

RICHARDSON'S BAY REGIONAL AGENCY

Thursday, August 13, 2015

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. Election of Chair and Vice-Chair for two year terms
2. Minutes of June 4, 2015 Meeting
3. Review report of Harbor Administrator
4. Approve prior expenditures for July - August 2015
5. Review and amend 2014-15 budget lines to reflect additional revenues and expenditures pertaining to Oil Spill Response Trailer
6. Approve FY 2016 SAVE Grant application
7. Status report on Anchorage Management program
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 October 8, 2015. 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

August 3, 2015

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

Board members:

In this first meeting of the new fiscal year, it seems appropriate that several changes are taking place. Consistent with your Board's vote in June, this is the first regular RBRA meeting date, now occurring on the second Thursday of alternating months.

The first item is the election of new RBRA Officers. It has been Staff's privilege and pleasure to serve Chair Sears these tumultuous last two years. Like her, the new RBRA Chair will have some major challenges. Today's circumstances point towards more and increasingly active RBRA roles. Staff is confident the new Board Chair and Vice Chair will be up to the challenges, and looks forward to assisting the new officers.

Adding to the challenges, the proposed anchorage program for this fiscal year is on hold for the time being. As will be reported elsewhere in this packet, Sausalito is still in the nascent stages of determining their anchorage management priorities and positions. Staff is working with Sausalito to clarify their financial position and secure a path forward.

A financial item concerns retroactive increases in RBRA's FY 2014-15 revenues and expenditures budget to accommodate the earlier-than-anticipated arrival (and accompanying invoice and reimbursement) of the trailer that holds RBRA's new emergency oil spill containment boom and equipment. Complete funding for the equipment and trailer was underwritten by the State. The budget changes keep respective last year's line items consistent with actual revenues and expenditures.

The RBRA and other local emergency responders will now for the first time in Richardson's Bay be able to greatly ameliorate the effects of a substantive oil spill such as the Cosco Busan. Kudo's to Harbor Administrator Price for spearheading our agency's successful effort to obtain the trailer, equipment, and training.

Anticipating the usual hurry-up-and-wait situation with State DBW grants, staff has drafted a memo for your Board's approval that will allow us to finalize our eventual SAVE grant without the need for further Board action.

See everyone Thursday.

RICHARDSON'S BAY REGIONAL AGENCY
MINUTES OF SPECIAL MEETING OF JUNE 4, 2015
HELD AT SAUSALITO CITY HALL CHAMBERS

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

ABSENT: Ken Wachtel (Mill Valley);

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

ADDITIONAL: Leslie Alden (Aide to Supervisor Sears);

Meeting called to order at 5:32 PM.

Request to change the date of future RBRA meetings

The future meeting date of the regularly scheduled RBRA meeting was changed from the third Thursday of every second month, to the second Thursday of every second month. This change was approved unanimously.

Minutes of May 7, 2014 Meeting

Minutes were approved

Prior expenditures

The expenditure report was accepted unanimously

Review and amend 2014-15 budget lines

Ben Berto started off the discussion pointing out the adjustments needed to close out the past year's budget, and he explained the various changes.

Alden Bevington asked that the Board reimagining the anchorage. He stated that enforcement would extend budget and he felt that vessel abatement was an expensive proposition and that the RBRA had gamed it for profit. He said that if rules were enforced we could reduce the budget and maintain life on the water.

Member Tollini stated that the amendments as presented served to memorialize what was already happening, and that the changes were all part of adjusting the regular budget to reflect fiscal reality.

The recommended changes were approved by the Board unanimously.

Review and consider amendments to the RBRA budget for 2015-16

Mr. Berto related his recent experiences presenting the RBRA's previously proposed Scenario #3 anchorage program and budget to the Sausalito City Council on May 19. The Council determined that they would not be able to commit to any further increase in dues prior to conducting their own public outreach process, to be undertaken by a two council member task force over the course of the next six months. As a result, RBRA's proposed comprehensive Anchorage program and budget was not supported by their council. This placed the full program on hold until such time as funding would be made available.

Given RBRA's anchorage management responsibilities, the Anchorage subcommittee was returning to the RBRA Board a revised Anchorage program and budget that incorporates what the Sausalito City Council said needed to be done first, at an overall cost approximately one-third of the comprehensive Scenario #3 budget. Chair Sears asked if the revised budget included public outreach and Mr. Berto replied that it would include all of the public outreach contemplated in the comprehensive program budget, minus funds for information-gathering. It would be in Sausalito's best interest to support this revised scenario, since the costs for outreach would be split between all RBRA member agencies. Chair Sears also pointed out that \$15K of legal advice was included in the current budget scenario to address enforcement issues.

