

RICHARDSON'S BAY REGIONAL AGENCY

Thursday, January 15, 2009

5:30 P.M. to 7:30 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 – existing litigation pursuant to Government Code Section 54956.9(a.) Name of case: Alfred J. Abono, Jr. v. Richardson Bay Regional Agency (Marin Superior Court Case No. 083058)

2. Reconvene in Open Session

Announcement from Closed Session

3. Election of Officers

4. Minutes of November 20, 2008 Meeting

5. Review report of Harbor Administrator

6. Approval of prior expenditures for November and December 2008

7. Approval of Auditor's Report.

8. Adoption of Resolution concerning issuing Anchoring Permits in Richardson's Bay

9. Bay Strategic Plan status

10. TMDL Draft Work Program

11. Public comments invited concerning items NOT on this Agenda (3-minute limit)

12. Staff comments

13. Board member matters

Adjourn. **NEXT MEETING:** Tentatively planned for March 19, 2009. Please review your calendars and advise Staff as to your availability.

THIS AGENDA IS AVAILABLE FOR VIEWING ON THE RBRA WEBSITE <http://rbra.ca.gov>. A COMPLETE AGENDA PACKET IS AT THE SAUSALITO CITY LIBRARY.

TO RECEIVE AN ELECTRONIC MEETING NOTICE, PLEASE EMAIL REQUEST TO DON ALLEE AT dallee@co.marin.ca.us

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

November 9, 2009

TO: RBRA Board

FROM: Ben Berto, RBRA Clerk

SUBJECT: January meeting

Board members:

New Year greetings and a busy meeting with which to kick things off. We are anticipating a quorum, although nothing has been heard of yet from Sausalito regarding member Albritton replacement. He may be missed in more ways than one.

This meeting starts at 5:30 with a closed session involving our continuing legal item. RBRA Counsel Vuillermet will be on present.

Immediately afterwards the Board will decide on a new slate of officers to take the RBRA through the next couple of years. Our heartfelt thanks to parting Chairman Butler for his able captaining of the RBRA Board for the last two years, and for Vice-Chairman McGlashan for his stalwart duties as second in command. Achievements and events in Chairman Butler's tenure include implementing the first formal drifting boat abatement program, responding to the Cosco Busan oil spill crisis, implementing a boat sharing program with Sausalito Police Department, conducting a Bay Strategic Plan workshop, heretofore unprecedented activities relating to large vessels, and developing an RBRA response on the then-pending (and now adopted) TMDL Plan promulgated by the Regional Water Quality Control Board (more on that last item later). It's been a very busy two years, during which RBRA gained valuable experience and progressed ahead on many key issues. The Board will continue to benefit from the presence of members Butler and McGlashan, for which Staff is also grateful.

Once again the budget impasse at the State is affecting how RBRA conducts business, and Harbor Administrator Price will report on the latest wrinkles. In response to the Board's request for a new copy of the Auditor's Report, Staff has by separate email sent a copy of that report to Board members addresses, and anticipates its approval at this meeting.

An outgrowth of the discussion on regulating large vessels in Richardson's Bay will be Staff's recommended Resolution establishing criteria for the issuance of anchoring permits in Richardson's Bay (included in packet). Staff attempted in the draft Resolution to incorporate the relevant factors to be applied in determining whether or not to grant a

temporary anchoring permit to mariners visiting Richardson's Bay, and looks forward to Board direction and action on this matter.

Along related lines, Staff continues to develop information for the future presentation to BCDC. Staff recommends reinstating a mooring program subcommittee that consisted of member McGlashan and former member Raker, to hash out mooring program details to bring back to the Board on March 19. Staff also anticipates attendance at the January RBRA meeting of Cheryl Popp, the consultant hired under the auspices of Supervisor McGlashan's office to assist with Bay Strategic Plan-related matters. We hope to be putting her outreach and PR talents to use very soon.

The clock continues to run on RBRA implementing its program responses to the TMDL's directives. These are due in draft form to the Regional Water Quality Control Board (RWQCB) by July. Staff has met a number of times with counterparts in various local agencies, and will provide your Board with a summary of draft proposed plan implementation steps at Thursday's meeting. Staff will also be meeting with two staffers from RWQCB and other key County TMDL-implementation staffers on Monday, and will orally report the outcome of that to your Board.

Concerning our new website, Staff has discovered that County of Marin hiring protocols prevent us from continuing to utilize the very excellent services of RBRA's website developer. We posted on the website on Friday this meeting's agenda. We hope to work out details of contracting with a new website consultant soon, and will report back to the Board progress in this regard.

See you on Thursday.

RICHARDSON'S BAY REGIONAL AGENCY
MINUTES OF NOVEMBER 20, 2008
HELD AT SAUSALITO CITY HALL CHAMBERS

MEMBERS PRESENT: Board Chair Jerry Butler (Belvedere); Acting Chair Charles McGlashan, (Marin County); Paul Albritton (Sausalito); Dick Collins (Tiburon); Ken Wachtel, (Mill Valley)

ABSENT: None

STAFF: Bill Price (Harbor Administrator); Ben Berto (RBRA Clerk); Jennifer Vuillermet, County Counsel

Meeting called to order at 5:04 PM

Acting Chair McGlashan stated that the Board would adjourn to a Closed Session. Upon return to Chambers, Ms. Vuillermet reported that the Board had discussed existing litigation and that she had provided direction regarding the matter.

Minutes of Board Meeting on August 21, 2008

Minutes were approved unanimously

Report of Harbor Administrator

Staff reported that the State AWAFF grant had been approved, but that until the actual grant package was received, work could only proceed using the 10% match funds that the RBRA had budgeted to expend over the life of the grant (\$9,600). Staff also reported that he had assisted in the disposal of the "Liberty", but monetary costs had been covered by the owners.

Approval of prior expenditures for August, September and October, 2008

Prior expenditures were approved unanimously. Member Collins asked if it would be more cost effective to purchase a backhoe, rather than rent. Staff responded they had explored the possibility and implications of that purchase, and determined it to be impracticable. If circumstances change, staff will revisit this option.

