

RICHARDSON'S BAY REGIONAL AGENCY

Thursday, April 17, 2008

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 to discuss threatened or pending litigation
2. Minutes of February 7, 2008 Meeting
3. Review report of Harbor Administrator
4. Approval Resolution amending AWAFF Grant to accept additional funds.
5. Approval of prior expenditures for February and March 2008
6. Discussion of Goals and Work Program for FY 2008-09
 - a. Mooring Program draft work program
7. Discussion and approval of RBRA Budget FY 2008-09
8. Mooring Plan status
 - a. Approval of Resolution renewing Clem Shute contract
9. TMDL status
 - a. Board letter
10. Public comments invited concerning items NOT on this Agenda (3-minute limit)
11. Staff comments
12. Board member matters

Adjourn. **NEXT MEETING:** Tentatively planned for June 19, 2008. Please review your calendars and advise Staff as to your availability.

A COMPLETE AGENDA PACKET IS AVAILABLE FOR VIEWING 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

April 11, 2008

TO: RBRA Board

FROM: Ben Berto, RBRA Clerk

SUBJECT: April meeting

Things are looking up for this important RBRA meeting. The first piece of good news is Bill and I both overflowed Richardson's Bay and conducted a water-level census of all anchored-out vessels. Quite a mixed array. For the first time, we now have vessel counts, identities, and locations. The material is so fresh that I don't have any details to include in this packet, but we should have something to report at the meeting.

The budget and what programs it will support in this upcoming fiscal year is obviously the number one agenda topic, and the most important decision the Board will make at this hearing. Board Member Collins has a conflict that will likely result in him missing this meeting, but he will undoubtedly catch up quickly. There is an opportunity for the Board to re-examine the Agency's overall mission and program goals this next Fiscal Year. There seems to be an increasing realization that the bare-bones approach that the RBRA has previously taken makes it difficult to address emerging/evolving issues, for example, recent anchor-out trends, or mooring program challenges. Staff is including in your Board's packet an updated Mooring Work Program, proceeding on the basis that this is the primary program to address anchor-out issues. However, the Board Chair has brought up some good points about developing a global perspective on RBRA's functions, and not inextricably linking the mooring program and anchor-outs.

There is some decent news about the budget. Staff further sharpened our pencils to give the Board a couple of budget options. One would provide limited budget growth in areas that Staff anticipates program growth (e.g., developing a work program for the RBRA including addressing anchor-outs generally and furthering work on the mooring field, stepping up on the TMDL issue, and reinventing our rapid response program) while avoiding any RBRA member cost increases.

The other option provides for additional legal capability, both for our anchor-out consultant and for enforcement. This involves additional RBRA member government contributions of \$40K. Staff has provided a breakout of what this would entail to each RBRA member jurisdiction (see attached).

The public comment period on the proposed Total Maximum Daily Load (TMDL) being promulgated by the State Water Resources Control Board has ostensibly passed. Unfortunately, both the draft TMDL release and the Control Board's public hearing fell

between RBRA Board meeting dates. However, the Control Board has not taken formal action in adopting the TMDL. A recent court decision in southern California (see attached announcement) goes to the reasonableness issue at the heart of local concerns about the TMDL. Staff has prepared a draft letter (see attached) for the Board's review that states a possible RBRA position, including a reference to the Court decision.

Bill has done a stalwart job of scrambling for (and securing) some additional AWAFF funding to keep our boat wrecking activity operational until the new Fiscal Year. Kudos to Bill for his above-and-beyond efforts in this regard.

See you Tuesday.

RICHARDSON'S BAY REGIONAL AGENCY
MINUTES OF FEBRUARY 7, 2008
HELD AT SAUSALITO CITY HALL CHAMBERS

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

ABSENT: none

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

Session Called to Order at 5:32 PM.
Pledge of Allegiance

Minutes of December 20, 2007 meeting
Minutes were approved unanimously.

Accept Report of Harbor Administrator

Staff explained that the Coast Guard had agreed to conduct monthly meetings with all local first responders. The Board asked that the Coast Guard be invited to a future RBRA meeting. Lee Braun, a building official from Belvedere, asked about the Coast Guard response during the storm. Mr. Price responded that the Coast Guard was limited by regulations that directed only a certain type of response, given the heavy weather conditions and the shallow location. Lewis Tenwinkle asked who initiated the Rapid Response call to rescue the tugboat, and Price responded that residents of West Shore Road made the initial calls.

The report was accepted unanimously.

Nuisance Abatement hearing for "Emerald Sea" - Al Abono Jr.

Mr. Price was sworn in and read the Notice of Public Nuisance. He then proceeded to give his testimony as to why the vessel constituted a Nuisance. Alan Caplan introduced himself as an attorney representing Al Abono Jr. and stated that his client was looking for a berth for the vessel. He requested suspending the proceedings for 60 days, questioning jurisdiction with respect to vessel location.

Member McGlashan responded that the Board would first determine if the vessel was a nuisance and then consider a 60-day implementation period.

Mr. Caplan asked for the case report of the Coast Guard response on the day the Emerald Sea was found dragging anchor, and he wanted to see a map of the RBRA's boundaries.

Mr. Abono gave his testimony, describing the vessel's anchoring system, its particulars, including that it had 1,000 gallons of fuel on board but could hold 14,000 gallons, and the

weather conditions. He acknowledged that the vessel did drag during storms, but he and crew were aboard the vessel at those times running it into the wind. He asked about living aboard the vessel but was told by Staff there were regulations against it, and that he was dealing with issues surrounding the oil spill and other financial issues. Mr. Abono stated that he would be happy to move the vessel after 30-60 days. The vessel had been in the Bay since 1998, has never been cited by the Coast Guard, and is safe. He said he believes he has the right to free anchorage. If an 85' vessel is too much, he should be able to look that up.

