

The background image shows a coastal scene with two abandoned sailboats on a rocky shore. One boat is white with a blue stripe and a blue sail, while the other is white with a blue stripe and a white sail. They are positioned on a rocky bank next to a body of water. In the background, there are houses with red roofs and a hillside with more houses and trees.

Expert Briefing: Abandoned Vessels Enforcement

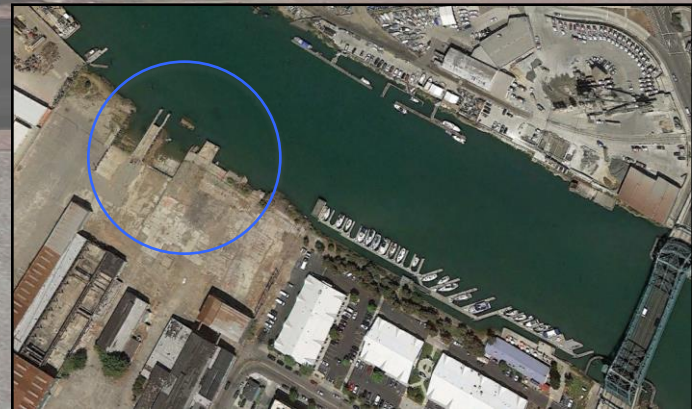
April 9, 2014

at the Bay Planning Coalition

**Adrienne Klein, Chief of Enforcement,
San Francisco Bay Conservation and
Development Commission**

Collapsed Concrete Wharves US Army Corps of Engineers' Property 2241 Clement Avenue, Alameda

These wharves are now GONE, removed by CalRecycle and the US EPA



Former USCG Tugs Lion and Tiger, 1944 Abandoned at the Port of Richmond December, 2011



Disposal Cost - \$315,000

Oil Removed – 6,000 gallons

Former USCG Lighthouse Tender 'Fir'

