

Richardson's Bay Regional Agency

Transition Plan



Adopted June 11, 2020

Richardson's Bay Regional Agency Board of Directors

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June 2020

Transition Vision:

Richardson's Bay has essential value as a recreational and environmental resource where eelgrass and the ecological systems it supports are increasingly protected, preserved and restored; vessels on the anchorage become safe, seaworthy, operable and compliant with other requirements; and the number of occupied vessels diminishes over time.

Transition Principles:

- Affirm Richardson's Bay as a temporary anchorage and prevent additional vessels from extended stays
- Conditionally and discretionarily allow occupied legacy vessels that comply with RBRA requirements to remain for a limited period of time
- Support initiatives for relocating occupants of vessels to alternative housing
- Realize a decreasing number of occupied vessels over time
- Protect and promote eelgrass habitat and growth

Transition Goal:

A safe, healthy, and well-managed Richardson's Bay.

Transition Policy Direction:

- 1) Maintain existing enforcement priorities for unoccupied vessels and time limits on incoming vessels, including required notifications and removal
- 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
- 3) Connect persons living on vessels with outreach agencies and organizations for assistance with finding alternative housing, and encourage expansion of housing opportunities
- 4) Set a sunset date by which occupied vessels with extended stays will not be allowed in Richardson's Bay
- 5) Working with agencies, organizations, and other stakeholders, develop eelgrass protection measures and consider specific eelgrass restoration funding and projects

Transition Policy Direction Descriptions:

1) Maintain existing enforcement priorities for unoccupied vessels and time limits on incoming vessels, including required notifications and removal.

The RBRA Board initiated this policy direction when:

- In November 2018 it added all unoccupied vessels to its enforcement priorities.
- In July 2019 it expanded its enforcement priorities to include the time limits stated in the RBRA Code for vessels arriving into the Richardson's Bay anchorage.

Unoccupied vessels are posted with appropriate notification and ultimately removed by the agency if they are not voluntarily removed. Incoming vessels are notified of the 72-hour time limit for anchoring in the bay, and provided information about 30-day Anchoring Permits. Failure to comply with the codified time limit requirements subjects the vessel to removal.

Richardson's Bay is a 72-hour anchorage, not a storage yard or marina. Individuals with multiple vessels should contact local marinas or storage yards to properly store their vessels. Vessels that are located in Richardson's Bay for storage purposes will be considered unoccupied and subject to removal pursuant to Chapter 3.04 of the RBRA code. Occupants of vessels may not claim more than one vessel as their occupied vessel. Any additional vessels (other than dinghies, skiffs, or tenders) are considered unoccupied vessels and are subject to removal.

Resources:

RBRA has long employed a full-time Harbormaster. In the 2020-21 fiscal year, RBRA expanded its staffing to add a full-time Assistant Harbormaster. The RBRA member cities of Belvedere, Mill Valley, and Tiburon each provide a law enforcement officer to accompany RBRA staff for a shift on a bi-weekly basis. The Marin County Sheriff has a two-member Marine Patrol Unit responsible for patrolling all of Marin County waters, including law enforcement in County jurisdiction on Richardson's Bay.

RBRA received \$250,000 in the California Division of Boating & Waterways' 2019-20 funding cycle for its Surrendered and Abandoned Vessel Exchange (SAVE) grant program. RBRA has applied for \$400,000 in the SAVE 2020 funding cycle. However, due to State budget constraints related to COVID-19, and other harbor agencies' needs for funds, RBRA did not project an increase in SAVE funds in its 2020-21 budget. Going forward, RBRA will continue to apply for and rely on SAVE funding to remove vessels that are marine debris, abandoned, or voluntarily turned-in by their owner.

RBRA has utilized virtually all of the \$150,000 granted by the National Oceanic & Atmospheric Administration (NOAA) for removal of marine debris and vessels in marine debris condition. RBRA will apply for funding in the next grant cycle, which if successful, would give the agency funding beginning in September 2021 for removal of marine debris.

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.

