

# RICHARDSON'S BAY REGIONAL AGENCY

## STAFF REPORT

For the meeting of December 9, 2021

**To:** Board of Directors  
**From:** Steve McGrath, Interim Executive Director  
**Subject:** **Bay Conservation and Development Commission (BCDC) Settlement Agreement: Establishment of 15-20 Moorings**

### STAFF RECOMMENDATION

Staff recommends that:

- 1 Chair Moulton-Peters establishes and populates a limited term (ad-hoc) committee of this Board to coordinate with staff on the development of a time-limited (October 15, 2026) mooring field of 15 – 20 moorings, as proscribed in the Settlement Agreement (SA) with BCDC.
- 2 This Board direct staff to informally seek (a) proposal(s) for design, engineering, environmental analysis, and construction and bidding documents for the development of said mooring field and return to this Board at a future date for approval of a contract with the recommended firm.

### ALTERNATIVES CONSIDERED:

This Board may consider engaging with BCDC to change the terms of the SA. This effort, if desired, should occur concurrently with the effort to implement the SA. To delay the implementation of the mooring field until after any such effort would preclude compliance with SA, should such an effort be unsuccessful.

### SUMMARY:

In August 2021, this Agency entered into a Settlement Agreement (SA) with the Bay Conservation and Development Commission (BCDC). The Agreement detailed a five year plan for the implementation of the provisions of the Richardson Bay Special Area Plan (1984) with specific regard to anchor-outs and houseboats.

Section 6 of the Agreement states in part:

**Temporary Use of Moorings.** By December 15, 2022, RBRA will install in its anchoring zone (outside of its Eelgrass Protection Zone) approximately 15 to 20 moorings such as those described in RBRA's Ecologically-based Mooring Feasibility Assessment and Planning Study.

To meet the deadline of December 15, 2022, certain steps are involved, as follows, and should begin now:

1. Mooring Plan: Determine vessel sizes, number of moorings (15-20), type of mooring (helical/dead weight), mooring specifications, location, scope, spacing and GPS based plan. Review and update 2019 Merkel study: 'Ecologically Based Mooring Study' (attached);
2. National Environmental Protection Act (NEPA) and California Environmental Quality Act (CEQA) review and analysis;
3. Obtain other entitlements or approvals as necessary. No additional approval is required from BCDC, per the SA, unless there is a desire on the part of RBRA to continue the use of the moorings beyond October 15, 2026;
4. Develop policy/code to address the issues raised in development and implementation of the mooring field;
5. Issue an Invitation to Bid for the provision and installation of moorings;
6. Award contract and install moorings;
7. Meet compliance deadline – 12/15/2022

RBRA will ensure opportunities for public input during the initial stages, especially related to siting of the mooring field.

Should this Board concur with staff recommendations, staff will return to this Board at the earliest possible opportunity with a recommendation for a qualified consultant to develop the plan, see the plan through entitlements and manage and monitor the bidding and construction process.

**FISCAL IMPACT:**

To be determined. There will be costs associated with development of the plan, entitlements and installation of the moorings. There will be associated staff time.

Attachments:

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| Attachment 1 | BCDC RBRA Settlement Agreement (without attachments) |
| Attachment 2 | Ecologically Based Mooring Study (Merkel, 2019)      |