Abandoned at Pier 38

San Francisco



03/30/2009



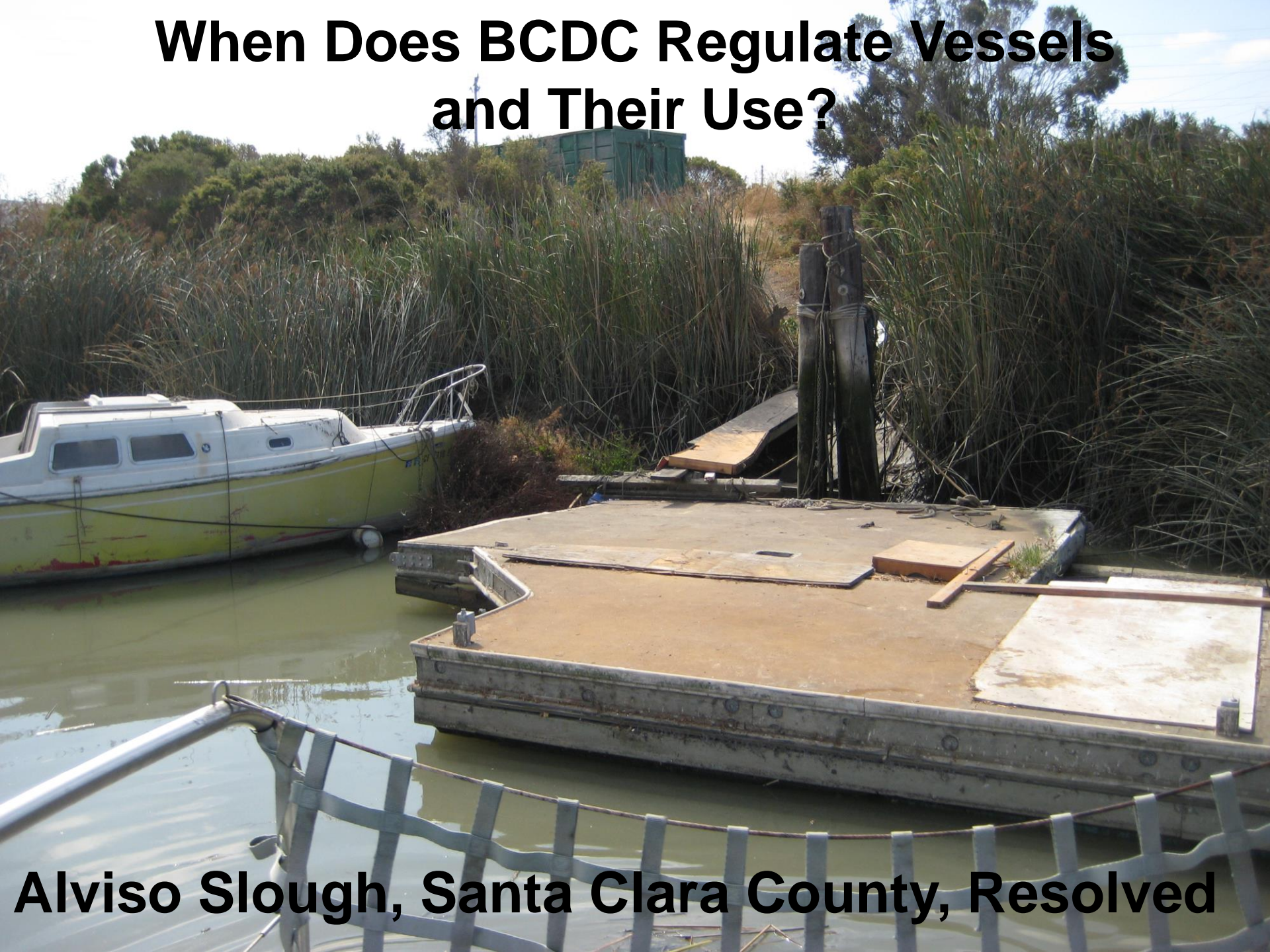
**Unseaworthy Vessels Moored to a Dilapidated Wharf
on the Oakland Shoreline Now All Removed**

Debris Removed From the Bay

Location	When	Number Boats	Tons
Richardson's Bay, Marin County	1997 - present	797	9,900
Redwood City, San Mateo County	1996 - 2003	113	1,000
Contra Costa County	2005 - 2011	186	



