

Tomales Bay Vessel Management SAC Working Group

Summary Notes

October 30, 2008

1. Updates

Meeting notes from July 24th

The summary notes from July 24th were approved with one change. The following sentence was added to the “Mooring Tackle Pilot Test Cost” section: Mike Rawlings of US Mooring Systems estimated that the costs of a helical mooring in Santa Barbara would be \$3,700 to \$4,000, installed.

Seagrass Expert Meeting

Meeting Participants: Suzanne Olearnic, Natalie Cosentino Manning, Kathy Boyer, Ted Grochaltz, Tom Moore (on phone)

Working Group (WG) Member Attendees: Gordon Bennett, Dominique Richard, Jerry Abbot, George Clyde, Gene Mafucchi, Willy Voegler

A list of questions was given to the expert panel, based on WG and public comment process. Below is a summary of responses to the questions:

- The one thing you can extract from studies in other areas is mechanical damage. There is sufficient information to assume that there is damage to eelgrass from chains. You can assume that, based on information known about *Zostera marina*, that the chains do cause damage. The one thing that differs in each region/area is the rate of recovery. Recovery rates can vary by location or by other environmental influences. The rate of recovery can change from year to year. Can't use information gathered on recovery rates from past to predict if there will be impacts in the future from moorings in eelgrass.
- Several experts noted that if we continue to use the types of moorings that we are using now, there would be damage in eelgrass. The level of damage ties directly to the recovery rates.
- A sidescan sonar survey of the area will show the extent of the damage. In terms of existing moorings in eelgrass, the extent of the damage can be evaluated by doing sidescan sonar (not in winter). Sidescan sonar can also show the size and shape of the moorings.
- Propellers and mooring chains do not “mow” eelgrass and do not benefit eelgrass.
- Shading should not be a concern for most boats in Tomales Bay. A bigger concern is physical structures and docks. Large live-aboard vessels can also cause shading.
- Water depth is not a good criterion to show where seagrass will grow in Tomales Bay. The overflight data provided by CDFG is better.
- Current mooring anchors that are located in eelgrass should not be removed unless it's sitting on top of the seafloor or it's barely below the surface. If a sunken mooring is pulled and a large hole is left, then the hole can increase. It is recommended is to leave in the sunken moorings, but remove the buoy and drop the chain. In eelgrass, the mooring anchor can cause more damage to remove than to just leave in.
- There is no precedent showing zero impact from installing moorings on seagrass beds. Helical moorings have an impact on seagrass. If you change the chain to an elastic rode, you will minimize the overall impact.

- It was noted that moorings can also provide habitat for native oysters.

The WG discussed depths at which seagrass can be found in Tomales Bay. Tom Moore from CDFG pointed out that the overflights also do not always capture the deepest areas. 20ft might be a good indicator for the maximum depth eelgrass could be found, but the experts agreed that depth is NOT a good criterion, even if it is a “user-friendly” metric that boaters can use as a ground rule. It was further pointed out by Tom Moore that eelgrass is seen becoming sparser as it gets deeper, but this varies based on water visibility and other factors, and if conditions of the bay change then this can change.

Jeremy pointed out that there is an 8-year survey being done in Puget Sound on eelgrass distribution and abundance. They are using towed video technology. This has also been done by CDFG, but they found that it could be difficult to use since the conditions change. It is an OK technique to see what is down there, but it is time consuming, tough to work with, and expensive. Also the concept of scale gets lost. We use sidescan because it is better.

STAFF ACTION>> Staff will look into videography of seagrass and why it was used in Pudget Sound. -**Completed**

STAFF ACTION>> Staff will summarize seagrass findings in meeting notes. - **Completed**

Sanctuary Advisory Council Update

Dominique went over all the recommendations and actions that the SAC has taken.

Sewage Services and Siting

- Marshall Boat Works - The Sanctuary Superintendent sent the letter to Marin County Environmental Health in August 08 requesting that phase two of the Tomales Bay East Shore wastewater project consider feasibility of accommodating a vessel sewage pump-out station. A reply was received on October 27th that stated Marin County Environmental Health Services (EHS) shares the Sanctuary’s concerns regarding water quality in Tomales Bay and they will be pleased to examine the questions that were posed in the letter during the feasibility analysis for the second phase of the Marshall Wastewater Improvement Project (anticipated to start before the end of 2008). The letter also announced that EHS recently submitted a concept proposal to the State Water Resources Control Board for \$1 million to begin the second phase of the wastewater system.
- Miller Park - The Sanctuary Superintendent sent a letter to the Boating and Waterways Commission in August 08 requesting a port-a-potty dump station. Marin County has since received the funding and will move forward with the project.

