

## **RICHARDSON'S BAY REGIONAL AGENCY**

### **Board of Directors Meeting Notice Thursday, October 8, 2020, 5:30 pm**

#### **Via Remote Zoom Meeting**

<https://zoom.us/j/98289766192?pwd=aSttRThscmN1QWhiRnhqTHBmWE5YQT09>

Meeting ID: 982 8976 6192

Passcode: 301390

**Coronavirus (COVID-19) Advisory Notice:** In compliance with local and state shelter-in-place orders, and as allowed by Executive Order N-29-20 (March 17, 2020), the Agency will not offer an in-person meeting location for the public to attend this meeting. Members of the public may offer public comment remotely from a safe location as described below. Members of the Board of Directors or staff may participate in this meeting electronically or via teleconference.

**How to participate remotely:** Comments may be emailed to [chavel@marincounty.org](mailto:chavel@marincounty.org) in advance of the meeting; please write "Public Comment" in the subject line. Comments submitted at least one hour prior to the start of the meeting will be forwarded to the Board of Directors prior to the meeting start. Those received after this time will be shared with the Board members after the meeting.

The meeting will be available to the public through Zoom video conference. Those who do not have access to Zoom may access the meeting by calling one of the toll-free phone numbers below.

The Richardson's Bay Regional Agency (RBRA) is inviting you to a scheduled Zoom meeting.

Topic: RBRA Board of Directors September 10, 2020

Time: October 8, 2020 05:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/98289766192?pwd=aSttRThscmN1QWhiRnhqTHBmWE5YQT09>

Meeting ID: 982 8976 6192

Passcode: 301390

One tap mobile

1 (669) 900-9128 – meeting 98289766192# - 0# - 301390# US (San Jose)

Find your local number: <https://zoom.us/u/abXXzFpPiu>

The RBRA encourages that comments be submitted in advance of the meeting. Those members of the public using the Zoom video conference function who wish to comment on an agenda item for public comment may write "I wish to comment" in the chat section of the remote meeting platform, or click on "raise hand" when that item is underway. Those members of the public attending by telephone who wish to comment should press \*9 on their keypad. The Clerk will unmute the speakers one at a time at the appropriate time for public comment.

Any member of the public who needs special accommodations in advance of the public meeting to attend may email the Agency at [chavel@marincounty.org](mailto:chavel@marincounty.org), or phone (415) 971-3919, and we will use our best efforts to provide assistance. If assistance is needed during the meeting, you may email [cook@cityofbelvedere.org](mailto:cook@cityofbelvedere.org), and best efforts will be made to provide such assistance.

**RICHARDSON'S BAY REGIONAL AGENCY**  
**Board of Directors Meeting Agenda**  
**Thursday, October 8, 2020**

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

Please see above meeting notice information about options to comment remotely in advance, during the meeting via Zoom by writing "I wish to comment" in the chat feature, or via phone by typing \*9 to raise your hand. You will be recognized to speak at the appropriate time during the agenda items.

**5:30 PM: CALL TO ORDER IN REMOTE OPEN SESSION**

- 1) Call to order and roll call.
- 2) Consent Agenda. The Consent Agenda reflects those agenda items with prior policy approval from the Board and/or are administrative matters. Unless any item is specifically removed by a member of the Board, staff, or public in attendance, the Consent Agenda will be adopted by one motion.
  - a) Approve minutes of September 10, 2020.
  - b) Approve Resolution accepting \$46,634 from the State of California Division of Boating and Waterways Boating Safety and Enforcement Equipment Grant Program.
- 3) Information Item: Presentation on Community Efforts.
- 4) Presentation of the stakeholder engagement plan for the Richardson's Bay Eelgrass Protection and Management Plan by Rebecca Schwartz Lesberg, Coastal Policy Solutions. Staff recommendation: Receive presentation on progress and provide feedback.
- 5) Open time for public expression. Members of the public are welcome to address the Board for up to three minutes per speaker on matters not on the agenda. Under the state Brown Act, Board members may not deliberate or take action on items not on the agenda, and generally only may listen.
- 6) Reports/comments: a) Staff updates; b) Board Member matters.
- 7) Adjourn.

