

San Francisco Bay Conservation and Development Commission

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September 20, 2019

TO: Enforcement Committee Members

FROM: Karen Donovan, Staff Counsel (415/352-3628; karen.donovan@bcdc.ca.gov)

SUBJECT: Approved Minutes of September 12, 2019 Enforcement Committee Meeting

1. **Call to Order.** The meeting was called to order by Chair Scharff at the Bay Area Metro Center, 375 Beale Street, Board Room, First Floor, San Francisco, California at 9:44 a.m.

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

Not present was Member Ranchod.

Staff in attendance included Executive Director Larry Goldzband, Regulatory Director Brad McCrea, Chief Counsel Marc Zeppetello, Staff Counsel Karen Donovan, Chief of Enforcement Adrienne Klein, Enforcement Analyst Schuyler Olsson, Enforcement Analyst Matthew Trujillo and Legal Secretary Amitabho Chattopadhyay.

Also in attendance were Shari Posner and David Pai on behalf of the Office of the Attorney General.

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

There was none.

4. **Approval of Draft Minutes for the August 8, 2019 and August 14, 2019 Meetings.** Chair Scharff asked for a motion and second to adopt the minutes of August 8, 2019 and August 14, 2019.

MOTION: Member Vasquez moved approval of the August 8, 2019 and August 14, 2019 meeting minutes, seconded by Member Techel.

VOTE: The motion carried unanimously with a vote of 4-0-0 with Members Gilmore, Techel, Vasquez and Chair Scharff voting "YES", no "NO" votes, and no "ABSTAIN" votes.

5. **Enforcement Report.** Ms. Donovan gave the report as follows.

At the upcoming September 25 meeting, staff will provide the committee with an update of cases open and closed. This is part of a practice staff is rolling out for the second meeting of each month.

At the September 25 meeting, staff will also provide an update on Union Point Park and a briefing on the case prioritization process. In addition, there will be a discussion on the development of a penalty policy.

6. **Policy Briefing and Update on the Management of Vessels in Richardson's Bay.** Ms. Klein began.

She reviewed the events of the February meeting.

- She explained the relevant provisions of the McAteer-Petris Act, the Bay Plan, and the Richardson's Bay Special Area Plan.
- Audubon has stated that anchor-outs are adversely impacting between 50 and 84 acres of subtidal eelgrass habitat in Richardson's Bay.
- The Richardson's Bay Regional Agency (RBRA) reported that approximately 200 vessels are on Richardson's Bay and about half of them are occupied. They reported on recent successes and challenges.
- The City of Sausalito outlined their Water Management Plan. They reported their goal: "To provide the anchor-outs with needed services and provide an alternative to open water through robust outreach to the community." They discussed their enforcement priorities and listed their requests of BCDC.

Ms. Klein then summarized the staff report attachments for the current meeting. She listed the questions for the Committee to consider.

Jim Wickham, Mayor of Mill Valley and Chair of the RBRA, began a presentation on the RBRA and its concerns. This is a social issue that they have been dealing with for decades. The ultimate goal is having a collaborative effort to address the anchor-out issue.

Beth Pollard, RBRA Executive Director, and Curtis Havel, Harbormaster, elaborated on the initiatives RBRA is undertaking to implement BCDC's direction.

- The key enforcement priorities are to remove unoccupied marine debris vessels and abandoned vessels, and enforcement of permitted time limits so as to stem the influx of vessels.
- The National Oceanic and Atmospheric Administration (NOAA) granted RBRA \$150,000 in marine debris removal grant funds.
- Last year RBRA removed 100 vessels.
- RBRA has refined the 72-hour time limit process.
- For a 30-day permit, the mariner must attest that the vessel is seaworthy and safe.
- RBRA continues to refine the "teeth" – ensuring that the citation and lien processes are in order.
- The Marin County Sheriffs have developed a tracking application that provides the ability to note and track vessel data.
- With respect to the permit process, RBRA strongly wants to ensure that vessels are seaworthy and safe.