Safe & Seaworthy Program Objectives:

1. Avoid injury or death of persons occupying vessels
2. Protect bay habitat and preventing waste and debris from polluting bay waters
3. Minimize the risk of vessels running adrift or running aground into the shoreline, or sinking
4. Encourage vessel occupants with aspirations for extended travel to realize these dreams with a safe, working vessel
5. Promote vessel eligibility for liveaboard slips in marinas because of their improved conditions
6. Limit new persons and vessels from settling in to the anchorage
7. Improve the management of the bay

Safe & Seaworthy Program Summary: Under this program, vessels that were identified in the Marin County Sheriff’s August 2019 vessel census are eligible for enrollment in RBRA’s Safe & Seaworthy program. The program is the route to a discretionary RBRA legacy vessel designation. Legacy is a vessel designation, not occupant designation. Eligible vessels may obtain legacy designation by meeting existing RBRA codes, and State and Federal requirements for safety, operability, registration, waste management, and other requirements for vessels, and are subject to any other rules, regulations and criteria as established by the agency.

Occupants of vessels that are enrolled in RBRA’s Safe & Seaworthy program will be required to provide personal identification information and vessel information and consent to inspections. Only vessels that upon such inspections meet RBRA regulations as adopted in its ordinances and any other requirements set by RBRA will be eligible for the discretionary RBRA designation of legacy vessel.

Vessels whose occupants decline to enroll in the Safe & Seaworthy program or otherwise refuse to provide required information will not be eligible for legacy status.

The Safe & Seaworthy program will allow RBRA to better manage the safety and health of the bay by ensuring that vessels from the August 2019 census that are allowed to conditionally remain are seaworthy. Vessels that fail to comply with program requirements and other criteria will become an enforcement priority and subject to removal.

Safe & Seaworthy Enrollment Eligibility: In July 2019, the RBRA Board added time limits on incoming vessels to its enforcement priorities. To establish a clear determination of new incoming vessels, the Marin County Sheriff’s Marine Patrol Unit conducted a comprehensive vessel census in August 2019. The RBRA has been utilizing the data from this survey to

identify and enforce time limits on new vessels entering the bay. The RBRA will now utilize this survey data to determine eligibility for enrollment in the Safe & Seaworthy program.

Safe & Seaworthy Enrollment: In its initial period, RBRA will notify eligible vessels about the enrollment process, and RBRA requirements to apply for legacy vessel designation under the Safe & Seaworthy program. Interested parties may seek to enroll their vessels in the program. The enrollment process will include verification that the occupied vessel was in the August 2019 census, identification of the persons occupying the vessel, and an inspection of the vessel by RBRA staff. Through the inspection, the vessel owner/occupants will be advised of any deficiencies in the vessel, its registration, or other matters as the deficiencies exist at that time, requiring correction to successfully meet the qualifications of the Safe and Seaworthy program. Vessels not enrolled by a date set by the RBRA will become subject to removal as an enforcement priority.

Safe & Seaworthy Requirements: The Safe & Seaworthy program will require vessels to meet RBRA, State, and Federal regulations, and any other program requirements as set by the Board of Directors, which may be amended from time to time.