# **RICHARDSON'S BAY REGIONAL AGENCY**

**DRAFT MINUTES OF SEPTEMBER 10, 2020**

**Board of Directors Meeting**

**HELD REMOTELY VIA ZOOM**

## **4:30 PM: CALL TO ORDER IN REMOTE OPEN SESSION**

**MEMBERS PRESENT:** Jim Wickham, Chair (Mill Valley), Kathrin Sears (Marin County), Claire McAuliffe (Belvedere; David Kulik (Tiburon)

**STAFF:** Curtis Havel, Harbormaster; Jenna Brady, legal counsel

## **ADJOURN TO CLOSED SESSION:**

### **1) CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION**

Deciding to initiate litigation pursuant to California Government Code section 54956.9(d)(4)

Number of Potential Cases: Three

### **2) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to California Government Code §

54956.9(d)(2). Number of potential case(s): One.

## **5:30 PM: RECONVENE IN REMOTE OPEN SESSION**

Harbormaster Havel explained how the public would be able to speak on agenda items via the Zoom platform.

### **1. Call to order and roll call.**

**MEMBERS PRESENT:** Jim Wickham, Chair (Mill Valley), Kathrin Sears (Marin County), Claire McAuliffe (Belvedere; David Kulik (Tiburon)

**STAFF:** Curtis Havel, Harbormaster

### **2. Consent Agenda.**

a) Approve minutes of June 11, 2020.

b) Approve an updated Professional Services Agreement with the County of Marin for the hiring of a full-time Assistant Harbormaster position.

M/S, McAuliffe/Sears, to approve the Consent Agenda. Motion passed unanimously.

### **3. Information Item: Presentation on Community Efforts.**

There were no updates.

### **4. Richardson's Bay Anchorage Transition Plan progress report.**

Harbormaster Havel presented the staff report.

Public comments were received from: Robert Atkinson; Douglas Storms, Richardson's Bay Special Anchorage Association; Robbie Powelson; John Burke, precinct 031235c; Jeff Jacobs; Skip, mariner; Daryl Anderson, mariner on Richardson's Bay; Peter Glaser, mariner; Peter Romanowsky; Richard Dreamweaver; Eva; Charlene Elden; Sabrina S.; Elias, environmental scientist; Rinn; Uke Johnson, Sausalito resident and sailor; Casey Arndt, Audubon Sanctuary

Center Director/Audubon California; Barbara Salzman, Marin Audubon Society; Logan; Lucca; Zada Jackson Mays; George; Robert Roark.

Comments summary:

- Objected to continued tolerance of derelict vessels; need a sunset date and resettlement options; supportive of the Harbormaster's character and more support for his position.
- Difficulties of accessing by Zoom, which hinders public's ability to comment
- There is a reason why only eight people enrolled; there are about 13 people who have been in the anchorage who were not included in the census, which needs to be rectified.
- People want to be able to swap out their old vessel for one in better condition.
- Mediation is going to be needed with RBRA representatives beyond Curtis and with members of the anchorage, as there are details that have to be worked out, and there have been no concessions from RBRA.
- There are about 30 people outside the Sausalito Library, including some unable to get onto Zoom.
- There is disparity between what the harbormaster is saying and doing on the bay; we are going to hold you all accountable, we're going to bring you the voice of the people; October 15 is not going to be a new norm where RBRA can do whatever it wants.
- Wants a log of the harbormaster's activities presented within 24 hours.
- The anchorage is still here despite efforts to take it down; everything that happens on land goes down into the sea; the anchorage accepts new people; the RBRA rules are beyond the Coast Guard requirements; with only \$100 every boat in the anchorage could be seaworthy; urged giving grants to fix boats; do not see places on shore for people on the anchorage to inhabit; we are willing to have a dialogue of equals, and not live under the gun anymore.
- The harbormaster is giving us ten-day and three-day notices when our boats are our houses; how can I swap my boat for one that meets the requirements and not have it be crushed; had a boat crushed and questioned that it was legal to do so.
- Questioned harbormaster's credentials to take action on what they considered to be international waters and a sanctuary; RBRA is out of its jurisdiction on the bay; if someone comes to them under the right credentials on a federal level maybe they would listen more; can't just sweep poor people under the carpet; RBRA a vehicle for the rich, it is coming at it from an elitist financial aspect that is the wrong approach.
- Do not recognize RBRA's authority in a federal anchorage; all we ask is that we continue to be allowed to be out here as we have been for decades, including allowing new people.
- My ancestry goes back in working with mariners, inherited this mantle, lived out here longer than anyone, have signed up for HUD housing and is willing to give up title as longest mariner on San Francisco Bay for housing, this is the last free place in the world.
- Don't push me to a contract, you won't like me then.
- Can understand reluctance of mariners about coming ashore given the affordable housing crisis and sense of instability; question how it is going to be possible to house people; have to