Board Matters

Member McGlashan asked to move up the Board Matters section, since he wanted to bestow an award to departing member Paul Albritton for his years of service on the RBRA Board. Member Albritton received a plaque, a bronze bell, and a lifetime family membership to the San Quentin Village Yacht Club.

Member McGlashan also announced his intention to hire Cheryl Popp through his office, as a community and project management consultant to help move the Strategic Plan forward, including unlocking the logjam with BCDC. Member Albritton recommended her work with the City of Sausalito and the Amgen Tour, and the Board unanimously accepted the proposal.

Discussion and vote on Resolution 08-02 authorizing the Board chair to approve grant funds

Mr. Berto explained that the State grant process often requires Board approval through resolution, but the timing on the actual document package thereafter can result in special meetings to obtain the approval and a simple signature to complete paperwork. The Board is fully aware of any upcoming grant, since such grants are always discussed at length within the scope of regular Board meetings. This Resolution would allow the Board Chair the option of signing grant contract documents without a full Board meeting, if the need should arise. Member Wachtel asked what the funding cost split for the AWAFF grant was, and staff responded that it was 90% State, 10% RBRA. After brief discussion, the Resolution was passed unanimously. Acting Chair McGlashan signed the Resolution.

1st Reading of Ordinance governing the prohibition of large vessels anchoring in Richardson's Bay

After passing the first reading of the Ordinance, Member Wachtel asked whether enforcement would be for a misdemeanor. Ms. Vuillermet reported it would be an infraction, with the possibility of going to court to obtain an injunction. Member Wachtel thought that adding a misdemeanor provision would be appropriate.

Paul Dines, a mariner from Sausalito, voiced his concern with the short length of the 72 hour rule, and felt it was unclear in determination and had no clear guidelines on what is possible. He believed Admiralty law is clear on owner's responsibilities, and sought a more hospitable, user-friendly ordinance. John Shuley spoke out against the ordinance, feeling it was inhospitable, and arbitrary, that it should be based on tonnage and windage, and that Richardson's Bay was a "federal anchorage". Lynn Lewis, from Westshore Road in Belvedere, stated her concern with giant boats and asked if they were inspected to be moored correctly. Peter Moorhead said that the public interest was not being respected, with lots of illegally moored vessels, and that the process had been going on since 2005 with no conclusion. Mr. Dines also said that the ordinance did not allow for the working needs of the waterfront, i.e. barges and dredges.

Member McGlashan felt that there should be a list of criteria for granting an anchoring permit, and if that was met a discretionary permit could be granted. Mr. Price stated that large vessels should be insured and manned, as well as having machinery capable of getting the vessel underway. Ms. Vuillermet said staff could develop a list of conditions for issuing a permit. Member Wachtel stated that the permit should be predictable, with the Harbor Administrator preserving some discretion. Member McGlashan agreed it should not be arbitrary and the Harbor Administrator should be able to exercise judgment. Member Albritton felt the ordinance should be based on seaworthiness, which Mr. Price responded was difficult to define. Member Collins said that the website should spell out the ordinances and requirements for vessels at sea. Mr. Berto cautioned the Board that dealing with these large vessels impacts the budget, and that they should be considered separately from smaller vessels. Mr. Price stated that the 55' designation was chosen over tonnage because it could be easily determined visually,

and that the largest rescue vessel in the area can only be expected to successfully salvage smaller vessels in stormy weather. Member McGlashan felt that 72 hours was a reasonable time period and wanted to move forward with the ordinance. Member Wachtel felt that it was still too inflexible and would need to come back before the Board. Member Albritton asked Staff to take comments and return with a revised ordinance. Member Wachtel recommended and including language that it is subject to a resolution that sets forth permit criteria. Member McGlashan stated criteria such as seaworthiness, location, qualified crew, and notice posting should be clarified in a resolution accompanying the ordinance. Mr. Dines recommended sections on watchkeepers, lights, sewage pump-out and 24 hour contact information.

Mr. Moorhead interjected that we would not be able to enforce this new ordinance any better than the old ordinances. Member McGlashan closed the discussion stating that it was a good start and that Staff should return with a revised ordinance (and resolution) for the second reading.

Discussion and vote on Resolution 08-03 regarding a Nuisance Abatement

Mr. Berto read into record the Resolution 08-03 dropping the Nuisance Abatement action against Alfred J. Abono Jr.

Approval of Auditor's Report

This item was continued and the Board requested that the report be sent out to Board again prior to the next meeting.

Water Quality Test Results

Mr. Price outlined the results from the fall 2008 water quality tests, highlighting the excellent outcome as the best ever recorded by the RBRA. In addition, the open water shellfish habitat areas tested in compliance with the new TMDL standards. Lewis Shireman asked why the Kappas A site had a bad result and Mr. Price responded that there was no easy answer, but that particular site had always tested high. He was encouraged by the Gates results; since the docks had been rebuilt, the sewage pipes had been securely fixed, which the results seemed to confirm.

Bay Strategic Plan update

Mr. Berto said that he was encouraged by member McGlashan's intent to hire a consultant and he reported that since Mr. Shute's contract had been executed, work was proceeding on exploring public trust issues, an outline of mooring ordinances throughout the state and revisiting the Special Area Plan. We are gearing up to go back to BCDC with jurisdictional maps, conceptual mooring locations, and the vessel census. Member Wachtel asked if the website would have a mooring permit application page in place. Mr. Moorhead said that there were many mooring programs on the State's coastline that could be used for examples. Mr. Berto said that the main challenge to a mooring program in Richardson's Bay was securing BCDC approval.

Website Discussion

The website was displayed on the overhead projector for the Board and public. Board members were pleased with the overall features and quality of the site. Member Wachtel asked that city links should be shown on the website. Mr. Dines asked for public workshops to be advertised on the web, especially to encourage comments on the Strategic Plan.

Items from the Public not on Agenda

Mr. Shireman asked if the RBRA was an agency that would have to “sign off” on shore-side waterfront permits and Mr. Berto responded that the RBRA’s scope has always been devoted to on-the-water issues. Chair Butler recalled that we were not authorized to act as permit signatories.

Mr. Dines asked about reconfiguring the moorings near the channel adjacent to Dunphy Park to allow more space for transiting yachts. Mr. Price said he would investigate the situation and see what could be done.