Andrew Hening, Director of Homeless Planning and Outreach, City of San Rafael, described the effort to end chronic and veteran homelessness in Marin County, including Richardson's Bay, by 2022.

Member Vasquez asked if those living on vessels are considered homeless. Mr. Hening responded that according to the federal Point In Time count, people who do not have access to electricity or sanitation services are counted as homeless.

Member Vasquez asked what drives people to abandon vessels in Richardson's Bay. Mr. Havel answered that in looking at the entire Bay and Delta, Richardson's Bay is probably the last spot as the water flows out. Also, it is a free anchorage – a federally designated special anchorage. Mr. Wickham added that people know that the RBRA has not been heavily enforcing the regulations as this is a huge environment of water. It is a beautiful site with calm water.

Chair Scharff asked what a "win" would look like and noted that this has been going on for 30+ years. Mr. Wickham answered that for the RBRA, the goal is managing the area properly, protecting the eelgrass, and providing some limited moorings in safe areas. On the extreme side, the goal would be getting rid of all the boats and just having the Sausalito marina. RBRA is trying to come to a huge compromise that involves many factors. A problem is generating enough money to manage this.

Chair Scharff stated that having a plan for an outcome that BCDC and RBRA agree on would be what is acceptable. The outcome must be articulated. Mr. Wickham invited Chair Scharff to visit the site to facilitate understanding of the issues they have been trying to address for the last three decades.

Member Gilmore asked if there is still a difference of opinion on how to handle this between the RBRA and the City of Sausalito. Mr. Wickham answered that the City of Sausalito is more adamant about moving boats out of their waterfront area. Currently RBRA is working closely with them. However, moving boats out of the Sausalito waterfront by pushing them into RBRA jurisdiction is not a solution.

Member Gilmore noted that not having Sausalito as part of the RBRA is a potential area of disagreement. Also, within the RBRA itself there are other issues that need to be worked out. Mr. Wickham commented that Sausalito does not support the mooring fields.

Member Gilmore asked the number of vessels not seaworthy and abandoned out of the 180 currently in the bay. Mr. Havel responded that the number fluctuates: maybe 30% of the boats are unoccupied. The 72-hour rule is the forefront and following closely behind are marine debris and unoccupied vessels. There are boats up for sale that are out on the bay; in addition people who do not want to pay slip fees for their second or third boats park them out on the bay. Both practices need to end.

Member Gilmore asked the number of the population that is homeless. Mr. Havel responded that the question of homelessness is unrelated to the anchorage: anchorage is for purchased boats for which people need to understand their responsibilities. The question of homelessness regards people living on their boats in the bay.

Member Gilmore asked the size of the homeless population for whom services are being provided. Mr. Hening stated that they have identified about 90 people living out on the water. Of those, about one-third to one-half are homeless in the sense that they are not mariners and do not know how to be out there.

Mr. Havel stated that the City of Sausalito uses a different tracking system from the RBRA for occupied/unoccupied boats.

Keith Merkel of Merkel & Associates gave a presentation on the RBRA Ecological Feasibility Study. It addressed the question: Could we eliminate the ecological conflicts and still maintain moorings?

- The ecological resource most likely to be affected by moorings is the eelgrass beds. The second is the Pacific herring, which utilize eelgrass and other substrates. Others are marine birds, marine mammals, and water quality.
- Adverse impacts on eelgrass beds by the mooring ground tackle have increased over time. In 2017 Audubon estimated that 50 to 84 acres have been impacted.
- Eelgrass bed damage is also caused from boats being moored in shallow water; at low tide they drag on the bottom.
- Lower level adverse impacts are turbidity which affects eelgrass; herring eggs which are susceptible to turbidity (possibly detrimental); and debris discharges from vessels.
- Low level non-substantive contributions are effects on birds and marine mammals, and bacteriological pollutants.
- The study developed a model to discern the areas that could sustain moorings. They concluded that there are many such areas, generally to the south of the bay closer to the Belvedere side. Existing moorings have very little overlap with the sustainable areas.
- The study concluded that the issues pertaining to ecological resources are curable. Management must be done as follows.
 - Curb the influx of random vessels into the bay.
 - Identify suitable locations for moorings.
 - Set permanent publically-owned conservation-type moorings.
 - Reduce the number of vessels – one seaworthy vessel per owner.
 - Enforce the vessel registration mechanisms.