explain how this is going to work in the absence of a market economy that makes any place for them. They have taken on the burden of sheltering themselves - many of them with little cost to the rest of society. With respect to pollution, the biggest polluters have been the local sewer systems dumping raw sewage into the bay with puts what is reported about mariners into perspective.

- People are constitutionally allowed to live there; seeing a lot of bullying, realize a lot of wealthy people do not like people living on the bay, this is happening during a pandemic and wildfires, this is all an illusion of power that needs to be given up, need to learn to live and let live; saying this out of fear of violent retaliation, not a time to kick people out of their homes.
- Lifelong Marin resident, questions where is everyone's humanity by taking boats, putting people in grave and desperate situations.
- Support the anchorout community, consider damage doing to peoples' lives by forcing them out of their homes where they are dependent on scant social services and living lives of despair. With background in environmental science can say that these anchorouts pose such a miniscule risk to the environment of the bay.
- Want to amplify what others have said about the concept of humanity being lost, making decisions about people with less privilege.
- Should be more amicable communication and negotiation among the parties.
- Audubon California supports much of the transition plan, wants to offer its expertise, urged establishing a sunset date to encourage mariners to apply to safe & seaworthy program and give assurance to conservation organizations. Consider COVID-19, treat people on the bay with respect and dignity; want to participate and collaborate on the eelgrass management efforts; appreciate all the details in the safe and seaworthy program for legacy mariners; Audubon will continue to support outreach efforts through the use of their boat for social services workers when it is safe to do so.
- The harbormaster has done an excellent job, he is a very honest and reputable person; Audubon Society supports protecting the bay, urge continuing efforts to help people move off the bay, and pay attention to BCDC's requirement to establish a five-year sunset.
- Expecting people to go into random housing does not sound practical, people out there live a different lifestyle than how people on land live, hope people will be allowed to stay out there, their impact is a lot less than other people, you could help them stay instead of trying to move them along.
- People are not all going to get into housing, at least anchorouts have a place to stay, should be helping them instead.
- Housing is extremely difficult to acquire, displacing more people is harmful and careless, it is elitist rhetoric to blame people on the bay for pollution.
- Wants a check for \$6,000 for a boat he had brought in that was crushed; he was a disabled Teamster, Sausalito tourists like seeing the boats; and he will organize a teamster picket when the pandemic conditions improve.
- Objected to closure of dock at Gallilee Harbor, said it was not lawful, urged people to file claims about it; objected to wealthy people looking down on them.

Harbormaster Havel addressed issues that were raised with clarifications on the safe and seaworthy program, and his sincere hope that people make their boats seaworthy and safe. He noted that any requests to swap out of a vessel would rely on the new vessel meeting all the requirements, the work underway to acquire additional housing, and only unoccupied boats have been removed after proper noticing. Richardson's Bay is a temporary anchorage not a marina, and being on a boat comes with the responsibility to keep it safe for themselves, other people, and the environment.

Board members noted the importance of safety, the hazards that arise when people – especially those without mariner experience - are on unseaworthy boats, saluted the harbormaster and those involved in trying to make things better; the impacts from boats hitting on the homes on shore during storms; the difficulties during COVID and balancing of issues, the coffees and communications that have taken place between Board members and mariners in the development of the transition plan; and the importance of moving forward with it and taking action on it amidst all the issues; thanked people for their comments.

#### **5. Open time for public expression.**

Eva: There is economic disparity between the mariners and those involved in RBRA; agree that pollution needs to be addressed, but there have been hundreds of thousands to millions of raw sewage from sanitary districts dumped into the bay in comparison to a small amount from mariners and undue blame on the poor. There is a huge economic security and disparity between generations, and there is tone deafness by those in power.

Douglas Storms, RBSAA, was saddened about the loss of communication between RBRA and the mariners and it needs to be restored, legal action will be taken that could be avoided if they can work together, and they are unable to complete the burgee system when under duress.