Items from Staff

None

The meeting was adjourned at 7:35 PM.

The next meeting is scheduled for January 15th, 2009, at the Sausalito City Hall Council Chambers at 5:30 PM.

Submitted by Bill Price and Ben Berto

RICHARDSON'S BAY REGIONAL AGENCY

HARBOR ADMINISTRATOR'S REPORT WORKING RELATIONSHIPS

January 8, 2009

- **Dept. of Boating and Waterways** – 1) We have submitted our first request for reimbursal against the 2009 AWAFF Grant for \$37,830, leaving @ \$58,000 for the fiscal year. 2) We have submitted a request for reimbursal against the Boating and Waterways grant for operations and maintenance of the pump-out vessel “Waste Aweigh” for \$7540, leaving \$22,460 for the next two years.
- **US Coast Guard** – Still attending joint meetings at Station Golden Gate, although other agency attendance has dropped off due to the holidays.
- **Marin Sheriff** – Worked in conjunction with MSO to remove a sunken vessel.
- **Corps of Engineers** – 1) Engaged in the process of renewing the RBRA license to use the base yard in Sausalito for another 5 – 10 years.

DEBRIS REMOVAL

- Disposed of 7 vessels as well as 2 sunken skiffs. 4 boats are currently impounded.

RAPID RESPONSE

- The weather has been exceedingly gentle this season and there have been very few days that have generated strong winds. Only one call was responded to, and the vessel (35' sailboat) was held and subsequently disposed of by the RBRA.
- Purchased a GPS unit with Sausalito Police Department to increase our navigational abilities aboard the patrol vessel.

WATER QUALITY

- A sign-up campaign is underway with MT Head, the pump-out contractor. He is devoting time to getting new participants on-line with sewage pump-out service, and installing equipment to make that work. Expected increased direct costs to be covered by the State's operation and maintenance grant.
- Meeting with State Water Quality officials, MCSTOPP, EHS and local sewage agencies to clarify the State's expectations regarding the upcoming TMDL requirements.

OTHER

- Appointed to chair the Clean Marina Committee of the CA Harbormasters and Port Captains Association.
- Assisted in the demolition of a 36' steel houseboat hull as part of a community effort with Galilee Harbor to assist an elderly resident there. A group of neighbors removed the superstructure, Bay Cities Debris transported the wreckage and recycled the steel for free, and the RBRA crew cut up the boat with minimal costs.
- Patrol vessel scheduled for annual maintenance on motors. Costs to be split with SPD.

RBRA BOAT DISPOSAL LOG

Date	Name	Description	Length	Location	Condition	Cost
11/13/2008	Liberty	wood powerboat	65'	near Galilee	abandoned	829.00
11/22/2008	Columbia 22	f/g sailboat	22'	adrift near Tiburon	abandoned	275.00
	Jessie T	f/g sailboat	35'	adrift near Tiburon	abandoned	1,466.00
12/13/2008	Can O Beans	steel lifeboat hull	36'	Dunphy Park	abandoned	144.00
	Court Jester	f/g sailboat	30'	Fuel dock channel	abandoned	1,088.00
	Listereen	f/g powerboat	22'	Near Clipper 1	abandoned	843.00
	Frog	f/g powerboat	18'	Near daymarker 8	sunk	1,840.00

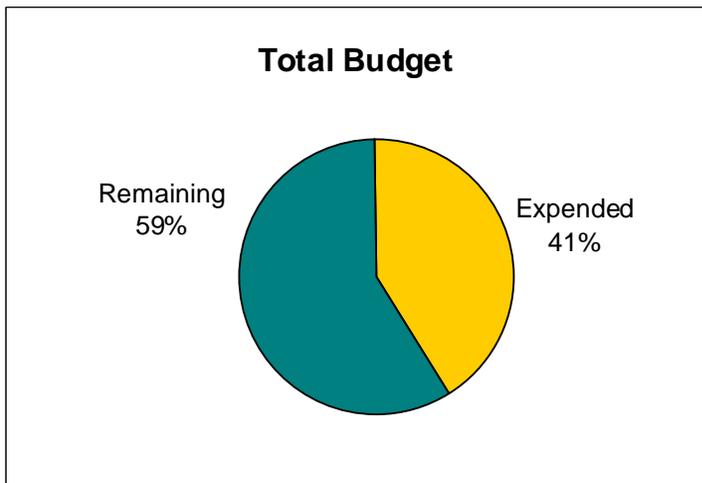
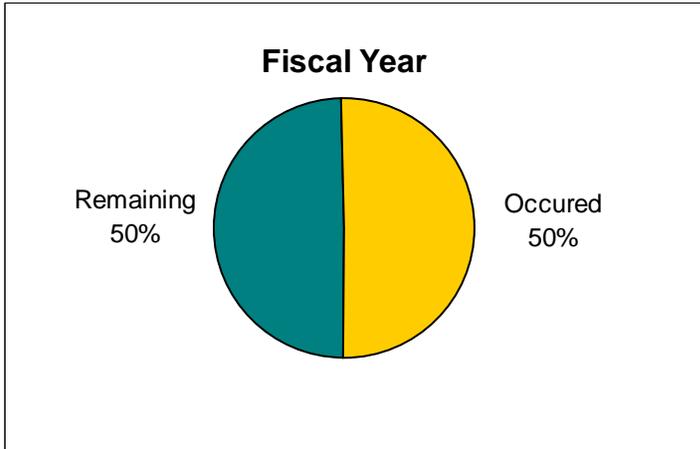
\$6,485.00

