

RICHARDSON'S BAY REGIONAL AGENCY

Thursday, February 11, 2016

5:30 P.M. to 7:00 P.M.

Sausalito City Council Chambers 420 Litho Street Sausalito, CA

PUBLIC COMMENT IS INVITED CONCERNING EACH AGENDIZED ITEM PURSUANT TO THE BROWN ACT. PLEASE LIMIT YOUR COMMENTS TO THREE (3) MINUTES.

AGENDA

5:30 P.M. CALL TO ORDER - ROLL CALL

1. Closed session :
Conference with legal counsel – Anticipated Litigation.
Significant exposure to litigation pursuant to CA Government Code § 54956.9 (d)(2)
(one potential case).
Public meeting should reconvene at approximately 6 pm.
2. Minutes of December 10, 2015 Meeting
3. Review report of Harbor Administrator
4. Approval of prior expenditures for December 2015 – February 4, 201
5. Anchorage update
6. Agency future discussion
7. Presentation by anchorouts (20 minutes)
8. Public comments invited concerning items NOT on this Agenda (3-minute limit)
9. Staff comments
10. Board member matters

NEXT MEETING: Tentatively planned for April 14, 2016. Board members please review your calendars and advise Staff as to your availability.

A COMPLETE AGENDA PACKET IS AVAILABLE FOR VIEWING ON THE RBRA WEBSITE <http://rbra.ca.gov>, AND AT THE SAUSALITO CITY LIBRARY. TO RECEIVE AN ELECTRONIC MEETING NOTICE, PLEASE EMAIL REQUEST TO DON ALLEE AT dallee@marincounty.org

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

February 5, 2016

TO: RBRA Board
FROM: Ben Berto, RBRA Clerk
SUBJECT: February meeting

Board members:

As noted in the attached anchorage update and discussion of future challenges facing the RBRA, our agency is at an interesting crossroads. A key question is what are member jurisdictions, Sausalito in particular, willing to support in terms of an anchorage program? From Sausalito's recent meeting, they appear to heading in an enforcement direction.

Staff has not made formal recommendations to the Board about next fiscal year's (FY '16-17) work program and budget, due to the late-breaking and still developing nature of Sausalito's actions, described in detail in this agenda package. Your Board is requested to provide staff with preliminary direction to staff on the role of enforcement in the upcoming year. If the Board so directs, Staff will return at the next (April 14) RBRA meeting with a budget reflecting enforcement-oriented options.

An anchor-out group will be making a presentation to your Board at the end of the meeting. They have provided no written material aside from a conceptual overview of the type of approach this groups desires (see material attached to anchorage update), but are likely to propose another direction to consider.

Mill Valley has appointed a new representative – Jim Wickham. Unfortunately he has other commitments precluding him from attending next week's meeting, but looks forward to attending in April and subsequent meetings. Welcome on board Jim.

See you next Thursday.

RICHARDSON'S BAY REGIONAL AGENCY

MINUTES OF OCTOBER 1, 2015

HELD AT SAUSALITO CITY HALL CHAMBERS

MEMBERS PRESENT: Herb Weiner (Sausalito); Erin Tollini (Tiburon); Kathrin Sears (Marin County); Marty Winter (Belvedere)

ABSENT: No representative from Mill Valley has been named

STAFF: Bill Price (Harbor Administrator); Ben Berto (RBRA Clerk)

ADDITIONAL: Leslie Alden (Aide to Supervisor Sears)

Meeting called to order at 5:35 PM.

Ken Wachtel was presented with an award for his years of service to the RBRA.

Minutes of October 1, 2015 Meeting

Minutes were approved unanimously

Harbor Administrator's Report

Mr. Price explained the recent additional funds that were secured with the help of Port San Luis Harbor District. He also reported a trend in the theft of impounded boats from previously secure storage docks in Sausalito. He updated the Board on the new laws regarding Marine Debris that were coming into effect on January 1, 2016 that would affect the anchorage greatly.

Chad Carvey thanked the Board for the Spinnaker meeting and noted that the anchor out community had brought in a sunken barge as a community effort to reduce the costs associated with boat disposal. Keven Kiffer felt that the room layout at the Spinnaker meeting constituted a jurisdictional issue.

Prior expenditures: October – December 2015

Member Sears pointed out that there were no visible expenses shown for December and asked Staff to be sure that the report accurately reflect the report's time period.

Doug Storms asked why the report didn't show who was responsible for the disposed vessels and asked why the taxpayers had to fund the activities. Orlie Lindgren wanted to re-establish a rescue boat program and he wanted more preventative action on the anchorage. Mr. Carvey stated that he had a zero dragging anchor plan that would cost @ \$60K to fund.

The expenditure report was accepted unanimously

Status Report on the Anchorage Management Program

Mr. Berto summarized the Community Meeting held at the Spinnaker Restaurant on November 12, 2015 which was attended by over 250 people, and said that we had met the goals for Sausalito's request for more public outreach. When City Manager Adam Politzer was asked if the council would support the requested increase for further studies, Rapid Response and staff time, there was a cautious response which put the planned increase in a holding pattern until after the council meets in January. Member Sears asked if there was enough funding for baseline functions and Berto responded in the affirmative. Member Weiner stated that the item was agendaized on January 12th meeting.

Mr. Lindgren said that this was obfuscation and confusing language and that it would take two years before coming to fruition; too long a process, and we should work together. Jeff Jacob read from the Torah. Mr. Kiffer questioned the funding for the presenter at the meeting and Member Sears responded that it came out of County of Marin funds. Alden Bevington stated that the budget didn't address issues; he wanted more community-based action and volunteerism and asked to have time on the agenda. Peter Moorhead said that he had watched the film of the meeting and agreed with Barbara Salzman's assessment of the public trust issues. He believed the boaters and the public were not represented and the majority of comments were from anchor-outs, and he asked that the Board represent the public fiduciary responsibility. Scott Diamond felt that public trust was not well defined and that certain families had colluded with government and robbed the public of space. Mr. Storms said that the presentation lacked facts and that it had brought the community together in opposition. He believed an accurate demographic survey was imperative and said he would be conducting one prior to the next meeting. Bob Lorenzi said he felt ignored and that the Board had already made up their minds regarding possible solutions.