Robbie Powelson said the real problem is housing segregation and classism, police violence, and inequities in the community, and blaming people on the anchorage for the inequity.

#### **6. Reports/comments:**

a) Staff updates: There is a berth available at Galilee Harbor for a boat that meets their requirements; free COVID testing is occurring September 11 & 18 at Marinship Park; and County will advertise for Assistant Harbormaster position. b) Board Member matters: None.

#### **7. Adjournment**

The meeting was adjourned at 7:35 pm.

# RICHARDSON'S BAY REGIONAL AGENCY

## STAFF REPORT

For the meeting of October 8, 2020

**To:** RBRA Board of Directors

**From:** Curtis Havel, Harbormaster

**Subject:** Resolution 08-20 Accepting Boating Safety and Enforcement Equipment Grant (BSEE) funds from the State of California Division of Boating and Waterways

**STAFF RECOMMENDATION:**

Approve Resolution approving acceptance of \$46,634.00 from the BSEE 20-21 grant program.

**BACKGROUND:**

The RBRA applied for and is eligible to utilize \$46,634.00 in funding from the California Division of Boating and Waterways for use in the Boating Safety and Enforcement Equipment Grant (BSEE) 2020/21 Program for use through September 30, 2021. The attached Resolution is the formal acceptance of these funds.

**DISCUSSION:**

The BSEE funding process will enable long overdue maintenance on the "Mudpuppy" (the RBRA's patrol vessel). Once executed, funds will be available for the repowering of the Mudpuppy, replacement of antiquated electronics on the vessel, repair of worn gear such as hatches and winches, and investment in safety equipment for staff.

**FINANCIAL IMPACT:**

Staff time is required to make arrangements for contractors to perform work on the vessel. Otherwise, none.

**NEXT STEPS:**

Upon Board approval, staff will finalize the steps to receive the funds and utilize them for their intended purposes.

**Attach:**

Draft Resolution 08-20

# RICHARDSON'S BAY REGIONAL AGENCY

## RESOLUTION NUMBER 08-20

### OF THE RICHARDSON'S BAY REGIONAL AGENCY

APPROVING THE ACCEPTANCE OF GRANT FUNDS FROM THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, FOR THE AMOUNT OF \$46,634.00 TO BE USED FOR THE BOATING SAFETY AND ENFORCEMENT EQUIPMENT GRANT PROGRAM (FY 2020/21)

WHEREAS, the California State Department of Parks and Recreation, Division of Boating and Waterways Boating Safety provides grants to local government agencies to purchase boating safety and law enforcement equipment through the Boating Safety and Enforcement Equipment Grant Program (BSEE); and

WHEREAS, the California State Department of Parks and Recreation, Division of Boating and Waterways has accepted RBRA's application request for \$46,634.00, for the repowering, repair and maintenance of the RBRA's patrol vessel, and acquisition of safety equipment for use by staff both on the water and in the office; and

WHEREAS, these funds will be available with a term from the date fully executed through September 30, 2021; and

WHEREAS, the RBRA Harbormaster (Curtis Havel or designee) and/or Assistant Harbormaster (to be named) are authorized to execute this agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Richardson's Bay Regional Agency by adoption of this resolution hereby accepts Grant Contract Number C20L0618 in the amount of \$46,634.00 from the California State Department of Parks and Recreation, Division of Boating and Waterways.

PASSED AND ADOPTED by the Board of the Richardson's Bay Regional Agency on October 8, 2020.

CERTIFICATION:

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Jim Wickham – Richardson's Bay Regional Agency Board Chair



October 1, 2020

Board of Directors  
Richardson Bay Regional Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903-4157

*via email to chavel@marincounty.org*

Re: Update on consultant services to launch Richardson's Bay Regional Agency (RBRA) eelgrass protection measures as outlined in the Agency's Transition Plan

Dear RBRA Board of Directors,

In July 2020, I was retained by RBRA Harbormaster Havel to provide consultant services for launching the Agency's updated efforts to protect and manage eelgrass within its jurisdictional waters. These efforts are in fulfillment of the RBRA June 2020 Transition Plan's Policy Direction 5, summarized below:

Policy Direction 5: "**Working with agencies, organizations, and other stakeholders, develop eelgrass protection measures and consider specific eelgrass restoration funding and projects:**

...The approach for RBRA's development of a restoration plan relies on a combination of research, replanting, and natural restoration and expansion in the most eelgrass-friendly habitats of the bay.