Chair Sears expressed concern over the dwindling State grant funding. Mr. Berto replied that there was a chance the we could secure funding through a NOAA grant but that grant application wouldn't be open until late Fall 2015.

Member Winter alluded to a move in Sacramento that would focus more on enforcement and abatement. Mr. Berto explained that the movement had its genesis in the Delta, where the local sheriff in Contra Costa County still can't keep up with the derelict boats even with a \$6 million annual budget. He thought a long term fiscal solution would be a recycling fee added to annual registration, but it is hard to push past boater's lobby groups.

Chair Sears asked if Sausalito had more discussions, and Mr. Berto replied that the City had not committed yet to additional discussions. Chair Sears said that our facilitator, WRT Group, had maximized outreach through the workshop and Mr. Berto said that they had also been helpful post-workshop working on proposed next steps. Member Weiner thought that the RBRA and the City should conduct a combined outreach program.

He also asked where the historical member contribution split formula had arisen. Mr. Berto said that the percentages of dues reflected Sausalito's status as a maritime city with the most at stake, and said that the formula could only be changed through a board resolution after discussion.

Sue Fox said that she was glad Sausalito had required more time for community input, and that the impact of living on a boat was much smaller than living in a house on land. Dane Faber stated that he had researched the origins of the fiscal split: it was set in place by Supervisor Aramburu and RBRA could supersede City Council. He stated that RBRA was abdicating its authority to the City and that the entire coast from Humboldt to San Diego had already dealt with their mooring issues. He said that he felt the City Council was cowardly and had sidestepped their responsibility.

Mr. Bevington felt that the stakeholders should be the decision makers and that WRT had cherry-picked the workshop to encourage the mooring field solution. Doug Storms said that the Council can't stop the train and that they hadn't thought out the implications of their actions. He asked if the eelgrass argument really represented an environmental disaster. Bob Lorenzi said that if codes were enforced, only those with conflicts would object, i.e. those on illegal moorings. He felt those who are worried should participate instead of complain. Eric Hendrick said that there is excessive damage from boats hitting property.

Mr. McCauliff asked if there was a place on the website to find enforcement actions and Mr. Berto replied the Harbor Administrator's report documented those actions, and the packets also included any formal actions the Board took. Chair Sears asked Sausalito Councilmember Jill Hoffman (in attendance) if the sub-committee had envisioned the outreach program yet, and Member Hoffman replied that she had no comment at this time.

Member Tollini stated that Tiburon was in favor of committing funds, and that some of the issues were 1) making sure Sausalito was aboard with the plan and was not railroaded; 2) enforcement still remains one of the thornier issues no matter what the funding is; and 3) will the gate for additional vessels close once a mooring field was in place. She did support the newly revised program.

Member Weiner wanted to reach out and engage with citizens. He also noted the Sausalito side of the budget split amounted to more than Tiburon, Belvedere and Mill Valley combined, and he suggested looking carefully at the percentages again. He did not want to clear the anchorage as was done in Redwood City, Treasure Island and the Oakland Alameda estuary – he wanted to work it out.

Member Winter stated that he had been around the waterfront for 25 years and that he recognized the frustration, but he didn't feel that elimination of the anchorage would be viable option. He said the Anchorage plan was viable, and that the best proposals are most often disliked equally by all parties. He was advocating to Belvedere Council to move forward.

Chair Sears stated that there was no pre-set outcome in the public outreach workshop, and she felt the RBRA should continue to lead the public outreach process but that it needed funds to continue. RBRA has managed for years but faces new funding challenges in the light of more vessels and attached enforcement costs. The sub-committees' work was productive, but just the beginning of the conversation, and the RBRA would need more funding to continue to move forward with a well-conceived public process. She advocated putting in the \$40K to keep the public process moving and not lose momentum, while fully involving Sausalito residents. Member Weiner moved to communicate with residents and said he would support that option.

After discussion, the Board unanimously passed both funding packages, #1 and #2, the final budget to be dependent on the outcome of Sausalito budget hearings.

Public Comments

Mr. Lorenzi felt a strict 72 hour policy was necessary, with permits and decals issued to inspected vessels in order to make people play by the rules. He also felt vessels should be required to be occupied.