Member Collins asked if he had controlled the drift of the vessel with his engine and Mr. Abono replied in the affirmative. Member Collins asked Staff if the anchor aboard was adequate and was told that the anchor would be insufficient by itself to hold the vessel in inclement weather without crew aboard to monitor the vessel and ensure it stays in position. In the event of an emergency situation, it would be beyond the capabilities of responders to address. Member Albritton asked about the legally allowable length of time to anchor. Mr. Price responded that there is an initial 72-hour timeframe, then 30 days, which can be extended twice for a total of 90 days. Member McGlashan asked if there were any size restrictions in the RBRA code and was told that there were none.

Chair Butler closed the testimony and said there were three options:

1) terminate the hearing and abatement action, 2) adopt the resolution or 3) order abatement. Member Collins suggested that Mr. Abono could abate the nuisance within a prescribed time period, for example 60 days with a requirement that the vessel be manned during any period of inclement weather. Member Albritton said that we should act now, and not later after we get high winds; that the vessel was too large and carried too much fuel. He is sympathetic to the 60-day abatement time frame, suggested that the owner be available for emergency on call, and the vessel be manned during inclement weather and that Mr. Abono report the vessel's location every 10 days until he has left the bay. A motion was passed unanimously declaring the vessel a Nuisance, to be abated within 60 days, manned during inclement weather, and with its position reported every 10 days. Mr. Caplan requested that a written notice of the action be forwarded to him. Member Albritton stated he did not like the new trend of large unmanned commercial boats staying for extended time periods and wanted to draft a policy to prevent this.

Discussion of the recent storm of January 4

Lee Braun, a building official from Belvedere stated that 5 vessels hit the shore in Belvedere, and said that the city was under siege during any high wind event. Mr. Tenwinkle stated that there had always been big boats in Richardson's Bay, up to 20 – 30 commercial boats, and that if we got rid of all the boats there would be no impact on the houses.

Member Albritton pointed out that the Rapid Response contract had expired, and he was concerned with the events of the day. We need to take a close look at what happened and why, and improve on that scenario, perhaps by developing new resources in the Search and Rescue (SAR) group, the fire department and the Sheriff's office. He reiterated

concerns about the new trend of large unmanned commercial vessels extended stays, citing reductions in commercial fishing and NOAA fishing license buybacks.

Member McGlashan asked for Staff comment on the Rapid Response situation. Mr. Price recounted how the incident occurred, and described the longer and more uncertain timelines for Parker Dive Service to now respond. Member McGlashan asked for Staff to work with Tiburon Fire District. Staff responded that Tiburon Fire had modified their mission statement because they realize they do not have this response capability. Member Albritton felt that this incident would be impetus for the Mooring Field plan to be passed through, perhaps with assistance from federal legislators. Member Collins suggested that a detailed report on the events of January 4 would help sort out what to do.

Peter Moorhead, retired harbormaster, said that he believed Todd Estrella was ill-trained and poorly equipped. He stated that Dave Gissendaner, of Dave's Diving, had a vessel anchored out, and thought there was a conflict of interest and questioned whether he was the best qualified. He asked if there had been an request for proposals. He stated that the reason why a Rapid Response program was needed was because of ineffectual abatement. Additional large boats were problematic. He suggested that a pamphlet be created to explain RBRA's anchorage regulations, to be passed out to newcomers. Gary Estrella, Todd's father, spoke and explained that Todd had been well trained as a commercial diver and had a Coast Guard license. He cautioned about the need to make sure that the contractor had proper insurance and the crew was sufficiently trained and safety conscious. He thanked all the people that responded in his son's rescue.

6:15 PM Two Board members departed: Dick Collins and Ken Wachtel.

Approval of prior expenditures through December 2007 and January 2008

The expenditure report was approved unanimously.

Member Albritton addressed the midterm budget by saying that the large vessels wreaked havoc on our funding and that we should develop a long-term spending plan to deal with this issue.

Mooring Plan status

Member McGlashan said that there was funding in FY 08 to move forward with the legal analysis by the legal consultant.. He wondered if there was a way to set up a Memorandum of Understanding with the BCDC, considering lives were at stake. The MOU would create a recreational mooring field, and encourage people to move onto a secure mooring. Member Albritton suggested a minimum amendment to the McAteer-Petris Act that would not take away from the BCDC's jurisdiction but clarify long-term anchorouts as recreational vessels allowed to hook up to a ball.

Chair Butler felt if the two items were divided they might be able to move forward. Right now a recreational mooring field and anchored-out vessels were linked too tightly. Member Albritton felt we should have a meeting with BCDC sooner rather than later, and was impatient to move forward. In addition to facing legal issues and BCDC's (limited)

enforcement capabilities, we were facing a raft of other issues like the EIR, location, jurisdiction funding, etc. He recommended that we stop spending money on studies and research and spend it instead on implementation. Two-ton chains with a 250' crop circle raises environmental concerns.

Member McGlashan stated that BCDC has the permit authority, and that we have to ask what to do to get it. Member Albritton said they would not act until local jurisdictions had, and BCDC wants a comprehensive presentation.

Member McGlashan suggested we invest in legal aid concurrently with the other items.

Louis Shireman from the Floating Homes Association suggested getting working on an anchor-out amendment in Sacramento. Peter Moorhead gave the newest RBRA Board members his chronology of the last 25 years in Richardson's Bay. He stated big mistakes were made. Member Albritton responded that public comment, outreach, and education have to occur before making plans. It will be a long haul with BCDC. Mr. Moorhead stated the plan has too many low income vessels on moorings. He questioned the anchorout numbers, and stated enforcement was needed. Clay Bell, an anchorout, stated he did not intend to spend the rest of his life on the anchorage, citing concerns with the environmental damage. Lewis Tenwinkle suggested a special tax on anchorouts.

Mr. Berto stated that extensive public outreach was contemplated before taking any plans forward. Chair Butler said that all options should be explored. Member Albritton supported a healthy public debate. He reported that Imagine Sausalito, a Sausalito maritime group representing a broad spectrum of interests, had a favorable response to the mooring plan concept. There were important steps outside of legal and BCDC. Enforcement is a problem of resources. Budgets are tight, for example the Police Department could not afford a boat and is sharing with the RBRA.