Mooring Tackle/Gear

The Sanctuary Advisory Council accepted the recommendation for a mooring tackle test, although the cost limit was removed as a criterion for the test, but not as a critical variable of the test. In other words, it was recommended that costs would be part of the study, not a determinant of the study. The SAC also believed that the eelgrass expert panel should be consulted on the content of the tackle test study.

The WG discussed how it would be involved in designing the tackle test. The pull test will likely be done in March or April. The following comments were made:

- Each location in the Bay is different. The test will find different results in different areas due to variations in bottom types. How many locations need to be tested?
- What criteria will we use to judge the viability of the mooring?
- The WG requested to meet to discuss the results of the tackle pull test.
- The WG would like to be consulted on the development of the tackle test.
- A subcommittee was suggested.

STAFF ACTION>> Staff will distribute a copy of the RFP for the tackle test to the WG.

STAFF ACTION>> Staff will continue to consult WG in development of the tackle test(s), in accordance with laws, regulations and policies of developing government contracts.

STAFF ACTION>> Staff will investigate NOAA procedures/recommendations for pull tests

STAFF ACTION>> Following the results of the tackle pull test, the Sanctuary plans to hold a WG meeting so the WG will be able to discuss the results and make recommendations to the SAC regarding tackle criteria for the vessel management plan.

Permitting Update

The permitting agencies have met once to discuss permitting jurisdictions and authorities. A lot was accomplished at the first meeting, but the discussion made it clear that several agencies have permitting authorities and the lead agency depends on the specific location of the proposed mooring areas. Summary of issues:

- The US Army Corps of Engineers nationwide mooring permit can be regionalized and given to SLC, essentially giving SLC the authority.
- NPS – There is not a mechanism to let SLC be the lead for permitting moorings in NPS.
- GGNRA and PRNS cover both the East and West shore. South of Walker creek is in GGNRA unless it's private lot or parts of Marshall. 1000 ft of GGNRA is leased from SLC to GGNRA, they are now redoing the lease and get that boundary extended to the PRNS boundary. Marin County is drawing some better maps.
- If NPS has jurisdiction over the entire bay, then that might mean it's a lead agency.
- The permitting group is focusing on areas proposed for consideration in the Document for Public Input released August 2007, and is also looking at the entire Bay as well.

Response to Public Comment

Marin County has not signed off on the responses. They are having trouble finding the right agencies to review the document since there are several departments that have jurisdiction over the Bay. We have told Marin County that we will hand out the Response to Public Comment at the November meeting.

2. Sewage Services

A summary of actions since the last meeting was provided:

- Dump station – Funding has been approved for Miller Park Dump Station. Have to pay for 25%
- Pump-out station – Marshall Boatworks MCEH has agreed to add Marshall Boat Works to the feasibility study.

Kevin Atkinson from California Dept. of Boating & Waterways joined the WG by phone to discuss the following two questions:

1. What are DBW criteria for determining whether or not to fund?

The general answer is that an application from Tomales Bay is likely to be funded. The following points were made:

- The definition of “facility” means that there is usually a marina tied to the facility, but a mooring field also falls into that category. Marshall Boat Works will fall into that category. The application for funding is available on website.
- Issue – there is funding - DBW doesn’t build the facility (i.e. the marina), but if there is a facility, then they can fund it.
- The Boating Infrastructure Grant (BIG) could provide funding for infrastructure, but it has to be for transient infrastructure, it’s a national program, and is very difficult to get. It’s competitive and you have to show that the purpose is to bring larger boats in to visit the shore and the local businesses. You have to show a 50/50 matching grant program. That grant application is typically due at the end of October of each year.
- Liability does go to the owner of the pump-out. There are a few “holding tank” systems. There is a maximum amount you can charge (\$5) but it’s usually easier to not charge.
- There was agreement that although there isn’t a huge demand for sewage services, there is a need for several dump stations and at least one pump-out station to allow for larger vessel pump out.
- 75-25% shared for maintenance.
- Federal dollars cannot be used to match and the feds cannot receive the funding coming from the state.
- Cost of Pump-out: ~\$10,000
- Cost of Dump station: \$4,000 - \$5,000 (if you have the infrastructure)
- Each Regional Board should have criteria about requiring pump-out or dump stations, but Region 2 does not have anything “required”.