Neil Whitlaw asked to get the website up-to-date, and Mr. Berto responded that there had been technical difficulties, but these had been addressed. Mr. Storms said Staff should be directed to get biggest bang for the buck. In order to deter disaster, he felt RBRA should re-implement mooring inspections, seaworthy tests, a garbage boat, and a ground tackle upgrade program. He asked or permits to be issued in order to determine who really owns the boat and the mooring.

Mr. Bevington said that anchor outs need recognition of legal standing in order to have a sustainable and responsible anchorage. Louis Tenwinkle stated that Supervisor Aramburu inspired the hatred that was still associated with the RBRA. He appreciated the outreach and the community spirit and he apologized to Chair Sears for lashing out at a past meeting, saying that he was stuck in the 80's.

Staff Comments

Mr. Berto advised the Board that new officers would have to be selected at the next Board meeting since current officers' terms were coming to an end.

Board Member Matters

None

The meeting was adjourned at 7:00 PM.

NOTE: The next meeting of the RBRA is tentatively scheduled for **August 13, 2015 at 5:30 PM** at the Sausalito City Hall Chambers.

RICHARDSON'S BAY REGIONAL AGENCY

HARBOR ADMINISTRATOR'S REPORT

August 1, 2015

WORKING RELATIONSHIPS

- **Boating and Waterways** –The application has been submitted for the Surrendered and Abandoned Exchange Program (SAVE) grant for \$150K. We submitted the day the grant opened, but they won't begin the review and approval process until 8/1/2015. Assuming that DBW will approve us up to the full amount, Staff has drafted a resolution (attached) that will allow us to finalize the application process without requiring further RBRA Board action.
- **Cal Recycle** – We spent down every cent of the \$495K grant just before it expired. Unfortunately, this grant source will not be available in the future due to CalRecycle's reluctance to address any more projects on the state's waterways.
- **OSPR** – The oil spill response trailer is in position at the Army Corps of Engineers, and first responders from Southern Marin Fire, Sausalito PD, Marin County Sheriff, and the Army Corps of Engineers completed training with classroom and on-the-water exercises.
- **NOAA** – Communicating with NOAA staff preparatory to submitting a grant proposal through their marine debris program. To date, grant applications have not opened for the current fiscal year. Note: Even if the (eventual) grant is successful, funds will not be accessible until mid-2016 at the earliest.

DEBRIS REMOVAL

- Disposed of 7 vessels. 3 vessels are currently awaiting demolition.
- 2 boats are currently impounded.

RAPID RESPONSE

- 5 vessels recovered and secured.

WATER QUALITY

- The Neighborhood Watch reported anchor out boat was not being pumped out. It was on the schedule, so staff went on a ride-along and made sure the boat was being pumped, and sent a photo to the reporting party of the occasion.

OTHER

- Ale Eckstrom, a 50 year resident of the bay, passed away recently. His vessel was a 63' wooden powerboat that is unsalvageable and will be secured by the RBRA at the end of the month. Costs for this type of work will be borne by RBRA, since the 2016 SAVE grant program cannot be used until the contract is fully completed.

Richardson Bay Regional Agency

RBRA Vessel Disposal List May - July 2015

Date	Name	Type	Amount	Condition	Location
5/19/2015	STARTIME	45' wooden powerboat	\$5,835.00	abandoned - CalRecycle	Sausalito anchorage
5/28/2015	MADAME PAT C	38' wooden powerboat	\$1,998.62	sinking - VTIP	Cass Marina, Sausalito
5/30/2015	BROOKS	50' wooden powerboat	\$3,535.72	sunk - abnd. - CalRecycle	Sausalito anchorage
6/11/2015	EGG HARBOR	36' wooden powerboat	\$4,200.00	abandoned - CalRecycle	SR marina
6/22/2015	DESPINA	39' f/g sailboat	\$4,250.00	abandoned - VTIP	Sausalito marina
6/27/2015	FRISCO FLYER	26' f/g sailboat	\$305.32	abandoned - VTIP	Sausalito marina
6/27/2015	JORDANA	28' f/g sailboat	\$1,738.40	abandoned - VTIP	Sausalito anchorage