Member Winter liked the idea of volunteerism, but he did state that there was a difference between volunteerism and professionalism when it came to boat disposal. Member Wiener gave a brief synopsis of the Spinnaker presentation, explaining that he had spoken to hundreds of Sausalito residents and most of them don't want anchor outs mainly because they haven't been around long enough to know Sausalito's history. He said it would be an uphill battle now, but he wanted to protect anchor-outs and educate the local residents. Member Sears voiced her frustration at the process, that after conducting 2 large public workshops and trying to keep the outreach open with a broader public conversation costs, Sausalito was still not offering support. She requested that Staff take baby steps and put other presentations from the public on the agenda for next meeting to keep the conversation moving forward. Chair Tollini expressed support for the idea and encouraged the presenters to contact Mr. Berto.

Mr. Lorenzi asked that the Board carefully consider the options offered at the presentations. Mr. Carvey said he wanted the Board to call his bluff and stated he wanted to help with ideas and solutions. Mr. Diamond said there was no government through sound bites, and he didn't need expensive facilitators to focus on real enforcement and limit the discussion to rational contributors. Mr. Jacob said that problems will lessen when folks have a claim, and felt the budget money should be divided equally. Craig Wilson wanted a clear directive so he could get a permit through the State Lands Commission and come up to standards.

Bobby Bright aka Jesus said that all life is God and he asked for help in securing the boats. Andre Scott reported a large spill on the anchorage and wanted to know what had happened and

who to report to. Mr. Price advised him that a large vessel had sunk in the Richardson Bay Marina and that could have been the source. Price also advised him to call the US Coast Guard and the Marin County dispatch for a quick response.

Nick Vance said he was not one who wants anchor-outs gone and felt they should be preserved. Mr. Kiffer felt that demographics were in flux and he asked for accurate numbers at the meetings. He felt things were developed before public discussion and he wanted more transparency. David McGuire said that Richardson's Bay was important and getting healthier. He believed in the maritime heritage and wanted to find a mooring compromise that wouldn't lose the bohemians. Matt Holland was a new anchor-out and wanted to know what would happen to others after the proposed mooring field was full. Tim Keeler said his parents had been anchor-outs for years and it had always been a battle, but there was more communication now. He said there was no eelgrass back in those days but it was healthy now.

Mr. Storms asked if the deadline for the stakeholder applications had been extended and Mr. Berto said it was still open pending Sausalito's decision. Mr. Storms felt vessels on RBRA moorings should not be allowed as they should be used for emergency only. He also explained that volunteers should have access to oil boom in emergencies. Mr. Bevington felt it was a new era of listening and stated that paranoia optimizes strategic thinking. Mr. Lindgren felt that incidents should be analyzed and that stakeholders shouldn't be tied to the anchorage program.

Public Comments

See above

Staff Comments

None

Board Member Matters

Chair Tollini asked that the posted date of the next RBRA meeting be changed from February 12 to February 11, 2016 in the record.

The meeting was adjourned at 7:25 PM.

NOTE: The next meeting of the RBRA is tentatively scheduled for **February 11, 2016 at 5:30 PM** at the Sausalito City Hall Chambers.

RICHARDSON'S BAY REGIONAL AGENCY

HARBOR ADMINISTRATOR'S REPORT

February 3, 2016

WORKING RELATIONSHIPS

- **Boating and Waterways** – Submitted a request for the first SAVE reimbursement in January for \$32,121 for 20 vessels. 2) Preparing second reimbursement request for an additional \$45K for 21 vessels disposed under the SAVE Grant. Approximately \$40K remains in the grant. 3) Re-applying for the 2017 SAVE grant early to assure that funds will be available ASAP in the next fiscal year
- **Port San Luis Harbor District** – procured \$29,500 in surplus grant funds from PSLHD to dispose of 3 vessels.
- **MSO and SPD** – reviewing legal steps to follow through with new Boating laws that come into effect on January 1, 2016 concerning marine debris. AB 1323/Gov't Code 550-552 provides a new tool that allows law enforcement to be able to deal swiftly with marine debris.

DEBRIS REMOVAL

- 24 vessels were disposed since 12/1/2015
- 3 boats are currently impounded

RAPID RESPONSE

- 5 vessels recovered and secured. 2 drifting docks secured and disposed.
- Recovered a sunken vessel in the channel: disposed under Marine Debris code.

WATER QUALITY

- Houseboats at the Gates Coop are starting to move onto the new docks.
- Conducted a site review with the Clean Vessel Act program personnel, trying to get them to reinstate funding for pumping out live-aboard vessels
- Conducting winter wet weather water tests, to be completed in March

OTHER

- Toured the anchorage with Senator McGuire, Chair Tollini and staff
- Assisting Gates Coop with a houseboat removal. All costs to be paid by Waldo Point Harbor

