

RICHARDSON'S BAY REGIONAL AGENCY

Board of Directors Special Meeting Agenda

Wednesday, July 25, 2018

5:30 P.M. to 7:30 P.M.

Belvedere City Hall, 450 San Rafael Avenue, Belvedere

The Richardson's Bay Regional Agency Board of Directors encourages a respectful dialogue that supports freedom of speech and values diversity of opinion. The Board, staff and the public are expected to be polite and courteous, and refrain from questioning the character or motives of others. Please help create an atmosphere of respect by not booing, whistling or clapping; by adhering to speaking time limits; and by silencing your cell phone.

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

5:30 P.M. CALL TO ORDER - ROLL CALL

1. Approval of minutes, June 14, 2018.
2. Information: Community Outreach Subcommittee report and presentation regarding Community Efforts
3. Follow up actions to Board's April 2018 direction:
 - (a) Direct staff to engage professional services to advise on location, mooring type/technique, capacity, and accessing the shore, contingent upon identifying a source of funds for these services.
 - (b) Direct staff to draft ordinance amendments to incorporate new requirements for vessels on Richardson's Bay.
 - (c) Direct staff to collect information from mooring programs in other anchorages to advise the Board on establishing and managing moorings.
 - (d) Designate two Board members to serve on an ad-hoc finance subcommittee to explore costs and funding opportunities.
4. Resolution No 07-18 supporting AB 2441, State funding to abate abandoned commercial vessels in the Delta counties. Staff recommendation: Approve.
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. Comments: a) Staff; b) Board Members matters
7. Adjourn to closed session, pursuant to Government Code Section 54957(b)(1), public employee performance evaluation. Position: Executive Director.

NEXT MEETING: September 13, 2018

A COMPLETE AGENDA PACKET IS AVAILABLE FOR VIEWING AT THE SAUSALITO CITY LIBRARY AND ON THE RBRA WEBSITE <http://rbra.ca.gov>, WHERE WRITTEN COMMENTS MAY BE SUBMITTED. TO RECEIVE AN ELECTRONIC MEETING NOTICE, PLEASE EMAIL REQUEST TO DON ALLEE AT dallee@marincounty.org

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RICHARDSON'S BAY REGIONAL AGENCY

DRAFT MINUTES OF JUNE 14, 2018

HELD AT TIBURON TOWN HALL CHAMBERS

MEMBERS PRESENT: Marty Winter, Chair (Belvedere); Kathrin Sears (Marin County); Jim Wickham (Mill Valley); Jim Fraser (Tiburon)

ABSENT: None

STAFF: Beth Pollard, (Executive Director); Bill Price (Harbor Administrator)

ADDITIONAL: None

Meeting called to order at 5:40 PM.

Minutes of May 10, 2018 Board of Directors meeting

Draft minutes were approved unanimously.

Presentation regarding Community Efforts

Alden Bevington began the discussion asking why the M/V Sandra Dee had been taken from the anchorage by the Contra Costa Sheriff. He stated that there were 193 boats in their latest count, that 60 vessels had been inspected for their burgee program, and there is an orientation training occurring near the end of the month. Typically about 20 people attend the Association meetings, sometimes more. He noted that at the outreach subcommittee meeting they had heard strongly about the concerns about eelgrass, and were urging people to get off a single point anchor. He said there was an increased awareness and concern about boat dumping issue since the Warrior tugboat incident. He was hoping to get the Anchorage Association invited by Sausalito to its Waterfront Committee meetings. He was added that he disappointed in the media's homelessness angle and use of photos of derelict vessels that were no longer there in its reporting of the anchorage story.

Member Sears commended on the outreach subcommittee meeting as a good start with a group of stakeholders.

Discussion and consideration of Resolution 06-18 amending the RBRA's JPA agreement as a follow up to Sausalito's withdrawal

Executive Director Pollard presented her staff report, and recommendation to revise the JPA to reflect Sausalito's recent withdrawal from the RBRA.

Member Winter asked about the majority rules with a four person board. Mss. Pollard explained that a simple majority vote and super majority vote were one and the same with a four-member Board, and that a unanimous vote would be required to increase dues beyond 30% annually.

John Burke felt the contract shouldn't be amended, and called for an inquiry.

Member Sears noted that the JPA revisions helped address lessons learned from Sausalito's withdrawal.

M/s, Wickham/Sears, to approve Resolution 06-18. Motion passed unanimously.

Staff Report on next steps pursuing Board direction

Ms. Pollard explained that persons present were invited to participate in any or all of three breakout sessions on the topics of seaworthiness and other requirements; moorings; and other issues.

The break-out sessions were held over the course of 40 minutes. The seaworthiness discussion focused on integrity, hazards and operability. The mooring discussions revolved around type, technique, location, and an independent, professional study. Other issue discussions included topics around mooring ownership and inspection; standards for vessels; etc.

