

RICHARDSON BAY REGIONAL AGENCY

STAFF REPORT

For the meeting of July 1, 2022

To: Board of Directors
From: Steve McGrath, Interim Executive Director
Subject: Bay Conservation and Development Commission – Mooring Field

STAFF RECOMMENDATION:

Motion: Approve proposed amendment to the Agreement with BCDC. If similarly approved by the BCDC Enforcement Committee, authorize:

- 1 Board Chair to execute the amended Agreement; and
- 2 Executive Director to approve other non-material changes to the Agreement; and
- 3 Executive Director to terminate the GHD contract for development of the mooring field.

DISCUSSION:

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

Section 6 of the Agreement states:

6. **Temporary Use of Moorings.** By December 15, 2022, RBRA will install in its anchoring zone (outside of its Eelgrass Protection Zone) approximately 15 to 20 moorings such as those described in RBRA's Ecologically-based Mooring Feasibility Assessment and Planning Study. RBRA will use these moorings temporarily for vessels that relocate from the Eelgrass Protection Zone, vessels that are enrolled in the Safe and Seaworthy program, and other temporary uses as the moorings are installed. RBRA will monitor the moorings to evaluate their effectiveness at protecting subtidal resources and securing vessels. RBRA will report its

findings on mooring effectiveness and mooring removal to BCDC. If RBRA wishes to retain these mooring after October 15, 2026, it must apply for and obtain a permit from BCDC. Prior to that date, this Agreement is sufficient authorization for RBRA's installation of these moorings; BCDC agrees that it will not pursue any enforcement action claiming or imposing any further permit or other authorization requirement related to such installation.

In February 2022, this Board approved a contract with GHD for plans, specifications, engineering and environmental analysis for the mooring field.

In May 2022, this Board approved a reduction in the number of moorings from 20 to 15, and affirmed the temporary nature of the mooring field.

In June 2022, this Board adopted a final budget for FY 23 that includes \$165,000 for completion of the mooring field.

Over time, the number of vessels in the 'Safe and Seaworthy' program has decreased to 11, of which perhaps only six are suitable for a mooring. With the soft costs of development and the equipment and installation costs, the per unit cost, if only five moorings are installed, is approximately \$30,000 per mooring. This does not include cost of removal in 2026.

Staff has been in communication with staff at BCDC regarding this, and subject to approval by this Board and the BCDC Enforcement Committee, staff from both agencies have agreed to provide for the better use of the budgeted funds to advance the common goals of the RBRA and BCDC by amending the Agreement in part as follows:

6. **Temporary Use of Moorings.** By December 15, 2022, RBRA ~~will~~may install in its anchoring zone (outside of its Eelgrass Protection Zone) approximately 15 to 20 moorings such as those described in RBRA's Ecologically-based Mooring Feasibility Assessment and Planning Study. RBRA will use these moorings temporarily for vessels that relocate from the Eelgrass Protection Zone, vessels that are enrolled in the Safe and Seaworthy program, and other temporary uses as the moorings are installed. RBRA will monitor the moorings to evaluate their effectiveness at protecting subtidal resources and securing vessels. RBRA will report its findings on mooring effectiveness

and mooring removal to BCDC. If RBRA wishes to retain these mooring after October 15, 2026, it must apply for and obtain a permit from BCDC. Prior to that date, this Agreement is sufficient authorization for RBRA's installation of these moorings; BCDC agrees that it will not pursue any enforcement action claiming or imposing any further permit or other authorization requirement related to such installation.

- a. Should RBRA determine that the funds budgeted for installation and removal of temporary moorings for the limited number of suitable vessels may be more effectively used elsewhere, RBRA commits to using the budgeted funds to:
 - i. Supplement the funds available for any buyback program should available funds prove insufficient; and/or
 - ii. Consider hiring a dedicated part- or full-time case manager to work with the anchor-out population; and/or
 - iii. Subsidize slip fees or insurance requirements for vessels moving from the anchorage to a marina; and/or
 - iv. Reserve dedicated space in an existing marina for the storage of impounded vessels; and/or
 - v. Any other program, process or practice that will advance the common goal of the RBRA and BCDC to reduce and eventually eliminate the presence of illegally anchored vessels on Richardson Bay

Other non-material changes are included in the red line version of the Agreement, attached.

With this proposed change, staff believes the common goals of the RBRA and BCDC are better served and public funds better utilized. While not the driving force behind this proposed change to the Agreement, staff also believes that this proposed change will be well received by some residents of Sausalito, who had expressed their concern about this project.

RBRA staff would like to take this opportunity to thank staff at BCDC for the pragmatic and flexible approach that put the end before the means and prioritized efficient use of public funds.

FISCAL IMPACT:

None

Attachments:

RBRA/BCDC Amended Agreement