RBRA - BALANCE SHEET

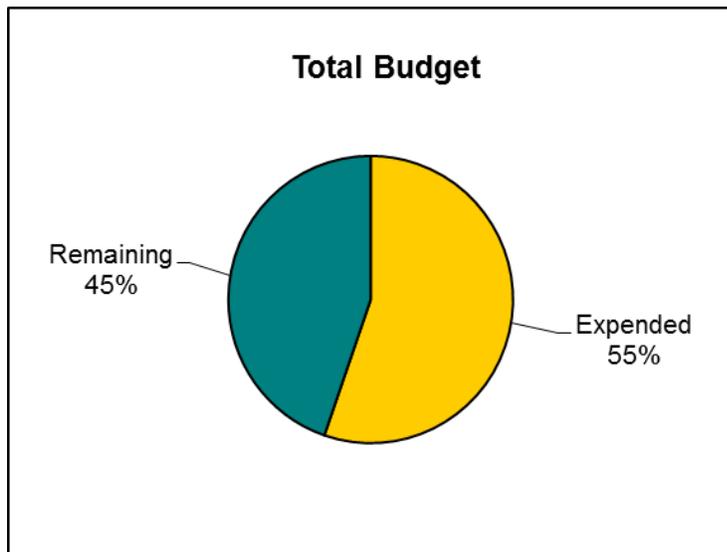
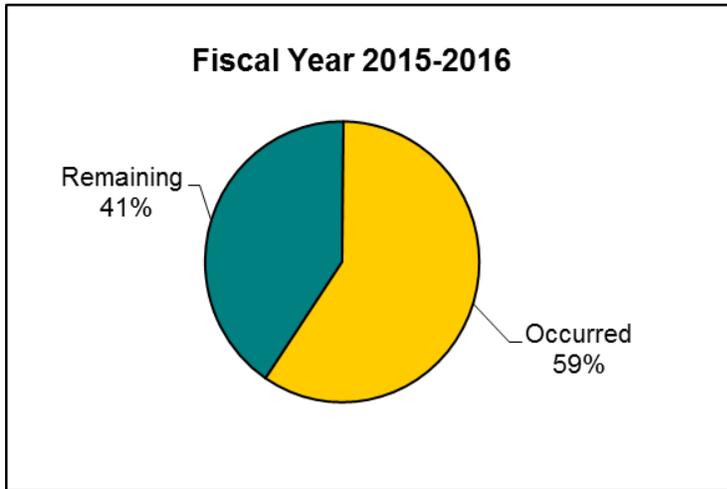
November 24, 2015 - February 2, 2016

DATE	COST CENTER	DESCRIPTION	REVENUES
12/10/2015	Bldgs & Grounds Rent	Mooring rental	-150.00
12/10/2015	Bldgs & Grounds Rent	Mooring rental	-160.00
12/10/2015	Sales and Services	Mondeau - boat disposal fee	-120.00
12/30/2015	Bldgs & Grounds Rent	Mooring rental	-150.00
12/30/2015	Bldgs & Grounds Rent	Mooring rental	-150.00
12/30/2015	Bldgs & Grounds Rent	Mooring rental	-100.00
12/30/2015	Sales and Services	Alliant - Insurance refund	-15.82
1/7/2016	Bldgs & Grounds Rent	Mooring rental	-160.00
1/7/2016	Bldgs & Grounds Rent	Mooring rental	-150.00
1/7/2016	Bldgs & Grounds Rent	Mooring rental	-150.00
1/7/2016	State - Grant	Port San Luis - SAVE reimbursal	-29,500.00
		total	-30,805.82

			EXPENDITURES
12/23/2015	Prof Svcs - Other	Dave's Diving	375.00
12/23/2015	Prof Svcs - Other	Dave's Diving	100.00
12/24/2015	Prof Svcs - Other	Denny Creative - website	260.00
11/25/2015	Rent - Equip Rental	Hertz - heavy equipment rental	693.33
11/30/2015	ProfServ-CntySalRe	Salary and benefits	11,580.75
11/28/2015	Prof Svcs - Other	San Rafael Yacht Harbor	2,000.00
12/16/2015	HazMat Clean Up	Bay Cities debris removal	1,497.65
12/16/2015	Com Srvc - Broadband	AT&T - phone line	40.00
12/16/2015	Com Srvc - Broadband	AT&T - internet	48.57
12/16/2015	Rent - Off Space	Schoonmaker marina - slip rent	243.00
12/16/2015	Rent - Off Space	Schoonmaker marina - slip rent	160.00
12/22/2015	Rent - Off Space	Schoonmaker marina - slip rent	480.00
12/16/2015	Prof Svcs - Other	Computer repair, day labor	545.00
12/16/2015	Printing Supplies	Staples - printer ink	86.30
12/16/2015	Oil & Gas Outside	Chevron - workboat fuel	136.30
12/16/2015	Trav-Meals	work crew lunches	67.47
12/16/2015	Oth Maintenance	Home Depot - yard tools	157.31
11/28/2015	Prof Svcs - Other	San Rafael Yacht Harbor	6,000.00
11/30/2015	Prof Svcs - Other	MT Head - honeybarge	325.00
12/16/2015	Prof Svcs - Legal	Marin County Counsel	205.00
12/16/2015	Prof Svcs - Other	San Rafael Yacht Harbor	3,500.00
12/16/2015	Rent - Off Space	ICB - office rent	454.99
12/16/2015	Rent - Equip Rental	Hertz - heavy equipment rental	618.45
12/16/2015	Prof Svcs - Other	Denny Creative - website	360.00
12/16/2015	Prof Svcs - Other	Parker Diving - vessel salvage	2,360.00
12/21/2015	Com Srvc - Cell Phon	AT&T - mobile charges	74.61
1/14/2016	Prof Svcs - Other	San Rafael Yacht Harbor	1,300.00
12/23/2015	Memberships & Dues	CA Assoc. of Harbormasters	300.00
1/14/2016	Prof Svcs - Other	San Rafael Yacht Harbor	2,700.00
12/30/2015	Maint & Rep Su - Oth	Hertz - heavy equipment rental	243.47
12/16/2015	Prof Svcs - Other	Whiting - vessel survey	235.00
12/16/2015	Prof Svcs - Other	Whiting - vessel survey	235.00
12/16/2015	Prof Svcs - Other	Whiting - vessel survey	235.00
12/16/2015	Prof Svcs - Other	EMS - honeybarge	225.00
1/28/2016	HazMat Clean Up	Parker Diving - vessel salvage	652.50
1/6/2016	Com Srvc - Broadband	AT&T - phone line	40.00

