

# RICHARDSON BAY REGIONAL AGENCY

April 6, 2020

Priscilla Njuguna, Enforcement Policy Manager  
Bay Conservation & Development Commission (BCDC)  
375 Beale Street, Suite 510  
San Francisco, CA 94105  
Via email: [Priscilla.njuguna@bcdca.gov](mailto:Priscilla.njuguna@bcdca.gov)

Re: Enforcement Case No. ER2010.038

Dear Priscilla:

As a companion communication to the presentation sent to you on March 31 2020, below is a summary of the actions taken by the Richardson's Bay Regional Agency (RBRA) in addressing expectations conveyed by you to RBRA on December 3, 2019. *Of particular significance is that due to RBRA actions, the number of vessels on Richardson's Bay has dropped by 1/3 in the last eight months.*

Please note that this summary was prepared outside the context of the COVID-19 pandemic and the work initiated by State Senator McGuire to develop collaborative solutions - either or both of which may affect timelines and specific actions due to public health and safety mandates or guidelines, or policy approaches agreed upon through Senator McGuire by BCDC and other involved agencies.

***BCDC Expectation: Consistent with Resolution No. 03-19, continue to enforce and improve enforcement of, the permitted time limits for vessels entering Richardson's Bay.***

RBRA has continued to enforce and has improved its enforcement of permitted time limits through increased patrol, notification of limits to all incoming vessels and removal of those that fail to comply, and the expansion of the number of personnel engaged in patrol and enforcement on the bay.

All vessels new to Richardson's Bay since August 2019 have been posted with either a 72-hour Notice, or a 10-day Notice of Marine Debris (depending upon the condition of the vessel). A brief overview of all removal, departure, and permit activity is summarized as follows:

- 75 vessels removed from the bay (and disposed of at either the Army Corps of Engineers or San Rafael Yacht Harbor)
- 35 vessels voluntarily departed
- 15 vessels obtained 30-day permits

For the first time since RBRA was established, a position of Assistant Harbormaster has been authorized by the RBRA Board of Directors. This new 20-hour per week employee, who is beginning work April 6, 2020, will improve the capacity of the agency's patrol, enforcement and other work related to maintaining permitted time limits and other enforcement and agency priorities.

Additionally, in a new program initiated by the Harbormaster, each member agency of RBRA has assigned law enforcement personnel to assist the Harbormaster with patrol and enforcement work. The Belvedere Police Chief, a Mill Valley police officer, and a Tiburon police officer each separately join the Harbormaster on the RBRA patrol vessel on a bi-weekly basis – thus expanding the agency's efficiency and effectiveness in the enforcement of abatement of unpermitted vessels new to the bay, as well as abatement of unoccupied marine debris vessels. Recently the Marin County Sheriff's Marine Patrol Unit and the United States Coast Guard have coordinated with the RBRA Harbormaster to conduct enforcement work on the bay, whether in assistance to the Harbormaster or enforcement of other federal, state and local laws (including conducting vessel inspections to bring about compliance with federal safety standards for vessels).

***BCDC Expectation: By March 31, 2020, initiate all appropriate actions to remove from Richardson's Bay all marine debris, unoccupied vessels, unregistered vessels, and vessels occupied by persons who are not able to control the vessels during storm events or the vessels that are endangering or threatening to endanger others***

All unoccupied vessels that are marine debris have been removed or are in the process of removal from Richardson's Bay. Pursuant to direction initiated by the RBRA Board of Directors on March 12, 2020, any remaining occupied marine debris vessels, unregistered vessels, vessels occupied by persons who are not able to control the vessels during storm events, and vessels that are endangering or threatening to endanger others will be removed by a date in 2021, which the Board will set at a meeting in 2020. The process for removing these occupied vessels is set out in the transition plan below.

RBRA will seek additional funding from the Boating and Waterways Division of California State Parks, and from the National Oceanic & Atmospheric Administration, to support the cost of abating non-complying vessels in 2021. Specific abatement

timelines will be subject to the availability and schedule of these and any other funding sources.