Ms. Pollard stated that she would get all comments, post them to the website, and bring everything back to the Board.

Public Comments not on agenda

Greg Baker reported on numerous incidents in the bay that had occurred in the past month.

John Burke said Bill Price was the first responder for Richardson's Bay. He also asked about financial reports and wanted to know who was taking daily water tests at the dredging operation at Sausalito Yacht Harbor.

Tori Burke stated that Bill Price was not a square man and he was a thief who had no authority to take anything off the bay.

Rebecca Schwartz-Lesberg of California Audubon Society suggested the Board consider an interim solution that would make anchorage exclusion areas in eelgrass zones.

Staff Comments

Ms. Pollard said she would work with the Chair Winter about writing a letter in support of AB 2441 the addressing the disposal of commercial vessels in the Delta region, and bring the item to the Board in July.

Harbor Administrator Price read the letter he had sent to Moseley of Salt River Construction thanking him for the assistance with his crane barge and crew in lifting the Warrior tug up the ramp for demolition.

Board Member Matters

Member Wickham asked that creation of a fiscal sub-committee to explore funding mechanism for RBRA's initiatives be on the next agenda.

The meeting was adjourned at 6:50 PM.

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of: July 25, 2018

To: RBRA Board of Directors
From: Beth Pollard, Executive Director
Subject: Follow-up actions to April 2018 Board direction

STAFF RECOMMENDATION:

1. That the Board direct staff to:
 - a. Engage professional services to advise on location, mooring type/technique, capacity, and accessing the shore, in light of the presence of eelgrass and other aquatic life and migratory birds; physical conditions of the bay; and water quality/health of the bay, contingent upon identifying a source of funds for these services.
 - b. Draft ordinance amendments to incorporate requirements for vessels on Richardson's Bay, including:
 - Safety, seaworthiness, vessel condition
 - Hazardous materials, pollutants, and loose materials
 - Operability
 - Local registration, in addition to state registration
 - Vessels that have had commercial registration
 - Maximum number of dinghies/skiffs/tie-ups per vessel
 - Vessels per owner and/or other limitations on non-active/storage vessels
 - c. Collect information about moorings in other anchorages to advise the Board on establishing and managing moorings, and on any other professional expertise needed, on aspects including:
 - Models of mooring ownership
 - Installation, inspection, certification, maintenance, and management
 - Special Anchorage Association role
 - Economics of managing a mooring program
 - Shore access and amenities
2. Designate two Board members to serve on an ad-hoc finance subcommittee to look into the costs and revenue possibilities for implementing the Board's

direction. This exploration would include learning about potential sources of support for vessel owners seeking to meet new requirements or to find other arrangements.

BACKGROUND:

At its meeting of April 5, 2018, the Board of Directors provided its direction towards the goal of a safe, healthy, and well-managed bay. In summary, this direction included requiring that vessels be registered with RBRA; securely moored; seaworthy and free of debris and excess material; and not pollute. Other potential regulations identified for consideration now or in the future included the number of dinghies/skiffs and vessels and length of stay.

At its meeting of June 14, 2018, the Board conducted a work session to engage the public in discussion regarding ideas for a) seaworthy criteria and other vessel requirements; b) factors to consider in a planning study on placement of moorings; c) other requirements and opportunities. Attached are the comments received in that work session.

The Board's workplan for June and July 2018 calls for staff to provide additional information and action steps to the Board to enable it to implement or modify its April direction.

DISCUSSION/ANALYSIS:

Mooring study

A number of factors have been identified to consider in the placement of moorings that relate to the ecology and environment of the bay; these factors include water depth and quality, eelgrass/seagrass, migratory birds, and other aquatic life. To give due consideration to these factors, staff recommends engaging the services of a specialist in marine biology or similar field to analyze and advise about mooring placement through an environmental lens; specifically, what locations and mooring/groundtackle would be appropriate or inappropriate; accessing the shore from the moorings; and the density/capacity for moorings in the bay. At present there is no funding in the RBRA budget for this study, so outside funding would be sought.

Revised vessel requirements

Strengthening the standards for the condition of vessels on Richardson's Bay has been identified as key in achieving the goal of a safe, healthy, and well-managed bay. The Special Anchorage Association has taken an initial step over the past year toward improved conditions by establishing a certification program for vessels that meet safety criteria, worked out collaboratively in the association, and providing training and other useful information to vessel owners. They report that very soon vessels that they have certified as meeting their safety criteria will be flying specially designed burgees recently produced to indicate that status.