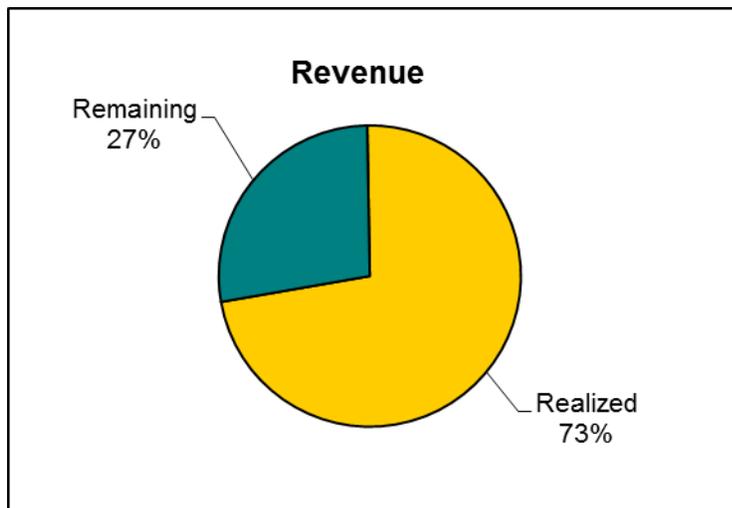
1/6/2016	Com Srvc - Broadband	AT&T - internet	48.58
12/24/2015	HazMat Clean Up	Bay Cities debris removal	3,136.15
12/24/2015	Prof Svcs - Other	Whiting - vessel survey	235.00
1/27/2016	Rent - Equip Rental	Hertz - heavy equipment rental	2,388.90
12/30/2015	Prof Svcs - Other	Legal ad, labor, award, sign	1,408.40
12/30/2015	Maint & Rep Su - Oth	West marine - boat parts	79.89
12/30/2015	Rent - Off Space	Clipper Marina - slip fees	250.00
1/13/2016	Rent - Off Space	Schoonmaker marina - slip rent	160.00
1/13/2016	Rent - Off Space	Schoonmaker marina - slip rent	243.00
12/30/2015	Prof Svcs - Other	Parker Diving - vessel salvage	1,506.25
12/30/2015	Rent - Off Space	ICB - office rent	428.00
1/13/2016	Rent - Off Space	Libertyship - dry storage	480.00
12/31/2015	ProfServ-CntySalRe	Other - Chrgs for Cur Svcs - Misc	17,545.12
12/30/2015	Prof Svcs - Other	MT Head - honeybarge	350.00
1/12/2016	Com Srvc - Cell Phon	AT&T - mobile charges	53.09
1/27/2016	Maint & Rep Su - Oth	Hertz - heavy equipment rental	1,429.88
1/14/2016	Prof Svcs - Other	San Rafael Yacht Harbor	4,500.00
1/27/2016	Rent - Equip Rental	Hertz - heavy equipment rental	923.43
1/27/2016	Prof Svcs - Other	Dave's Diving	2,350.00
1/27/2016	Prof Svcs - Other	Dave's Diving	365.00
1/27/2016	Prof Svcs - Other	Dave's Diving	580.00
1/27/2016	Prof Svcs - Other	Whiting - vessel survey	235.00
1/27/2016	HazMat Clean Up	Bay Cities debris removal	1,924.85
1/28/2016	Prof Svcs - Other	San Rafael Yacht Harbor	5,450.00
1/28/2016	Prof Svcs - Other	MT Head - honeybarge	350.00
1/28/2016	Rent - Equip Rental	Marin IST - PC Lease	341.00
		total	85,296.24

Percent of Budget and Percent of FY2015-2016 as of February 3, 2016



Expenditures vs. Adopted Budget

Expenditures	\$225,250
Adopted Budget	\$407,508



Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$296,224
Budgeted Revenue	\$408,400

RICHARDSON'S BAY REGIONAL AGENCY REPORT

February 5, 2016

TO: RBRA Board
FROM: RBRA Clerk
SUBJECT: Anchorage Management Update

Sausalito continues to dominate anchorage matters. At the December RBRA meeting, Staff reported on its Sausalito community presentation at the Spinnaker restaurant held on November 12. The Sausalito City Council heard at their January 26 meeting a report from the Sausalito Police Department entitled "Richardson Bay Vessel Anchoring and Public Safety Report" (see attached), which references the RBRA several times. The Sausalito Council directed Sausalito PD to implement the program outlined in the report.

Among the actions the PD report recommended was future coordination with the County of Marin (Sheriff) and the RBRA. Staff from these three agencies and US Coast Guard met today and had a very productive discussion about future options related to achieving regulatory compliance. It was noted that lack of an adequate budget would leave all agencies with few options for effective anchorage management. Staff from Sausalito PD, County Sheriff, US Coast Guard, and RBRA will continue discussions on coordinating efforts and how to secure necessary resources.

On that note, RBRA Chair Erin Tollini, Belvedere Mayor Claire McAuliffe, 3rd District Supervisor Aide Leslie Alden, and RBRA Staff held a very informative on-the-water tour with Senator Mike McGuire on January 15. Staff left that tour confident that Senator McGuire is very aware of RBRA's many challenges and issues, and appears ready to assist RBRA when our Agency implements a program that is ready for his help.

Staff was also hoping to have more to report from the Anchorouts, but aside from a preliminary email (see attached) they have not provided any written material as of this report. Their presentation has been included in the meeting's agenda.

Sausalito PD (and RBRA Staff) recognize that obtaining compliance with anchorage regulations requires a community-based approach. Their enforcement program first focusses on stored vessels and those being used for storing trash, debris, and property.

At their Council presentation, Sausalito PD stated the need for a coordinated program to avoid the problem of vessels just ping-ponging from one side of Sausalito's jurisdictional boundary (the main navigational channel) to the other.

RBRA current vessel abatement funding from State Department of Boating and Waterways provides enough to salvage approximately 50 vessels this fiscal year. As noted in the separate Staff report in this packet on RBRA functions, RBRA performs the critical and unique/ irreplaceable function of local vessel salvage. Staff recommends that, to the extent that RBRA is capable, vessels that Sausalito PD (or County Sheriff) ends up taking through the enforcement and abatement process be salvaged by RBRA.

Conclusion: Sausalito appears to be adopting an enforcement mode, a major shift in its heretofore longstanding position. A variety of efforts are occurring to resolve Sausalito's anchorage management funding relationship with RBRA's. Enforcement will likely be featured prominently in ongoing efforts, and will be reported on at the next RBRA meeting in April, where your Board is scheduled to adopt a work program and draft budget for FY 2016-2017.

Attachments: 1. Sausalito Police Department report "Richardson Bay Vessel Anchoring and Public Safety Report", 1/26/16
2. Alden Bevington email Anchorout Presentation summary 1/22/16

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

January 11, 2106

TO: RBRA Board
FROM: Ben Berto, RBRA Clerk
SUBJECT: RBRA future functions

Challenges facing the RBRA

The RBRA is facing a number of major challenges in the lead-up to fiscal year 2016-2017 from fiscal, political, and agency mission standpoints.