7 vessels total \$21,863.06

*** indicates estimated invoices

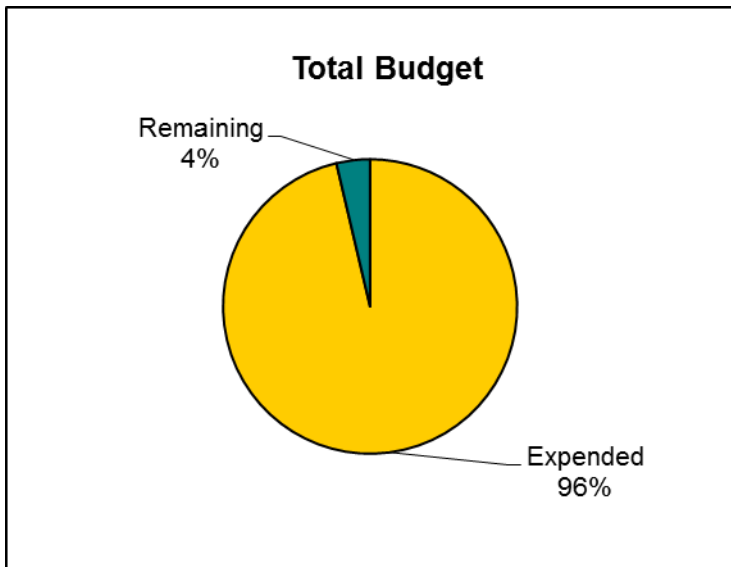
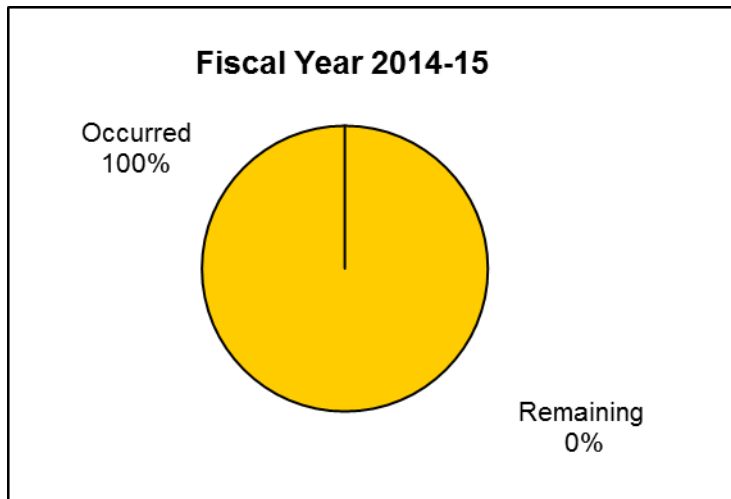
RBRA - BALANCE SHEET

May 10, 2015 - June 30, 2015

DATE	COST CENTER	DESCRIPTION	REVENUES	EXPENDITURES
5/13/2015	Sales and Services	MCSTOPP reimbursement	-2,800.00	
6/30/2015	State - Grant	VTIP reimbursement	-21,384.32	
5/31/2015	ProfServ-CntySalRe	Salary and Benefits	11,334.92	
6/30/2015	Professional Srvc	CDA services	42,716.00	
6/11/2015	Professional Srvc	WRT - Anchorage workshop	8,125.00	
5/13/2015	Bldgs & Grounds Rent	Mooring rental	-150.00	
5/13/2015	Bldgs & Grounds Rent	Mooring rental	-150.00	
5/13/2015	Bldgs & Grounds Rent	Mooring rental	-160.00	
5/13/2015	State - Grant	Waste Aweigh reimbursal	-7,511.99	
5/13/2015	State - Grant	CalRecycle - final	-20,443.30	
6/17/2015	Bldgs & Grounds Rent	Mooring rental	-100.00	
6/17/2015	Bldgs & Grounds Rent	Mooring rental	-200.00	
6/17/2015	Bldgs & Grounds Rent	Mooring rental	-150.00	
6/10/2015	State - Grant	CalRecycle - final	-49,489.16	
6/10/2015	Bldgs & Grounds Rent	Mooring rental	-160.00	
		Total	-40,522.85	
5/12/2015	HazMat Clean Up	PALS - Asbestos removal		600.00
5/12/2015	Rent - Off Space	Libertyship - dry storage		240.00
5/12/2015	Rent - Off Space	Schoonmaker - slip fees		415.79
5/12/2015	Prof Svcs - Other	Diego Towing - tow vessels		472.68
5/12/2015	Rent - Off Space	Schoonmaker - slip fees		160.00
5/12/2015	Rent - Off Space	ICB - Office rent		428.00
5/12/2015	Prof Svcs - Other	EMS - pump-out services		250.00
5/12/2015	Prof Svcs - Other	Alexander - Website services		460.00
5/12/2015	Prof Svcs - Legal	Shute - legal services		350.00
5/12/2015	Com Srvc - Broadband	AT&T - phone/fax line		40.00
5/12/2015	Com Srvc - Broadband	AT&T - broadband		46.71
5/14/2015	Prof Svcs - Other	Wedlock - vessel survey		235.00
5/14/2015	Prof Svcs - Other	MT Head - pump-out service		275.00
5/19/2015	Com Srvc - Cell Phon	AT&T - mobile phone		79.00
6/2/2015	Rent - Equip Rental	Hertz rental - backhoe		1,148.22
6/2/2015	HazMat Clean Up	Bay Cities - Debris disposal		1,065.35
6/4/2015	Rent - Off Space	Schoonmaker - slip fees		160.00
6/4/2015	Prof Svcs - Other	MT Head - pump-out service		275.00
6/4/2015	Prof Svcs - Other	EMS - pump-out services		250.00
6/10/2015	Prof Svcs - Other	Diego Towing - tow vessels		384.00
6/30/2015	Rent - Equip Rental	Hertz rental - backhoe		305.52
6/30/2015	HazMat Clean Up	Bay Cities - Debris disposal		1,588.40
6/30/2015	Com Srvc - Cell Phon	AT&T - mobile phone		81.19
6/30/2015	HazMat Clean Up	Bay Cities - Debris disposal		1,150.05
6/30/2015	Oil & Gas Outside	Chevron - fuel for workboat		57.20
6/30/2015	Com Srvc - Broadband	AT&T - broadband		46.78
6/30/2015	Trav - Parking	Parking for mtg in oakland		14.00
6/30/2015	Com Srvc - Broadband	AT&T - phone/fax line		40.00
6/30/2015	Subscriptions	Wind report line annual		109.99