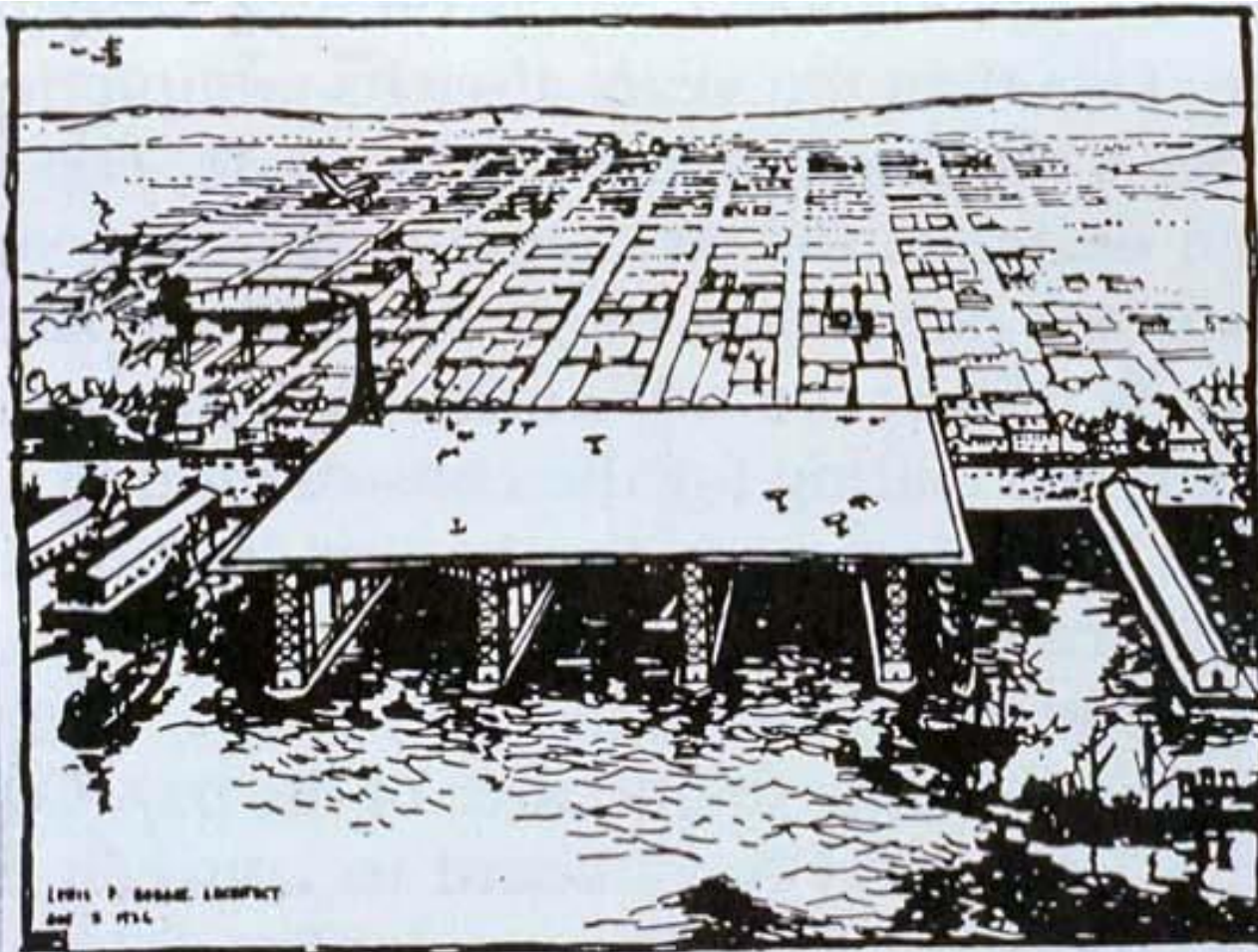
When Does BCDC Regulate Vessels and Their Use?



