

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of January 13, 2022

To: Board of Directors
From: Steve McGrath, Interim Executive Director
Subject: Settlement Agreement Priorities for 2022

STAFF RECOMMENDATION:

Motion: Approve staff recommendations for 2022 priorities for compliance with the Settlement Agreement, as may be amended.

DISCUSSION:

In August of 2021, the RBRA entered into a Settlement Agreement (SA) with the Bay Conservation and Development Commission (BCDC). This SA requires RBRA to complete certain actions by certain dates. The eventual goal of the BCDC Agreement is an anchorage that complies with all existing RBRA regulations, with vessels remaining for no longer than 72 hours outside of the Eelgrass Protection Zone.

There are different categories of vessels on the water, and different deadlines within the SA:

Description	Due Date
Remove all unoccupied marine debris	10/15/2021
Finalize EPMP	12/15/2021
No new vessels in EPZ	12/15/2021
Seek any necessary federal action (60 days after final EPMP)	2/13/2022
Install 15 – 20 moorings in anchor zone	12/15/2022
Initiate eelgrass restoration studies	12/31/2022
Remove all post 8/19 vessels	10/15/2023
Remove all floating homes off Waldo Point	10/15/2023
Complete admin actions, update ordinances	12/15/2023
Begin implementation of 10 year plan	12/15/2023
No vessels in EPZ	10/15/2024
Remove all occupied non 'Safe and Seaworthy'	10/15/2024
Apply for mooring permit from BCDC	10/15/2026
Only seaworthy vessels in anchor zone	10/15/2026
Removing all vessels and occupants	10/15/2026
Remove all pre 8/19 vessels	10/15/2026
Remove all occupied 'Safe and Seaworthy'	10/15/2026

To the greatest extent possible RBRA will prioritize our actions on minimizing the impact on individuals, but this will become progressively more difficult as we approach the end of 2026.

Consequently, staff recommends the following priorities for 2022:

- 1 No new vessels in the anchorage. This will be the first priority every year going forward;
- 2 Removal of marine debris and environmental or navigational hazards;
- 3 Installation of the mandated mooring field of “15-20” moorings;
- 4 Removal of non-primary vessels owned and controlled by a single individual. This does not include necessary skiffs and will not impact an individual’s residence. This will advance the goal mandated by BCDC of removing all vessels by October 15, 2026;
- 5 Commence the removal of those vessels not on the anchorage prior to August 2019 (19), and floating homes (4). These are all required to be removed by October 15, 2023. It is not reasonable to expect that all such removals will take place at the very last minute; that would be difficult and disruptive. RBRA will work with any individual to develop a creative and practical solution to accomplishing this goal.
- 6 Vessels existing on the anchorage prior to August 2019 and vessels enrolled in the ‘Safe and Seaworthy’ program are currently the lowest priority for enforcement action, unless they become environmental or navigational hazards.
- 7 Update local, state and federal regulations (RBRA Code of Ordinances, RBRA Code consistency with member agencies, Code of Federal Regulations) as may be necessary for implementation of the Eelgrass Protection & Management Plan, and other terms of the SA.

Staff recommends that this Board review and approve the priorities outlined above, as may be amended based on Board discussion and public input.

FISCAL IMPACT:

Unknown at this time. Item 3 above will have significant cost, and staff is in the process of determining what those costs may be. Other programs may become available to facilitate the priorities above, and staff is always seeking creative solutions to accomplishing the requirements of the Agreement with the least disruption to and most cooperation of the individuals on the water.