- Many good proposals are coming from the anchor-out community and other locals in terms of developing an HOA concept.
- Those who do not play by the rules must be evicted.
- A transition process must be used.
- Funding is likely available through grants; the long-term management funding is more problematic.

Mr. Merkel further explained the area suitability model.

Member Gilmore asked for a definition of “moorings.” Mr. Havel answered that it is a permanent connection to the bottom; a chain goes up to the buoy and a boat ties off to that. In contrast, an anchor is on the deck of the vessel and is dropped. Mr. Merkel noted that anchors have the same capacity to harm resources as do moorings.

Joan Cox, City of Sausalito Council Member, presented a waterfront update and a requested path forward.

- The City of Sausalito withdrew from the RBRA in June 2017. The two agencies have continued to collaborate.
- A subcommittee comprised of members of the City of Sausalito, RBRA, and BCDC has met regularly beginning in 2018 in an effort to align priorities.
- The City’s highest priorities are removal of marine debris vessels, unoccupied vessels, unregistered vessels, and vessels occupied by persons who are a danger to themselves and others.
- Their lowest priority is removal of legacy occupied vessels that are licensed, registered, and in possession of a waste disposal contract.
- In January 2018 the City adopted a two-part strategy of immediate enforcement of a 72-hour ordinance with respect to any new occupied boats, and deferred enforcement of occupied boats already on their waters to enable adoption of other strategies of addressing the needs of those boats.
- Ms. Cox explained the federal “special anchorage area” and its implications.
- She explained the city staffing.
- Since last February, the number of boats in Sausalito’s waters has been reduced from 41 to 18. Roughly eight of those are occupied. Very few of the 41 removed boats migrated to RBRA waters.
- The City has tracked new boats entering their waters and found that the number has decreased markedly to zero in August 2019.
- The City uses First Two software to map boats in the waters.

- Between June and September 2019, the number of boats in Belvedere waters and County waters increased to a total of 192. Roughly 115 of those are occupied and 103 are considered unseaworthy by RBRA's definition.
- The City has abated 24 vessels as marine debris since the start of the Waterfront Management Plan. They have abated seven as part of the Vessel-Turn-In-Program. Ms. Cox gave more enforcement numbers.
- The City has conducted annual debris collection events.
- The Safe Harbor pilot program would provide slips for anchor-outs and access to programs and resources to facilitate a transition out of homelessness. Funding comes from a California Emergency Solutions and Housing grant, the Sausalito Tidelands Fund, the Marin Community Foundation, and possibly others.
- Sausalito continues to collaborate with RBRA.
- Ms. Cox described the public safety impacts related to the waterfront, and stated that none of the issues are resolved by moorings.
- She listed the City's requests of BCDC:
 - Clarity regarding BCDC policies for Richardson's Bay.
 - Support for Sausalito's existing plan for its legacy anchor-out population.
 - An increase in Sausalito's live-aboard allocation from 10% to 15% per marina.

Chair Scharff expressed concern about fulfilling the last request before RBRA articulates its own approach—more people may be moving into RBRA waters while Sausalito is fixing its own problem. Ms. Cox replied that this increase would be for Sausalito marina operators, who would have discretion over whom to invite into their marinas. The City will continue to offer its resources to assist RBRA in enforcing the 72-hour ordinance.