1. Fiscal

Sausalito demonstrated its lack of support for RBRA's proposed anchorage management program through its ongoing refusal to pay its share of this year's approved anchorage management budget. This prevented the anchorage program from going forward this year, and raises uncertainty about what future RBRA undertakings will be supported. Sausalito has continued to fund RBRA at the maintenance plus cost-of-living level of previous years. That does not address pressing needs relating to anchorage issues (see agency mission discussion below). Unfunded Staff resources will not be available.

Under the Joint Exercise of Powers Agreement setting up the RBRA, to which Sausalito is a signatory, every agency is legally obligated to fund the budget that the RBRA Board approves. However, a legal fight over an unpaid share would put the agency in an untenable position in terms of the consensus necessary for the long-term, concerted effort that an effective anchorage program requires.

A separate but looming legal issue is the threat of pending litigation. Whether from waterfront property owners or dissatisfied anchorouts, RBRA's legal budget is going to have to go up, at a time that the agency is potentially financially constrained from being able to do more than baseline maintenance activities. Member jurisdictions will need to be prepared to provide additional legal funds in FY '16-17. The stepped-up enforcement activities of the Sausalito Police Department (discussed in the anchorage report) cannot help but spill into RBRA's purview. Demands for legal services are on the rise and unlikely to lessen any time soon.

The RBRA is going to need to grow to continue to meet the demands intrinsic to its role and proper functioning. RBRA's long-range program emphasis in the last year-and-a-half makes a strong case for developing a multi-year budget. Local contributions to the RBRA are likely to continue to grow. A multi-year budget for a comprehensive, longer-range program has the potential for steering the RBRA out of a reactive or passive mode. For the time being, the RBRA is in a maintenance orientation, deferring substantive efforts for the future.

2. Political

At their last meeting, the Sausalito Council directed the Police Department to proceed with an enforcement program inside their jurisdictional waters. That may help predict what RBRA program and funding Sausalito may support. Efforts will continue in advance of April's Board meeting to attempt to determine this, and will be reflected in Staff's recommendations to the Board about next year's work program and budget. Staff continues to be very grateful to the Board members for guiding Staff's efforts and successfully secured their Council's funding for this fiscal year's (terminated) anchorage management program and budget.

3. Agency mission

Since its 1985 inception, RBRA has been without direction or a program to actively enforce its regulations. As noted in Sausalito Police Department's January report to the Sausalito Council, that City has up to now tacitly supported the anchorage's bohemian lifestyle.

Sausalito voted 4-1 on January 26 to direct its police department to initiate a multi-faceted enforcement program to secure compliance with its own 10-hour anchoring limit (the one dissenting vote because the enforcement program did not go far enough). While the program outline emphasizes that efforts will be designed to secure voluntary compliance, Sausalito has nonetheless sent a strong statement that that its hitherto laissez-faire position has ended (at least for the time being). At some level, enforcement is now a high priority.

How does this fit into RBRA's functioning and mission? A look at the Special Area Plan that led to the formation of RBRA, and our Agency's governing documents show that regulatory compliance is integral to RBRA's purpose and mission. Enforcement a necessary accompaniment to doing so. RBRA's recently initiated registration and documentation program illustrates our Agency's increasing efforts to secure regulatory compliance on the anchorage and upgrade its enforcement activities.

The \$495,000 grant our Agency secured was helpful in achieving the highest rate of vessel abatement in the agency's history. It also demonstrated that abatement requires ongoing enforcement and enhanced anchorage organization in order to be successful long-term.

If your Board so directs, Staff will prepare anchorage regulation compliance options for the April meeting and potential inclusion in next year's work program and budget.

Alternatives to the RBRA

Multiple challenges face the RBRA. One option heard being discussed is what would happen if the RBRA were disbanded?

Disbanding would certainly address who pays for what. Each agency would be individually responsible for all RBRA – related expenses accruing within its jurisdiction. Of the five member agencies, Mill Valley is the only one that arguably would likely not experience substantially increased expenses.

Other RBRA member jurisdictions are unlikely to save in expenses. A walk through the current budget reveals why. Currently, gross member agency contributions to the RBRA total \$269,100. Generally vessel abatement costs approximately \$10,000 per vessel (RBRA being a notable exception with Bill's skills at getting the most boats per buck). So \$269,000 might yield roughly 27 vessels, about half of what the RBRA removes annually. RBRA annually applies for and successfully secures grants from multiple agencies that cover more than 90% of the costs of all vessel salvage and disposal. Absent RBRA's supplemental revenue, each member jurisdiction would be on their own to either secure outside funding or underwrite the complete costs on their own.

Costs aside, a typical enforcement and abatement scenario reveals the impossibility of any individual jurisdiction being able to fulfill RBRA's role.

A report is received that a vessel has run aground/sunk. Who this report is transmitted to, and how it comes to the attention of the applicable jurisdiction is unknown. Presumably public safety responders for several jurisdictions would be involved in such instances until it is determined in whose jurisdiction the vessel now rests.

Now what to do? Outside RBRA, none of the five member jurisdictions would be qualified or equipped to intercept, raise and keep floating, address any leaking hazmat issues, etc. involved with any problem vessel. A commercial salvor would have to perform the work. At whose expense would the boat be raised, stabilized, and hazmat abated? Once a vessel sinks, it will sink again without active ongoing intervention, and even that is only a temporary fix.

Whether it is a sunken vessel or one stuck under somebody's dock or washed on shore, it needs to go somewhere. Once a vessel is moved, responsibility for it belongs to the mover. Where does it go? The Army Corps facility will almost certainly not be available. Their function is not to deal with salvage vessels, with associated hazmat leaks etc.. Even if ACE or other emergency responder were willing, hazmat containment needs to take place immediately, by qualified responders (such as the RBRA Harbor Administrator) or the results can be disastrous to nearby environmental resources, vessels in nearby marinas etc. Even with a proactive approach to at-risk vessels, RBRA has to deal with hazmat leaking from vessels several times a year.

