

Richardson's Bay Regional Agency Transition Plan 2.0 2022

Background:

On June 11, 2020, the Board of Directors of the Richardson's Bay Regional Agency adopted a Transition Plan to guide future actions of the agency. Such actions have included adoption of an Eelgrass Protection and Management Plan, execution of a settlement agreement with the Bay Conservation & Development Commission (BCDC), support of efforts to engage vessel occupants on relocating to safe housing, and development of a staffing plan to fulfill the Agency's mission. Since adoption of the plan, the number of anchored vessels has diminished to fewer than 80 vessels.

The Plan's Transition Vision, Transition Principles, and its Transition Goal of a safe, healthy, and well-managed Richardson's Bay are still valid for the agency's work going forward. Progress on the Transition Plan's Policy Direction is summarized below:

Transition Policy Direction:

- 1) Maintain existing enforcement priorities for unoccupied vessels and time limits on incoming vessels, including required notifications and removal: *Unoccupied vessels and time limits on new vessels remain a priority.*
- 2) Implement a "Safe & Seaworthy" program available to vessels identified in the August 2019 anchorage census performed by the Marin County Sheriff's Office, to enable a discretionary legacy designation for vessels meeting existing RBRA regulations, and State and Federal regulations, allowing deferred enforcement of time limits: *Owners/occupants of vessels identified in the Sheriff's survey were notified in 2020 of the requirements and timeline for enrollment in the Safe & Seaworthy program. A total of 17 vessels enrolled in the program; as of February 1, 2022, 14 enrolled vessels remain on the bay. Vessels enrolled in the Safe & Seaworthy program are in the lowest tier of enforcement priority, with the further extended timeline for eligibility to remain on the bay until October 15, 2026.*
- 3) Connect persons living on vessels with outreach agencies and organizations for assistance with finding alternative housing and encourage expansion of housing opportunities. *Marin County Health and Human Services awarded a grant to the Downtown Streets Team to staff efforts to connect persons on vessels with housing on land; this work is underway. Additionally, staff is researching opportunities and funding for incentive programs to remove vessels from the bay, and capacity building for dock/slip space in existing marinas.*
- 4) Set a sunset date by which occupied vessels with extended stays will not be allowed in Richardson's Bay. *RBRA set a sunset date of October 15, 2026 - after which no vessels will be*

allowed to anchor beyond authorized time limits, through its settlement agreement with BCDC.

- 5) Working with agencies, organizations, and other stakeholders, develop eelgrass protection measures and consider specific eelgrass restoration funding and projects. *With outreach to and involvement of stakeholders, RBRA developed, adopted, and is implementing an Eelgrass Protection and Management Plan (EPMP). A primary feature of the EPMP is that it establishes an Eelgrass Protection Zone, in which vessels are not allowed to anchor. Additionally, with the inclusion of stakeholders, RBRA has applied to the San Francisco Bay Restoration Authority for a grant to actively restore eelgrass in Richardson's Bay.*

Transition Plan 2.0 Purpose and Direction:

For 2022 and beyond, Transition Plan 2.0 refines RBRA's policy direction, with the addition of more targeted goals and establishment of objectives and strategies, with illustrative strategic elements. This direction will guide staff priorities, tactics and actions in accomplishing RBRA's work program.

Transition Plan 2.0 is crafted in three distinct and overlapping policy categories: **Eelgrass Habitat, Safe Housing, and Vessel Enforcement**. In addition to goals, objectives, strategies and strategic elements, each category references the resources currently identified as necessary to accomplish the goals.

Transition Plan 2.0 – Eelgrass Habitat

GOAL:

Healthy and robust eelgrass beds in Richardson’s Bay.

OBJECTIVES:

1. Protection of eelgrass beds against damage from anchor scour.
2. Development and implementation of a phased, collaborative, and adaptive approach to eelgrass habitat restoration.

STRATEGIES:

1. Implement the Eelgrass Protection & Management Plan adopted by RBRA on August 12, 2021, which provides for an Eelgrass Protection Zone/no anchoring area separated by an established boundary from an authorized Anchorage Area.
2. Collaborate with partners to seek grant funding for preparation and implementation of a 10-year Adaptive Restoration Management Plan for eelgrass habitat.
3. Collaborate with partners to monitor/survey eelgrass and wildlife resources (e.g., waterbirds) to evaluate effectiveness of restoration and protection efforts, followed by updates/changes to plans as needed to meet habitat and wildlife goals.