Alviso Slough, Santa Clara County, Resolved







**1927 PROPOSAL FOR A PLATFORM AIRPORT
ON THE SAN FRANCISCO WATERFRONT**





REPORT
ON THE
REBER PLAN
AND
BAY LAND CROSSING

by

L. H. NISHKIAN
CONSULTING ENGINEER

TO

JOINT ARMY-NAVY BOARD

SAN FRANCISCO, AUGUST 12-15, 1946







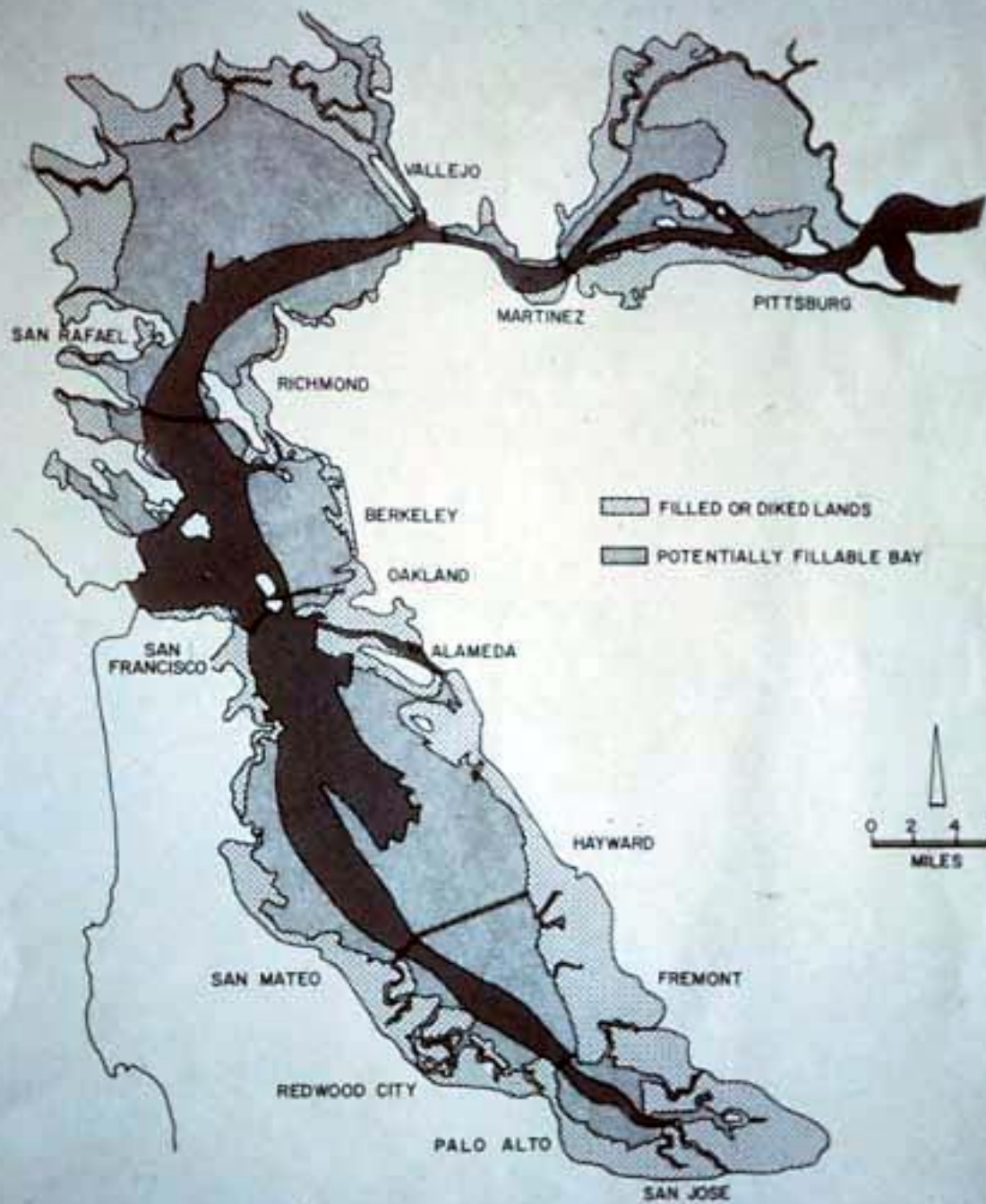
Image © 2007 TerraMetrics

Google

Pointer 37°51'47.73" N 122°19'09.93" W elev 0 m Streaming ||||| 100% Eye alt 2.35 km









Kay Kerr

Sylvia McLaughlin

Esther Gulick





PROPERTY OF
CITY OF OAKLAND
PENALTY FOR PRIVATE USE

Commission Membership

- **Seven** public representatives, 5 appointed by the Governor, 1 by Senate Rules Committee and 1 by the Speaker of the Assembly
- A County representative from each of the **nine** Boards of Supervisors along the Bay, appointed by their own Board
- **Four** City representatives, appointed by ABAG
- **One** member **each** from USACOE & US EPA
- **One** member **each** from Department of Finance, State Lands Commission, Business and Transportation, Department of Resources and SF Regional Water Quality Control Board

The Commission's Jurisdiction



What Does BCDC Have Authority to Regulate?

What is Bay Fill?