Therefore the question of what to do with the vessel(s) remains largely unanswerable in a non-RBRA context. If the Army Corps facility is not available, it would be very challenging or impossible in some instances to haul vessels anywhere else, due to their marginal condition. That is why unmanaged anchorages end up with sunken vessels for years/decades (witness the recent multi-million dollar efforts necessary to remove a relatively few vessels sunk for years in the Petaluma River and Oakland Estuary). Dealing with sunk/aground vessels would similarly represent a virtually insoluble problem for individual Richardson's Bay jurisdictions.

If each RBRA jurisdiction decided to become individually and proactively responsible for enforcement and abatement of vessels within its jurisdiction, additional regulations would need to be adopted. Those regulations would need to be developed and then reviewed and approved by BCDC and state division of boating and waterways.

Given Richardson Bay's long-term status is a federally designated special anchorage, it is unlikely that jurisdictions would be successful in closing (their jurisdiction's portion of) the anchorage. Each jurisdiction would be undertaking what would likely be a multi-year process to get to a final answer on how they could regulate the anchorage.

Assuming the Anchorage cannot be closed, jurisdictions would be left with regulations restricting the types of and duration that vessels can stay in Anchorage. So-called transient vessels would likely continue to be allowed to come and go.

Who would be keeping tabs on whether vessels stayed or left? The only way to ensure that is through regulations, regular water patrols, and enforcement. Each jurisdiction's enforcement arm would then have to provide patrols (new in most instances) and undertake enforcement. What would that new patrol vessel, officers conducting regular patrols, and the newly implemented enforcement cost? How likely would new patrols be better at monitoring, not to mention preventing or abating what is currently occurring? Vessels would continue to arrive in Richardson's Bay in the middle of the night with no registration or documentation.

Would jurisdictions be willing to incur the expense and hassle for ongoing enforcement in their jurisdiction? Enforcement involves more than issuing citations. As enforcement agencies can attest, citations by and themselves have little weight when it comes to addressing vessel problems. A vessel can move over a jurisdiction boundary and the whole process would need to start from the beginning. Even assuming the vessel isn't relocated, in order to actually abate vessels, due process must take place. This often will mean hearings will need to be held before the respective councils, each with its own unique circumstances. If the council is determined that the vessels must go, the individuals ostensibly responsible for these vessels (assuming they can be found) are highly unlikely to be forced to pay for anything. As part of the vessel abatement process, the vessels may have to be stored for the several months. Where will that storage be? Once a storage yard is found, the vessels must be hauled to that location, and the yard must be paid for the multiple months of vessel storage, all at local government expense.

Conclusion

While the RBRA faces acknowledged challenges in fully performing its many functions, local governments cannot reasonably expect to perform many of the functions the RBRA does well on an ongoing basis. The expense and administrative hassle would almost guarantee that nothing would be done until the problem becomes exceptionally adverse. Staff recognizes that one of the most significant challenges is raising the level of awareness of what the RBRA does, and the consequences of attempted alternative approaches to managing the anchorage. Staff hopes that this report informs decisionmakers and other interested parties about what is involved.

RBRA must continue to evolve as an agency, and a consensus on future direction and scope needs to occur quickly. RBRA will be preparing next year's work program and budget for the April Board meeting. Future actions by RBRA board members should be consistent with what their councils support to avoid a repeat of this year's truncated program. Staff looks forward to helping develop a consensus on how to proceed.

SAVE_Anchorage Community Design Presentation Summary to RBRA for February 2016.txt
From: Alden Bevington <alden@pragmatical.org>
Sent: Friday, January 22, 2016 10:38 AM
To: Berto, Benjamin
Subject: Anchorage Community Design: Presentation Summary to RBRA for February, 2016

Hello Ben,

I pray this email find you well.

Here's the draft summary of the presentation for the next RBRA meeting in February.

This is a technical overview of the framework we have been building from, which is one that I have presented for some time to RBRA and staff, and which we have consent from a broad group of the anchorage to work within. The outreach continues.

Thanks so much for your steady work and collaboration on this issue.

Please email with any questions.

Best,
Alden

Alden Bevington

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Presentation Overview of Anchorage Community Steering Group
January, 2016

In response to the request from RBRA and the municipalities to develop and present a formal plan for establishing a sustainable and well-managed anchorage in Richardson Bay, members of the anchorage neighborhood have been meeting and collaborating to identify issues, present solutions, and come to some workable agreements on meaningful approaches to achieve these solutions.

We have aimed to apply the insights of those who live in the anchorage and find ways in which we can reasonably meet the needs of a diversity of stakeholders on water and land.

This summary gives a broad perspective on the nature of our efforts, and a technical overview of our methodology.

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In addition to this work summarized here, for this presentation we have developed an ad hoc steering committee which this overview is the output of, and have been taking steady action as subcommittees and individuals on the anchorage to proceed with the neighborhood's demographic survey, community outreach, ground tackle checks, and making headway in educating agreement among a diverse community on consenting to basic game rules.

This summary may appear too technical for some audiences, but we agreed this was important nonetheless, and will be useful background in advance of the presentation to get everyone up to speed, and to create the opportunity for others in decision making positions to more deeply educate themselves on the work, and to consider the implications of the framework as a launch point for discussion and further inquiry.

We will be sharing all the details of the system design, as it applies to the Richardson Bay Anchorage, in our comprehensive presentation to the RBRA and other authorities in February, 2016. These details have been worked out in our community and committee meetings and we look forward to sharing them, but so there is real-time opportunity for questions, clarifications, and comments as they arise, we will use the time and format of the presentation to present them in full.

Please feel encouraged to consider these points here in advance of the presentation, contemplate their application, so we can all be generative in the discussion.

The strategy and plan we are working with is structured upon the Nobel work of Dr. Elinor Ostrom, known as the "Design Principles for Common Pool Resources", for which she was awarded the Prize in Economic Science in 2012, being the first woman to do so.

This work, and the Social-Ecological Systems (SES) framework built from it, is widely considered the state of the art in "Governing the Commons". It presents us with novel insights into how to institutionally resolve the confounding challenges that we commonly

face when we have a shared resource in common, without resorting to measures which will sacrifice its historical cultural assets, unique character, and ecological sustainability.