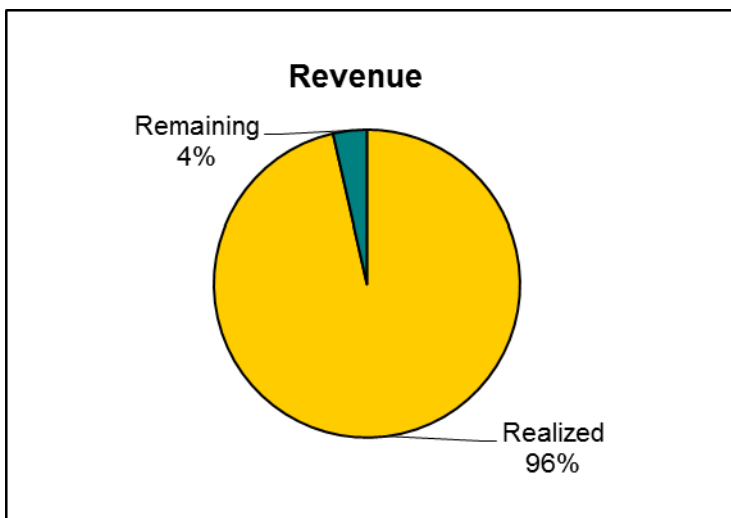
DATE	COST CENTER	DESCRIPTION	EXPENDITURES
6/30/2015	Prof Svcs - Other	KR	250.00
6/30/2015	Prof Svcs - Other	KR	275.00
6/30/2015	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	4,250.00
6/30/2015	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	4,200.00
6/30/2015	Prof Svcs - Other	Day labor	150.00
6/30/2015	Prof Svcs - Other	Parker Diving - Rapid Response	900.00
6/30/2015	Prof Svcs - Other	Parker Diving - fuel disposal	1,380.00
6/30/2015	Prof Svcs - Other	Parker Diving - raise boat	2,000.00
6/30/2015	Rent - Off Space	Schoonmaker - slip fees	411.00
6/30/2015	Rent - Off Space	Schoonmaker - slip fees	160.00
6/30/2015	Rent - Off Space	Libertyship - dry storage	240.00
6/30/2015	Prof Svcs - Other	San Rafael Yacht Harbor - boat disposal	5,600.00
6/29/2015	Trav-Hotel Lodging	Lodging - Harbormaster Board mtg	320.08
6/26/2015	Prof Svcs - Other	Day labor	75.00
6/23/2015	Rent - Off Space	Clipper YH - impound slip	250.00
6/23/2015	HazMat Clean Up	San Rafael Recycling - hazmats	45.00
6/23/2015	Oth Maintenance	Dust masks	95.00
6/23/2015	Postage	Fed Ex and post office	24.10
6/23/2015	Trav-Meals	Food & water for crew	28.91
6/23/2015	Trav - Mileage	mileage to Oakland, Richmond	27.60
6/18/2015	Prof Svcs - Other	Dave's Diving - Rapid Response	275.00
6/18/2015	Rent - Equip Rental	Hertz rental - backhoe	691.72
6/17/2015	Rent - Off Space	Clipper YH - impound slip	250.00
6/17/2015	Com Srvc - Broadband	AT&T - broadband	46.80
6/17/2015	Com Srvc - Broadband	AT&T - phone/fax line	40.00
6/16/2015	Com Srvc - Cell Phon	AT&T - mobile phone	79.04
6/16/2015	HazMat Clean Up	A&S Enviromental - oil disposal	562.50
6/15/2015	Trav - Mileage	mileage to Harbormaster Board mtg	211.60
6/15/2015	Trav-Meals	meals @ Harbormasters Board mtg	83.64
6/10/2015	Prof Svcs - Legal	County Counsel - 3rd qtr	256.25
6/10/2015	Prof Svcs - Other	Dave's Diving - Rapid Response	250.00
6/10/2015	Prof Svcs - Other	Maher Accountancy - audit	12,650.00
6/10/2015	Prof Svcs - Other	Day labor	50.00
6/5/2015	Prof Svcs - Other	Wedlock - vessel survey	235.00
6/4/2015	Rent - Off Space	Schoonmaker - slip fees	411.32
6/4/2015	Rent - Off Space	Libertyship - dry storage	240.00
6/4/2015	Rent - Equip Rental	Hertz rental - backhoe	286.07
6/2/2015	Rent - Off Space	ICB - Office rent	428.00
6/2/2015	Prof Svcs - Other	Alexander - Website services	260.00
6/2/2015	Prof Svcs - Other	Alexander - Website services	260.00
6/2/2015	Prof Svcs - Other	Alexander - Website services	260.00
6/2/2015	Prof Svcs - Other	Day labor	225.00
6/30/2015	Prof Svcs - Legal	County Counsel - 4rd qtr	153.75
6/2/2015	Prof Svcs - Other	DMV transfer	100.00
6/2/2015	Rent - Off Space	Clipper YH - impound slip	250.00
6/2/2015	Postage	Fed Ex and post office	24.33
6/2/2015	Publicat & Legal Not	Marin IJ - legal notice	771.76
		Total	50,761.35

