

Subject: PICYA Letter to Member Clubs - Fwd: San Francisco Bay Conservation and Development Commission (BCDC) action regarding Westpoint Harbor

Date: Wednesday, January 17, 2018 at 1:28:00 PM Pacific Standard Time

From: Winston Bumpus

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

Dear Enforcement Committee Members and BCDC Commissioners,

Please see below a copy of a letter sent to the 100+ yacht clubs of Northern California who are members of the Pacific Inter-Club Yacht Association (PICYA) and who are also members of the public that enjoy access to our Bay. Please add it to the public record.

Winston Bumpus
Commodore
PICYA

----- Forwarded message -----

From: "PICYA" <info@picya.org>

Date: Jan 16, 2018 6:10 PM

Subject: San Francisco Bay Conservation and Development Commission (BCDC) action regarding Westpoint Harbor

To: <sycwin@gmail.com>

Cc:

[View e-mail in browser](#)

San Francisco Bay Conservation and Development Commission (BCDC) action regarding Westpoint Harbor

You may have already heard about the **San Francisco Bay Conservation and Development Commission (BCDC) action regarding Westpoint Harbor, and owner-operator Mark Sanders, being assessed over \$500,000 in fines and penalties.** I am surprised and shocked by this action. I understand and appreciate BCDCs goals and objectives which are to be commended, but this action seems heavy handed, unnecessary and way out of line.

I have known Mark Sanders for a long time. I know that he has personally worked night and day for the last nearly 30 years to fulfill this dream. I also had my boat (a 38 foot sailboat) at the Westpoint Marina for about a year. I have also kayaked there using the new kayak dock and find that it is a great addition to the harbor and an environmentally friendly way to observe the beautiful area.

I have had my vessel in many marinas and as part of my official duties I have visited many marinas by land and sea. In my opinion what Mark Sanders has accomplished should be rewarded, not punished. He has one of the

most state-of-the-art and environmentally clean marina that I have ever seen. This is accomplished by three very important things I believe he does.

- 1) His revolutionary pump-out access at each slip is something I have never seen before or since in all of my travels. It provides easy pump-out access and reduces the chance of holding tank overflows.
- 2) His high standards for boats admitted to the marina. Many marinas have low standards as to what can come into the marina. I have seen old, derelict and leaky boats in most marinas. That is not happening at WPH. They are inspected and must be in top working condition.
- 3) He is a huge advocate for clean boating and supported boater clean education at his marina on several occasions. He also provides all of the other required environmental receptacles and signage.

The San Francisco Bay is known for its world class boating and sailing environment but, it is facing large issues. Many marinas are silting in and our closing or have closed. We have lost everything south of the Dumbarton Bridge in the past; Palo Alto is closed and South Bay marina (Alviso) is pretty much just for small boats. There are pictures that hang on the wall at South Bay Yacht Club when large sail boats could actually sail to Alviso but, those days are gone.

In the last 10 years, 3 additional marinas have gone. Pete's Harbor – The Peninsula Marina and soon Docktown. If you go a little further north, San Leandro marina is in jeopardy.

Westpoint Marina is the hope of the future for recreational boating in the South San Francisco Bay. Mark and his work at Westpoint Harbor is providing access to the thousands of people in the South Bay who enjoy our waters. If this is how someone is treated after 30 years of blood sweat and tears, then who would ever want to take on a project like this.

It appears from reading Mark's response that much of this is due to change of personnel at BCDC and a lack of communication and penalties that don't make sense, including a \$30,000 fine because the Redwood City fireboat and police boats are in his marina.

RBOC has met and sent a letter in support of Westpoint Harbor and in opposition of this action to BCDC. The PICYA Board has just met and supports me sending this letter to you.

A second meeting of the BCDC enforcement committee is scheduled for this Thursday, January 18th, and you can help. An online petition has been created and since Saturday morning **over 2300 people have signed the petition to stop this needless action by BCDC**. This morning another great editorial has been posted by Latitude 38 in support of Westpoint Harbor and marinas around the bay.

I am asking for your help to sign the petition today. For a short video on Westpoint Harbor and links to all of the information including the petition, please go to www.friendsofwestpointharbor.org

Sincerely,

Winston Bumpus

Commodore

PICYA

sycwin@gmail.com

Lynda Myers Secretarial Consultant PICYA lyndapicya@gmail.com 415-602-9961

Not interested anymore? [Unsubscribe Instantly](#).