STRATEGIC ELEMENTS:

1. Implement the Eelgrass Protection & Management Plan (EPMP) that provides for an Eelgrass Protection Zone/no anchoring area (EPZ) separate from an authorized Anchorage Area.
 - a. Codify the establishment of the EPZ through RBRA ordinance adoption; coordinate with the United States Coast Guard to update the Code of Federal Regulations, if necessary, and US Nautical Navigation Charts 18649 and 18653 and United State Coast Pilot 7 to reflect boundaries and related information pertaining to the EPZ and the Anchorage Area. Complete by December 15, 2023.
 - b. Conduct educational outreach and place signage to inform the public about the boundaries, regulations, and purpose of the EPZ and the importance of eelgrass. Note that most of the EPZ is five feet deep or less in low tide, which is a shallow depth for visiting vessels - especially for sailboats with keels. In addition to signage at relevant locations along the Sausalito shoreline (with the cooperation of the City of Sausalito and landowners), consider installation of a hard piling or marker at the southern tip of the Richardson Bay Audubon Society, marked appropriately for visibility from Day Marker Four.
 - c. Prohibit and enforce against new vessels anchoring in the EPZ for any period of time, upon promulgation of the EPZ regulations. No permission shall be granted for anchoring in the EPZ.
 - d. Place up to 20 moorings in the revised Anchorage Area outside the EPZ; complete by December 15, 2022.

- e. Encourage vessels enrolled in RBRA's Safe & Seaworthy Program, and other eligible vessels to relocate from the EPZ to the new RBRA moorings. (See Vessel Enforcement)
- f. Other than RBRA moorings, allow only standard removable marine equipment to be utilized as ground tackle for vessels anchoring in the anchoring zone (i.e. no individual mooring placement)

2. Collaborate with partners to seek grant funding for preparation and implementation of a 10-year Adaptive Restoration Management Plan (ARMP) for eelgrass habitat.

- a. Be on active watch for grant opportunities for which preparation and implementation of an ARMP may be eligible for funding.
- b. Collaborate with organizations and agencies with shared interests in eelgrass protection and growth to support and submit grant applications to prepare and implement an ARMP.
- c. Identify local, regional, state, and/or federal resources to supply any needed funding support for preparing and implementing an ARMP.
- d. Secure research study data on restoration scenarios to inform the ARMP, with scenarios including passive (no intervention) restoration of scour pits; restoring the bay bottom grade of scour pits by adding clean dredged sediment without planting eelgrass; planting eelgrass in scour pits without first restoring the bay bottom grade of scour pits; and planting in scour pits after restoring the bay bottom grade of scour pits by adding clean dredged sediment.
- e. Upon securing funding, prepare, adopt, and implement an ARMP for eelgrass restoration that will be consistent with the San Francisco Bay Plan & the Richardson's Bay Special Area Plan, that will incorporate the best available science on eelgrass habitat restoration and the California Eelgrass Management Plan (CEMP), and outcomes from restoration study scenarios. Complete ARMP development and begin implementation by December 15, 2023.

3. Collaborate with partners to monitor/survey eelgrass and wildlife resources (e.g., waterbirds) to evaluate effectiveness of restoration and protection efforts, followed by updates/changes to plans as needed to meet habitat and wildlife goals.

- a. With the support of 2021 grant funding from the Ocean Protection Council (OPC), conduct baseline and seasonal UAV (drone) waterbird monitoring, perform an aerial eelgrass survey to document changes to anchor scour, and conduct an eelgrass bathymetric survey.
- b. Obtain available data and information from organizations, agencies and others performing bay habitat, wildlife and related resource monitoring and survey work.
- c. Pending availability of funding, conduct monitoring and surveying of eelgrass habitat pursuant to the EPMP; consider revising the boundaries of the EPZ if warranted by monitoring and surveying.
- d. Incorporate findings from monitoring and surveying into the Adaptive Restoration Management Plan, through amendments as warranted.
- e. After RBRA placement of moorings in the anchoring zone, monitor them to evaluate their effectiveness at protecting subtidal resources and securing vessels

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Resource Needs Identified To Date:

- Legal counsel to update ordinances
- Staff time to update federal regulations/mapping
- Continued use of the 2021 Proposition 68 Coastal Resilience Grant from the Ocean Protection Council to support implementation of the EPMP exclusive of water quality monitoring and installation of signage.
- Install approximately 15 to 20 moorings: Est. \$ \$225,000 + staff time
- Prepare the Adaptive Restoration Management Plan (ARMP): Est. ~\$100,000
- Implement the ARMP, including monitoring, surveying, research, and revisions: Est. ~\$8,000,000
- Staff and/or consultant time to manage preparation, implementation, monitoring, and adaptation of the ARMP and related initiatives

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Transition Plan 2.0 – Safe Housing

GOALS:

1. All willing and eligible vessel occupants have an opportunity to relocate into safe housing within the timeframes for vessel departure/removal under the BCDC settlement agreement.
2. RBRA obtains sufficient information from others to meet its reporting requirements under the BCDC settlement agreement.

OBJECTIVES:

1. Occupants on all vessels are provided with information on how to connect with available resources and opportunities to assist in their relocation off the anchorage.
2. All willing vessel occupants are assessed for eligibility to relocate to land-based housing or to a liveaboard marina slip.
3. Vessel occupants relocate off Richardson’s Bay within the timeframes of the BCDC settlement agreement for departure or removal of vessels from the bay.
4. No additional vessels settle into Richardson’s Bay.
5. RBRA complies with quarterly reporting to BCDC on status of housing relocation as it relates to vessel departure/removal - without compromising relocation efforts

STRATEGIES:

1. Obtain a determination of housing needs of vessel occupants, their potential for eligibility in meeting housing/marina slip criteria, and their interest in pursuing housing
2. Evaluate current and planned capacity and feasibility for meeting housing needs
3. Expand number of available liveaboard marina slips and vessels’ ability to meet marina requirements
4. Expand capacity in land-based housing for vessel occupants
5. Encourage vessel occupants’ cooperation with pursuing and realizing relocation to safe housing within vessel departure/removal deadlines in the Bay Conservation & Development Commission (BCDC) settlement agreement
6. Establish means for RBRA to secure and report housing data/information to BCDC as required, without compromising confidentiality, relationships, and trust
7. Identify or develop funding for continued housing support beyond placement

STRATEGIC ELEMENTS:

1. Obtain a determination of housing needs of vessel occupants, their potential for eligibility in meeting housing/marina slip criteria, and their interest in pursuing housing
 - a. Seek the contact of all vessels/occupants for Coordinated Entry assessment, noting repeated decliners
 - b. See that low-income eligibility criteria are established for the 20 liveaboard marina slips authorized in a temporary and conditional policy of the Bay Conservation & Development Commission (BCDC)
 - c. Pursue the identification of the type of housing options for which each set of vessel occupants are currently eligible or could become eligible.

- d. Obtain an evaluation of the level of interest in pursuing housing, noting impediments when known
 - e. Create an aggregate summary dashboard reflecting the above information
2. Evaluate current and planned capacity and feasibility for meeting housing needs
 - a. Identify number of vessels whose occupants are willing and eligible to be housed with current and planned inventory
 - b. Contact marina operators to ascertain interest and availability in expanding liveaboard slip availability to eligible vessels or their occupants, pursuant to BCDC's temporary and conditional policy
 - c. Obtain estimates of housing supply applicable to vessels' population in the pipeline in next five years (based on estimated funding, property owner/developer interest, legislation, ability to obtain local government approval, etc.)
 - d. Obtain the comparison of the estimated housing supply to vessel occupants' eligibility in order to estimate viability for placement in next five years
 - e. Identify gaps between availability and needs in type, number, and any other characteristics
3. Expand number of available liveaboard marina slips and vessels' ability to meet marina requirements
 - a. With partner agencies and organizations, seek funding sources to support liveaboard marina slip fees, vessel insurance, and supportive services.
 - b. Urge marina owners to make liveaboard slips available per BCDC provisions
 - c. Investigate potential for addition of dock/slip space in existing marinas
 - d. Identify obstacles to marina or occupants' interest, and seek ways to address/resolve
 - e. Through vessel improvements or replacement, encourage vessels to meet safe & seaworthy criteria for acquiring a liveaboard marina slip
4. Expand capacity in land-based housing for vessel occupants
 - a. Urge acquisition and development of supportive housing in jurisdictions in Southern Marin (city councils, property owners, Housing Authority, etc.)
 - b. Engage with State officials to urge additional funding, legislation and other State cooperation for supportive housing and other housing/services
 - c. Identify and pursue any other federal, state, regional, or philanthropic funding sources to fulfill housing placement needs
5. Encourage vessel occupants' cooperation with pursuing and realizing safe housing within vessel departure/removal deadlines in the BCDC settlement agreement
 - a. Ascertain from County HHS the feasibility and pathway to ensuring continued outreach services until objectives are met or October 2026, whichever comes first
 - b. Identify additional strategies to assist vessel occupants in transitioning to safe housing