Percent of Budget and Percent of FY2014-2015 as of June 30, 2015



Expenditures vs. Adopted Budget

Expenditures	\$546,338
Adopted Budget	\$566,548



Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$545,910
Budgeted Revenue	\$566,813

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

TO: RBRA Board

FROM: Bill Price and Ben Berto

SUBJECT: Re-allocation of funds for FY 14-15 RBRA Budget

DATE: August 8, 2015

Background:

The Richardson's Bay Regional Agency incurred unbudgeted income and expenditures in the FY '14-15 budget, and needs to re-allocate funds to balance the budget.

Status:

Staff successfully achieved a grant from the Department of Fish and Wildlife (DFW) to cover the cost of an Oil Spill Response Trailer. Delivery of this trailer was expected in July 2015, so the FY '14-15 budget was not adjusted to reflect the expense and reimbursement. However, the trailer was completed and delivered in FY 2015, and the accompanying invoice was paid in 2015. Reimbursement from the DFW matching this expenditure was also received in FY 2015.

Recommendation:

Increase FY '14-15 revenues by \$30,000 in the following budget line:

- State Grant revenue account G/L # 4530527

Increase FY '14-15 expenditures by \$30,000 to cover the cost of the trailer, training, and consumables, in the following budget line:

- Equipment & Machinery G/L # 5482050

Approved 8/13/15

RBRA Chair

Clerk

RICHARDSON'S BAY REGIONAL AGENCY

RESOLUTION NUMBER 01-16

OF THE RICHARDSON'S BAY REGIONAL AGENCY

APPROVING THE ACCEPTANCE OF GRANT FUNDS FROM THE STATE DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, FOR THE AMOUNT OF \$150,000 TO BE USED FOR THE SURRENDERED AND ABANDONED VESSEL EXCHANGE PROGRAM

WHEREAS, the Surrendered and Abandoned Vessel Exchange program (SAVE) has been an integral part of the RBRA's effort to reduce the number of abandoned boats since its inception; and

WHEREAS, the State Division of Boating and Waterways has accepted our application for \$150,000 to use in this program, requiring a 10% matching contribution from the RBRA; and

WHEREAS, these funds will be available with a term from October 1, 2015 through October 1, 2017;

NOW, THEREFORE, BE IT RESOLVED, that the Richardson's Bay Regional Agency by adoption of this resolution hereby accepts Grant Agreement # _____ for \$150,000 from the State Division of Boating and Waterways.