RBRA - NOVEMBER - DECEMBER 2008 BALANCE SHEET

CATEGORY	ACCOUNT NAME	EXPENDITURES	REVENUE
Commun Srvc - Cell Phone	AT&T MOBILITY	63.96	
Insurance	ALLIANT INSURANCE SERVICES INC	13,296.94	
Salvage	DAVE'S DIVING SERVICE - Braun	447.00	
Rent - Office Space	ICB ASSOCIATES LLC	420.00	
Salvage	DAVE'S DIVING - mooring maintenance	5,296.00	
Trav-Meals	Mollie Stones - crew water	7.61	
Postage	US Post Office	8.40	
Postage	Office Depot	25.84	
Maintenance	Jacksons Hardware - grinder guard	59.23	
Maintenance	Pirahna Propellors - replacement blades	91.05	
Maintenance	Rafael Lumber - tools	54.50	
Com Srvc - Broadband	ATT - Broadband	71.06	
Com Srvc - Broadband	Earthlink - broadband	5.90	
Trav-Meals	Lunch for volunteer crew	30.42	
Trav-Meals	Embassy Suites - Harbormaster's conf	688.00	
Postage	Kinkos	8.62	
Postage	US Post Office	5.32	
Postage	Fed Ex	15.40	
Postage	Fed Ex	12.07	
Vessel Survey	WEDLOCK, STEPHEN J	185.00	
Vessel Survey	WEDLOCK, STEPHEN J	185.00	
Rent - Office Space	ICB ASSOCIATES LLC	420.00	
Rent - Slips	SCHOONMAKER POINT MARINA	147.50	
Rent - Slips	SCHOONMAKER POINT MARINA	275.00	
Rent - Slips	LIBERTY SHIP WAY	240.00	
Bldgs & Grounds Rent	Mooring rent - Dierk		-300.00
Auditor - State filing	MAHER, JOHN W	750.00	
Rent - Slips	Clipper Yacht Harbor	361.00	
Publicat & Legal Not	MARIN INDEPENDENT JOURNAL	84.90	
Website development	COUNTY OF MARIN-MIDAS ACCOUNT	106.67	
Salvage	DAVE'S DIVING SERVICE	1,750.00	
Salvage	BUTLER, MATT	3,500.00	
Bldgs & Grounds Rent	Mooring - Watson		-150.00
State - Grant	AWAF final reimbursal for 08 grant		-3,517.43
Commun Srvc - Cell Phone	AT&T MOBILITY	82.89	
HazMat Clean Up	BAY CITIES REFUSE SERVICE INC	831.00	
Rent - Equip Rental	HERTZ EQUIPMENT RENTAL CORPOR/	598.46	
Salvage	PARKER DIVING SERVICE	500.00	
Bldgs & Grounds Rent	Mooring - Watson		-150.00
Prof Svcs - Other	Day labor - Berdak	200.00	
HazMat Clean Up	Day Labor - Bohlin	200.00	
Debris Boxes	BAY CITIES REFUSE SERVICE INC	372.00	
Website development	Website software	175.84	
Maintenance	H & J Tire - Replace wrecked tire	75.00	
Maintenance	Jackson's Hardware - flea bombs	4.56	
Maintenance	Waterstreet Hardware - flea bombs	10.23	
Maintenance	Waterstreet Hardware - hose parts	21.54	
Maintenance	Grainger - eye protection	9.92	
Maintenance	Brandon Tire - emergency tire repair	127.58	
Maintenance	Grainger -relective tape for buoys	46.43	
Maintenance	Goodman hardware - tools	21.44	

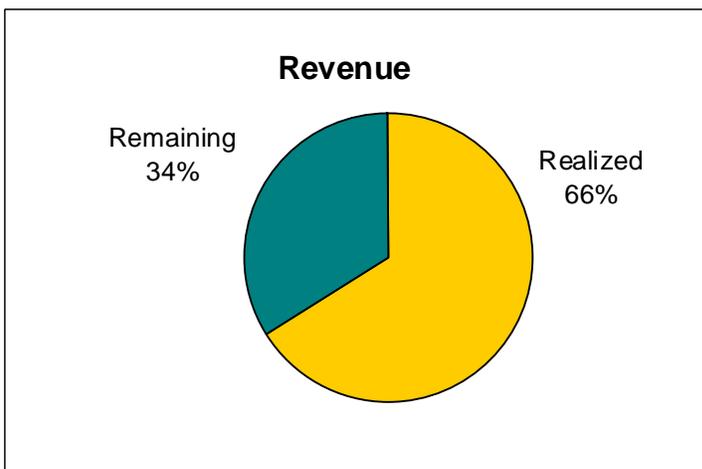
Maintenance	Crown trophy - Albritton award	87.28	
Oil & Gas	Fuel for patrol vessel	90.67	
Com Srvc - Broadband	ATT - Broadband	60.97	
Com Srvc - Broadband	Earthlink - broadband	5.90	
Trav-Meals	Peets Coffee - RBRA mtg	29.50	
Trav-Meals	Lighthouse Café - volunteer lunch	28.17	
Trav-Meals	Cinecitta restaurant - lunch for H2O test cr	33.15	
Postage	US Postal Service	4.90	
Maintenance	Port Supply - boat repair & supplies		-139.06
Maintenance	Port Supply - boat repair & supplies		-6.24
Maintenance	Port Supply - boat repair & supplies	11.59	
Maintenance	Port Supply - boat repair & supplies	53.21	
Maintenance	Port Supply - boat repair & supplies	9.57	
Maintenance	Port Supply - boat repair & supplies	36.62	
Maintenance	Port Supply - boat repair & supplies	12.48	
Maintenance	Port Supply - boat repair & supplies	28.76	
Maintenance	Port Supply - boat repair & supplies	16.15	
Maintenance	Port Supply - boat repair & supplies	20.79	
Rent - Slips	SCHOONMAKER POINT MARINA	147.50	
Rent - Slips	LIBERTY SHIP WAY	240.00	
Rent - Slips	SCHOONMAKER POINT MARINA	275.00	
Rent - Backhoe Rental	HERTZ EQUIPMENT RENTAL	488.66	
Debris Boxes	BAY CITIES REFUSE SERVICE INC	777.00	
Prof Svcs - Legal	Shute,Mihaly&Weinberger contract	312.00	
Rent - Slips	SAUSALITO SHIPYARD & MARINA	200.00	
Rent - Office Space	ICB ASSOCIATES LLC	420.00	
Rent - Slips	SAUSALITO SHIPYARD & MARINA	200.00	
Rent - Slips	SAUSALITO SHIPYARD & MARINA	200.00	
ProfServ-CntySalRe	Special Appointment	9,271.20	
Bldgs & Grounds Rent	Mooring rent - Angel		-150.00
Bldgs & Grounds Rent	Mooring rent - Dierk		-150.00
Commun Srvc - Cell Phone	AT&T MOBILITY	67.42	
Salvage	DAVE'S DIVING SERVICE	1,840.00	
Website development	MARINFO LLC	100.00	
Website development	MARINFO LLC	100.00	
	TOTAL	47,057.77	-4,562.73