To move further towards improved conditions among all vessels that are on the bay beyond those that take the initiative to voluntarily meet certain criteria, the RBRA can amend its ordinances to add requirements for vessel conditions and related matters. Below is a summary of potential added requirements drawn from various sources, such as the safety criteria of the Special Anchorage Association, requirements in other anchorages, staff review, and public comments. Some requirements listed are covered in state and/or federal law, and therefore may not be necessary to include in RBRA requirements. Specific language in the RBRA requirements would be developed with review by legal counsel, and would also be reviewed by the United States Coast Guard and California Division of Boating & Waterways.

Vessel Condition and Safety: Intact hull; no open cavities, no splitting boards, no delamination, free of excessive marine growth, no excessive rot; operational through hulls, hoses, and seacocks; operational bilge pumps; safe wiring, decks cleared to allow unimpeded access from bow to stern; carbon monoxide detector below deck; in compliance with US Coast Guard fire extinguisher requirements.

Controls for hazardous materials/pollutants and loose materials: Oil-free bilges; batteries secured and in working order; everything on deck must be secured; personal belongings stored below deck; unused or unusable motors free of motor oil; and waste/wastewater shall not be disposed of in the bay. Vessels must meet other agencies' requirements such as for an on-board marine sanitation device (MSD) and subscription to pump-out service (alternative of compost toilet may be conditionally approved); fuel containers must be securely stored, and in a manner that fumes cannot accumulate (see USCG requirements 46 CFR 147.45). . See Harbor Navigation Code (33 CFR 151/155) and Marine Sanitation Devices (33 CFR 15)

Vessel Operability: Capable of self-propelled navigation, sail or motor; and/or: vessel is operable meaning it has the ability to maneuver safely, under its own power, from any place in the bay to a dockside inspection site and back. A vessel is considered unseaworthy if the vessel is unsuitable, unsafe, or unable to travel on waters of the state, when there is risk to life, limb, or property or the vessel creates an environmental hazard in violation of any state or federal environmental protection laws; or the vessel's hulls or decks are in a state of disrepair, delaminating or decomposition; or the vessel is taking on water beyond that which can be controlled; or the vessel is lacking water-tight integrity insofar as it cannot maintain level flotation without extraordinary measures; or the vessel is likely to sink or capsize due to water intrusion.

RBRA registration: Registration of vessels on the bay would be coordinated with implementation of the moorings.

Other requirements:

Other ideas have emerged for improving safety and management of the bay that warrant consideration:

Maximum vessel length: Large vessels present challenges when they are abandoned, become marine debris, or are unseaworthy, and also in anchoring/mooring radius and in the ground tackle that they require. The vast majority of vessels that come into Richardson's Bay are less than 45 feet in length; establishing and publicizing 45 feet as a maximum length would help deter vessels unsuited for the bay. Also, establishing a maximum length will be informative to the study of mooring placement.

Maximum number of dinghies/skiffs (hereafter "skiffs") tied to vessels: Skiffs are used by persons on vessels to access the shore, and it is reasonable to have a skiff tied to a vessel in the water for this purpose. If there is more than one person on a vessel, it could be useful to have a second skiff. What can happen, however, is multiple skiffs tied up that are not being used for shore access purposes; instead they are used for storage or held for a possible purpose someday. Multiple skiffs can create safety hazards and add to the number of vessels not being actively used. The recommendation is a limit of one skiff per person, with a maximum of two skiffs per vessel, for transportation purposes.

Commercial vessels: Vessels being actively used for commercial fishing purposes do not typically present major safety, environmental or management issues. However, commercial vessels that have transitioned to recreational use do present issues; namely, if they become marine debris, abandoned, or even voluntarily turned in by the owner, they are not eligible for state abatement grant funds. Until or unless grant funding is available to address these issues, staff recommends that commercial vessels that are not being used for that purpose not be allowed to stay in the bay.

Inactive/unattended vessels/storage boats: As conversations have transpired around continuing to keep Richardson's Bay as an anchorage, with moorings, a topic that comes up is so-called "storage vessels;" this generally encompasses a vessel that someone brings into the bay with the intention of selling it as-is or after fixing it up; or it might belong to someone who lives on land with the intention and/or practice of using the vessel occasionally and is unwilling, unable or prefers not to pay marina slip fees; that is literally used for storage; or that is simply being stored on the bay. Among other issues, it is difficult to impossible to manage more than one vessel during a storm. To lay the groundwork for the transition to permitted moorings, it would be useful to clarify the Board's intention on the eligibility for storage vessels to be in Richardson's Bay. One approach is to indicate the intention of limiting boat owners to one mooring and one vessel only. A second approach is to incorporate the one vessel per owner or other limitations into requirements even before RBRA makes a determination about moorings, and set enforcement direction. Under any of these approaches, RBRA's intention could be conveyed to those currently on the bay and those arriving.