PASSED AND ADOPTED by the Board of the Richardson's Bay Regional Agency on August 13, 2015.

CERTIFICATION:

RBRA Chair

Clerk

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

August 3, 2015

TO: RBRA Board
FROM: RBRA Clerk
SUBJECT: Anchorage program update

Board members:

The anchorage program that Staff and your Board has been diligently working on for much of this spring is temporarily on hold. The Sausalito City Council is continuing on the track Staff reported out of their May 19 meeting, wherein the Sausalito Council declined for the time being to provide direct funding to the RBRA for our anchorage management program.

At their May meeting, the Sausalito City Council agreed with RBRA Staff about the seriousness of the situation on the anchorage and the need for progress. However, they stated their highest priority is meeting with their citizenry and attempting to reach consensus on anchorage issues. before committing to fund their share of RBRA's anchorage management program.

Staff is still attempting to clarify with the Sausalito City Manager under what circumstances (and amount) Sausalito will support RBRA's anchorage-related work this fiscal year. Your Board passed on June 4 an anchorage program largely directed to public outreach, including a funding package option focused directly on that. There is a possibility that Staff will meet with the city manager prior to the RBRA Board meeting. If so, Staff will provide an oral report to your Board on August 13.

Programs require funding. RBRA needs to secure a budget for its anchorage program prior to undertaking anchorage program activities this fiscal year. Regardless our agency will still be performing the rest of its normal functions, e.g. vessel abatements, consistent with funding levels prior to the CalRecycle grant.

Sausalito's City Manager did convey to Staff that they would like to revisit the current funding formula governing the percentage RBRA member jurisdictions contribute to the RBRA budget. Sausalito considers its 35% share excessive in relation to anchorage matters, particularly in the context of the other expenses the City incurs in that regard (police patrols, etc.). Staff has invited the City Manager to submit a position paper about the funding formula supporting what he feels would be an appropriate and equitable split. Staff would then agendize this item for Board consideration.

Staff is extremely appreciate of those who have invested their time and energy, and committed their communities' resources to the anchorage program effort. This pause should only be temporary before the important anchorage effort can proceed.



Richardson Bay Anchor-Outs

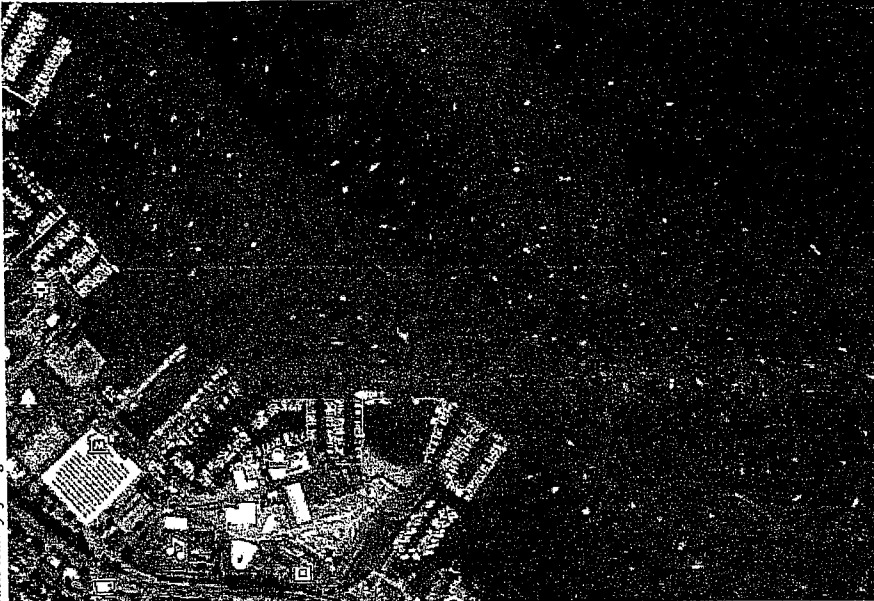


Photo courtesy of Google Earth

Anchor-outs dot the waters of Richardson Bay off Sausalito. Anchor-outs cause damage to eelgrass beds, a valuable habitat of the Bay seen as the darker areas in this Google Earth photo.