Member McGlashan suggested meeting with legal advisor Clem Shute and getting advice on the mooring field work plan. He asked what analysis would be necessary to go public.

Peter Moorhead asked what was proposed on the mooring plan spreadsheet. He believed a transition period relying on an attrition rate was a dead end with BCDC. Joe Lemon Jr. stated he wonders why anchorouts represent that they don't understand that they aren't permitted to live there.

Member McGlashan suggested relooking at the business model and checking the feasibility of a purely recreational mooring field. A serious investigation should be made of the business case early in the work program.

TMDL Update

Member McGlashan reported there are gaps in knowledge between County Environmental Health Services and the sewage agencies. RBRA may be able to secure some budget revenues by offering a deal with the agencies for its level of expertise for services such as signage posting and water quality testing.

Louis Shireman from the Floating Homes Association said he was very concerned that they did not get notified about the sewage spill, and they should be next time.

Mr. Berto stated that additional services should be considered as part of the discussions on how the RBRA grows.

Items from the Public not on Agenda

None

Board Member Matters

Member Albritton stated that his Council had directed a re-evaluation of the funding allocation between jurisdictions. Planning should occur for revenue sources other than City budgets because cost increases are difficult to get.

Members of the public questioned the cost of wrecking versus enforcement, and suggested putting money into getting houseboats off the bay, including considering reselling.

Items from Staff

A moment of silence was observed in remembrance of Todd Estrella, and the meeting was adjourned in his honor.

The meeting was adjourned at 7:45 PM.

The next meeting is scheduled for April 17, 2008, 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

April 1, 2008

WORKING RELATIONSHIPS

- **Dept. of Boating and Waterways** – 1) Submitted on March 1, 2008 the final reimbursement request from the 07-08 grant, totaling \$79,571. This amount will spend down the entire grant amount for this year. 2) Supplemental 2008 funding was achieved through the Marin Co. Sheriff's Office, but that grant amount is only \$14,000, which will be held for emergencies until the new grant is approved. 3) Application is on file for an AWAFF grant totaling \$121,000 for FY 08-09. Approval is expected after July 1, 2008.
- **US Coast Guard** – Monthly meetings have been conducted at Station Golden Gate with USCG staff, Marin Sheriff, Sausalito Police, Marin Co. Fire Department, and Tiburon Fire District. A joint training workshop and exercise will be held 4/4/08, which will be extremely helpful for Sausalito P.D. water patrol officers. Working to increase communication between Sector San Francisco and local agencies.
- **Marin Sheriff** – 1) Worked in conjunction with MSO to identify a sunken vessel off of Paradise Park. Vessel to be disposed of by RBRA once it is raised and retrieved. 2) Additional vessel will be removed from the mouth of the Petaluma River as part of the MSO AWAFF transfer agreement.
- **Sausalito Police Department** – One of the water patrol officers has taken on staff training duties for the patrol boat. He will train his officers in vessel operation and safety, and Staff will accompany on final test day to sign off on the prospective candidates.

DEBRIS REMOVAL

- Debris removal has slowed due to budgetary constraints.
- Disposed of 5 vessels as well as 3 skiffs. 2 boats are currently impounded. One vessel was taken off the anchorage in negotiated actions.
- Testified before the Assembly Transportation Committee in support of AB 1950, the Surrendered Vessel Bill introduced by Assemblyman Ted Lieu, which would make it possible for a responsible boater to surrender his derelict vessel and take it out of the market. It also increases fines for abandonment of vessels. The Committee approved the bill unanimously.

RAPID RESPONSE

- One vessel was rescued before hitting the shoreline and a large raft was towed away that had broken free from the Waldo Point houseboat marina.

WATER QUALITY

- Have been heavily involved in meetings directed toward the pre-ordained adoption of the TMDL's by the Water Board. Working closely with Environmental Health, MCSTOPP, and the various sewerage agencies to develop a plan that will satisfy the Water Board.

OTHER

- Attended a seminar on oil response in Bolinas. In discussions with OES regarding the placement of a trailer equipped with oil boom, stationed in Sausalito near quick water access.

RICHARDSON'S BAY REGIONAL AGENCY

RESOLUTION NO. 07-02

RESOLUTION OF THE BOARD OF THE RICHARDSON'S BAY REGIONAL AGENCY AGREEING TO AMEND CONTRACT # 07-214-501 WITH THE CALIFORNIA STATE DEPARTMENT OF BOATING AND WATERWAYS

WHEREAS, the Department of Boating and Waterways of the State of California (DBW) has agreed to amend their Contract # 07-214-501 and provide \$ 11,500.00 in funding to be used to remove Abandoned Watercraft from the waters of Richardson's Bay, and

WHEREAS, it is agreed that the Richardson's Bay Regional Agency will pay 10% of the total AWAFF grant amount of \$11,500.00, or \$1,150.00, for all invoices related to this work, and

WHEREAS, it is agreed that the Richardson's Bay Regional Agency shall submit no invoices for staff time to the DBW unless Staff is directly involved with the physical aspects of vessel disposal.

NOW, THEREFORE BE IT RESOLVED, as follows:

The Board of the Richardson's Bay Regional Agency authorizes the execution of this contract with the Department of Boating and Waterways.

PASSED AND ADOPTED at a regular meeting of the Richardson's Bay Regional Agency, this 17th day of April, 2008.