Mooring Management

There are several management issues to consider in the transition to moorings, among which are ownership, installation, inspection, certification, maintenance, monitoring, communication and enforcement. Existing anchorages use varying approaches; for example, in Tomales Bay, owners of vessels are responsible for ground tackle ownership, and its installation, annual inspection, and maintenance by an authorized contractor; in Morro Bay, some moorings are publicly owned and some privately owned. Staff will research, analyze and evaluate the various approaches and bring that information to the Board.

The economics of mooring program management also warrants study of other locations for lessons learned and applicability to Richardson's Bay. Also worth exploring in other anchorages/mooring programs is shore access and shore amenities for those who are moored; strategies to achieve compliance with requirements and enforcing when compliance is not achieved; and any other mooring considerations.

From the analysis of other mooring areas, staff will advise the Board on whether professional expertise beyond the environmental analysis is warranted.

The Special Anchorage Association has worked to establish itself as the go-to organization for owners of vessels on the bay to learn and understand local conditions and follow local standards. They have indicated interest in having a role in the transition to improved anchorage conditions, such as in guiding, assisting and confirming that vessel owners meet criteria, and other related activities. As staff explores the mechanics of how a mooring program could best function, it will consider what arrangements may be possible between RBRA and the Special Anchorage Association in roles and collaboration.

Ad-hoc Finance Committee

There are costs associated with implementing the Board's direction to transition to moorings, require certain conditions for vessels, and ensure compliance with these changed regulations. At the last meeting, Board Member Wickham asked for an agenda item to designate a subcommittee to look into these costs and potential funding sources. In addition to public agency costs that RBRA will incur, there will be private costs to owners seeking to upgrade their vessels to the new criteria or look for other arrangements. As the new finance subcommittee explores funding opportunities, it could be on the look out for financial or other support that could assist those in need.

NEXT STEPS:

Subject to Board action, staff will:

1. Seek funding to conduct the mooring study and consultants capable of performing the work.
2. Draft ordinance amendments to incorporate new requirements for vessels on Richardson's Bay. These amendments will require review by the US Coast Guard and California Division of Boating & Waterways. Given that review, the earliest tentative date for first reading and introduction of the ordinance amendments is the Board's October meeting. The ordinance amendments will require a second reading the following month, and may go into effect at a minimum of 30 days later.
3. Research moorings in other locations.
4. Convene a meeting of the ad-hoc Finance Subcommittee.

Attachments:

Comments from RBRA work session, June 14, 2018

Richardson's Bay Regional Agency

Draft Discussion Outline of:

- **Requirements for Seaworthiness and Other Vessel Conditions**
- **Factors to Consider In Determining Placement of Moorings**
 - **Other Requirements and Opportunities**

Public comments received at RBRA Board of Directors'
meeting of June 14, 2018 are in *italics*

Richardson's Bay Regional Agency
Draft Discussion Outline of Requirements for
Seaworthiness and Other Vessel Conditions

Overall comment: Use existing fed/state code definitions

Vessel Condition and Safety

1. Intact hull: No open cavities, no splitting boards, no delamination, free of excessive marine growth, no excessive rot
2. Operational through hulls, hoses and seacocks
3. Operational bilge pumps
4. Safe wiring
5. Decks must be cleared to allow unimpeded access from bow to stern
6. Fire extinguisher(s) on board, pursuant to United States Coast Guard (USCG) requirements: 46 CFR 25.
7. Carbon monoxide detector below deck

Hazardous materials/pollutants and loose materials

8. Bilges must be oil-free
9. Batteries must be secured and in working order
10. Everything on deck must be secured; personal belongings must be stored below deck
11. Fuel containers must be securely and safely stored, and in a manner that fumes cannot accumulate; See USCG requirements 46 CFR 147.45
12. Unused or unusable motors must be free of motor oil
13. On-board marine sanitation device (MSD) and subscription to pump-out service; alternative of compost toilet may be conditionally approved. See Harbor Navigation Code (33 CFR 151/155) and Marine Sanitation Devices (33 CFR 15)
14. Waste/wastewater shall not be disposed of in the bay

Vessel Operability

15. Capable of self-propelled navigation, sail or motor; and/or: vessel is operable meaning it has the ability to maneuver safely, under its own power, from any place in the bay to a dockside inspection site and back

AND/OR

A vessel is considered unseaworthy if the vessel is unsuitable, unsafe, or unable to travel on waters of the state, when there is risk to life, limb, or property or the vessel creates an environmental hazard in violation of any state or federal environmental protection laws; or the vessel's hulls or decks are in a state of disrepair, delaminating or decomposition; or the vessel is taking on water beyond that which can be controlled; or the vessel is lacking water-tight integrity insofar as it cannot maintain level flotation without extraordinary measures; or the vessel is likely to sink or capsize due to water intrusion.