Our beautiful Richardson Bay and its Anchorage is such a common pool resource, with a unique set of circumstances, and it is a suitable candidate for application of these frameworks.

There is a reason Richardson Bay's open anchorage still exists, and why it had proven to be so confusing to determine and come to some consent regarding the correct way to govern it, or decisively justify its removal or right to be.

The socio-economic science of 'the commons' is not something we have been raised to understand. At best we have learned models of governing the commons that fit well into the political arts of development and representative, but not direct, democracy. But these are methods too ham-fisted to address the nuances inherent in our local situation. Applying them we might risk losing things that we will come to regret. Fortunately,

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Dr.

Ostrum left us with her life's work, and showed us things we couldn't see at first.

Ostrum's Law, as it has come to be known, states:

A resource arrangement that works in practice can work in theory.

That is to say, her work was deeply reasonable and realistic, it was not abstract.

To develop her list of design principles she studied common pool resources around the world and in traditional societies. Specifically, as she noted which arrangements were sustainable and which fell apart over time, she discovered there were 8 institutional governance structures that were present in systems that worked. If any one of these were missing, she found that the common resource would be abused and in time be destroyed, privatized, or become in time governed by bodies which were functionally unaccountable to the local authorities and appropriators.

These are those Design Principles.

1. Clearly defined boundaries;
2. Rules regarding the appropriation and provision of common resources that are adapted to local conditions;
3. Collective-choice arrangements that allow most resource appropriators to participate in the decision-making process;
4. Effective monitoring by monitors who are part of or accountable to the appropriators;
5. A scale of graduated sanctions for resource appropriators who violate community rules;
6. Mechanisms of conflict resolution that are cheap and of easy access;
7. Self-determination of the community recognized by higher-level authorities;
8. In the case of larger common-pool resources, organization in the form of multiple

layers of nested enterprises;

Elinor Ostrum recognized that there was no panacea that would resolve the issues in a given common pool resource, and recommended that each system be approached with respect to its unique and multi-faceted nature. We have approached our work on this by drawing from sources as close to the scene of the issues of the anchorage neighborhood as possible to get a good understanding of these nuances.

As a result, the work of members of the Anchorage Neighborhood and its sub-working groups has resulted in a detailed assessment of the issues that have come to exist in the absence of each of these design principles.

We have further developed what we largely believe are workable and cost-effective solutions to each, institutional structures for applying those solutions, and social strategies already underway for increasing consent within the anchorage community and increased functional rapprochement with the municipalities that make up the RBRA, and their communities on the waterfront and land.

SAVE_Anchorage Community Design Presentation Summary to RBRA for February 2016.txt
We will be presenting this output of our efforts formally at the RBRA meeting in February, 2016.

The presentation has been organized in such a way that it will be made by a number of members of the anchorage who will each explain the details of an issue/solution area that they have shown a proven expertise in. We can provide a list of presenters, their presentation time, and their topics if requested.

Thank you.

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Richardson Bay Anchoring and Public Safety Report Presented to City Council



At Tuesday's Council meeting, Lieutenant Bill Fraass presented a **Richardson Bay Anchoring and Public Safety Report** to the Sausalito City Council. According to the report, since 1986, the number of vessels anchored in Richardson Bay has grown from approximately eighty to well over two hundred. Approximately seventy vessels are currently anchored in Sausalito waters, with the rest anchored in Marin County waters. Many of the boats in Sausalito waters are unoccupied. Some unoccupied boats have been anchored as a way for their owners to store them free of charge. Others are being used as storage containers for trash, debris and excess property.

With the increase in the number of vessels anchored in the waters of Sausalito, the Sausalito Police Department has observed a concurrent increase in violent crime, theft crime, environmental hazards and navigational hazards.

In an attempt to address the growing number of boats and the public safety concerns associated with them, the Sausalito Police Department has developed a program to gain community compliance with the municipal code that limits the

amount of time the vessels can be anchored in Sausalito waters. Sausalito Municipal Code 16.040.020 states that vessels can be anchored for only ten hours without the written permission of the Chief of Police. The program would encompass activities such as:

- Outreach to community leaders
- Community meetings
- Distribution of information regarding the municipal code
- Posting compliance notices on vessels

The program would first focus on those vessels that are being stored or being used for storage of trash or debris or property in Sausalito waters. Afterwards, vessels that are inhabited will be contacted as part of this program. The Richardson Bay Regional Agency, Marin County Sheriff's Office and the United States Coast Guard will collaborate with the Sausalito Police Department on the program. Questions may be directed to Lieutenant Bill Fraass at bfraass@ci.sausalito.ca.us.

[WATCH THE RICHARDSON BAY ANCHORING AND PUBLIC SAFETY REPORT TO COUNCIL](#)

Sinking hopes for mooring field frustrate bay agency

By **GRETCHEN LANG**

glang@thearknews.com

Richardson Bay Regional Agency board members are searching for answers as the Sausalito City Council continues to rebuff their plan to create a mooring field on Richardson Bay.