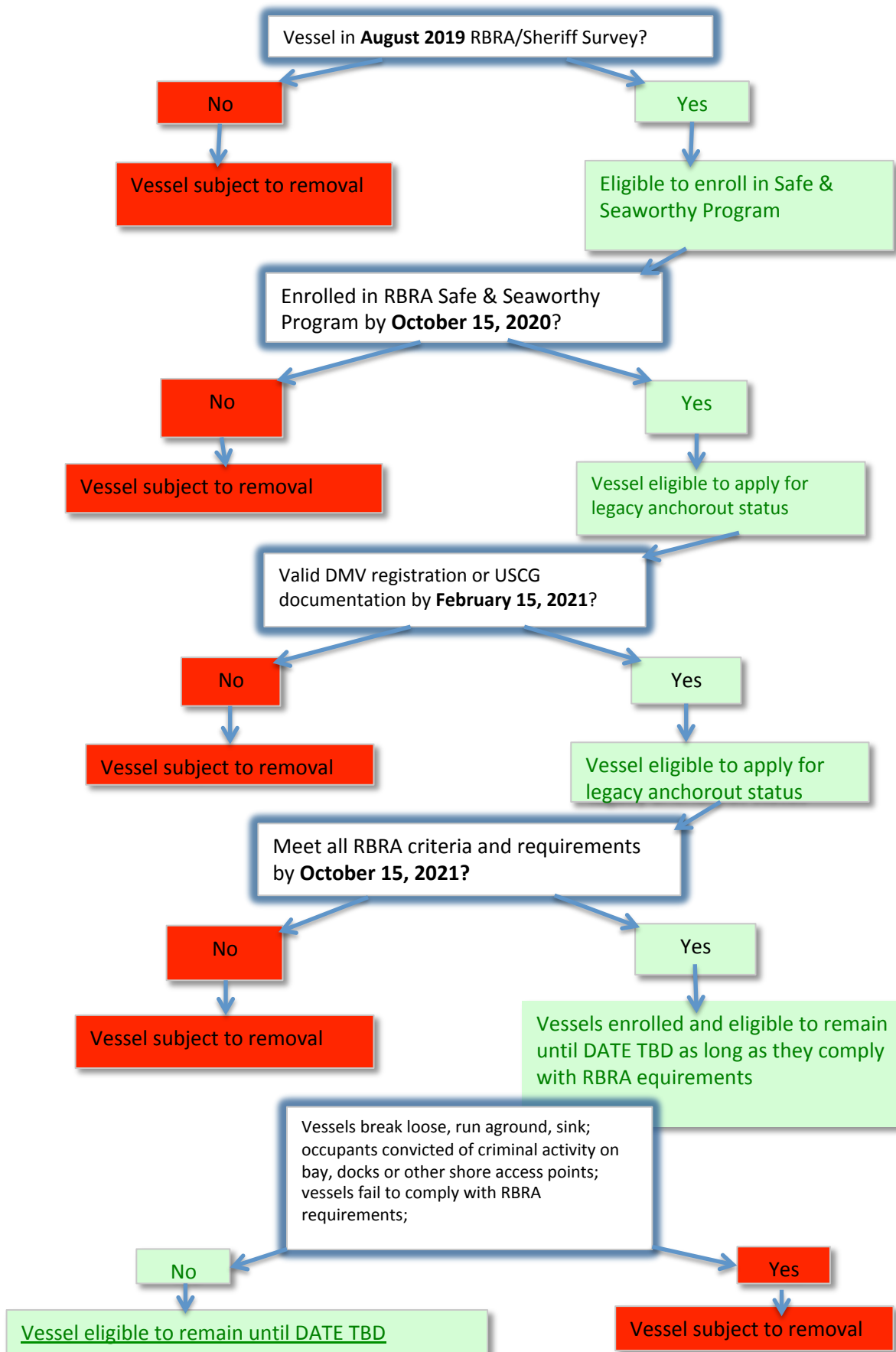
Safe & Seaworthy Timeline: The RBRA Board will adopt a timeline for implementation and compliance with the Safe & Seaworthy Program.

Agency Resources:

Two full-time staff (Harbormaster and Assistant Harbormaster), member agency law enforcement assistance, CA Boating & Waterways SAVE grant funds, and potentially NOAA funds.

Vessel owner resources to improve conditions:

Dependent upon private funding or grants that may be obtained by individual vessel owners or through the Richardson's Bay Special Anchorage Association (RBSAA). The non-profit supporter MarinLink has been serving as a fiscal sponsor for the RBSAA, and could potentially assist with directing community donations made for vessel improvements or relocation.



3) Connect persons living on vessels with outreach agencies and organizations for assistance with finding alternative housing, and encourage expansion of housing opportunities

In fiscal year 2020-21, RBRA contracted with Andrew Hening to coordinate outreach efforts among public and non-profit agencies to persons on the anchorage. Close to 100 persons on vessels were identified, of which two-thirds were assessed for their level of vulnerability and therefore eligibility for subsidized housing with case management through the County's Coordinated Entry System.

Policy considerations:

Vulnerable people, vulnerable vessels:

While living on a vessel can be hazardous to health and safety, it is not considered a factor in the coordinated entry ranking system. For those who have other vulnerabilities that place them in a higher priority category, continued outreach and encouragement is needed but is not necessarily successful in moving persons to safer conditions. It can be very difficult for people to let go of the only housing they have known for a long period of time, similar to when persons on land face moving from long-time homes to more supportive housing.