Richardson's Bay Regional Agency
Draft Discussion Outline of Factors to Consider
In Determining Placement of Moorings

- 1) Water depth; possibly use Lidar technology to help determine depth
- 2) Eelgrass/Seagrass beds. *And aquatic life, migratory birds, full biological study needed – more complete than CEQA. No adverse environmental impacts*
- 3) Other aquatic life and the health of the bay. *No adverse environmental impacts*
- 4) Draft of the vessels to be moored. *Shallow and deep anchorages. Need clear depth*
- 5) Space between moorings. *90' between vessels*
- 6) Moorings/ground tackle type and technique. *40' swivel radius. 5/8 inch ground tackle swivel. 2-point anchor system. Cost \$1,000 to \$1,500. Upgrade existing anchoring systems to 2-point system. CFR – Code of Federal regulations says you must use 2.*
- 7) Shore access. *And support amenities. 110 tenders/dinghies/boats that come ashore. 3 access points. Look for additional access – MV, Tiburon, County, Belvedere, Strawberry, etc*
- 8) Differentiating areas for transient vessels and those with longer stays. *Will current anchor outs be grandfathered in? Sunset? Costs – length of stay, rental length of stay; sliding scale? Consider costs of rentals, services (pump out, trash pickup)*
- 9) Capacity. *Define possible “outline” of potential mooring location and then analyze impacts to location – depth, environmental, wildlife, shore access. Fiscal sustainability, use of public funds*
- 10) Engage with a professional to perform an objective analysis on placement taking into account the above factors

And...

- *Property ownership – public - must be considered jurisdictional*
- *Folks generally stay on the anchorage for 4-5 years, and over 15 years or so, there will be significant attrition*
- *How long can existing folks stay? What are the criteria for deciding who can be grandfathered in?*
- *How long can recreational visiting boats stay?*
- *No one should be grandfathered in – only moorings for visiting boats*
- *Figure out how to make what is already there into a mooring field*
- *Technically – there are already moorings in place that are safe for boats to be on*
- *Individuals should own their own ground tackle & be permitted by BCDC; this could be less expensive*
- *Find out which existing moorings “work”*
- *Regulated and “self-regulated” & community norms with the various sub-groups*
- *One manifestation would be self-regulated and not “managed” by government or private contracts*
- *“Professional” moorings need commensurate “professional” shore amenities*

Richardson's Bay Regional Agency
Draft Discussion Outline
Other Requirements and Opportunities

- A. No vessel may be more than ____ feet in length. *Affects mooring placement; large vessels need more capacity in ground tackle and ground tackle capacity*
- B. No commercial vessels. *Except for emergencies and passing through; note that there were no herring vessels this year*
- C. Vessels must be registered with the RBRA Harbor Administrator with owner's name, phone number and other contact and vessel information
- D. Compliance with mooring and ground tackle requirements *(TBD from mooring study) Maritime standards*
- E. Maximum number of skiffs/dinghies per vessel? *1 skiff per vessel in the water*
- F. Maximum number of vessels per owner? # of vessels overall; Timing parameters? No permanent moorings; no moorings for long range use; how long per stay and when can return and for how long
- G. Different requirements depending on use of vessel? *Differentiate sail or motor, and multi-hull*
- H. Transient vessel definitions and requirements. *RBRA own and maintain moorings/ground tackle for transient vessels*
- I. Meets state and federal requirement; For state information, see "[The ABC's of California Boating](#);" note also the list of Codes of Federal Regulations applicable to recreational boating. *Seaworthiness; sanitation device; radio (VHF); life saving gear; fire protection*
- J. Who places and owns the ground tackle and moorings? *RBRA, for reasons that include accountability; Or individuals own their own ground tackle for reasons that include costs and maintenance.*
- K. Who inspects and certifies compliance? *USCG/USCG Aux; Anchorage Association*
- L. Role of the Special Anchorage Association? *Already have inspection and burgee program; use principles of governance of the commons based on Nobel Prize winner Elinor Ostrom's work, where those in the community have a role in enforcing rules that affect them*
- M. Mariner training. *Cite the new CA rules of mariner course*
- N. Pilot program to identify a few vessels to serve as examples
- O. Means of helping people improve their vessels
- P. Volunteer assistance with eelgrass planting

And...

- *System for re-housing people who are there now*
- *Mooring – other studies for other wildlife – birds, etc.*
- *Access; look at other places, like Hawaii, FL, and Tomales Bay*
- *Regulatory compliance, including with local ordinances, CEQA, mitigation for impacts to eelgrass beds and other*
- *Long term fiscal analysis and responsibility*
- *Interim solution? Such as anchorage exclusion zone, eelgrass protection area*

RICHARDSON'S BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of: July 25, 2018

To: RBRA Board of Directors
From: Beth Pollard, Executive Director
Subject: Resolution of support for AB 2441 (Frazier) – Sacramento-San Joaquin Delta Abandoned Vessel Removal Account

STAFF RECOMMENDATION:

Approve Resolution No. 07-18 supporting AB 2441 (Frazier).