Percent of Budget and Percent of Year as of December 31, 2008



Expenditures vs. Budgeted Expenditures

Expenditures	\$136,073
Adopted Budget	\$329,899



Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$217,571
Budgeted Revenue	\$330,627

RESOLUTION NO. 08-4

RESOLUTION OF THE BOARD OF DIRECTORS OF THE RICHARDSON'S BAY REGIONAL AGENCY ADOPTING RULES GOVERNING THE ISSUANCE OF ANCHORING PERMITS

WHEREAS, this Board is the governing Board of the Richardson's Bay Regional Agency (RBRA) ; and

WHEREAS, RBRA Ordinance 08-1 requires vessels anchoring over a designated time-frame to obtain a permit; and

WHEREAS, it will assist the RBRA in determining the relative merit of applications for anchoring permits if criteria are set forth pursuant to said determination;

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby adopts the following criteria and conditions for issuance of anchoring permits.

I. Vessels Under Fifty-Five (55) Feet In Length

A vessel under fifty-five (55) feet in length may be anchored in the jurisdiction of Richardson's Bay Regional Agency for more than 72 hours in any seven day period (for up to 30 consecutive days) if the following permit requirements are met:

- A. The vessel is equipped with one of the following:
 - 1. An operable Coast Guard certified marine sanitation device connected to a functioning holding tank.
 - 2. A self-contained portable toilet or other on-board portable sewage reception system that prevents the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind.
- B. A contract between the vessel's owner or operator and a sewage pump-out boat service for waste disposal services during the entire period of the anchoring permit.
- C. The vessel is capable of self-propelled navigation.
- D. The vessel does not obstruct navigation.
- E. The vessel is anchored in compliance with all applicable local, state, and federal laws.

II. Vessels Fifty-Five (55) Feet In Length or Longer

A vessel fifty-five (55) feet in length or longer may be anchored in the jurisdiction of Richardson's Bay Regional Agency for more than 72 consecutive hours or more than a total of 7 days in any 30 day period (for up to 30 consecutive days) if the following permit requirements are met:

- A. The vessel is equipped with one of the following:

1. An operable Coast Guard certified marine sanitation device connected to a functioning holding tank.
 2. A self-contained portable toilet or other on-board portable sewage reception system that prevents the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind.
- B. A contract between the vessel's owner or operator and a sewage pump-out boat service for waste disposal services during the entire period of the anchoring permit.
- C. The vessel is capable of self-propelled navigation.
- D. A current insurance policy is in effect for the vessel (copy of policy available for review).
- D. The vessel does not obstruct navigation.
- E. The vessel is anchored in compliance with all applicable local, state, and federal laws.
- F. Vessel is manned at all times with a U.S. Coast Guard licensed captain for appropriate tonnage of vessel and at least one able-bodied crew member, in order to be able to raise anchor and get underway in a reasonable rate of time in an emergency.
- G. Vessel has functioning mechanical systems capable of raising anchor and getting underway in a reasonable rate of time in an emergency (subject to inspection verification by the Harbor Administrator).
- H. Vessel contains sound fuel tank(s), and vessel bilge shall be free of hazardous materials (subject to inspection verification by the Harbor Administrator).

PASSED AND ADOPTED at a meeting of the Richardson's Bay Regional Agency held on the _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

Charles McGlashan
Chair of the Richardson's Bay Regional Agency

RICHARDSON'S BAY REGIONAL AGENCY

MEMORANDUM

TO: RBRA Board

FROM: Bill Price and Ben Berto

SUBJECT: RBRA TMDL plan response

DATE: January 9, 2009

Background:

The California State Regional Water Quality Control Board (RWQCB) has tasked the Richardson's Bay Regional Agency and other local agencies to develop by June 30, 2009 a plan that addresses local agency's response to the recently passed TMDL (Total Maximum Daily Load) Plan requirements for Richardson's Bay. The TMDL has assigned to the RBRA and other local agencies undifferentiated (potentially shared) responsibilities relating to anchored-out vessels, houseboats, and water quality testing (see attached copy of .

Status:

Consistent with the adage that water (and other substances) flow downhill, RBRA Staff has begun addressing the TMDL requirements by proposing the following:

- Establish a goal of 100% sewage pump-out compliance for anchor out vessels.
- Increase the frequency of Richardson's Bay water quality testing to twice a year (dry and wet seasons).
- Switch over to the State's multiple tube fecal coliform testing protocols.

Other proposed facets of RBRA's plan involve:

- meetings with harbor masters to ensure continued 100% compliance with their live-aboard pump-out programs
- working with other local agencies to assist in developing a sewer testing program for houseboat marinas
- working directly with two marinas that do not have sewage pump-out facilities; assisting them in achieving State grant funding to install infrastructure
- working with all local marinas to become certified California Clean Marinas
- continued involvement with Gates Cooperative staff to repair and upgrade their system until the Gates realignment project is complete

TMDL potential action areas proposed for minor RBRA involvement include:

- Marina sewer system plan development, inspection, and repair
- Houseboat sewer system plan development, inspection, and repair

Analysis and recommendation:

RBRA and indeed every other local agency recognize that the TMDL and its implementation requirements are fait accompli. That being said, the details of what those requirements will be are very much in the air. Staff will be meeting with Naomi Feger and Farhad Ghodrati of the RWQCB on Monday January 12 to discuss RBRA's preliminary TMDL response proposals, and will report their comments to the Board on Thursday.

Following Board direction on Thursday, Staff will work on completing RBRA's TMDL program, including a budget for next fiscal year. Staff anticipates that the services of the Marin County labs will no longer be available due to the increased logistical requirements of the additional testing under the TMDL's mandated a multiple-tube fecal coliform protocol. This will result in a substantial increase in RBRA expenses for water quality testing. At least part of the increase was already anticipated and included in the current year's budget, and the actual cost increase will not occur until next fiscal year. However, without additionally increasing testing funding in order to conduct the two types of tests (multiple tube and enzyme substrate), the budget will not carry the costs of both. Thus, the Enterococcus testing will be terminated. It should be noted that multiple tube fecal coliform testing is not considered as scientifically valid for indicating pathogens in a salt water environment as the enzyme substrate Enterococcus testing which the RBRA has been conducting for the last several years, and will now likely have to terminate.