- Placement of Fill
- Extraction of Materials
- Changes in Use

- Earth, Pilings and Structures Placed on Pilings
- Floating Structures Moored for an Extended Period
- Houseboats and Floating Docks



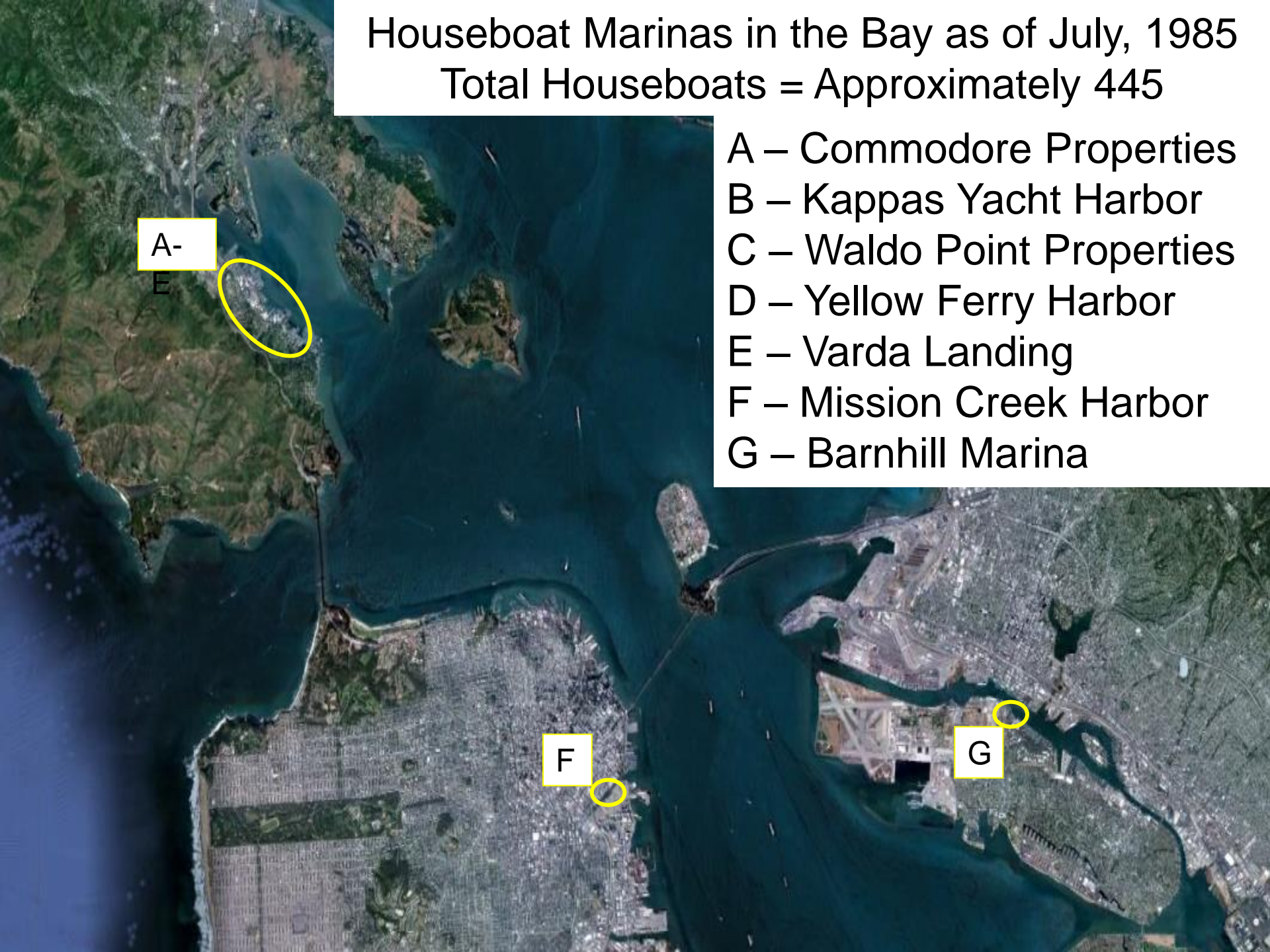
A photograph of a waterfront area. In the foreground, there is a body of water reflecting the sky and the structures. Several boats are moored along a wooden dock. On the left, there is a small white building with a door. In the background, there are houses built on stilts, with stairs leading down to the water. The scene is set in a residential area with trees and other buildings visible in the distance.