BACKGROUND:

There is no state funding for removal of current or former commercial vessels that become abandoned or marine debris, as there is for recreational vessels. This year Assembly Member Frazier introduced legislation to set up a program in the five Delta counties to help address this gap. The proposed program would allow use of revenue from State Lands Commission leases in the Delta to support removal of abandoned commercial vessels in that region. Known as AB 2441, the legislation has achieved passage in the Assembly and has also been passed by the Senate Committee on Natural Resources and Water. The next step in the process is the Senate Appropriations Committee.

DISCUSSION/ANALYSIS:

While the legislation does not extend funding to the Richardson's Bay Regional Agency, it has these indirect benefits:

- Removal of abandoned or derelict commercial vessels anywhere in the region diminishes the potential for their presence in Richardson's Bay
- If abandoned or derelict commercial vessels are not removed, they can sink and be detrimental to the environment
- It is costly to remove/abate commercial vessels, which is currently left to local agencies to fund
- A successful initial program in the Delta could be used as a model to extend beyond that region

In advance of the Senate Committee on Natural Resources and Water hearing on AB 2441, Chair Winter sent the attached letter to Committee member Senator McGuire, who represents Marin in the State Senate. Senator McGuire voted in favor of the bill.

NEXT STEPS:

With Board approval, staff will transmit the resolution to the Senate Appropriations Committee and other officials as warranted throughout the duration of legislative process.

Attachments:

Draft Resolution No. 07-18

AB 2441 text

Letter from Chair Winter

RICHARDSON'S BAY REGIONAL AGENCY

RESOLUTION NUMBER 07-18

SUPPORTING AB 2441 – SACRAMENTO-SAN JOAQUIN DELTA ABANDONED VESSEL REMOVAL ACCOUNT (FRAZIER D-DISCOVERY BAY)

WHEREAS, AB 2441 would create an account in the General Fund of the State of California to make funds available for the removal of abandoned commercial vessels in the Sacramento-San Joaquin Delta; and

WHEREAS, commercial vessels left abandoned pose environmental risks to the waters of the state, and are challenging and costly to remove; and

WHEREAS, there currently is no source of funding for the abatement of abandoned commercial vessels; and

WHEREAS, it is more fiscally prudent and environmentally responsible to fund the removal of abandoned commercial vessels before they sink; and

WHEREAS, the abatement of abandoned commercial vessels in the Delta is beneficial to Richardson's Bay and the State as a whole by diminishing the population of abandoned commercial vessels and risks to our bay and waters throughout California,

NOW, BE IT HEREBY RESOLVED, that the Board of Directors supports AB 2441 and authorizes its Executive Director to convey this support to the appropriate officials.

PASSED AND ADOPTED by the Board of Directors of the Richardson's Bay Regional Agency on July 25, 2018.

CERTIFICATION:

Marty Winter, Board Chair

Beth Pollard, Executive Director

AMENDED IN SENATE JUNE 28, 2018

AMENDED IN SENATE JUNE 19, 2018

AMENDED IN ASSEMBLY APRIL 16, 2018

AMENDED IN ASSEMBLY MARCH 13, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2441

Introduced by Assembly Member Frazier
(~~Coauthor: Assembly Member Eggman~~)
(Coauthors: Assembly Members Eggman and Grayson)
(Coauthors: Senators Dodd and Glazer)

February 14, 2018

An act to amend Sections 6217.6 and 6302.1 of, and to add Section 6302.2 to, the Public Resources Code, relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 2441, as amended, Frazier. Sacramento-San Joaquin Delta Abandoned Vessel Removal Account: removal of abandoned commercial vessels.

Existing law vests with the State Lands Commission control over specified public lands in the state, including tidelands and submerged lands. Existing law requires that all rental income received for surface uses, including, but not limited to, surface drilling rights, upon lands under the jurisdiction of the commission be deposited in the State Treasury to the credit of the General Fund, except for certain income from state school lands, royalties received from the extraction of

minerals on the surface of those lands, and all rental income from surface uses for lands at Lake Tahoe.

This bill would additionally exclude from the above requirement relating to the use of rental income received from surface uses of public lands, all rental income from surface uses for lands in the Sacramento-San Joaquin Delta, as defined. The bill would create the Sacramento-San Joaquin Delta Abandoned Vessel Removal Account in the General Fund and would require that moneys in the account be available, upon appropriation by the Legislature, to the commission for the removal of abandoned commercial vessels from lands and waterways, including tidelands and submerged lands, within the Sacramento-San Joaquin Delta.