Staff is concerned that full compliance with the new TMDL standards will be exceedingly hard to achieve, given that they are essentially for pristine water quality in what is an urbanized environment. However, RBRA Board members are aware that RWQCB staff have stated that their position is more of local agencies demonstrating progress towards achieving compliance (or at least water quality improvements via carrying out good faith program activities, rather than mandating compliance with what may be an unrealistic and unattainable standard. Furthermore, as noted in RBRA's letter to the RWQCB prior to TMDL implementation, legal recourse remains an option should the TMDL prove too burdensome.

Staff recognizes that a multi-agency approach will be needed to satisfy the TMDL's requirements. In the larger TMDL picture, Staff's proposed RBRA roles appear to be attainable and not unduly financially burdensome, particularly compared to what other local agencies may face. It will be important to continue our meetings with the affected agencies, and to ensure that TMDL program requirements do not bog down our agency.

Attachment: Adopted TMDL, including Table 7-4 Trackable implementation measures for Richardson's Bay pathogens TMDL (RWQCB, 07/09/08).

Adopted Basin Plan Amendment

Richardson Bay Pathogens Total Maximum Daily Load (TMDL)

The following sections establish the TMDL for pathogens in Richardson Bay. The numeric targets, load allocations, and implementation plan are designed to support and protect the Bay's designated beneficial uses, water contact recreation and shellfish harvesting. The TMDL includes actions for adaptive implementation to evaluate the effectiveness of implementation actions, monitor progress toward targets, and review the scientific understanding pertaining to pathogens, which may result in modifying the TMDL in the future.

Problem Statement

Richardson Bay is impaired by pathogens. Monitoring results indicate that the Bay exceeds bacteria water quality objectives for shellfish harvesting (e.g., clam, mussel, and oyster harvesting), and water contact recreation (swimming, fishing); Table 3-1). The presence of pathogens is inferred from high concentrations of fecal coliform bacteria, a commonly used indicator of human pathogenic organisms. Therefore, the beneficial uses of shellfish harvesting and recreational water contact are not fully supported.

Sources

Pathogen sources are identified based on elevated coliform bacteria (pathogen indicator) levels downstream or in the vicinity of identified land uses or facilities and from documentation of inadequately treated human waste discharges. If not properly managed, the following source categories have the potential to discharge pathogens to Richardson Bay: sanitary sewer systems, stormwater runoff, houseboats, and vessels.

- High coliform levels detected downstream of storm drains, and the increase in the number of wet season exceedances as compared to the number of dry season exceedances, point to stormwater runoff as a potential pathogen source.
- Documentation of sanitary sewer overflows in Richardson Bay area municipalities suggests that sanitary sewer systems are a potential source of pathogens to the Bay.
- Consistently high coliform levels in houseboat and vessel marinas indicate that houseboat and vessel marinas' failing sewage collection systems are potential sources of pathogens.

Bacteria levels are low at monitoring sites that contain wildlife but are minimally impacted by human activities. This suggests that wildlife may not be a significant, widespread potential source of pathogens in Richardson Bay. Wildlife may be a significant source on an intermittent, localized basis.

Numeric Targets

The numeric targets (desired future long-term conditions) proposed for pathogen indicators in Richardson Bay are presented in Table 7-1.

Table 7-1. Numeric Targets for Richardson Bay^a	
Beneficial Use	Numeric Target
Shellfish Harvesting	Median fecal coliform density ^b < 14 (MPN ^c /100 mL) 90 th percentile fecal coliform density < 43 (MPN/100 mL)
Water Contact Recreation	Geometric mean fecal coliform density < 200 90 th percentile fecal coliform density < 400 Geometric mean Enterococci density < 35 CFU ^d /100 mL 90 th percentile Enterococci density < 104 CFU/100 mL
<p>a. Based on a minimum of five consecutive samples equally spaced over a 30-day period</p> <p>b. "Density" refers to the number of bacteria in a given volume of water (U.S. EPA, 1986, 2002, 2003). The term is analogous to "concentration," which refers to the mass of chemical pollutant in a given volume of water. "Bacterial density" and "bacterial concentration" are sometimes used interchangeably.</p> <p>c. Most Probable Number (MPN) is a statistical representation of the standard coliform test results.</p> <p>d. CFU stands for colony forming unit (e.g., as in number of bacterial colonies)</p>	

The bacterial density targets are based on the Basin Plan's shellfish harvesting and water contact recreation water quality objectives for fecal coliform and on U.S. EPA's recommended Enterococci criteria for water contact recreation in salt water.

Total Maximum Daily Load

Table 7-2 shows Richardson Bay's density-based pathogens TMDL, expressed as fecal coliform bacteria concentrations.

Table 7-2. Total maximum daily load for pathogen indicators (fecal coliforms) for Richardson Bay	
Indicator Parameter	TMDL
Fecal coliform	Median ^a < 14 MPN/100 mL 90 th Percentile ^b < 43 MPN/100 mL
<p>a. Based on a minimum five consecutive samples equally spaced over a 30-day period.</p> <p>b. No more than 10% of total samples during any 30-day period may exceed this number.</p>	

Load Allocations

Density-based fecal coliform allocations for each potential pathogen source category in Richardson Bay are presented in Table 7-3. Each discharger in the Richardson Bay

watershed is responsible for meeting its source category allocation. All potential dischargers are also responsible for complying with applicable waste discharge requirements, or waste discharge prohibitions (Table 4-1, Prohibitions 5, 15, and 18).

All discharges of raw or inadequately treated human waste, including sewage from vessels, are prohibited. All sources of untreated or inadequately treated human waste have an allocation of zero.

