

October 26<sup>th</sup>, 2020



Protecting Marin Since 1934

San Francisco Bay Conservation and Development Commission  
Enforcement Division  
375 Beale Street, Suite 510  
San Francisco, CA 94105

**Re: Comment on 10/28/2020 meeting agenda item 6: Update on a transition plan for the Management of Vessels in Richardson's Bay, Marin County**

Dear Commissioners:

Marin Conservation League (MCL) has been following the BCDC Richardson's Bay process and attending RBRA and BCDC meetings. We are pleased with the progress made on this item. MCL has adopted goals to: Protect the natural values of Richardson Bay and Uphold the State public purposes for these waters. We encourage BCDC to implement the 1984 Richardson Bay Special Area Plan and to restore anchor damaged eelgrass beds.

Specifically, we encourage the following:

- 1) Protect of Richardson's Bay natural resources, recognizing the high value of the resources for fish, seabirds, migratory waterfowl and harbor seals, and habitats including: Marine, estuarine, eelgrass, sub-tidal marshes, rocky shoreline, and sandy-pebble beaches, as well as mudflats, which provide important feeding areas for shorebirds. All should be considered as important for local ecosystem health and the biodiversity of Richardson Bay.
- 2) Implement the Richardson Bay Special Area Plan and urged that its findings, policies and maps be adopted and that steps be taken to implement the plan. MCL's support of the document began in 1984 and continues, including its statement on Page 26: ***"Vessels and floating structures used for residential purposes (i.e. houseboats and live-aboards) should be allowed only in recreational or houseboat marina berths when consistent with and in compliance with local codes. All anchor-outs should be removed from Richardson Bay."***
- 3) Support the Pubic Trust Doctrine and acknowledge the State Lands Commission's statement for Richardson Bay (2009) that: ***"It is important to stress, as discussions regarding the development of mooring fields proceed, that it is the position of the Commission staff, based on advice from the Attorney General's office that residential use of the State's tidelands and submerged lands, whether granted or ungranted, including residential live-aboard use, is not a use consistent with the Public Trust Doctrine, as it is for a purely private purpose that is unrelated to, not dependent upon, and does nothing to stimulate or promote the purposes***

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Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.


*for which tidelands are uniquely suited.”* The Public Trust Doctrine as the principle of common law directing who owns and manages natural resources as it is deeply rooted in our culture and history. Its strength comes from legal validation thru supreme courts. From Magna Carta in 1215, the 1892 U.S. Supreme Court decision that Sovereign Lands are held in trust by the state for all present and future generations, the Lacey Act of 1900. The Migratory Bird Treaty Act of 1918, the Endangered Species Act, and others, the values of the public natural resources continue to be protected. In 1983, the California Supreme Court ruling held that the State had the duty to make decisions affecting public trust resources specifically to use water resources for navigation, fisheries, commerce, environmental preservation and recreation; as ecological units for scientific study; as open space; as environments that provide food and habitats for birds and marine life; and as environments that favorably affect the scenery and climate of the area (excerpt from California’s Rivers, A Public Trust Report prepared for the California State Lands Commission in 1993).

- 4) Ensure the RBRA and Sausalito to actively protect and restore the ecosystems of Richardson Bay, especially the eelgrass habitat, which is an Essential Fish Habitat and Habitat of Special Concern under the Magnuson Steven’s Fishery Conservation and Management Act.
- 5) Set an objective of five years to fully implement transition plans to remove illegally moored vessels from the Bay.

Thank you for considering these items,



Robert Miller  
President



Terri Thomas  
Land Use, Transportation and Water  
Committee

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