Existing law authorizes the commission to take immediate action, without notice, to remove from areas under its jurisdiction a vessel that is left unattended and is moored, docked, beached, or made fast to land in a position as to obstruct the normal movement of traffic or in a condition as to create a hazard to navigation, other vessels using a waterway, or the property of another. Existing law authorizes the commission to recover all costs incurred in removal actions undertaken pursuant to those provisions, including administrative costs and the costs of compliance with the California Environmental Quality Act.

This bill would require that the commission deposit any moneys recovered from commercial vessel removal actions undertaken pursuant to those provisions into the account. The bill would require the commission, in consultation with other relevant state and local agencies directly involved in the removal of abandoned vessels, by July 1, 2019, to develop a plan for the removal of abandoned commercial vessels using those moneys, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6217.6 of the Public Resources Code is
- 2 amended to read:
- 3 6217.6. All rental income received for surface uses, including,
- 4 but not limited to, surface drilling rights, upon lands under the
- 5 jurisdiction of the State Lands Commission shall be deposited in
- 6 the State Treasury to the credit of the General Fund, except as
- 7 follows:

1 (a) Income from state school lands, as ~~provided~~ *specified* in
2 Section 6217.5.

3 (b) Royalties received from extraction of minerals on the surface
4 of those lands, as provided in Section 6217.

5 (c) (1) All rental income from surface uses for lands at Lake
6 Tahoe.

7 (2) The rental income specified in paragraph (1) shall be
8 deposited into the Lake Tahoe Science and Lake Improvement
9 Account, for expenditure upon appropriation by the Legislature
10 pursuant to Section 6217.6.1.

11 (d) (1) All rental income from surface uses for lands in the
12 Sacramento-San Joaquin Delta.

13 (2) The rental income specified in paragraph (1) shall be
14 deposited into the Sacramento-San Joaquin Delta Abandoned
15 Vessel Removal Account, which is hereby created in the General
16 Fund. Moneys in the account shall be available, upon appropriation
17 by the Legislature, to the commission for expenditure for purposes
18 related to the removal of abandoned commercial vessels pursuant
19 to Sections 6302.1, 6302.2, 6302.3, and 6302.4 from lands and
20 waterways, including tidelands and submerged lands, within the
21 Sacramento-San Joaquin Delta.

22 (3) For purposes of this section, “Sacramento-San Joaquin
23 Delta” means the lands within the boundaries of the Counties of
24 Contra Costa, Sacramento, San Joaquin, Solano, and Yolo.

25 SEC. 2. Section 6302.1 of the Public Resources Code is
26 amended to read:

27 6302.1. (a) (1) The commission may take immediate action,
28 without notice, to remove from areas under its jurisdiction a vessel
29 that is left unattended and is moored, docked, beached, or made
30 fast to land in a position as to obstruct the normal movement of
31 traffic or in a condition as to create a hazard to navigation, other
32 vessels using a waterway, or the property of another.

33 (2) The commission may take immediate action, without notice,
34 to remove from areas under its jurisdiction a vessel that poses a
35 significant threat to the public health, safety, or welfare or to
36 sensitive habitat, wildlife, or water quality, or that constitutes a
37 public nuisance.

38 (3) A vessel removed under this section that remains unclaimed
39 for 30 days after notice of removal is abandoned property.

1 (4) After removal of the vessel pursuant to paragraph (1) or (2),
2 the commission shall mail a notice to the owner, if known, and
3 any known lienholder, that informs the owner and lienholder that
4 if the vessel remains unclaimed for 30 days, it will be deemed
5 abandoned property, and the commission may dispose of it pursuant
6 to Section 6302.3.

7 (b) (1) The commission may remove from areas under its
8 jurisdiction a vessel that has been placed on state lands without its
9 permission. Prior to removal of the vessel, the commission shall
10 do both of the following:

11 (A) Give a 30-day notice to remove the vessel by attaching it
12 to the vessel in a clearly visible place.

13 (B) Use reasonable means to identify and locate the owner and
14 any lienholder. If the owner is located, the commission shall mail
15 notice to the owner to remove the property by a date certain at
16 least 15 days from the date of the notice.

17 (2) If a vessel remains unclaimed after the expiration of the 30
18 days' notice period and the 15 days' owner notice, if applicable,
19 in accordance with paragraph (1), it is abandoned property and the
20 commission may direct the disposition of the property pursuant to
21 Section 6302.3. The commission may also either remove the vessel
22 or allow it to remain in place until the commission takes action to
23 dispose of the property.

24 (c) Upon request of the owner and after payment of the costs
25 of removal and storage, the commission shall return to the owner
26 a vessel removed under this section.

27 (d) The commission, at its discretion, may remove and dispose
28 of an abandoned or derelict vessel on a navigable waterway in the
29 state that is not under the jurisdiction of the commission pursuant
30 to this section, if requested to do so by another public entity that
31 has regulatory authority over the area where the vessel is located.