AYES:

NOES:

ABSENT:

ATTEST:

**BOARD CHAIR
JERRY BUTLER**

**CLERK OF BOARD
BEN BERTO**

FEBRUARY 2008 BALANCE SHEET

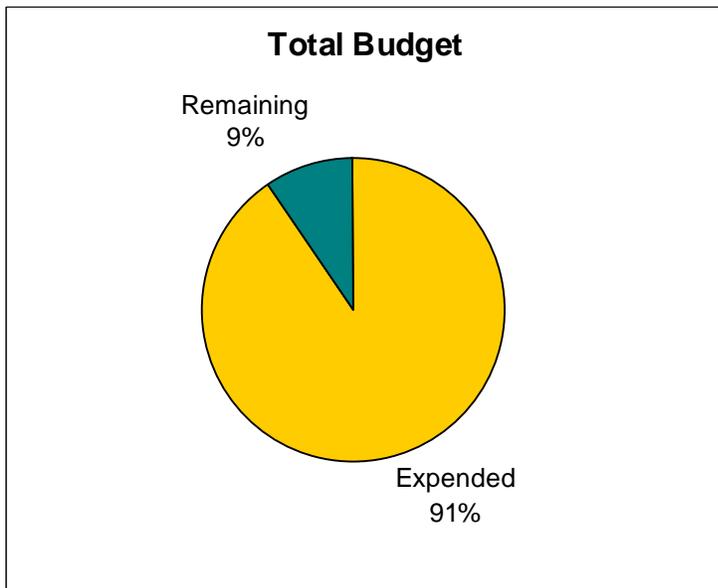
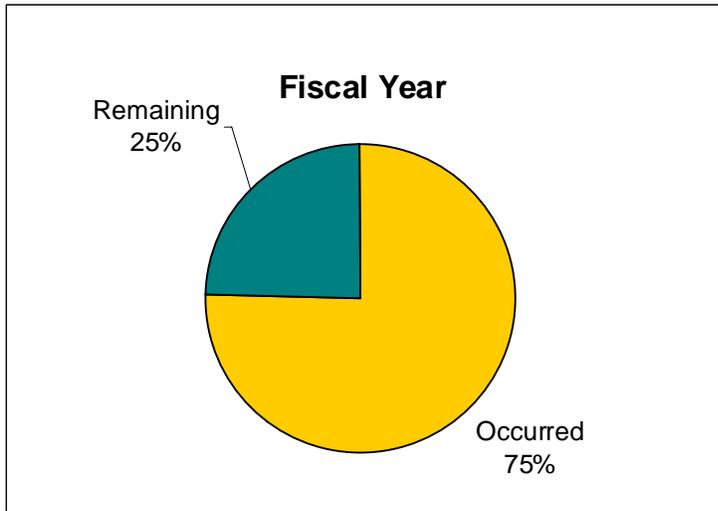
CATEGORY	ACCOUNT NAME	REVENUE	EXPENDITURE
Oth Maintenance	MT HEAD		60.00
Oth Maintenance	MT HEAD		60.00
Oth Maintenance	MT HEAD		60.00
Com Srvc - Cell Phone	AT&T MOBILITY		116.82
Oth Maintenance	Maint & Repair Supplies - Other Maintenance	-159.46	
Oth Maintenance	Maint & Repair Supplies - Other Maintenance	-5.38	
Oth Maintenance	Maint & Repair Supplies - Other Maintenance		49.35
Oth Maintenance	Maint & Repair Supplies - Other Maintenance		8.27
Oth Maintenance	Maint & Repair Supplies - Other Maintenance		13.67
Oth Maintenance	Maint & Repair Supplies - Other Maintenance		27.58
Oth Maintenance	Maint & Repair Supplies - Other Maintenance		64.59
Oth Maintenance	Maint & Repair Supplies - Other Maintenance		7.48
Oth Maintenance	MT HEAD		60.00
Com Srvc - Cell Phone	AT&T MOBILITY		64.38
HazMat Clean Up	US BANK GOVERNMENT SERVICES -EFT		232.34
Com Srvc - Broadband	INTERNET CONNECTION		67.70
Com Srvc - Broadband	EARTHLINK		5.90
Trav-Meals	VOUNTEER LUNCH		25.73
Trav-Meals	VOUNTEER LUNCH		16.85
Trav-Meals	WATER FOR WORK CREW		7.34
Office Supplies	US BANK GOVERNMENT SERVICES -EFT		63.85
Postage	US POST OFFICE		11.16
Rent - Off Space	ICB ASSOCIATES - OFFICE RENTAL		420.00
Prof Svcs - Other	MARTIN BROS - LG. VESSEL DEMOLITION		16,266.60
HazMat Clean Up	ANDERSON'S YARD - HAUL LG. VESSEL		14,655.05
Prof Svcs - Legal	LEGAL FEES - SHUTE		350.00
ProfServ-CntySalRe	SALARY & BENEFITS		13,852.48
		-\$164.84	\$46,567.14