Table 7-3. Density-Based Pollutant Wasteload and Load Allocations^a for Richardson Bay		
Categorical Pollutant Source	Wasteload and Load Allocations Fecal Coliform (MPN/100 mL)	
	For Direct Discharges to the Bay	
	Median^b	90th Percentile^c
<i>Stormwater Runoff^d</i>	<14	< 43
<i>Wildlife^e</i>	<14	< 43
<i>Sanitary Sewer Systems</i>	0	0
<i>Houseboats</i>	0	0
<i>Vessels (Recreational, Live-aboard, Anchor-out Boats)</i>	0	0
<p><i>a. These allocations are applicable year-round. b. Based on a minimum of five consecutive samples equally spaced over a 30-day period.</i></p> <p><i>c. No more than 10% of total samples during any 30-day period may exceed this number.</i></p> <p><i>d. Wasteload allocation for discharges from municipal separate storm sewer systems (NPDES Permit Nos. CAS000004 and CAS000003).</i></p> <p><i>e. Wildlife is not believed to be a readily controllable source of pathogens; therefore, no management measures are required.</i></p>		

Implementation Plan

The Richardson Bay Pathogens TMDL Implementation Plan builds upon previous and ongoing successful efforts to reduce potential pathogen loads in Richardson Bay and its tributaries. The plan requires actions consistent with the California Water Code (CWC 13000 et seq.), the state’s Nonpoint Source Pollution Control Program Plan (CWC Section 13369), the Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, and human waste discharge prohibitions (Table 4-1, Prohibitions 5, 15, and 18).

Table 7-4 lists the required implementation measures for the source categories listed in Table 7-3. These measures include evaluation of operating practices, identification of comprehensive, site-specific pathogens control measures and an associated

implementation schedule, and submittal of progress reports to the Water Board documenting actions taken.

Table 7-4. Trackable implementation measures for the Richardson Bay pathogens TMDL

Source Category	Implementing Party	Action	Completion Dates
Sanitary Sewer Systems	Marin County Sanitary District No. 5, Sewerage Agency of Southern Marin, Tamalpais Community Services District, City of Mill Valley, Homestead Valley Sanitary District, Alto Sanitary District, Almonte Sanitary District, City of Sausalito, Sausalito Marin City Sanitary District, Richardson Bay Sanitary District	<ol style="list-style-type: none"> 1. Comply with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. 	As specified in applicable WDR permit
Stormwater Runoff	Marin County, City of Sausalito, City of Mill Valley, City of Tiburon, City of Belvedere, Caltrans	<ol style="list-style-type: none"> 1. Implement applicable stormwater management plan. 2. Update/amend applicable stormwater management plans, as appropriate, to include specific measures to reduce pathogen loading, including additional education and outreach efforts, and installation of additional pet waste receptacles. 3. Report progress on implementation of pathogen reduction measures to Water Board. 	As specified in approved stormwater management plan and in applicable NPDES permit

Table 7-4. Trackable implementation measures for the Richardson Bay pathogens TMDL

Source Category	Implementing Party	Action	Completion Dates
Houseboats	RBRA; Marin County; local cities	1. Submit to the Executive Officer for approval a plan and schedule for 1) evaluating adequacy and performance of sewage collection systems (onboard sewage systems, pumps, sewer lines, etc.) for all houseboats in Richardson Bay, 2) biennial evaluation of sewage collection system operation and maintenance for all houseboats once they have been repaired/upgraded such that they do not discharge any sewage into the Bay.	July 2009
		2. Conduct evaluation per submitted plan.	July 2010
		3. Report progress on implementation of the plan to Water Board.	Annually
	Houseboat marina owners	1. Submit to the Executive Officer for approval a plan and schedule for 1) repairing/upgrading identified substandard/malfunctioning sewage collection systems (onboard sewage systems, pumps, sewer lines, etc.) such that they do not discharge any sewage into the Bay, 2) long-term operation and maintenance of the systems.	July 2011
		2. Report progress on implementation of the plan to Water Board.	Annually
	Houseboat owners, houseboat marina owners	1. Repair/Upgrade identified substandard/malfunctioning sewage collection systems (onboard sewage systems, pumps, sewer lines, etc.) such that they do not discharge any sewage into the Bay.	July 2013
		2. Operate and maintain sewage collection systems such that they do not discharge any sewage into the Bay.	Ongoing

Source Category	Implementing Party	Action	Completion Dates
Vessels	RBRA; Marin County; local cities	1. Submit to the Executive Officer for approval a plan and implementation schedule for 1) evaluating adequacy and performance of sewage collection systems (sewage dump stations, sewage pumpout stations, onboard sewage systems, sewer lines, etc.) for all vessel marinas and vessels with toilet facilities in Richardson Bay, 2) biennial evaluation of sewage collection system operation and maintenance for all vessel marinas and vessels once they have been repaired/upgraded such that they do not discharge any sewage into the Bay.	July 2009
		2. Conduct evaluation per submitted plan.	July 2010
		3. Report progress on implementation of the plan to Water Board.	Annually
	Vessel marina owners	1. Submit to the Executive Officer for approval a plan and schedule for 1) installing, as needed, an adequate number of sewage pumpout and dump stations. If no new sewage pumpout and dump stations are needed, provide an explanation as why they are not needed, 2) repairing/upgrading identified leaky/malfunctioning sewage collection systems (sewage dump stations, sewage pumpout stations, onboard sewage systems, sewer lines, etc.) such that they do not discharge any sewage into the Bay, 3) long-term operation and maintenance of the systems such that they do not discharge any sewage into the Bay.	July 2011
		2. Report progress on implementation of the plan to Water Board.	Annually
	Vessel owners, vessel marina owners	1. Repair/upgrade identified leaky/malfunctioning sewage collection systems (sewage dump stations, sewage pumpout stations, onboard sewage systems, sewer lines, etc.) such that they do not discharge any sewage into the Bay.	July 2013
		2. Operate and maintain sewage collection systems such that they do not discharge any sewage into the Bay.	Ongoing
		3. Enroll in RBRA's mobile sewage collection and disposal service for all live-aboards (both anchor-outs and marina-berthed vessels).	July 2010

Regulatory Framework

The state’s Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program requires that current and proposed nonpoint source discharges be regulated under waste discharge requirements, waivers of waste discharge requirements, Basin Plan discharge prohibitions, or some combination of these tools. Municipal and highway stormwater runoffs are regulated under NPDES permits. Table 7-5 describes the regulatory mechanism by which dischargers in each source category will be regulated.