There are some persons who have scored high on the Coordinated Entry System's vulnerability scale but who have shown reluctance to leave their boat and the bay when a potential opportunity arises. Of particular concern is the combination of a vulnerable person on a vessel that itself is in significant marine debris condition that contributes to the vulnerability of the person aboard the vessel and endangers others in the vicinity. For the protection of persons who are a high priority for subsidized housing because of their health and safety vulnerability and who are on vessels that are in marine debris and otherwise hazardous conditions, RBRA will prioritize work with agencies and organizations to relocate those persons into supportive housing.

Expanding housing alternatives

Before and after the Safe & Seaworthy compliance deadline, RBRA will work with occupants of vessels to encourage them to move into other housing on land, to move themselves and their vessels into liveaboard marina slips, or to berth their vessels in marina slips. Such efforts will continue after the compliance date, in advance of the legacy vessel sunset date.

Alternatives for housing that is affordable is in very short supply. Affordability is a problem not unique to this community. There is a push on local, regional, and state levels to expand supply for persons who have very-low-to-medium income who are homeless or at risk of becoming homeless, which includes many of those currently eligible for the Safe & Seaworthy program and legacy vessel status. State Senator Mike McGuire and representatives from RBRA, County of Marin, and City of Sausalito have expressed support for collaborating on a solution for housing availability for vessel occupants – including expanding the supply.

Expanding supply through construction will take years, and the budget constraints from the COVID-19 pandemic add additional uncertainty. Nevertheless, it is possible that the attention on homelessness and housing from the pandemic could create other opportunities. Rapid Rehousing, for example, is a category of housing subsidy that is well-suited to a number of anchorouts as it only requires short to medium-term case management support.

Another housing alternative that RBRA will pursue is liveaboard slips at existing marinas. The City of Sausalito has managed and allocated funds for up to about eight anchorouts in Sausalito waters to move into marina slips in Sausalito. The City has proposed to the Bay Conservation & Development Commission (BCDC) to expand the percentage of marina slips allowed to be used for liveaboards from 10 percent to 15 percent. BCDC has expressed a willingness to entertain this proposal, for a specified period of time to be determined, as an alternative to occupied anchored-out vessels. At the last BCDC Enforcement Committee, members encouraged Sausalito and RBRA to incorporate marina slips into their transition plans.

Qualifying for a liveaboard marina slip not only requires a space to be available, but also the vessel to be in condition akin to those required by RBRA in its ordinances as well as being insured. The marinas also have required a case manager from a social services agency to be assigned to occupants on the vessel to serve as a go-between, which adds approximately another 40% to the cost of renting the slip and paying liveaboard fees. Under these circumstances, the total cost of the marina slip alternative is similar to the rental cost of a Rapid Rehousing unit on land.

As vessels meet RBRA requirements, they also will meet marina standards for liveaboard slips. RBRA will encourage the transition to slips, and will seek funding for subsidizing the slip fees and case management where needed for particular individual(s). However, especially with slips being a non-traditional subsidized housing option, RBRA should exercise caution around its participation and commitment involving slip arrangements without sufficient guarantee of a continuous funding source from outside agencies or the liveaboards themselves, or fixed arrangements for transition into other housing.

Resources:

RBRA will continue its contract with Andrew Hening in fiscal year 2020-21 to coordinate housing outreach and placement and to work towards expanding housing opportunities. Partner agencies include St. Vincent DePaul, Marin City Health & Wellness Clinic, Downtown Streets, County of Marin, Marin Housing Authority, Ritter House, Marin County Sheriff, City of Sausalito, and others. In addition, Audubon California has generously contributed the use of its vessel and its staff/volunteers to take outreach workers out on the bay to connect with anchorouts.

4) Set a sunset date by which occupied vessels with extended stays will not be allowed in Richardson's Bay

There are approximately 100 vessels on the bay that were present for the August 2019 count and are therefore eligible at this time to enroll in the Safe & Seaworthy program and potentially receive legacy vessel status and thus deferred enforcement of RBRA's current time limits on the anchorage. It is estimated that only about 20-25 vessels may currently meet RBRA requirements. If one-half of the remaining vessels are able to meet the requirements with additional work, that would mean about 55 vessels eligible for legacy status. It is roughly estimated that in any given year, about five to ten percent will depart the anchorage for a variety of reasons, including falling out of compliance with requirements. Therefore it is estimated that through natural attrition and upholding vessel requirements and enforcement priorities, in 20 years about a dozen or fewer would likely remain on the anchorage, a substantial decrease from current conditions.