32 (e) (1) The commission may recover all costs incurred in
33 removal actions undertaken pursuant to this section, including
34 administrative costs and the costs of compliance with the
35 requirements of the California Environmental Quality Act (Division
36 13 (commencing with Section 21000)), through an appropriate
37 action in the courts of this state or by use of any available
38 administrative remedy.

39 (2) The commission shall deposit any moneys recovered from
40 commercial vessel removal actions undertaken pursuant to

1 paragraph (1) into the Sacramento-San Joaquin Delta Abandoned
2 Vessel Removal Account, created pursuant to paragraph (2) of
3 subdivision (d) of Section 6217.6.

4 (f) For purposes of this section the following definitions apply:

5 (1) “Appropriate action” means any cause of action available
6 at law or in equity.

7 (2) “Commission” includes the staff or agents of the commission
8 or other federal, state, or local agencies operating in concert with
9 or under the direction of the commission.

10 (3) “Unclaimed” means that an owner or a lienholder of the
11 vessel has not contacted the commission in response to a notice
12 made pursuant to this section, if notice is required, and has not
13 made adequate arrangements to take or remove the vessel to an
14 authorized location.

15 (4) “Vessel” includes any of the following:

16 (A) A vessel, boat, raft, or similar watercraft.

17 (B) A buoy, anchor, mooring, or other ground tackle used to
18 secure a vessel, boat, raft, or similar watercraft.

19 (C) A hulk, derelict, wreck, or parts of a ship, vessel, or other
20 watercraft.

21 SEC. 3. Section 6302.2 is added to the Public Resources Code,
22 to read:

23 6302.2. (a) The commission shall, in consultation with other
24 relevant state and local agencies directly involved in the removal
25 of abandoned vessels, by July 1, 2019, develop a plan for the
26 removal of abandoned commercial vessels to be funded using
27 moneys from the Sacramento-San Joaquin Delta Abandoned Vessel
28 Removal Account, created pursuant to paragraph (2) of subdivision
29 (d) of Section 6217.6.

30 (b) The plan required to be developed pursuant to subdivision
31 (a) shall prioritize the removal of vessels based on the risk an
32 abandoned commercial vessel presents to the environment of the
33 Sacramento-San Joaquin Delta and to the health and safety of the
34 public.

35 (c) For purposes of this section, “Sacramento-San Joaquin Delta”
36 means the lands within the boundaries of the Counties of Contra
37 Costa, Sacramento, San Joaquin, Solano, and Yolo.

Richardson's Bay Regional Agency
c/o Marin County Community Development Agency
3501 Civic Center Drive, Room 308, San Rafael, CA 94903
(510) 812-6284

June 19, 2018

Senator Mike McGuire
3501 Civic Center Drive, Suite 425
San Rafael, CA 94903
Senator.mcguire@senate.ca.gov

Re: AB 2441 (Frazier) – Sacramento-San Joaquin Delta Abandoned Vessel
Removal – Support

Dear Senator McGuire:

The Richardson's Bay Regional Agency (RBRA) is a joint powers agency comprised of the County of Marin and the cities of Belvedere, Mill Valley, and Tiburon. As Chair of the RBRA Board of Directors, I urge you to support AB 2441 when it comes before the Senate Committee on Natural Resources and Water on June 26.

While the bill directly applies only to the Delta counties, it would benefit the cities and unincorporated County area of Southern Marin in these ways:

1) Currently there is no funding for abatement of commercial vessels left abandoned and/or that become marine debris anywhere in the state. Unless abated, they sink, thereby polluting the waters as well as becoming even more costly to remove. A commercial vessel abatement program anywhere in the state will help diminish the population of such vessels, which can otherwise end up in Richardson's Bay.

2) Commercial vessels in the State of California have no jurisdictional limits; at the end of their useful life they can appear in any body of water. To prevent environmental damage, local agencies like RBRA have tackled abatement with local taxpayer dollars, but it is expensive. Just this month, RBRA spent \$30,000 of local taxpayer money to remove an abandoned derelict commercial tugboat that was close to sinking. It was not used for commercial purposes in Richardson's Bay, it simply ended up in our waters. Since it had commercial registration, it was ineligible for the State's recreational abandoned vessel abatement funding. To protect the environment, RBRA took the responsible and expensive route to abate it ourselves.

Sen. McGuire - AB 2441

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3) AB 2441 would serve as a pilot program in responsible removal of abandoned derelict commercial vessels statewide. It is a step in the right direction of recognizing local impacts of derelict commercial vessels from throughout the state.

Please feel free to contact me for further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marty Winter', with a long horizontal flourish extending to the right.

Marty Winter
Chair, Richardson's Bay Regional Agency

cc: Assembly Member Levine
Assembly Member Frazier
RBRA Board of Directors
Beth Pollard, RBRA Executive Director