***BCDC Expectation: By March 31, 2020, submit a plan with timelines to transition all other vessels off the water within a reasonable period.***

On March 12, 2020, the RBRA Board of Directors approved the outline of a transition plan for the vessels remaining on the bay. Below is a summary of the Board's direction on vision, principles, and an outline of actions, with more specific steps drafted by staff to implement the Board direction.

**Transition Vision:** *Richardson's Bay has essential value as a recreational and environmental resource where eelgrass is increasingly protected, preserved and restored; vessels on the anchorage become seaworthy, operable and compliant with other requirements; and the number of liveaboard anchorout vessels diminishes over time.*

**Transition Principles and Actions:**

Prevent additional vessels from extended stays. Continue to enforce time limits on incoming vessels, resulting in not only no net growth of number of vessels, but also numerical decline as other vessels depart or are removed.

Protect and promote eelgrass growth. Establish eelgrass protection zones with no-to-limited anchoring allowed. Pursue partnerships and funding to restore eelgrass beds in protected areas. Vessels that fail to comply with protective boundaries will be subject to removal.

Accommodate legacy anchorouts that meet designated RBRA requirements. In 2020, all occupied vessels presently on the anchorage (and not under a time limit or marine debris posting or a 30-day permit) will be required to apply for RBRA registration as legacy anchorouts or, following the registration deadline, leave the anchorage. In 2020, the RBRA Board will set requirements for legacy anchorout status, which are expected to include vessel compliance with RBRA Ordinance No. 19-1 provisions for seaworthiness, operable means of propulsion and steering, self-contained sewage disposal, DMV registration or USCG documentation, and a deck clear of debris. Failure to meet the requirements by a 2021 timeline to be set by the RBRA Board in 2020 will subject the vessel to removal. Enforcement of the requirements will be ongoing, such that vessels that run aground or adrift, that fail to maintain the required standards, that endanger others, or whose operators become unable to control them would be subject to removal. The RBRA Harbormaster, supplemented as described above, will manage inspection, registration, and enforcement.

Realize a decreasing number of liveaboard anchorout vessels over time. RBRA Staff projects a maximum of approximately 55 vessels will meet requirements for vessel

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conditions in 2021, and that the vessel population will decrease by approximately 10% each year due to obtaining on-shore or marina slip housing and/or failure to maintain compliance with RBRA requirements. Accordingly, the projection is that the vessel population will be reduced to fewer than ten boats by 2040, with continued diminishment of the remaining thereafter. The availability of affordable housing as an alternative housing will play a key role in the rate of transition. RBRA is supporting coordinated outreach and the pursuit of alternative housing for anchorouts.

***BCDC Expectation: By the second Thursday of each month, commencing on December 12, 2019, and on a monthly basis thereafter, provide BCDC with a short written report that contains anchorage statistics relating to the scope of the problem and other types of progress made towards its resolution, including how RBRA will address and resolve the damage to natural habitat in Richardson's Bay.***

RBRA has submitted monthly reports as requested. These reports contain statistics showing a decline in the number of vessels on the bay from 184 in August 2019, to 152 vessels reported on December 12, 2019, to 126 vessels reported on March 12, 2020 - with approximately 105 being occupied vessels.

As vessels depart or are removed, the anchor and associated anchor chain are also removed, lowering the risk of damage to any eelgrass beds present in the area of the vessels. Furthermore, RBRA is pursuing partnerships with organizations and agencies with interest and resources for restoring eelgrass. Specific examples include the Estuary & Ocean Science/Romberg Center who has approached RBRA about eelgrass research and restoration projects in Richardson's Bay. RBRA has also approached State Sen. McGuire about state funding for creating eelgrass protection zones and performing restoration work.

In conclusion, RBRA has made significant strides since your letter of December 3, 2019 to address BCDC expectations and to improve the health, safety, and management of Richardson's Bay. We look forward to reporting to the Enforcement Committee about this progress at its meeting of April 9, 2020. Please feel free to contact me if you have any questions.

Sincerely,



Beth Pollard  
Executive Director