MARCH 2008 BALANCE SHEET

CATEGORY	ACCOUNT NAME	REVENUE	EXPENDITURE
Prof Svcs - Other	PARKER DIVING SERVICE - SALVAGE		2,250.00
Prof Svcs - Other	DIEGO TRUCK REPAIR - TOW VESSEL UP RAMP		125.00
Prof Svcs - Other	PARKER DIVING SERVICE - SALVAGE		2,000.00
Prof Svcs - Other	DIEGO TRUCK REPAIR - TOW VESSEL UP RAMP		250.00
Rent - Off Space	SCHOONMAKER MARINA - PATROL SLIP RENT 1/2		147.50
Rent - Off Space	LIBERTYSHIP WAY - DRY STORAGE		240.00
Rent - Off Space	SCHOONMAKER POINT - WASTE AWEIGH SLIP		275.00
HazMat Clean Up	BAY CITIES REFUSE SERVICE INC		4,236.00
Rent - Equip Rental	HERTZ EQUIPMENT - BACKHOE		1,460.20
Oth Maintenance	MT HEAD		60.00
Memberships & Dues	CAHM & PC HARBORMASTERS ASSOC. DUES		275.00
Maint & Rep - Equip	PRICE, WILLIAM G		66.16
Prof Svcs - Other	DIEGO TRUCK REPAIR INC		350.00
Prof Svcs - Other	PARKER DIVING SERVICE - SALVAGE		4,550.24
Prof Svcs - Other	PARKER DIVING SERVICE - SALVAGE		3,500.00
Com Svc - Cell Phon	AT&T MOBILITY		487.26
HazMat Clean Up	BAY CITIES REFUSE SERVICE INC		1,318.18
Rent - Equip Rental	HERTZ EQUIPMENT - BACKHOE		557.55
State - Grant	STATE GRANT - AWF REIMBURSEMENT	-32,564.06	
Bldgs & Grounds Rent	MOORING RENTAL - Borquin	-300.00	
Sales and Services	GATES COOP - DOCK DISPOSAL	-1,282.50	
Sales and Services	Cash on Hand at Department	-190.00	
Sales and Services	MOORING RENTAL - BORDELON	-300.00	
Com Svc - Pagers	COOK PAGING		10.00
Com Svc - Broadband	INTERNET CONNECTION		67.52
Com Svc - Broadband	EARTHLINK		5.90
Trav-Gas-Non-Garage	FUEL		30.28
Trav-Gas-Non-Garage	FUEL		27.39
Trav-Gas-Non-Garage	FUEL		30.16
Trav-Hotel Lodging	CAHMPC BOARD MTG OXNARD		154.98
Trav - Other	car rental refund	-45.56	
Trav - Other	CAR RENTAL		151.87
Trav - Other	PARKING		15.18
Postage	US POST OFFICE		15.63
Oth Maintenance	TOOLS AND SUPPLIES		84.10
Oth Maintenance	TOOLS AND SUPPLIES		55.92
Rent - Off Space	LIBERTYSHIP WAY - DRY STORAGE		240.00
Rent - Off Space	SCHOONMAKER POINT - WASTE AWEIGH SLIP		275.00
Rent - Off Space	SCHOONMAKER MARINA - PATROL SLIP RENT 1/2		147.50
Oth Maintenance	MT HEAD		60.00
Rent - Off Space	ICB ASSOCIATES - office		420.00
Bldgs & Grounds Rent	Cash on Hand at Department	-300.00	
Sales and Services	GATES COOP - WATER-HI	-1,553.00	
HazMat Clean Up	Debris removal fees - "Isabel"		516.68

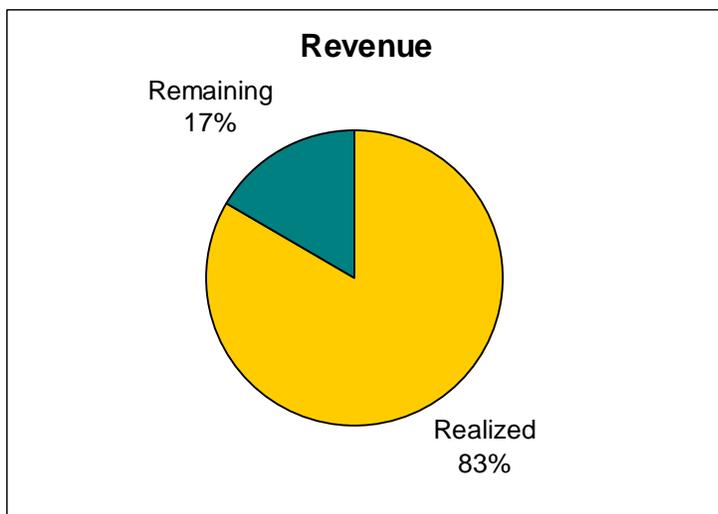
CATEGORY	ACCOUNT NAME	REVENUE	EXPENDITURE
HazMat Clean Up	Debris removal fees - "Isabel"		600.35
HazMat Clean Up	Debris removal fees - "Isabel"		297.66
HazMat Clean Up	Debris removal fees - "Isabel"		347.75
HazMat Clean Up	Debris removal fees - "Isabel"		365.81
Com Srvc - Cell Phon	Communications Services - Cell Phones	-6.83	
HazMat Clean Up	BAY CITIES REFUSE SERVICE INC		963.00
Rent - Equip Rental	HERTZ EQUIPMENT - BACKHOE		559.27
Com Srvc - Pagers	COOK PAGING		10.00
Bldgs & Grounds Rent	MOORING RENTAL - Kelley	-150.00	
Bldgs & Grounds Rent	MOORING RENTAL - Kelley	-150.00	
		-\$36,841.95	\$27,600.04

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



Expenditures vs. Budgeted Expenditures

Expenditures	\$263,945
Adopted Budget	\$291,179



Realized Revenue vs. Budgeted Revenue

Realized Revenue	\$238,331
Budgeted Revenue	\$285,627

Administrative Draft Richardson Bay Mooring Field Work Program

1. Describe current conditions and research history
2. Develop goals and objectives, including: water quality, resource protection, boater demand, equity and fairness, cost effectiveness, reduce problems, etc.
3. Budget
 - a. Preliminary
 - i. FY 2008-2009: technical/baseline, outreach, and mooring program development
 - b. Operational
4. Preliminary schedule: task timelines
5. Technical/baseline
 - Mapping/surveying:
 - a. Existing users
 - b. Sensitive areas (establish buffer zones): eel grass, harbor seals, shellfish, migratory birds, etc.
 - c. Jurisdictional and other boundaries: cities and towns, Audubon, etc.
 - d. Navigation channels
 - e. Boat ramps
 - f. Depths(?)
 - g. Seaplane runway
 - h. Herring roe harvest zones
 - i. Swimming areas
 - j. View corridors
 - k. Local resources and amenities
6. Outreach and education
 - a. Identifying user and other interest groups
 - b. Solicit comments: community meetings, advisory committee, etc.
 - c. Anchor-outs, live-aboards, marina operators, boatyards, general public
 - d. Publicity: Local and boating press
 - e. Boater education: multi-media, recommended practices, Clean Marinas toolkit
7. Regulatory context
 - a. Regulatory agency outreach
 - b. State Trust Land and other legal doctrines
 - c. BCDC application process (see also d. and e. below)
 - d. Richardson Bay Special Area Plan – update?
 - e. Program provisions for anchor-outs and live-aboards
 - f. Local jurisdiction (Sausalito) application process