What Can BCDC Authorize?

Fill for Water Oriented Uses
Fill with No Alternative Upland Location

Houseboat Marinas in the Bay as of July, 1985

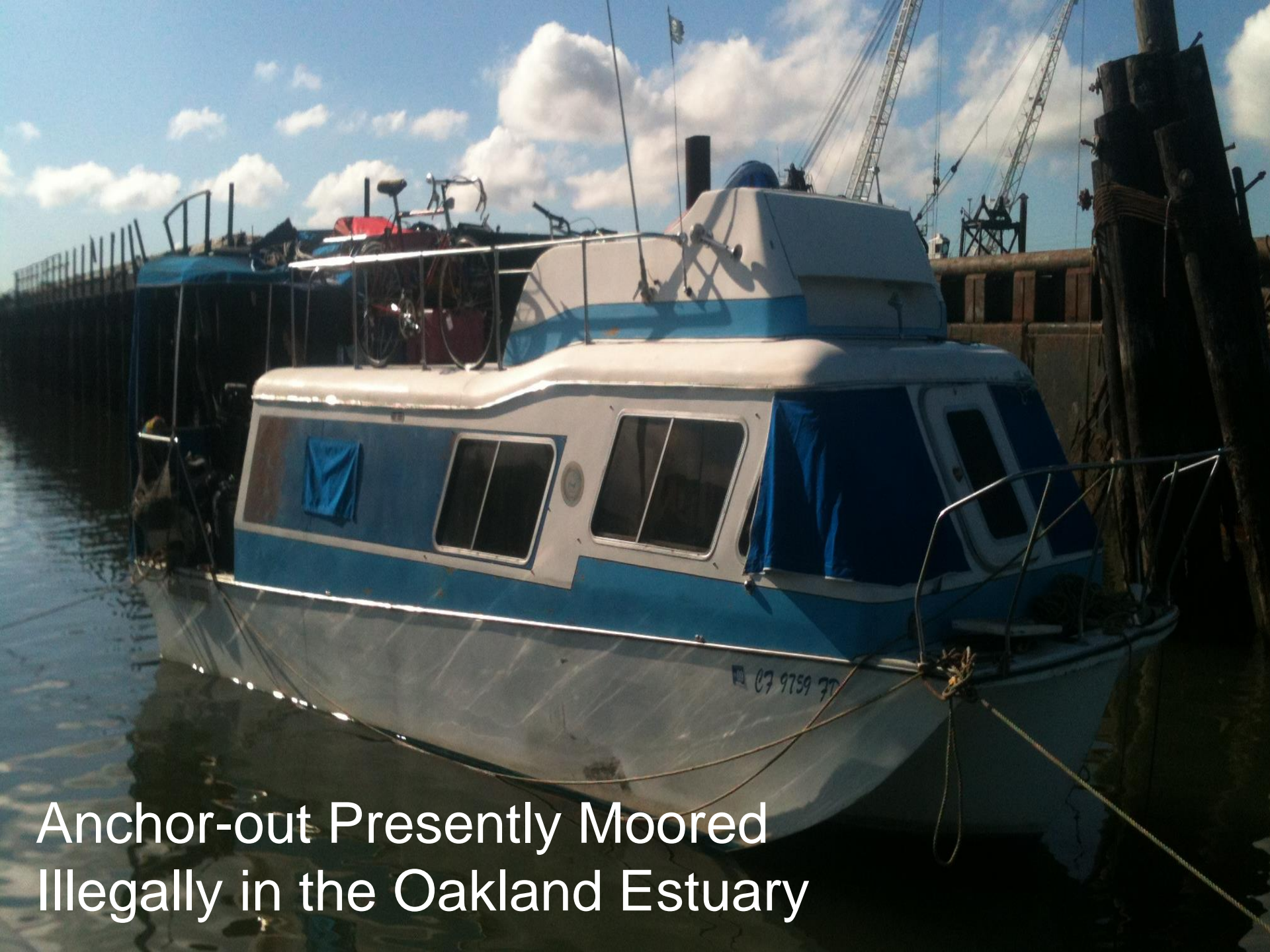
Total Houseboats = Approximately 445



- A – Commodore Properties
- B – Kappas Yacht Harbor
- C – Waldo Point Properties
- D – Yellow Ferry Harbor
- E – Varda Landing
- F – Mission Creek Harbor
- G – Barnhill Marina



10% “Live-Aboard” Use Allowed at Recreational Marinas



Anchor-out Presently Moored
Illegally in the Oakland Estuary

Enforcement Toolbox



- * Standardized Fines
- * Administrative Penalties
- * Cease and Desist Orders
- * Permit Revocation Orders
- * Civil Penalty Orders
- * Court-Imposed Penalties
- * Litigation
- * Settlement in lieu of litigation
- * Injunctions
- * Misdemeanor
- * Charm

Cease and Desist Orders

Executive Director Order (Section 66637)

- * Ongoing or Imminent Threat to Bay Resources or Public Access
- * 90-Day Duration



Commission Order (Section 66638)

- * Sets a Schedule to Require:
- * Fill Removal
- * Permit Obtainment
- * Permit Compliance



Civil Penalty Order

Section 66641.6

- * \$30,000/Violation =
Maximum Administrative Penalty
- * Usually Combined With
Cease and Desist Order
- * Stay Penalty =
Compliance Incentive



Determining Civil Liability

(Section 66641.9)

- * Gravity of the Violation
- * Susceptibility to Resolution
- * Ability to Pay
- * Voluntary Removal Efforts
- * Prior History of Violation
- * Economic Savings
- * Degree of Culpability



Commission Cease and Desist Orders For Illegal Residential Use

- 
- 13 Orders since 1987
 - Almost all have proceeded to litigation