Ms. Donovan stated that because staff has not known how moorings would be used, placed, etc., they have not opined on whether this is allowable under existing BCDC laws and policies. Mr. McCrea added that residential use of the San Francisco Bay is not allowed except for very specific circumstances such as houseboat marinas and the current live-aboard policy for marinas.

Chair Scharff stated that in that case, BCDC should clarify that it is not going to allow a mooring field. Mr. Wickham requested BCDC to take over the issue and address it. RBRA deals with more people and a larger volume of water than Sausalito, so they need more money and more guidance in reaching a solution.

Ms. Cox suggested delegating the issue to Sausalito.

Member Gilmore agreed with Chair Scharff that it behooves BCDC to be clear so that RBRA does not spend more money and time looking at the mooring issue.

Public Comment. Rebecca Schwartz-Lesberg, San Francisco Bay Program Director of Audubon California, first addressed eelgrass loss. The 50-85 destroyed acres represent a large area in contrast to the proposed 15-acre Middle Harbor Enhancement Project restoration. Eelgrass are the underwater redwoods in importance to the environment. Ms. Schwartz-Lesberg also stated that from an environmental point of view, Audubon is more interested in moorings over anchors; every time an anchor is thrown overboard, whether it is for 72 hours or 10 years, it is going to carve the circle. Ms. Schwartz-Lesberg stated in addition that what makes Richardson's Bay so valuable is not just its number of birds but its diversity of birds.

Reverend Paul Mowry, Pastor of Sausalito Presbyterian Church, stated that the church provides weekly hot lunches to its neighbors, most of whom are mariners or anchor-outs living on the bay. These are homes for the people with the least resources in Marin—these are not pleasure craft. The boats are the last chance of shelter for many of these people. The community is an old one. All the public agencies involved in these multiple complex issues are pressing forward to find solutions.

Andrew Thompson, former Mayor and Councilmember of Tiburon, stated that nothing is happening because no one is clear what the goal is. There is no agreement on whether anchor-outs are a housing alternative. BCDC "subbed out" this duty to the RBRA—BCDC needs to get much more involved. The anchor-outs are a floating shantytown made up of groups. For some people it is the last choice and other people are freeloading. Last, Mr. Thompson stated that BCDC needs to get the Legislature involved to stop the illegal dumping of boats.

Anne Libbin, Marin Audubon, felt that Sausalito is doing a very good job. The Merkel study may have been misguided because we are not supposed to have any housing on the bay. A mooring field still could serve one very good purpose: having limited mooring available in a less environmentally sensitive area would be a plus for the ecology of Richardson's Bay. Ms. Libbin also made the point that the RBRA needs a deadline.

Alden Bevington, Richardson Bay Special Anchorage Association, stated that the local process is very important and more time should be given to it. The anchor-out community has been here for a very long time. There is much local support for this cultural institution. The Anchorage Association recognizes that there is a real problem with boats coming in and being dropped. The issue is getting clear on the end goals and how to get there.

Douglas Storms, anchor-out resident, stated that the average person is only on the bay for three to four years. People are there for diverse reasons. His issue is case law. What rules and regulations were established legally? The Richardson Bay Special Anchorage Association has developed Richardson Bay Anchoring and Safety Guidelines which were incorporated into the RBRA's ordinances. The key is getting community involvement. In the past two months, the mariners have rescued 40 boats that have dragged; they are part of the solution.

Barbara Salzman, President of the Marin Audubon Society, stated that the influx of boats is caused by the well-known lack of enforcement through the years and the openness of the area to derelict boats. Further, more work needs to be done on the impact to birds. Bird diversity includes pelagic birds that come in from the ocean. Last, a mooring field should not be approved on the bay – it is contrary to BCDC policies. Possibly Sausalito could take over RBRA’s responsibilities.

Enforcement Committee Comments. Member Gilmore agreed that in coming to a resolution, BCDC must involve the people who are out on Richardson’s Bay. She emphasized that the Enforcement Committee cannot say definitively what they would like to see done; that decision must be made by the entire Commission. She would like to see staff bring back the issue of moorings to the Commission so that they as a whole can provide guidance. She would also like staff to bring back the idea of increasing the number of slips for the City of Sausalito.

