste site, it is by far the cleanest, safest marina in the bay.

Adopting this agreement would show BCDC's commitment to its charter to "protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations." **This is an outstanding opportunity for the BCDC commissioners to do the right thing for the Bay area!**

Again, we ask that you vote in favor of the Settlement Agreement with Westpoint Harbor on December 6, 2018.

Thank you for your consideration and your service.

Best Regards,

Jan Breitsprecher and Marilyn O'Connor

400 W. Dean Avenue  
Monona, WI 53716

**Subject:** Westpoint Harbor Proposed Settlement Agreement

**Date:** Saturday, December 1, 2018 at 10:07:26 AM Pacific Standard Time

**From:** Louis Adamo

**To:** Zeppetello, Marc@BCDC

**CC:** harbormaster

Louis Adamo & Karen Gitter  
PO Box 5041  
Redwood City, CA 94063

December 1, 2018

Commissioners  
Bay Conservation and Development Commission

re: Westpoint Harbor Proposed Settlement Agreement

Dear Commissioners,

As members of the Westpoint Harbor boating community for over seven years, we are pleased that the BCDC Staff and Westpoint Harbor have finally reached a Negotiated Settlement Agreement, and we urge you to vote in favor of this agreement on December 6, 2018. By adopting this Agreement, both the BCDC and Westpoint Harbor can resume their efforts to provide responsible public access to all the San Francisco Bay has to offer without the distraction of this dispute.

Westpoint Harbor sets the standard for marinas in the Bay Area and should be lauded as an example for thoughtful and effective enhancement of the Bay. Westpoint Harbor is a tribute to the Bay, recognized as one of the most advanced, innovative, and environmentally friendly marinas, offering direct access to new walking trails, kayaking, rowing, sailing, canoeing and stand-up paddle boarding. A shimmering marina teeming with wildlife, which only 30 years ago was industrial waste site, it is by far the cleanest, safest marina in the bay.

Adopting this agreement would show BCDC's commitment to its charter to "protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations."

Again, we ask that you vote in favor of the Settlement Agreement with Westpoint Harbor on December 6, 2018.

Thank you for your consideration and your service.

Best Regards,

Louis Adamo & Karen Gitter  
"Legacy"  
[louis@hi-techaudio.com](mailto:louis@hi-techaudio.com)  
[sail.legacy@gmail.com](mailto:sail.legacy@gmail.com)

**Subject:** Settlement of Westpoint Harbor Dispute

**Date:** Friday, November 30, 2018 at 12:40:54 PM Pacific Standard Time

**From:** BARBARA SMITH

**To:** Zeppetello, Marc@BCDC

**CC:** info@friendsofwestpointharbor.org

Dear Mr. Zeppetello,

Hooray, it's about time that this long overdue settlement may be about to come to pass !!

So much money and time has been wasted and for what??

I hope that this will be approved, ratified, and then celebrated for what can only be a very positive continuance of what is now our awesome Westpoint Harbor !!!

Go for it !!!

Barbara Smith

**Subject:** Westpoint Harbor Proposed Settlement Agreement

**Date:** Friday, November 30, 2018 at 7:56:04 AM Pacific Standard Time

**From:** Stephen Estrada

**To:** Zeppetello, Marc@BCDC

**CC:** info@friendsofwestpointharbor.org

Respected Members O the BCDC,

I humbly come to you as a Native Californian American. My ancestors were coastal Indians Called Janeno. I grew up fishing in our streams, rivers and lakes and later exploring the Delta and cruising from Sacramento to San Francisco. I have seen many establishments on these waterways both public and private and their many states of repair or disrepair. So I was aghast when I learned of the issues Mr. Sanders had been enduring. As a U.S. Marine may I say, "He runs a tight ship." I am pleased and honored to call Westpoint Harbor home to me and my wife.

Now it seems that our hopes for due process and justice has finally met your committee. I must say after attending the last meeting I was not hopeful. Should the settlement be approved without modification, I see a win, win, win. It is a testament to the voracity of your committee and its' ability to slow down and not just set mandates and enforce rules, but also mature and grow as we face new challenges to our environment. A win for the public and residents who enjoy the nature and beauty of Westpoint Harbor and its' surroundings. And finally, a win for Mr. Sanders and all in his employ for their outstanding and tireless efforts to create and keep a clean and beautiful marina that should be emulated and lauded.

Thank you for your time and efforts through this process and I look forward to a great result for everyone December 6, 2018. We also look forward as a community to work hand in hand with the BCDC to promote an engaged partnership that is a benefit to all.

Kind Regards,

Stephen Estrada  
Tax Payer and  
Boat Owner