2. Does the fact that GFNMS envisions the Bay as a NDZ have any weight in the decision-making process?

Answer: Designate for no-discharge zones does not give more weight to give funding.

ACTION>> Recommend to SAC that the Sanctuary encourages Marin County Parks and Recreation to purchase Marconi Cove parcel that is currently being used as a boat ramp.

ACTION>> Recommend to SAC that the Sanctuary approach State Parks about redeveloping the Marconi site that has historically been used for boating.

STAFF ACTION>> Distribute DBW application for funding a facility port-a-potty.

Facility Locations

Golden Hinde – The Golden Hinde should be sited to a dump and/or pump-out station. Jerry Abbot will contact the owner about installing a port-a-potty dump station.

Marconi Cove – Kevin had concerns about having discussions about siting a facility at Marconi Cove because of the surrounding land ownership. WG members would like to address adjacent land ownership.

Grassy Point – (Previously referred to as Blake’s Landing/Grassy Pt. by Working Group) It’s an actively used area for wind and kite surfers, but it’s only when the winds are blowing at 20-40

knots. It's a destination. Several WG members agreed that it needs facilities. This might be an ideal place to have a port-o-john.

Issues:

- CalTrans might have to be brought in because of the highway easement.
- GGNRA might own this property

Summary

The WG discussed prioritization and decided that Lawson's landing should be the first. The It was pointed out that Marshall Boat Works needs to develop a business plan before the pump-out station can be sited. WG will review recommendations to the SAC in terms of recommending an action at Marshall Boat Works.

ACTION>> Recommend to SAC staff support for environmental services grants (e.g. DBW grants for a dump station, transient infrastructure, oil and sewage for sites such as Lawson's Landing, Golden Hinde, and Marshall Boat Works).

STAFF ACTION>> Investigate transient infrastructure grant (BIG) for repairing and extending Marshall Boat Works. Questions, what is the extent of the grant, how do they "grade" or review the grant.

ACTION>> Recommend to SAC to draft a letter of support for transient infrastructure grant and ask for support/letters from all permitting agencies, and associations and agencies (EAC, TBWC, Sierra Club). This will be discussed after the staff has investigated the grant application process. Marshall Boat Works must develop a vision for the East Shore transient facility before a grant is pursued. Potential future action working group can draft a letter to Marshall Boat Works in support of a transient infrastructure grant.

ACTION>> Recommend to SAC that staff, with continued input from the working group, pursue the investigation, planning, and funding for sewage and oil services at the following locations Lawson's Landing, Marshall Boat Works, Marconi Cove, Miller Park, Golden Hinde, and Blake's Landing/Grassy Point.

Potential Follow-up actions

- A. Staff will investigate if NPS is interested in purchasing Marconi Cove parcel that is for sale.
- B. Staff investigate transient infrastructure grant for repairing and extending Marshall Boat Works dock to host transient boats and pump-out facilities. Grant due October every year.
- C. Staff investigate Blake's Landing/Grassy point and who owns the property, is there a highway easement, and can a port-o-john be sited there?
- D. Staff will present recommendation to SAC to assist Lawson's Landing with dump station grant application and Golden Hinde, if they are inclined.

3. Criteria for Mooring

Seagrass Beds

George Clyde presented the following proposal on the seagrass criteria based on TBWC Boating Workgroup recommendations:

- 1) A mooring buoy may remain or be installed in a "Designated Eelgrass Bed" if the Sanctuary, in

its sole discretion and in compliance with its regulations, determines that allowing that mooring buoy in that location with specified mooring tackle will assist in managing the Sanctuary and:

- A. Its installation, maintenance and use does not result greater than negligible effect on the seagrass in the immediate area of the mooring buoy, or
 - B. Its installation, maintenance and use only results in a short-term effect on the seagrass in the immediate area of the mooring buoy, or
 - C. Its installation, maintenance and use will have the same or less impact than the setting and recovering of an anchor for the boat to be moored (provided that the area is not a no-anchor zone under the proposed JMP regulations), or
 - D. The installation, maintenance and use of the mooring buoy, together with all other mooring buoys with similar characteristics, have a negligible adverse effect on the health of the Tomales Bay seagrass when considered in relation to all other permitted on-the-water activities in Tomales Bay, including the activities of recreational boaters, aquaculture and commercial herring fishing.
- 2) Allowing the installation or continued use of a mooring buoy pursuant to this section shall not prevent the Sanctuary at a later time from determining, based on new scientific studies, information or conditions, that the mooring buoy no longer is in compliance. In such cases the new determinations shall apply to the next renewal or transfer of the mooring buoy registration.