- g. Vessel regulation in Bay: enforcement agency coordination, strategy development – short- and long-term
 - h. Permitting and enforcement procedures
- 8. Mooring field development
 - a. Siting criteria (see 4. Mapping)
 - b. Occupancy aspects: vessel type, size, number, tenancy, cost
 - c. Mooring location, layout, and system design options
 - d. Occupancy criteria and vessel management plan: seaworthiness, sanitary waste, maintenance, hazmat, tenancy
 - e. Facilities and amenities: sewer pumpout, potable water, restrooms, showers, garbage removal, dinghy docks
- 9. Environmental review: CEQA (and NEPA?)
 - a. Scoping: public hearings
 - b. Request for proposals and hiring environmental consultant
 - c. Environmental review process
- 10. Mooring program implementation
 - a. Agreements/contracts: Memorandum of Agreement, amended Joint Powers Agreement?
 - b. Upgrading/relocating moorings
 - c. Installation of new moorings
 - d. Relocation of vessels
 - e. Operation, management, monitoring, and maintenance: new personnel or concessionaire

RICHARDSON'S BAY REGIONAL AGENCY - DRAFT BUDGET #1- FY 08/09

EXPENDITURES

BUDGET#	DESCRIPTION	07/08 ADOPTED	YTD EXP. 3/15/08	08/09 PROJECTED	
5110200	SPECIAL APPOINTMENT				Salaries - moved to Prof. Services
5410125	BENEFITS				Benefits Package - moved to Prof. Services
5210100	PROFESSIONAL SERVICES	\$237,279	\$217,757	\$253,980	AWAF salvage; legal; salary; county management
5210100	MOORING WORK PROGRAM				30K - baseline data, outreach, legal/regul.
5210100	RAPID RESPONSE PROGRAM				14K - Rapid Response program
5210300	LAB SERVICES				6K - Water tests (pd. by Grant in 07)
5210500	INSURANCE PREMIUMS	\$14,300	\$14,281	\$14,500	
5210700	COMMUNICATION	\$1,600	\$1,733	\$1,600	phone, fax, internet, mobile
5210900	MAINT. & REPAIR SERVICES	\$400	\$180	\$250	
5211200	RENTAL & OPER. LEASES	\$27,500	\$20,484	\$23,000	Office; slips & dry storage; equipment rental
5211300	PROF. DEVEL. EXPENSES	\$700	\$670	\$600	professional associations
5211400	TRAVEL & MEETINGS	\$2,300	\$2,416	\$2,300	Harbormaster's Conference, mileage
5211520	PUBLICATION	\$3,000	\$634	\$1,500	Legal ads
5220100	OFFICE EXPENSES	\$700	\$359	\$500	
5220200	MAINT. & REPAIR - EQUIP	\$3,400	\$5,250	\$2,500	Patrol Boat maintenance; moorings & buoys
5220900	TELECOM EQUIP.	\$0	\$178	\$0	
5482045	VEHICLES	\$0	\$0	\$0	New engines purch'd '07
		\$291,179	\$263,942	\$300,730	
PROF. SERVICES BREAKOUT		\$237,279			
	MOORING WORK PROGRAM	\$30,000		\$30,000	legal, outreach, admin
	RAPID RESPONSE PROGRAM	\$7,000		\$14,000	new contractor - additional costs
	LAB SERVICES	\$3,000		\$6,000	TMDL additional testing cycle
	SPECIAL APPOINTMENT	\$79,423		\$81,806	Estimate 3% COLA
	BENEFITS	\$21,528		\$22,174	Estimate 3% COLA
	OTHER PROF. SERVICES	\$96,328		\$100,000	AWAF salvage, admin, legal
		\$237,279		\$253,980	

REVENUES

		ADOPTED	YTD REV. 2/1/08	08/09 PROJECTED	
	Beginning Balance				
4410125	INTEREST POOLED INVST	\$1,000	\$0	\$1,000	
4410225	SLIP RENTALS	\$2,500	\$1,950	\$2,500	mooring rentals
4410410	OTHER SALES & SERVICES	\$5,000	\$3,577	\$5,000	misc. reimbursement
4530527	INTERGOVT REVS - STATE	\$95,000	\$110,875	\$112,000	AWAF reimb. \$92 K, pump out \$20 K
4640322	INTERGOVT REVS - LOCAL	\$178,627	\$178,627	\$178,627	Dues; w/ Rapid Resp Prog & consultant
4640322	PROJECTED ASSOC REVS	\$2,500	\$3,482	\$2,500	Projected reimb. Rapid Resp Prog
		\$285,627	\$298,511	\$301,627	