COMMITTEE FOR
GREEN FOOTHILLS

January 16, 2018

Bay Conservation & Development Commission Enforcement Committee
Bay Area Metro Center
375 Beale Street
Board Room, First Floor
San Francisco, CA 94105
Sent via email

RE: Westpoint Harbor Enforcement Decision

Dear Honorable Members of the BCDC Enforcement Committee:

Thank you for considering our testimony at the November 16, 2017 hearing concerning Westpoint Harbor. Committee for Green Foothills writes today in support of staff's updated recommendations. We appreciate BCDC's efforts to maintain the public trust by working to provide, and improve, public access to the Bay, as well as supporting conservation efforts.

Due to the permit holder's continued lack of effort to meet the requirements of the permit, we support the proposed Cease and Desist and Civil Penalty Order for Westpoint Harbor, and we urge the Enforcement Committee to adopt the recommended enforcement decision.

Thank you for your consideration.

Sincerely,

Helen Wolter
Legislative Advocate, Committee for Green Foothills

COMMITTEE FOR
GREEN FOOTHILLS

3921 E. Bayshore Road 650.968.7243 PHONE info@GreenFoothills.org
Palo Alto, CA 94303 650.968.8431 FAX www.GreenFoothills.org

From: Matthew Self <matthew@mself.com>

Date: January 15, 2018 at 12:59:05 PM PST

To: marc.zepetello@bcdc.ca.gov, info@bcdc.ca.gov

Subject: Thank you for public access at Westpoint Harbor (WPH) marina

I am writing to thank BCDC for your continuing efforts to ensure public access to the shore is provided at Westpoint Harbor marina.

I often ride and walk along the Bay in Redwood City, but, until this weekend, I had never been able to access the shore areas around Westpoint Harbor marina. There were no trail connections and the roadway had a "members only" sign that kept me out.

When I happened to ride along the perimeter trail around Pacific Shores Center this Saturday, I noticed the new connection to the marina. My wife and I thoroughly enjoyed riding around all of the trails along the shore. There were great views of Greco Island that I had never seen before.

I had not been aware of the disputes between BCDC and the marina, but I am very glad that the continuing efforts have resulted in the public now having good access.

Thank you!

--Matthew

Matthew Self
Redwood City resident



CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto, CA 94306

Tel: 650-493-5540

www.cccrefuge.org

cccrefuge@gmail.com

January 15, 2018

Commissioner Scharff and
Enforcement Committee Members
Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019
Via email: marc.zepetello@bcdc.ca.gov

RE: Recommended Enforcement Decision Involving Proposed Cease and Desist and Civil Penalty Order No. CDO 2018.01, Mark Sanders and Westpoint Harbor, LLC - January 18, 2018

Dear Commissioner Scharff and Members of the Enforcement Committee,

On November 3, 2017, Citizens Committee to Complete the Refuge submitted a letter to the Enforcement Committee conveying our strong support for the proposed BCDC enforcement action (ER2010.013) to ensure that Westpoint Harbor, LLC complies with all permit conditions.

At the November 16, 2017 public hearing on this matter, Citizens Committee Board Members Arthur Feinstein and John Bradley, and I provided oral testimony in support of a Committee recommendation to forward the proposed Cease and Desist and Civil Penalty Order to the full Commission for adoption.

We have reviewed the Executive Director's recent proposed revisions to the Order and support his modifications. **Citizens Committee urges you to adopt the recommended enforcement decision, including the Proposed Cease and Desist and Civil Penalty Order No. CDO 2018.01.**

As we stated in our November letter, BCDC's primary responsibility is safeguarding San Francisco Bay habitats and wildlife, and therefore it is imperative that measures outlined in the Special Conditions for the Westpoint Harbor permit are put in place as soon as possible.

Thank you for your consideration.

Sincerely,

Gail Raabe

Co-Chair

Citizens Committee to Complete the Refuge

From: David Lewis <dlewis@savesfbay.org> **Date:** Friday, January 12, 2018 at 3:02 PM **To:** Marc Zeppetello <marc.zeppetello@bcdc.ca.gov> **Cc:** "Klein, Adrienne@BCDC" <adrienne.klein@bcdc.ca.gov>, Larry Goldzband <larry.goldzband@bcdc.ca.gov>, "McCrea, Brad@BCDC" <brad.mccrea@bcdc.ca.gov> **Subject:** RE: Westpoint Marina and Scott's Seafood enforcement

Chairman Schaff and Members of the Enforcement Committee:

Save The Bay previously submitted the attached letter and testified at the November 16, 2017, supporting the proposed Cease and Desist and Civil Penalty Order for Westpoint Harbor, LLC. We support the Executive Director's proposed revisions to the Order, and **we urge the Enforcement Committee to adopt the recommended enforcement decision, including the Proposed Cease and Desist and Civil Penalty Order No. CDO 2018.01** at your meeting next Thursday, January 18, 2018 (item 7).