From 1982 through 1986 the Bay Conservation and Development Commission conducted a lengthy process that included an advisory committee, community input and reports that eventually led to the establishment of the Richardson Bay Regional Agency (RBRA) by a Joint Powers agreement between the cities of Sausalito, Mill Valley, Tiburon, Belvedere and the County of Marin. The purpose and intent was for the Agency to remove the anchor-outs from Richardson Bay. Now, twenty years later, not only have the anchor-outs not been removed, but they have more than doubled in number and the RBRA is poised to approve yet another process to try to get them out of the Bay.

On May 7 elected officials from the Joint Powers jurisdictions that make up the Joint Powers Board voted (subject to approval by their respective councils/supervisors) to begin a process that is intended, again, to remove the anchor-outs from Richardson Bay. Whereas twenty years ago space was provided in existing marinas for anchor-outs with the intent that they would be moved from the open Bay waters, this time the focus is on establishing a mooring field to which all boats would have to be moored. If providing space elsewhere

was not effective in getting anchor-outs not to anchor out twenty years ago, it is not clear why it would work now.

Anchor-outs are boats or houseboats (vessels without motors) that simply drop anchor. In 1986 the estimated number was 70-120, in 2008 there were approximately 100 and now there are more than 200. Nobody really knows the exact number. They are difficult to keep track of because they move around, and come and go.

Supporters of retaining the anchor-outs describe and praise this use as a culture, a way of life. Yet, the adverse impacts of this unregulated use are numerous. Some vessels are abandoned and/or dislodged from their anchors and end up on opposite shorelines smashing into private docks and sea walls; some hit other boats and/or create navigational hazards, while others simply sink. Dismantling and disposing of these derelict boats is expensive and appears to be the major activity of the RBRA harbor master. Anchor-outs have a direct adverse effect on the Richardson

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Bay environment. Discharges of gray water, sewage, and hazardous substances such as petroleum degrade water quality in the shallow bay, adversely affecting fish, birds and people. Anchor-outs can have on-board holding tanks, but most do not, and facilities to pump out sewage are limited. Trash and debris falls off some boat decks adversely affecting wildlife, recreational users and the safety of boats.

And, anchor-outs are a direct and major threat to eelgrass. Eelgrass beds are an essential substrate for spawning and a nursery habitat for herring, and they provide cover and food

habitat for many other fish species and birds. In addition to the impacts of degraded water quality, anchors are dropped in eelgrass beds and then the dragging scope of the anchor attached to the vessel kills the eelgrass in huge circular patterns called "crop circles."

Richardson Bay is an important habitat for overwintering waterbirds. Across their range waterbirds, including Greater and Lesser Scaup and Surf Scoter, are negatively impacted by disturbance, poor water quality and loss of habitat, all conditions that are created by anchor-outs.

In addition, the 200-plus anchor-outs on Richardson Bay are covering public waters which are held in trust to benefit all of the

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public. The essential concept of the public trust doctrine, which originated in Roman law and came through English common law, is that waterways are a common asset, and government is the trustee to keep waterways open for the benefit of all people. As it has developed in California, the public trust covers a range of recreational and natural resource values including fishing, bathing, and preservation of waterways in their natural state for food and habitat for birds and marine life (Marks vs. Whitney 1971). Private permanent residential use of the waters of the bay is a violation of the public trust.

Twenty years ago, the Special Area Plan permitted a limited number of liveaboards in existing and new recreational marinas to facilitate removing the anchor-outs from the Bay. As is currently being proposed, permanent anchor-outs would have to be tied to a mooring field. Mooring for visiting boats is one thing (visiting boats are limited to a one month stay according to coast guard regulations). Providing mooring for permanent residential use, however, is quite another. Residential use

of the Bay is a purely private use and is not a use allowed under the public trust.

It is public information that the regulations exist to control the anchor-outs and that the RBRA has the jurisdiction and legal authority to enforce these regulations. It may be expensive and controversial, but other jurisdictions around the Bay have managed to clear anchor-outs from their waters; Marin should be able to do so as well. The approach of setting up another advisory committee may diffuse the issue for a time but is unlikely to solve it. In our view, it is time to actively enforce existing regulations and give staff the funding resources and the charge to do so.

One of the key take-away messages from a recent public workshop on the issue was "The current anchorage situation is adverse, getting worse, and is damaging the environment, human health and safety, and navigation." It is clear that the anchor-out situation is a health and safety issue for the anchor-outs themselves, for the public that has a right to a clean and usable Bay, and for the fish and wildlife that depend on Richardson Bay for their survival. It is time for the Regional Agency to take action, not just have more delays.