The Enforcement Committee of the Bay Conservation and Development Commission (BCDC) has given RBRA its expectation that occupied vessels be removed from the bay in five to ten years. The challenges of this timeline include shortages of resources in these areas:

- Available, affordable and subsidized housing for low-to-very low-income vessel occupants. Without a realistic housing opportunity as an alternative to their vessel, vessel occupants face homelessness if removed from the Bay.
- Affordable liveaboard marina slips. In situations where marinas will require case management/wrap-around services, affordability is more challenging.
- Affordable marina slips in the San Francisco Bay to lease for vessel occupants to berth their vessels upon moving onto land. For people attracted and accustomed to a mariner lifestyle, giving up their boat can be a significant impediment to relocating off the bay. Having affordable marina slips to store their vessels for recreational use – even if not liveaboard slips – could assist the transition to land.
- The cost of enforcement and abatement work. Removal and abatement is an inevitable aspect of enforcing time limits against vessels that may be derelict or abandoned when their operators leave the anchorage. The RBRA has increased its enforcement staffing budget and outside assistance, but can only meet the cost of vessel removal and abatement through grants from state and federal agencies. Removal and abatement costs increase when the economy turns sour and vessels from around the Bay Area are dumped in public waterways like Richardson's Bay.

Legacy anchorout status provides deferred enforcement of existing time limits solely at RBRA's discretion. The RBRA's implementation of a Safe & Seaworthy program will materially reduce the number of vessels, significantly increase safety, improve bay health, and enhance the management of the bay. With success will come decreasing impacts on the bay and shoreline without contributing to homelessness populations in the area.

RBRA has considered the Richardson's Bay Special Area Plan Residential Vessels and Floating Structures policy to limit stays on the bay, and the Board has adopted ordinances setting limits on the length of time vessels may remain anchored.

Accordingly, the RBRA will commit to setting a sunset date for deferred enforcement for legacy occupied vessels on the bay, considering the extent of available, affordable housing - on land or in marina slips, removal and abatement resources, benefits of boater expertise, and other factors affecting the health, safety, and management of the bay in setting such a date.

Resources:

Timing for Implementation of this policy will depend on factors such as RBRA operational resources, resources for affordable housing alternatives, vessel removal and abatement resources, and review of any other resource advantages and disadvantages for deferring enforcement for vessels remaining on the bay at a certain point in time.

5) Working with agencies, organizations, and other stakeholders, develop eelgrass protection measures and consider specific eelgrass restoration funding and projects

Eelgrass is a critical habitat resource for the San Francisco Bay Ecosystem, where Richardson's Bay is one of two high-priority eelgrass locations. Eelgrass supports a wide variety of life including fish spawning grounds, bird migrations and food resources for multiple species. Furthermore, eelgrass is a substantial tool for sequestering carbon and mitigating ocean acidification.

In 2019, RBRA conducted a Mooring Feasibility and Planning Study that was prepared by Merkel & Associates, Inc. As part of the study, Merkel performed sidescan bathymetry and eelgrass bed surveys in Richardson's Bay. Combining this survey data with previous eelgrass surveys, Merkel prepared maps showing where eelgrass has tended to grow and at what density, where it is unlikely to grow due to depth of the bay, and where damage to eelgrass beds has occurred. The information in the Merkel study provides a foundation upon which to build protection, restoration, and environmental review efforts.

A report issued by Audubon California in October 2018 concluded that about 57 acres of eelgrass in Richardson's Bay had been damaged by ground tackle. Eelgrass restoration to date has had mixed results and warrants some additional research and analysis to conclude best practices for particular conditions in the bay. A project to conduct this research was poised to begin in Spring 2020 but was put on hold due to the COVID-19 pandemic and shelter-in-place restrictions.

Somewhat reflective of the varying conditions and uncertainties for restoring eelgrass is the wide cost estimate for such efforts, which can range from \$100,000 to even \$150,000 per acre. Using 57 acres as the area of damage, the cost to restore that size could range upwards in the range of \$8.5 million or more - if undertaken as a replanting project above and beyond allowing eelgrass to expand naturally and progressively away from ground tackle and other sources of impacts.