Table 7-5. Regulatory Framework	
Source Category	Regulatory Tool
Sanitary Sewer Systems	General WDR permit
Stormwater Runoff	NPDES permit
Houseboats	Existing prohibition of human waste discharge (Table 4-1, Prohibitions 5 and 15)
Vessels	Existing prohibition of human waste discharge (Table 4-1, Prohibitions 5, 15, and 18)

Ongoing Water Quality Monitoring in Richardson Bay

Water quality monitoring will be conducted to assess water quality improvements and obtain additional information for further refinement of the TMDL. The main objectives of the ongoing monitoring program are to:

- Assess attainment of TMDL targets
- Evaluate spatial and temporal water quality trends in the Bay
- Obtain additional information about significant potential pathogen source areas
- Collect sufficient data to prioritize implementation efforts and assess the effectiveness of source control actions

All water quality monitoring (including Quality Assurance and Quality Control procedures) will be performed pursuant to the State Water Board’s Quality Assurance Management Plan for the Surface Water Ambient Monitoring Program.

Adaptive Implementation

In 2013, the Water Board will evaluate monitoring results and assess progress toward attaining TMDL targets (Table 7-1) and load allocations (Table 7-3). The Water Board will also evaluate compliance with the trackable implementation measures specified in Table 7-4, as documented by submitted progress reports.

If evaluation and monitoring show that source control actions have been fully implemented throughout the watershed, but the TMDL targets (water quality objectives) are not attained, the Water Board may re-evaluate the attainability/applicability of designated water quality objectives.

The Water Board will review the Richardson Bay Pathogens TMDL and evaluate new and relevant information from monitoring, special studies, and scientific literature. At a minimum, these reviews will aim to find answers to the following questions. Additional questions may be developed in collaboration with stakeholders.

1. Is Richardson Bay progressing toward TMDL targets? If progress is unclear, how can monitoring efforts be modified to detect trends? If there has not been adequate progress, how might the implementation actions be modified?
2. What are the pollutant contributions for the various source categories? How have these contributions changed over time? How do they vary seasonally? How might source control measures be modified to improve load reduction? If the answers to these questions are not clear, how can monitoring efforts be modified to answer these questions?
3. Is there new, reliable, and widely accepted scientific information that suggests modifications to targets, or implementation actions? If so, how should the TMDL be modified?

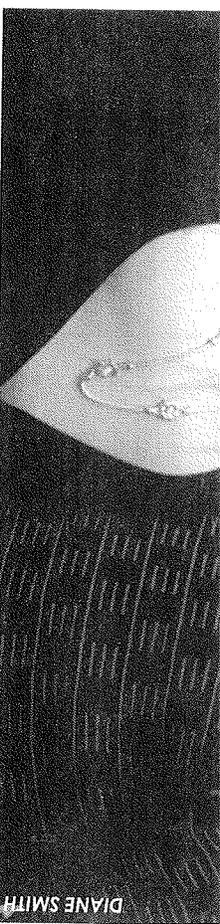
Modifications to the targets or implementation plan will be incorporated into the Basin Plan via an amendment process.

has another year to serve on that term. He says he won't run again.

As mayor, Fredericks will preside over council meetings, sign new ordinances and resolutions and work with the town manager to try to resolve small problems.

known for his loquacity, wrapped up and brought the house down with an uncharacteristic one-word comment: "Ditto!"

Alice Fredericks and Miles Berger



Restoration Planned for Richardson's Bay Islands

BY JEANNE PRICE

Richardson Bay Audubon Center and Sanctuary (RBAC) has received a \$58,000 grant from National Audubon's Together Green project to restore native plant communities on three islands in Richardson's Bay. These islands, which are sanctuary land located in the northwestern corner of the bay off East Strawberry Drive, are Aramburu Island, Pickleweed and one that is unnamed.

The one-year grant will enable RBAC to improve habitat for resident and migratory birds and other species, such as the California clapper rail, the San Pablo song sparrow and the salt marsh yellow throat, and mammals such as the salt marsh harvest mouse.

The islands were created from dredge spoils in the 1960s. Aramburu Island, the largest, is 17 acres with nonnative plants covering 60 percent of the island, and it will need the most work. The smaller islands are

largely host to native plants and will need little work, according to Brooke Langston, director of the center.

Aramburu Island was created as mitigation to the Strawberry Spit development in the hope that seals might use it to haul out. Langston said she would work with the Marin Mammal Center in Sausalito to see if this is possible.

Langston added that she is currently negotiating a contract with Wetland and Waterland Resources of San Rafael to design a plan for the project. Volunteers have already done some preliminary work clearing trash and cataloging plants, she reported.

Invasive plants, including brooms and ice plant, have spread widely on Aramburu Island, reducing habitat diversity and use by birds and small mammals. Restoration will eliminate undesirable plants and allow the return of native species along with the birds and other wildlife dependent on them. The work will also include improving

berms along the steep eastern shore to increase habitat for Forster's terns and enhancing the tidal pool to encourage fish and invertebrate life and attract wading birds.

"We'll be using students and local volunteers to help accomplish this important transformation," said Langston.

The local project is one of 41 newly announced Together Green national innovation grants totaling \$1.4 million, which Toyota awarded to Audubon.

"I read this article. It said the typical symptoms of stress are eating too much, smoking too much, impulse buying and driving too fast. Are they kidding? This is my idea of a great day!"

— MONICA PAPER

COME JOIN OUR TEAM!

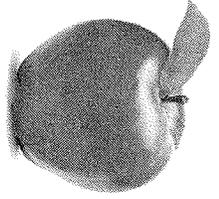
VILLA MARIN



Villa Marin is designed for comfort, security and the enjoyment of leisure.

- Physician and rehab services in our clinic.
- Skilled nursing and personal care onsite.
- Exercise classes, indoor pool, hot tub and more!

ACADEMIC TUTORING



Specializing in English, Grammar and Writing. Affordable & Experienced.

Melissa Mullin, M.S.
415-516-1968

EQUIP YOUR CAR WITH A STATE FARM AGENT.

See me and discover great service is our standard feature.



Barbara B. Newhouse, Agent