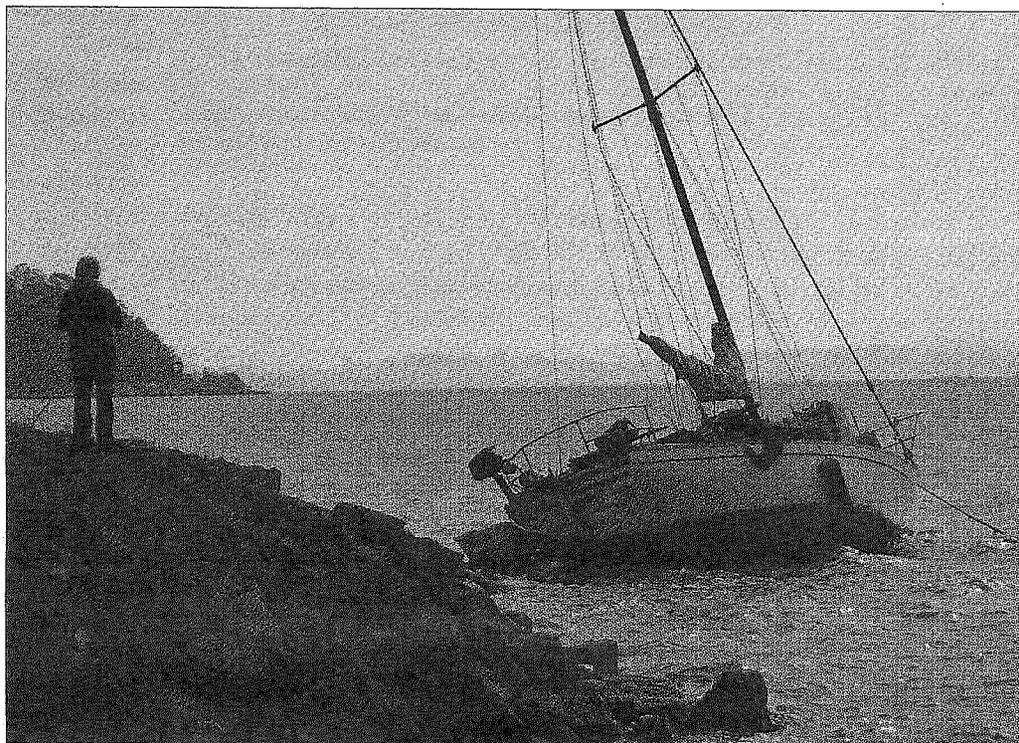
So far, Sausalito has refused to pony up its \$31,850 share of the initial cost to study and develop plans for the field, and it has gone as far as to suggest that the other municipalities that make up the agency fund Sausalito's portion, an idea that agency staff say is a "nonstarter."

The delay has left the mooring field proposal dead in the water, with it unlikely to be funded before next fiscal year's budget, for July 2016-June 2017, agency staff said.

"I'm personally finding this very frustrating," board member and Marin Supervisor Kate Sears said at the agency meeting on Dec. 10. "Most of us have been sitting up here trying very hard to find a way forward."

The agency's board hopes to find a way to cope with an increasing number of derelict and abandoned boats littering the anchorage, boats that keep arriving despite hundreds of thousands of dollars spent trying to demolish them. Some of the vessels are home to a highly vocal group of anchor-outs, while others are simply dumped by owners who no longer have the wherewithal to maintain them.

After a community workshop to study the problem in the spring, a subcommit-



The heavy wind and rains overnight Dec. 9-10 brought one of the first signs of the winter storm season: decrepit boats from Sausalito that have broken from their anchorages and washed up onto local shores. The 20-foot Strumpet, with two dinghies in tow, was among them Dec. 10. When a woman walking along the Old Rail Trail saw the boat's occupant suddenly emerge shortly before 2 p.m., looking disheveled, she called out: 'What happened?' He responded: 'I don't know, I just woke up. Leave me the (expletive) alone.' A second boat, a cabin cruiser whose best days seemed decades past, was floating further out. Both boats were in the Richardson Bay Audubon Sanctuary waters, which stretch north of the bay above Belvedere and Strawberry and are currently closed to boat traffic to protect migrating birds. Richardson Bay Regional Agency Harbormaster Bill Brice said he's been dealing with a sunken boat in Sausalito and that unless a boat is in danger of damaging property, it will have to wait in line to be removed.

REBECCA WILSON / THE ARK



I know the history here, and we want to protect the anchor-outs, but keep in mind we have to educate the people of Sausalito. We do have an uphill battle."

— *Herb Wiener, member of the Sausalito City Council and the Richardson Bay Regional Agency*

tee of the agency came up with a \$248,000 proposal to create a mooring field to help regulate the anchorage. The money would have to come from the five jurisdictions that make up the agency, which include Belvedere and Tiburon. Sausalito's outstanding

share of the project amounts to \$31,850, while Tiburon pledged its \$9,100 contribution and Belvedere its \$6,825 contingent on Sausalito's participation.

This fall, Sausalito City Manager Adam Politzer called for more community input

before committing funds to the proposal. In November, the agency hosted another information night at The Spinnaker restaurant in Sausalito, where more than 250 people packed the hall and took home applications to join a proposed "stakeholders' advisory committee," which would be the first step in the plan.

But Sausalito remains unconvinced of the merits of the project. At its Nov. 17 City

See **BAY, PAGE 33**

LEADERS BY DESIGN

From Our Family to Yours

Happy Holidays!

VANGUARD
PROPERTIES

Bay, *continued from page 9*

Council meeting, Politzer said the city needed still more input and would revisit the proposal at the next meeting in January.

At the bay agency's Dec. 10 meeting, Sausalito City Council and longtime agency board member Herb Wiener said he had spoken with the new Sausalito mayor and urged her to address the issue at the next meeting as well.

Wiener told the assembled group of anchor-outs that many Sausalito residents who are new to the area see no reason to accommodate the 50-year-old anchor-out community.

"They don't really want the anchor-outs," he said. "I know the history here, and we want to protect the anchor-outs, but keep in mind we have to educate the people of Sausalito. We do have an uphill battle."

Many in Belvedere share the sentiment of Sausalito's newer residents. West Shore homeowners, tired of derelict boats slamming into their docks and causing damage, have threatened to sue the agency and its members for not enforcing existing laws. They reject the idea of their taxpayer dollars going toward a mooring field when the law already limits anchoring out to 72 hours.

Several members of the anchor-out community that attended the meeting asked to put forward their own proposals for solving the problem.

"All we are asking is to have a voice and be part of the solution," said harbor resident Doug Storms. "If we're part of the problem, why can't we be part of the solution?"

Anchor-out residents offered to take a census of the anchorage to see who was living on the water and help tow sunken vessels to the demolition yard.

Agency board chair and newly appointed Tiburon Mayor Erin Tollini said she welcomed input from the anchor-out community and said the board would try to schedule time on the agenda for people to present their ideas if contacted ahead of time.

"All of use are open to any idea that makes sense," Tollini said. "That is our goal here."

Contributing writer Gretchen Lang of Belvedere covers the environment. She spent 15 years abroad writing for newspapers including the Boston Globe and the International Herald Tribune.