RICHARDSON'S BAY REGIONAL AGENCY - DRAFT BUDGET #2 - FY 08/09

EXPENDITURES

BUDGET#	DESCRIPTION	07/08 ADOPTED	YTD EXP. 3/15/08	08/09 PROJECTED	
5110200	SPECIAL APPOINTMENT				Salaries - moved to Prof. Services
5410125	BENEFITS				Benefits Package - moved to Prof. Services
5210100	PROFESSIONAL SERVICES	\$237,279	\$217,757	\$293,980	AWAF salvage; legal; salary; county management
5210100	MOORING WORK PROGRAM				30K - baseline data, outreach, legal/regul.
5210100	RAPID RESPONSE PROGRAM				7K - Rapid Response program
5210300	LAB SERVICES				3K - Water tests (pd. by grant funds in 07)
5210500	INSURANCE PREMIUMS	\$14,300	\$14,281	\$14,500	
5210700	COMMUNICATION	\$1,600	\$1,733	\$1,600	phone, fax, internet, mobile
5210900	MAINT. & REPAIR SERVICES	\$400	\$180	\$250	
5211200	RENTAL & OPER. LEASES	\$27,500	\$20,484	\$23,000	Office; slips & dry storage; equipment rental
5211300	PROF. DEVEL. EXPENSES	\$700	\$670	\$600	professional associations
5211400	TRAVEL & MEETINGS	\$2,300	\$2,416	\$2,300	Harbormaster's Conference, mileage
5211520	PUBLICATION	\$3,000	\$634	\$1,500	Legal ads
5220100	OFFICE EXPENSES	\$700	\$359	\$500	
5220200	MAINT. & REPAIR - EQUIP	\$3,400	\$5,250	\$2,500	Patrol Boat maintenance; moorings & buoys
5220900	TELECOM EQUIP.	\$0	\$178	\$0	
5482045	VEHICLES	\$0	\$0	\$0	New engines purch'd '07
		\$291,179	\$263,942	\$340,730	
PROF. SERVICES BREAKOUT		\$237,279			
	MOORING WORK PROGRAM	\$30,000		\$45,000	legal, outreach, admin
	RAPID RESPONSE PROGRAM	\$7,000		\$14,000	new contractor - additional costs
	LAB SERVICES	\$3,000		\$6,000	TMDL additional testing cycle
	SPECIAL APPOINTMENT	\$79,423		\$81,806	Estimate 3% COLA
	BENEFITS	\$21,528		\$22,174	Estimate 3% COLA
	PROFESSIONAL SERVICES	\$96,328		\$125,000	AWAF salvage, CDA admin, legal
		\$237,279		\$293,980	

REVENUES

	ADOPTED	YTD REV. 2/1/08	08/09 PROJECTED	
				Beginning Balance
4410125	\$1,000	\$0	\$1,000	
4410225	\$2,500	\$1,950	\$2,500	mooring rentals
4410410	\$5,000	\$3,577	\$5,000	misc. reimbursement
4530527	\$95,000	\$110,875	\$112,000	AWAF reimb. 92 K, pump out 20 K
4410310	\$0	\$0	\$0	
4640322	\$178,627	\$178,627	\$218,627	Dues; w/ Rapid Resp Prog & consultant
4640322	\$2,500	\$3,482	\$2,500	Projected reimb. Rapid Resp Prog
	\$285,627	\$298,511	\$341,627	

RBRA BUDGET SPLIT

	Total annual	MARIN COUNTY 42.50%	SAUSALITO 35%	TIBURON 10%	BELVEDERE 7.5%	MILL VALLEY 5%
percent of total						
1985	100,000	42,500	35,000	10,000	7,500	5,000
1995	125,000	53,125	43,750	12,500	9,375	6,250
2000	128,751	54,719	45,063	12,875	9,656	6,438
APPROVED 07/08	178,626	75,916	62,519	17,863	13,397	8,931
PROPOSED 08/09	\$218,627	\$92,916	\$76,519	\$21,863	\$16,397	\$10,931
(with Additional \$40K for TMDL, Rapid Response, Legal, and Anchor-out/Mooring Program)						

RICHARDSON'S BAY REGIONAL AGENCY

RESOLUTION NO. 08-03

RESOLUTION OF THE BOARD OF THE RICHARDSON'S BAY REGIONAL AGENCY AGREEING TO AMEND THE CONTRACT WITH CLEM SHUTE, ESQUIRE IN PERFORMANCE OF LEGAL DUTIES

WHEREAS, the Richardson's Bay Regional Agency agrees to continue to secure the services of Clem Shute, Esquire, in performance of various legal duties.

NOW, THEREFORE BE IT RESOLVED, as follows:

The Board of the Richardson's Bay Regional Agency authorizes the extension of this contract.

PASSED AND ADOPTED at a regular meeting of the Richardson's Bay Regional Agency, this 17th day of April, 2008.

AYES:

NOES:

ABSENT:

**BOARD CHAIR
JERRY BUTLER**

ATTEST:

**CLERK OF BOARD
BEN BERTO**

RICHARDSON'S BAY REGIONAL AGENCY

State Water Resources Control Board
TMDL/Planning Division
1515 Clay Street, suite 1400
Oakland, CA 94612

April 17, 2008

Dear Board Members:

Please accept this letter commenting on the proposed Basin Plan Amendment (or Total Maximum Daily Load (TMDL) plan) for Richardson's Bay. Concerning the timing of this letter, the RBRA Board only meets every two months. Our previous meeting occurred before the release of the draft public comment TMDL, and the meeting date of the letter occurred after the first State Water Resources Control Board (SWRCB) meeting on this topic, but before the SWRCB meeting on potential TMDL adoption. If it were within the constraints of the Richardson's Bay Regional Agency's (RBRA) meeting schedule, we would have submitted this letter by March 24. The two of you have attended an RBRA meeting and have also met with RBRA staff about the TMDL on more than one occasion. Given the ongoing dialogue between the RBRA and your agency, we trust that these comments will be incorporated into the public record and the SWRCB's deliberations.

The RBRA Board has a number of comments and concerns directed at both the language and thrust of the TMDL, as follows:

- 1) As previously expressed, the RBRA has some serious reservations about the underlying basis for the TMDL, namely that shellfish harvesting in Richardson's Bay was, is, or realistically can be considered a "beneficial use". Non-attainment of water quality standards in support of the shellfish harvest water quality objective is the putative reason for justifying imposition of a TMDL in Richardson's Bay. The RBRA recognizes that Richardson's Bay is listed as a "non-attainment" area for shellfish harvest water quality standards in the San Francisco Bay Basin Plan. However, many parts of San Francisco Bay, for example Oyster Point, have higher pollution levels than Richardson's Bay, and more history of shellfish use. The RBRA is not opposed in concept to a program that supports RBRA's goals and ongoing efforts to clean up Richardson's Bay. However, it should be noted for the record that the shellfish beneficial use appears to be merely an historical artifact, a reminder of by-gone years at/before the turn of the 19th century, when a commercial oyster harvesting industry existed in Richardson's Bay. Richardson Bay's industry was based on non-native Eastern oysters, the young fry of which were imported in boxcars from the East Coast, and which never propagated in Richardson's Bay. That industry and its oysters have been gone from Richardson's Bay for at least 80 years. What occurs now is a population of native Olympia oysters that previously have not and currently do not have human consumption beneficial use value. At maturity, Olympia oysters are the size of a nickel, unlikely to ever be consumed. Given the lack of any real evidence to support native Olympia oyster shellfish harvesting as a beneficial use, a TMDL based on the shellfish harvest water quality objective is unreasonable and

unachievable since it would be based on "potential" (and highly unlikely) future uses, and not "probable" future uses.