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:

a) Eelgrass Restoration Zone: This is the area where vessels would not be authorized to anchor or moor, and which will be a priority area for eelgrass restoration. This area potentially extends from the boundary with the Audubon Sanctuary south to approximately in the general vicinity of the Bay Model, not including the deeper water in Belvedere. About a half dozen vessels are currently anchored in this location; the benefits and risks to eelgrass

from requiring their relocation out of the zone would be evaluated. The four floating homes in the anchorage would be subject to removal.

b) Eelgrass Protection Zone: This is an area where existing occupied vessels could anchor or moor, which could be subject to ground tackle rules that may be developed. The potential boundary of this zone is from the edge of the Restoration Zone in the north to approximately in line with Turney Street in the south.

As shown in the Merkel study, this area contains eelgrass beds - some of which have already been damaged by vessels and anchor chain. Issues that will be considered include whether to:

- o Require a two-point anchoring system to secure vessels, or pursue a pilot project to test conservation moorings, to help protect against eelgrass damage
- o Require permission to move or remove existing ground tackle, due to potential risk to eelgrass beds in removing or setting ground tackle
- o As vessels depart and/or eelgrass restoration work is completed, expand the Restoration Zone into this zone – notably the north/northeast areas

c) Anchoring Zone: Where cruisers/visiting vessels would anchor or moor for the time permitted under the RBRA code. This area is potentially south of where anchorout vessels would be located. For future RBRA consideration is whether to pursue a mooring project – either pilot or permanent - in this zone for cruisers/temporary visiting vessels.

The remainder of the anchorage would be remain available for brief anchoring, such as daytime/weekends, and related recreational use, as under existing conditions. Vessels in the Belvedere portion of the RBRA anchorage are and would remain subject to that city's ten-hour anchoring limit.

The first phase of this step is to draft boundary maps using the eelgrass survey data from the Merkel study with an overlay of RBRA vessel survey data, review with stakeholders, and undergo any applicable environmental review. Establishing boundaries of a proposed restoration zone would enhance efforts to pursue eelgrass restoration funding, so as to provide assurance that restored areas would be protected against anchoring-related damage in the future.

A second phase would be to identify, analyze and discuss advantages and disadvantages of pursuing two-point anchoring and/or conservation moorings, controlling the placement of ground tackle, specific ground tackle requirements if any, and pursuing relocation of any existing vessels from one zone to another. RBRA could consider whether and if so, under what circumstances to expand the Restoration Zone into the Protection Zone as part of this phase or at a later time, again following any necessary environmental review.

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.

With the cost to restore eelgrass throughout Richardson's Bay ranging up to in the range of \$10 million, potential restoration work can only be accomplished with grants and other outside funding. There are organizations and agencies for which eelgrass is considered critical that are potential partners in grant applications or sources of grant funding. There is sometimes mitigation funding available from projects in San Francisco Bay that could be potential funding sources.

In a collaborative communication from State Senator Mike McGuire and representatives from the County of Marin, RBRA, and the City of Sausalito to the Bay Conservation & Development Commission, it was stated that: *"We are in agreement that over time, a multi-agency effort must be initiated to restore Eelgrass habitat and improve water quality in Richardson Bay."*

The information on eelgrass habitat in the 2019 Merkel study provides a basis upon which to craft restoration approaches and funding requests. RBRA will collaborate with other interested entities to seek funding resources from state and federal agencies and other organizations. RBRA also will work with State Senator McGuire and related partners on opportunities for collaboration and support.

As the number of long-term vessels declines and visiting vessels anchoring in the bay are steered clear of eelgrass habitat, eelgrass beds will have the opportunity to expand naturally and progressively into damaged areas that otherwise are well-suited habitat. Where the size and nature of the scarring and related damage in eelgrass beds is severe, findings from eelgrass research can help inform best practices for encouraging growth or focusing elsewhere.

Resources:

Due in part to COVID-19 related budget constraints, RBRA was unable to program funding specific to eelgrass restoration in the 2020-21 budget. A modest amount of funds could be allocated from Contingency for outside services that may be needed to augment staff resources for working with stakeholders and collaborating with partner agencies on eelgrass restoration grants and initiatives.

RBRA, with assistance from other agencies and organizations, will continue to be on the lookout for grant funding opportunities and partnerships. When the State and other governmental and non-profit budgets recover from negative COVID-19 impacts, RBRA will work with Senator McGuire as well as the City of Sausalito to collaborate on potential funding solutions.