- c. Consider developing strategies to incentivize vessel occupants to pursue relocation and/or to disincentivize vessel occupants to refuse to cooperate with relocation assistance
6. Establish means for RBRA to secure and report housing data/information to BCDC as required, without compromising confidentiality, relationships and trust
 - a. Designate the appropriate source of non-confidential vessel occupant housing data and information required for reporting, such as aggregate data and non-identifying information.
 - b. Ensure that RBRA and partner agencies/organizations protect confidential data and information on vessel occupants from public disclosure by establishing protocols/requirements for data storage and communication
 7. Identify or develop funding for continued housing support beyond placement
 - a. Seek collaboration and support from governmental and non-profit agencies for longer-term housing subsidies and services resources.

Resource Needs Identified to Date:

- Marin County Health & Human Services support
- Downtown Streets Team – outreach and management
- Subsidized/supportive housing units
- Subsidized/supportive services
- Supportive services for liveaboard marina slip occupants
- Improvements to vessel conditions/replacement for slip placement
- Liveaboard marina slip fees
- Staff time to support safe housing relocation strategies

BCDC Housing Reporting Requirements

RBRA will provide quarterly reports to BCDC to include non-confidential information received from outreach agencies, organizations and local entities that RBRA is collaborating with related to shelter and housing opportunities and the status of housing efforts as it relates to removing all vessels described in this agreement and their occupants from Richardson Bay by October 15, 2026.

TRANSITION PLAN 2.0 – VESSEL ENFORCEMENT

GOALS:

1. Avoid injury or death of persons on the bay or along the shoreline.
2. Involve relevant agencies/organizations to provide case management and housing as necessary and appropriate.
3. Protect bay habitat and prevent vessel-related waste and debris from polluting bay waters.
4. Minimize the risk and hazards of vessels running adrift, running aground, or sinking.
5. Prevent new vessels from staying on Richardson’s Bay beyond authorized time limits.
6. Ensure that vessels depart or are removed from the Eelgrass Protection Zone and from Richardson’s Bay within the timelines set under the settlement agreement with the Bay Conservation & Development Commission (BCDC).

OBJECTIVES:

1. No new vessels stay on the bay in contravention of RBRA rules and regulations.
2. No unoccupied vessels on the bay.
3. Vessels that arrived after August 2019 depart voluntarily or are removed by October 15, 2023
4. No new vessels are allowed to anchor in the Eelgrass Protection Zone.
5. Up to 20 vessels relocate from the Eelgrass Protection Zone area or from anchoring locations in the Anchoring Zone onto new moorings that are installed in the Anchorage Area as of December 15, 2022.
6. The four floating homes are removed by October 15, 2023.
7. Vessels that are not enrolled in the Safe & Seaworthy Program depart or are removed by October 15, 2024.
8. Remaining vessels enrolled in the Safe & Seaworthy Program are all located in the Anchorage Zone after October 15, 2024.
9. No vessels are allowed to stay on the bay in contravention of RBRA rules and regulations as of October 15, 2026.

STRATEGIES:

1. Notice and remove unoccupied vessels in as immediate and timely a manner as feasible.
2. Discourage and prevent new vessels from staying longer than authorized time limits.
3. Upon request, support efforts by outreach personnel from other agencies/organizations in connecting with vessel occupants to encourage their pursuit of safe housing on land or in a liveaboard marina slip.
4. Establish and implement prioritization factors for the noticing and removal of vessels and floating homes within each timeline category contained within the BCDC settlement agreement and the above objective.
5. Apply enforcement mechanisms for prioritized non-complying vessels until full compliance with settlement agreement is achieved.
6. Develop incentive programs for removal of vessels from the anchorage

7. Urge vessels that are safe & seaworthy to move out of the Eelgrass Protection Zone and into the Anchorage Zone as soon as feasible and consider their placement on RBRA moorings.