RBRA has no objections to a TMDL using a water-based recreation water quality objective or standard.

- 2) In several parts of the implementation plan portion of the proposed TMDL, the RBRA is identified as being responsible for various implementation actions. If the TMDL is to be imposed, RBRA requests that the following language be changed: delete the phrase "onboard holding tanks" everywhere it occurs, and substitute instead "onboard sewage collection systems."
- 3) The spirit in which the TMDL is administered by the RWQCB is very important. In the course of several discussions with your agency's two staff persons Farhad Ghodrati and Naomi Feger and particularly Naomi, RBRA has been given to believe that good faith development and performance of the implementation program (specifics of which are to be developed by our agency) is more important per se than attainment of the shellfish harvest water quality objective. This "good faith effort" versus rigid attainment orientation is important to our Board in determining, for example, whether or not to undertake a formal "use attainability analysis" that would likely eliminate the shellfish harvest water quality objective for the reasons summarized in item 1 above. RBRA and the public agencies it represents place a strong emphasis on environmental protection. The fact that shellfish harvest standards are currently sometimes met in Richardson's Bay illustrates the environmental commitment of RBRA's jurisdictions. If unreasonable and punitive enforcement actions were to arise from our (and other agencies') future inability to achieve complete compliance with the shellfish harvest water quality objective, RBRA could be forced to consider legal options such as what transpired in the recent 18 jurisdiction "Cities of Arcadia" Superior Court case.

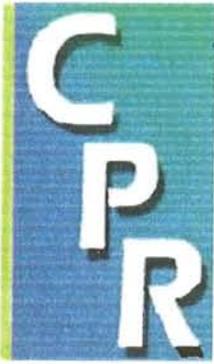
Please accept this letter in the constructive and reasonable vein it is intended, and do not hesitate to contact Ben Berto, RBRA Clerk (ph.415-499-3658) or Bill Price, RBRA Harbor Administrator (416-971-3919), if you have any comments or questions.

Sincerely,

Jerry Butler
RBRA Board Chair

CC: RBRA Board

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Eighteen Cities in Los Angeles County Win Major Court Ruling Regarding Water Quality Standards

Standards Now Set for Stormwater and Urban Runoff Programs

(Signal Hill, CA...) In a recent court decision, Eighteen Los Angeles County cities and the Building Industry Legal Defense Foundation have prevailed in a lawsuit filed in Orange County Superior Court challenging the water quality standards for the Los Angeles Region regarding stormwater and urban runoff.

The Superior Court found that the State and the Los Angeles Regional Water Boards failed to comply with State laws requiring that water quality standards be reasonable. The Court also found that stormwater regulations could be unreasonable and unachievable, since several were based on potential future uses, instead of probable future uses for the region's waters. The Court concluded the water boards had failed to complete the State law required review of the effects of stormwater regulations on the economy and housing.

"We hope that the Judge's decision will encourage the water boards to initiate a sincere dialogue with all of the Cities," said City of Signal Hill Councilman Larry Forester. "We want to work with the boards on reasonable standards that will result in more efficient and cost-effective ways to improve surface water quality in the region." Councilman Forester added, "The eighteen Cities are committed to improving the environment and will continue to fully fund and carry out all of their existing stormwater and urban runoff programs."

The litigation stemmed from a concern raised by a number of Cities and the Building Industry Legal Defense Fund that existing water quality control regulations were never intended to be applied to stormwater. The parties argued that the standards were outdated and not based on sound science and that implementing standards not intended for stormwater would result in unnecessarily costly programs funded by local taxpayers and homeowners. The water quality standards were first adopted by the water boards in 1975 and last amended in 1994.

ARCADIA
ARTESIA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
CARSON
CERRITOS
COMMERCE
COVINA
DIAMOND BAR
DOWNEY
GARDENA
HAWAIIAN GARDENS
INDUSTRY
IRWINDALE
LA CAÑADA FLINTRIDGE
LA MIRADA
LAKEWOOD
LAWNDALE
MONROVIA
MONTEREY PARK
NORWALK
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA
POMONA
RANCHO PALOS VERDES
ROSEMEAD
SANTA FE SPRINGS
SAN GABRIEL
SIERRA MADRE
SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
SOUTH PASADENA
VERNON
WALNUT
WEST COVINA
WHITTIER

Eighteen Cities in Los Angeles County Win Major Court Ruling Regarding Water Quality Standards -2

“Science and technology have come a long way since 1975 and even since 1994. There have been great advances in the treatment and control of urban runoff, but we are a long way from perfection and reasonable standards are needed to be developed for stormwater and urban runoff. The water boards have to recognize that all levels of government, local, state and federal have limited financial resources to tackle major water quality problems,” said Councilman Forester.

The litigation involved the Cities of Arcadia, Bellflower, Carson, Cerritos, Claremont, Commerce, Downey, Duarte, Glendora, Hawaiian Gardens, Irwindale, Lawndale, Monterey Park, Paramount, Santa Fe Springs, Signal Hill, Vernon and Whittier and the Building Industry Legal Defense Foundation.

For more information contact: Ken Farfsing, City Manager of Signal Hill, at (562) 989-7305 or at kfarfsing@cityofsignalhill.org

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