The WG used this language to craft a recommendation for new criteria. Key issues raised:

- The goal of the proposed language is to allow mooring and not be so rigid.
- Concerns about using language that caused an impact assessment on every mooring.
- Suggestion to look at precedents in other Sanctuaries to place moorings in sensitive habitat.
- The use of “Discretion” is not a known policy of the Sanctuary, but other permit agencies have different policies.
- There are many challenges with siting seagrass “areas” since it moves, changes, etc. So, a site-by-site approval process might be the only option.
- In general agreement: installation, maintenance and use has negligible or overall benefit to the seafloor.

ACTION>> Recommend to the SAC the following criteria for seagrass beds:

Seagrass extents from 1992 were merged with updates from 2000, 2001, and 2002 to designate current seagrass beds. No mooring in designated seagrass beds will be permitted and, *if mooring tackle touches the bottom*, a buffer equal to the ~~mooring~~-radius of *the mooring* tackle a boat would be applied. Seagrass criteria can be amended to allow the Sanctuary in its sole discretion to allow a mooring in a designated seagrass bed if its installation, maintenance, and use results in negligible impact or is beneficial to the environment in comparison to the alternatives. Based on adaptive management, designated seagrass beds will be periodically updated using surveys.”

ACTION>> Recommend to the SAC the following criteria for addressing migrating seagrass beds and the citing future seagrass beds:

- (1) Seagrass zones will be established at the time that the permitting process is approved, subject to amendment in accordance with periodic review;
- (2) Prior to permit/lease renewal, evaluate location and extent of seagrass beds based on the most recent reviewed data. If moorings are within seagrass beds, consider repealing the mooring license or permit *or mandating alternative mooring technology* in that location.

- (3) Seagrass criteria can be amended to allow the Sanctuary, in its sole discretion, to allow a mooring in a designated seagrass bed if its installation, maintenance, and use results in negligible impact or is beneficial to the environment in comparison to the alternatives.

State Parks Criteria

ACTION>> Working Groups recommends to the SAC that the Sanctuary recommend amending the state parks 1000 foot buffer criteria be changed from “No mooring in areas 1000 feet offshore of State Park lands” to “individual mooring permits be reviewed subject to the approval of State Parks.”

4. Education and Outreach

Miriam Gordon showcased different types of education and outreach materials available for Tomales Bay Boaters. With small amount of boater education in the Bay, it should be possible to get the education materials supplied by agencies, such as:

- Tide books: can integrate information on boater education e.g. map of environmental services, clean boating tips, who to call, etc.
- California Coastal Commission also gives out oil absorbent pillows for inside the bilge. They need to be secured so they don't float around and clog bilge pump. Dockwalkers provide info about use and disposal of pads. If you do use pads then you need a storage/disposal service to pick up spent pads...service first then provide pads.
- Personal Flotation Device information
- Aquatic nuisance species information
- National Parks Service has a good boating brochure, which could include an eelgrass message.

Miriam's recommendations for musts are:

- 1) A map (like the Delta one she showed) showing marinas, sewage pumpouts environmental services and detailed information. Includes info on absorbent pad distribution, ramps, swimming beaches, etc. On back of map is for clean boating advice.
- 2) Signage: (see George's example for eelgrass beds.) goes at launch ramps. Pumpouts and dumping, oil maintenance, fueling, etc.

Also recommends working with Vivian Matuk at CCC to get dockwalkers.

STAFF ACTION>> Brad will meet with Vivian to discuss educational materials and invite to next meeting. -**Completed**

Additional Criteria

There was an additional consideration raised for that it would be desirable to prevent moorings in front of shoreside residential areas without owners consent.

5. Wrap-up

- There was a discussion about extending the length of the November 12, 2008 meeting to ensure that there is enough time to discuss the mooring criteria, education and outreach recommendations and oil recycling and bilge services.

STAFF ACTION>> Brad will provide an updated schedule at the November 12th meeting (**Completed**) and will update the timeline.