Accordingly, the protection and restoration measures RBRA will consider as part of its transition are:

1. The potential designation of up to four zones in Richardson's Bay for varying levels of vessel usage and eelgrass restoration and protection ...
2. Work with organizations and agencies that support eelgrass preservation and protection to seek grant funding and other support to conduct proposed eelgrass research, protection, and restoration work in Richardson's Bay."

In support of item two above, the following activities were completed:

- **Letter of Intent (LOI) drafted and submitted to the Nation Estuary Program's Coastal Watersheds Grant Program**, including narrative writing, budget development, and partner coordination. The LOI outlined a project to fund what we called "Phase 1" of RBRA's Eelgrass Protection and Management Plan, which is being developed this fall.
  - This was an incredibly competitive grant opportunity and we were recently notified that the LOI was unfortunately not selected for further consideration.
- **NOAA Marine Debris FY21 LOI drafted and submitted**, including narrative writing, budget development, and partner coordination. This LOI outlined a project to continue funding support for the removal of abandoned and derelict vessels in Richardson's Bay, with matching funds from the California Department of Boating and Waterway's Surrendered and Abandoned Vessel Exchange (SAVE) Program. The expected notice date in response to the LOI is Monday, October 5 and will be reported on in person at the October 8 RBRA meeting.
- **LOI drafted and submitted to the Ocean Protection Council's Proposition 68 solicitation for coastal resilience projects in California**. This was essentially a repurposed submittal from the National Estuary Program proposal, with updated language to highlight the project's connections to OPC's Strategic Plan. Harbormaster Havel and I participated in a pre-proposal consultation with OPC Senior Program Manager

Dr. Justine Kimball who expressed strong preliminary support for the project. Responses to LOI are expected in early October.

In support of item one above, the following activities are underway:

- Working with Harbormaster Havel and former RBRA Executive Director Pollard, we determined the best way to fulfill the spirit of Policy Direction 5 and Item 1 (“The potential designation of up to four zones in Richardson’s Bay for varying levels of vessel usage and eelgrass restoration and protection”) is with the development of an Eelgrass Protection and Management Plan that uses a marine spatial planning approach to identify locations for allowable uses within the Richardson’s Bay anchorage. This EPMP will utilize the results from Merkel & Associates’ 2019 Ecologically-based Mooring Study, as well as stakeholder input and guidance from relevant state and federal regulatory documents.
- The first step in the development of the EPMP is stakeholder engagement. This will allow us to collect early feedback on the EPMP development process as well as input regarding where and how various allowable uses (e.g., 72-hour visitation anchoring, 30-day permit anchoring, recreational boating, kayaking/standup paddleboarding, etc.) can be best accommodated within the RBRA anchorage while providing maximum protection for natural resources.
- Stakeholder engagement will be conducted as follows:
  - Several small (5-10 person) listening sessions will be held via Zoom with targeted members of regulatory and resource agencies, community leaders, environmental groups, and eelgrass scientists.
  - Outdoor, open-attendance, socially-distanced drawing sessions will be held in person to provide a tech-free opportunity for members of the community to provide their input. Blank maps of Richardson’s Bay and drawing materials will be provided so community members can capture and submit their suggestions for where various allowable uses should be accommodated for in the bay. Our goal is for these sessions to tap into the deep knowledge that the mariner community have about boating and anchoring on Richardson’s Bay. The day, time, and location of these sessions will be posted on the RBRA website and social media as well as announced directly to anyone who provides an email address during the October 8 RBRA meeting.
- Stakeholder feedback will be compiled and used to develop an initial draft EPMP, which will be presented at the November 12 RBRA meeting. Based on feedback received at that meeting, an updated draft EPMP will be presented at the December 23 RBRA meeting for final input. The initial and updated draft EPMP are also planned to be presented to the Bay Conservation and Development Commission’s Enforcement Committee meetings this fall.
- The final deliverable for this contract is the updated draft EPMP delivered to the RBRA Board of Directors on December 23, but this may be amended if additional efforts are needed.

I look forward to conducting the efforts described above and I will be available to answer questions at the October 8 RBRA meeting. Thank you very much.

Sincerely,



Rebecca Schwartz Lesberg  
President  
Coastal Policy Solutions