 - Penalties are not paid
 - BCDC cannot achieve compliance if boat owner fails to

Phil Joy and City of Benicia Parcels, Solano County Removed – 26,400 square feet of fill Cost - \$414, 925



Regional Water Quality Control Board Oil Spill Liability Fund



**Abandoned Vessels In San Leandro Bay
Alameda County — One is gone; the other remains**



Marina Rules & Regulations

Navigation

Marina Home

Marina Berthing Information

Marina Facilities

Marina Info for Visiting Yachts

Marina Municipal Code Ordinances

Marina Rules & Regulations



1. Mooring of Vessels

The length of any vessel including any and all appurtenances thereon shall not exceed the length of its berth.

Vessels shall be moored in such a manner that no part extends beyond the limit of the berth.

Addition of equipment to a vessel causing it to exceed the length of its berth will require moving to a larger berth, or, if necessary, vacating the harbor.

Mooring lines shall be of sufficient number and strength to ensure that the vessel shall be secure in the highest winds that can reasonably be expected.



2. Movement of Vessels within the Marina

Movement of vessels within the Marina shall be for the purpose of entering or leaving a berth. Cruising

Marine Patrol Units Are Critical



Alviso Slough, Santa Clara County



collaboration
is everything

Abandoned Vessels Working Group

USCG Sponsored



Alviso Slough, Santa Clara County



Solid Waste Disposal Fund CalRecycle

**Senate Bill 595
State Lands Commission**

Benicia, Solano County

Wanted: Master List of Vessel and Marine Debris Removal Projects



USACOE
US EPA
USCG
CalRecycle
SF BCDC
SLC
SF RWQCB