STRATEGIC ELEMENTS:

1. Notice and remove unoccupied vessels in as timely manner as feasible.
 - a. Conduct regular anchorage patrols to look for abandoned or otherwise unoccupied vessels, present notification to urge vessel owners and occupants to voluntarily remove the vessel along with notice of intent to remove the vessels if not voluntarily removed in the noticed time period. Remove such vessels if they are not voluntarily removed within the legally noticed time period.
 - b. Notify owners of vessels tied to another vessel that no vessel (other than a dingy, skiff, or tender) may be attached to another vessel. Provide legal notice of intent to remove vessels that are tied to another vessel. In the absence of removal of extra vessels and the cooperation of vessel owners in identifying which vessel may temporarily remain, the Harbormaster may determine which vessel may temporarily remain and which extra vessel(s) will be removed.
2. Discourage and prevent new vessels from staying longer than authorized time limits
 - a. Communicate via nautical/mariner platforms about time limit enforcement so as to discourage new vessels from entering Richardson's Bay seeking extended stays.
 - b. Provide notice to vessels as soon as feasible after their arrival about time limits.
 - c. Encourage the voluntary departure of vessels by the end date of their authorized time limit.
 - d. Provide vessel occupants requesting social services or housing assistance with information on how to access agencies or organizations that provide services and assistance.
 - e. Notice and cause the removal of vessels that exceed their authorized limits, within the provisions and limits of the law.
3. Upon request, support outreach personnel from other agencies/organizations to contact vessel occupants to encourage their pursuit of safe housing on land or in a liveaboard marina slip.
 - a. Offer and be available to assist other agencies/organizations in their contact and connection with vessel occupants in the pursuit of housing opportunities.
 - b. Contact marinas to encourage interest in providing liveaboard slips for vessels that move off the bay, such as under the expanded BCDC liveaboard program which temporarily and conditionally authorizes an additional 20 liveaboard slips in Richardson's Bay in excess of the 10% liveaboard marina slip limit - to accommodate relocated vessels and/or their occupants.
 - c. Assist with connecting any interested and eligible mariners with interested marinas with available slips.

4. Establish and implement prioritization factors for the noticing and removal of vessels and floating homes within each timeline category contained in the BCDC settlement agreement.
 - a. Vessels which are an imminent hazard for sinking, have run aground, or otherwise present an immediate risk to public safety or the environment are a priority for removal, pursuant to current practice.
 - b. Vessels whose occupants have been assessed for housing and who are actively cooperating with efforts to connect them with safe housing on land or in liveaboard marina berth will be a lower priority for removal, unless they become imminent environmental or navigational hazards.
 - c. Vessels whose occupants cooperate with efforts to move out of the eelgrass protection zone will be a lower priority for removal, unless the vessels become imminent environmental or navigational hazards.
 - d. All floating homes will be provided with legal notice to depart or else be subject to removal by December 31, 2023.

5. Apply enforcement mechanisms for prioritized non-complying vessels until full compliance with settlement agreement is achieved.
 - a. Issue infraction and misdemeanor citations.
 - b. Carry out the removal of vessels that fail to comply with legal notification, as prioritized and to achieve the timelines in the settlement agreement.

6. Develop incentive programs for removal of vessels from the anchorage
 - a. Identify incentive programs, possibly different for each vessel category
 - b. Research funding sources for approved incentive programs
 - c. Develop appropriate policies and amend ordinances as necessary

7. Urge vessels that are safe & seaworthy to move out of the Eelgrass Protection Zone and into the Anchorage Zone as soon as feasible, and consider for placement on RBRA moorings
 - a. Establish criteria, protocols, and regulations for use of RBRA moorings in the Anchorage Area by vessels enrolled in the Safe & Seaworthy program, and/or other vessels that RBRA determines are eligible to locate there.
 - b. Contact each vessel in the Safe & Seaworthy program to ascertain voluntary interest in a mooring in the anchorage zone upon their availability after installation in late 2022, and ability to comply with criteria, protocols, and regulations.
 - c. Facilitate the placement of eligible vessels onto the temporary moorings in the Anchorage Area.

Resource Needs Identified To Date:

- Legal counsel to draft ordinance updates
- Harbormaster and Assistant Harbormaster to conduct regular patrols
- Additional law enforcement personnel to accompany HM or AHM with notification and removal processes
- Legal counsel to address any legal issues that arise

- Executive Director and Harbormaster to communicate with nautical/maritime platforms, and with marinas and housing/social services agencies and organizations
- Grant funding for vessel and floating home abatement costs (SAVE, NOAA)
- Impound and vessel disposal facilities
- Mooring placement and regulation (see Eelgrass Habitat)

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