Member Vasquez asked if there is room in the middle between the Sausalito plan and the RBRA plan; but does anything we do violate the McAteer-Petris Act itself? Voluntary compliance is always better than the big stick (which is BCDC). Instead of using the big stick, we are looking to resolve this by considering everyone’s input. We are trying to find compassion within law. We are also weighing what is best for the environment.

Member Techel appreciated hearing the new discussions and strategies. She was interested to hear what the RBRA will do with the eelgrass study. It seems that they are on the path to working this out locally. She would like another report on what they are doing with this environmental information, their next steps, and their goals.

Chair Scharff felt that we are at an inflection point where we can resolve this issue. What Sausalito is doing is impressive; the results are phenomenal. We need to think carefully about how we can extend that to the rest of the bay. He expressed a desire for staff to look at how to resolve this issue and how to move it forward. He asked for clarification on the mooring-out component: the McAteer-Petris Act simply does not allow permanent housing in the bay. BCDC does not have the authority to set up a mooring for permanent housing. The State Legislature can be approached on this but it is not a BCDC issue. Chair Scharff reminded everyone that the recent state audit of BCDC contained a complaint about not coming down hard enough on Richardson’s Bay. Instead of working on the mooring-out question, a better question to ask is how to limit the boats coming into Sausalito and get the boat numbers to go down. BCDC needs to take a stronger role in developing such a plan.

Chair Scharff addressed the four questions staff had posed.

- a. Are the entities with jurisdiction over Richardson’s Bay taking adequate actions to control, and ultimately reduce, the boats that are anchored in Richardson’s Bay and reduce the damage to eelgrass and other resources? Chair Scharff felt that the City of Sausalito is and the RBRA is moving in that direction but needs a clear plan.

- b. Have the entities with jurisdiction over Richardson’s Bay put in place adequate measures to stop new vessels from anchoring for extended periods in Richardson’s Bay? Chair Scharff would give the same answer. We need to see how the newly-implemented 72-hour regulation goes; we should see a dramatic decrease.
- c. Should BCDC take any actions to prevent new vessels from anchoring for extended periods in Richardson’s Bay? Chair Scharff would like to know what is on the table and what we can do – it is really a staff function to find options.
- d. Is it time for the Enforcement Committee to consider a formal, multi-step enforcement action in Richardson’s Bay and what should this be? Chair Scharff felt that right now this is premature but it may be suitable in six months. Staff needs to put together what that would look like. If we do not get a real plan from the RBRA, it would be time for a formal multi-step enforcement action.

Member Gilmore agreed with how Chair Scharff read the statute. There needs to be an affirmative action by BCDC stating how they read the statute, and what is and is not allowed. Chair Scharff concurred. Member Gilmore stated that everyone involved is looking to the Enforcement Committee for guidance and it is our duty to provide it. Having a full Commission discussion on some of these issues is the proper way to provide guidance.

Member Vasquez felt that BCDC needs to take control of the plans that might be rolled out, and the Enforcement Committee members have articulated a movement in that direction.

7. Briefing on Management and Abatement of Abandoned and Derelict Vessels. Ms. Klein gave a brief introduction.

Takeaways to consider during the presentations are that although there is legislation and programs in place to abate abandoned and derelict vessels, there are gaps in these authorities. Interagency cooperation and collaboration is critical.

Within the Enforcement Committee caseload, approximately 22 open cases deal with abandoned vessels. She described some of the cases.

Member Vasquez asked if the Benicia open case involved CalRecycle money. Ms. Klein answered that BCDC had attempted to send CalRecycle money to Benicia, but the City’s environmental process was too long for the availability of the funds – there wasn’t a match.