In addition, **we urge the Enforcement Committee to support the Executive Director's determination that Scott's Jack London Seafood, Inc. ("Scott's"): (1) has not fully complied in a timely manner with all applicable requirements of the Cease and Desist and Civil Penalty Order No. CDO 2017.01 ("Order") and had not maintained full compliance with the Order and the Permit through September 1, 2017, and, therefore, (2) is not entitled to receive the 15% waiver of the total penalty amount under the Order.** Save The Bay has provided testimony over the last three years in support of strong BCDC enforcement and penalties for Scott's repeated permit violations, and the permittee's appeal of the Executive Director's decision is without merit. This is item 5 on the Committee's January 18, 2018, agenda.

Thank you for your consideration.

David Lewis
Executive Director, Save The Bay
dlewis@saveSFbay.org
510.463.6802
www.saveSFbay.org | [@saveSFbay](https://twitter.com/saveSFbay)

SAVE THE BAY



November 14, 2017

The Hon. Greg Scharff, Chair
Enforcement Committee
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RE: Cease and Desist and Civil Penalty Order No. CDO 2017.04 -- SUPPORT

Dear Mr. Chairman and Commissioners:

We urge the Committee to approve the Executive Director's recommendation in response to material violations of BCDC Permit No. 2002.002.07 and the McAteer-Petris Act at Westpoint Harbor in Redwood City.

As you know, Save The Bay is the largest organization working to protect and restore San Francisco Bay for people and wildlife, with more than 50,000 supporters region-wide. Because our organization worked to establish BCDC more than 50 years ago, and fought hard for the Commission's credibility and effectiveness in regulatory matters ever since, we applaud this recommendation and the Enforcement Committee's recent record of action against serious violations.

As the record demonstrates, the violations at Westpoint Harbor are extensive, blatant and serious. They include:

1. failure to provide required public access improvements;
2. failure to comply with plan review requirements;
3. failure to maintain public access improvements;
4. failure to install required signs and buoys to protect listed species and sensitive habitat;
5. failure to provide required visual barrier to adjacent salt ponds;
6. failure to provide required certification of contractor review;
7. operation under an expired permit and failure to secure a time extension;
8. failure to provide required information regarding live-aboard boats;
9. failure to provide required information regarding marine toilets; and
10. failure to provide required notification to NOAA regarding updated nautical charts.

The Executive Director's report includes detailed evidence of these violations, and rebuttals to the objections raised by the permittee. **The weight of this evidence is overwhelming and compelling in support of the Executive Director's recommendation.**

Among our concerns are the impact from these violations on sensitive endangered and protected fish and wildlife and their habitat in the vicinity of Westpoint Harbor. As the violations report underscores:

Because Greco Island and other wetlands of the San Francisco National Wildlife Refuge ("Refuge") are located approximately 500 feet across Westpoint Slough from the Site, the Permit includes a number of conditions to prevent or minimize impacts to endangered species found in the Refuge, including the California clapper rail, the salt marsh harvest mouse, and the California least tern. Sanders has violated these conditions, and related conditions to minimize impacts to wildlife.

Adopting the proposed order and penalties also will further strengthen BCDC's enforcement regime and enhance the credibility of the Commission's permit requirements. The order appropriately establishes that BCDC will act to protect public shoreline access, water quality, fish and wildlife and critical habitat. By adopting the Executive Director's recommendation, the Committee will encourage other permit-holders to meet their legal requirements.

We also agree that the proposed administrative civil liability penalties total of \$543,000 is supported and justifiable, given the extensive and documented permit violations.

In summary, the Executive Director's recommendation demonstrates that the Commission is serious about upholding the McAteer-Petris Act, implementing its regulations, and enforcing its permits. We urge you to adopt it, and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David Lewis". The signature is written in a cursive, flowing style.

David Lewis
Executive Director