United States Coast Guard Chief Petty Officer Jeremy Thomas gave a presentation. He stated that the Coast Guard’s regulatory authority over this scenario is simple: if there is an oil or a listed hazardous substance that poses an imminent threat to the environment or the public, they have the authority and the resources to step in and take care of it. Once the oil or the hazardous substance is eliminated, the Coast Guard cannot come in with the Oil Spill Liability Trust Fund or the Superfund under CERCLA to continue operations. This is where the gap comes between what the Coast Guard and the State or the locals are able to do.

The Coast Guard does not have the ability to remove or salvage a vessel. Chief Petty Officer Thomas used an example of an old minesweeping vessel on the Little Potato Slough in the Delta that the Coast Guard cannot remove.

Member Gilmore stated that she assumed that none of these vessels are in a navigable channel and asked if one broke loose and ended up in a navigation channel, would the Coast Guard have the authority to abate it? Chief Petty Officer Thomas answered that the Coast Guard does not have salvage authority. The Army Corps of Engineers is responsible for federal navigable channels and could direct the removal from the channel.

California State Lands Commission Staff Attorney Andrew Kershen gave a presentation about commercial vessel abatement. There is no dedicated funding source for them. Because of their size and construction, they are expensive to abate. Under statutory authority, the State Lands Commission would operate under marine debris law, which contains a valuation requirement and a vessel condition requirement. The State Lands Commission also has a particular authority to have vessels declared statutorily abandoned under the Public Resources Code. The State Lands Commission can use its authority at the request of another agency.

Mr. Kershen spoke about two qualified success stories. The Gretchen E was a sunk landing craft in the Carquinez Strait that was leaking oil. The Coast Guard hired a contractor to start remediating the oil. They refloated the vessel, but it was looted and re-sunk that night. The Coast Guard contacted the State Lands Commission about getting the vessel out of the water and permanently destroyed, and Mr. Kershen became involved. Nine days later the vessel was removed from the water, taken to Mare Island, and destroyed. For this 55-foot-long steel hold vessel, the cost was approximately \$55,000; the Coast Guard paid about \$30,000 while the State Lands Commission paid about \$25,000.

Mr. Kershen related the story of the Black Hawk and the Black Kite, tugboats that were abandoned in Richmond. Multiple agencies were involved in devising a plan. In the end, the US EPA did the hazardous materials remediation; the Coast Guard removed oil and fuels; East Bay Regional Parks paid for one of the tugs; and the City of Richmond paid for the other. The cost for the two vessels to be removed and destroyed was about \$500,000. The man who had bought them paid about \$10.

Disposal of these vessels is tremendously expensive, and there is a very limited contract pool of companies that can deal with them. However, many agencies have a strong will to address the problem. Mr. Kershen has had great success working with federal, state and local agencies.

AB 2441 directs the State Lands Commission to develop a plan to deal with commercial vessel abatement in the Delta. If funding comes through from the Legislature, the plan would survey for abandoned commercial vessels, prioritize their removal, and effect their removal.

Member Vasquez asked where people are able to buy a boat for \$10. Mr. Kershen answered that it can be done at a federal marshal sale, a marina lien sale, or through craigslist. The Coast Guard has put together a workgroup that has discussed making contact with the federal marshals, asking them not to sell junk boats to irresponsible individuals.

Member Vasquez and Chair Scharff felt that the supply chain is the big issue. Having the federal marshals sell a boat for \$10, then having multiple agencies spend \$250,000 to remove it, seems to be a failure of interagency coordination. Mr. Kershen responded that the federal marshals are probably following their statutes for their authority and direction. Chair Scharff felt that we should try to get that changed.

Mitch Goode of the California Department of Fish & Wildlife Office of Spill Prevention & Response noted the large difference between the vessels sold by the marshal's office and what people are getting on craigslist.

Mr. Kershen mentioned the back end – cost recovery. Whenever a responsible individual can be identified, they will be vigorously pursued for cost recovery. Chair Scharff suggested changing the law such that the person who sells the boat is also responsible.

Chief Petty Officer Thomas referred to the destruction process. The average turnaround time for the Coast Guard can be upwards of six months: it must go through several Coast Guard levels for approval, then the coordination goes through the National Pollution Fund Center for approval. The larger the vessel, the more complicated the process and the higher the cost.

Oakland Police Officer Kaleo Albino, who is in charge of the Marine Unit, gave a presentation about the work of that unit. He showed a video describing the removal of abandoned, derelict, and illegally parked boats from public docks, marina docks, and open water in the Oakland estuary.

The Marine Unit is able to remove vessels through the state SAVE Grant funding. They also do proactive patrols. Community relationships are very important in alerting Officer Albino as to who is coming into the Port of Oakland and the estuary. It is also very important to provide education (documentation and booklets) to people on the water.

The Marine Unit abides by the Federal Coast Guard regulation that there is no anchoring in the Oakland Estuary.

Enforcement involves identifying and marking the boats, sharing an intel file with local agencies, issuing verbal and written warnings, issuing citations, towing/seizing the vessels, and utilizing SAVE Grant funding. Persistence is key regarding enforcement and violators are contacted multiple times.

The Oakland Police Department mails 30-Day Notifications to the boat owners – the boat may not be registered to those living aboard.

The Marine Unit can remove marine debris almost immediately, although Officer Albino gives a 10-day notice if there is any discernible registration or if he can identify an owner in any way.

Projected goals are:

- Utilize the SAVE Grant funding solely for the Vessel Turn-In Program.
- Have zero abandoned/derelict vessels in the marinas and public waterways.

- Provide a safe waterway for commercial and recreational vessels.
- Protect marine life and vegetation.

Officer Albino provided contact information and offered a tour of the estuary.

Boating Recreation Supervisor Sarah Herbelin of Oakland Parks, Recreation and Youth Development Lake Merritt Boating Center/Jack London Aquatic Center gave a presentation. She described the facility, which includes programs for public schools.

The effects on these programs of illegal anchor-outs and dock moorings are significant. Boats block easy access to the docks and impact water space. They tie up for extended periods of time and block the launch ramp docks. Sunken boats can pull a dock away from its piling supports.

Illegal use is often accompanied by illegal habits such as drugs and theft. Fights have broken out on the docks in the same places where youth participants are launching their boats. The City has considered canceling programs.

Funding for the center for mitigating impacts is sometimes available and sometimes not. When it is not available, the illegal use heavily impacts access for education programs and the public.

Member Vasquez asked if the vessels have been registered at some point. Ms. Herbelin confirmed. Member Vasquez noted that there must be a way of documenting the chain of ownership. Ms. Herbelin answered that it is through the DMV. Mr. Goode stated that in the Abandoned and Derelict Vessel Taskforce meeting, they found that after about seven years, the vessel falls off the DMV records. The majority of these vessels are traded for illicit items and go through multiple trades.

Public Comment. Brock de Lappe, Harbormaster and Marina Manager for five of the marinas on the Oakland side of the estuary, described what marinas deal with. Private marinas do not have direct access to the funding available from the Division of Boating and Waterways. They are dependent on a trickle-down from grants given to the City of Oakland Police Department. Marinas deal with vessels that are going to end-of-life such as the fiberglass vessels made in the '60s and '70s. Harbormasters basically want these vessels out of their marinas and sell them cheaply. Mr. de Lappe stated that currently there are around two dozen boats in his marinas that he needs to get rid of, but he refuses to sell them cheaply and turn them loose on the waterways. Last he stated that we should not be putting these vessels into landfills; in Europe there are better procedures for dealing with salvage vessels. We need better salvage facilities in California; we need to put pressure on the State to develop state-of-the-art salvage facilities.

8. **Future Agenda Items.** (Not addressed)

9. **Adjournment.** There being no further business, Chair Scharff adjourned the meeting at 1:02 p.m.



DATED: _____ 10/24/2019 _____

BRAD McCREA
Regulatory Program Director