

Summary of Gulf of the Farallones National Marine Sanctuary Advisory Council Recommendations for Tomales Bay Vessel Management

In 2008, the Gulf of the Farallones National Marine Sanctuary (GFNMS) Advisory Council initiated a Working Group for Tomales Bay Vessel Management. The working group consisted of representatives of boating associations, shellfish growers, commercial fishermen, boat services operations, conservation organizations, shore-side property owners, and state and federal agencies with jurisdiction in Tomales Bay. The working group met from March 2008 until December 2009, and sent all of its recommendations to the GFNMS Advisory Council.

The GFNMS Advisory Council reviewed working group recommendations and made final recommendations to the GFNMS Superintendent at four public meetings between July 2008 and December 2009. The following is a compilation of recommendations made by the GFNMS Advisory Council to the Superintendent regarding Tomales Bay vessel management. The recommendations are grouped into the following issue-based categories: Sewage Services (SS); Oil and Bilge Services (OB); Education and Outreach (EO); Mooring Criteria (MC); Mooring Zones (MZ); Mooring Tackle (MT); and Permitting Program (PP).

SEWAGE SERVICES (SS)

- 1-SS** The Advisory Council requests that the Sanctuary Superintendent send a letter to the Marin County Environmental Health Department asking them to look into the following:
- Is there capacity for a Marshall Boat Works pumpout station for an East Shore wastewater treatment site under the existing system as structured under existing agreements, permits and capacity?
 - What effect would holding tank chemicals from vessels have on the treatment system?
 - What will be the cost and feasibility of connecting to the ES system during phase 2 of the project?
(7-25-08 SAC Meeting)
- 2-SS** The Advisory Council recommends that sanctuary staff follow up with Marin County Parks and Open Space District (MCPOSD) regarding putting a dump station at Miller Park. *(7-25-08 SAC Meeting)*
- 3-SS** The Advisory Council recommends that the Sanctuary Superintendent write a letter to the Boating and Waterways Commission and Marin County Board of Supervisors requesting a dump station at Miller Park and to encouraging approval of phase 2 of the work. *(7-25-08 SAC Meeting)*
- 4-SS** The Advisory Council recommends that staff, with continued input from community stakeholders, pursue the investigation and planning for sewage services at the following locations: Lawson's Landing, Marshall Boat Works, Marconi Cove, and Miller Park. *(12-11-08 SAC Meeting)*
- 5-SS** The Advisory Council recommends that staff support in pursuit of environmental services grants at those sites deemed appropriate in the investigation from #4 above. *(12-11-08 SAC Meeting)*

- 6-SS** The Advisory Council recommends that the Sanctuary encourage Marin County Parks and Recreation, State Parks and/or GGNRA to purchase the private Marconi Cove parcel up for sale that is currently being used as a boat ramp. *(12-11-08 SAC Meeting)*
- 7-SS** The Advisory Council recommends that the Sanctuary write a letter to National Park Service requesting that they install and maintain a “Port-a-John” bathroom facility at Grassy Point on GGNRA 17-111 (Marin County Assessors Parcel No. 104-230-23). *(12-11-08 SAC Meeting)*

OIL AND BILGE (OB)

- 1-OB** The Advisory Council recommends the issue of oil and bilge services be included as part of the Vessel Management Plan for reducing impacts to water quality, and impacts to wildlife, habitats, and human health. Specifically, the Advisory Council recommends:
- A. Oil absorbent exchange program for the following locations: Marshall Boatworks, Miller Park, and Lawson’s Landing.
 - B. Identification of existing vessel oil recycling facilities for Tomales Bay (including Lawson’s Landing, Greenbridge Auto and Gas and others) and investigation of the potential for a new facility at Marshall Boat Works.
- (12-11-08 SAC Meeting)*
- 2-OB** The Advisory Council recommends to not include a recommendation for pursuing a bilge pump-out station for Tomales Bay, in the *Tomales Bay Vessel Management Plan*. *(12-11-08 SAC Meeting)*

EDUCATION AND OUTREACH (EO)

- 1-EO** The Advisory Council recommends an educational approach focused on not anchoring in eelgrass beds, rather than using buoys as markers of eelgrass beds or anchoring/no-anchoring zones. *(12-11-08 SAC Meeting)*
- 2-EO** The Advisory Council recommends that a boater education and outreach program be developed that encompasses the following:
- A. Education and Outreach Messages:
 - Take out your trash
 - Dispose of human waste properly (locations of disposal sites)
 - Dispose of oil, fuel and maintenance products properly (disposal site locations)
 - Do not disturb wildlife;
 - Do not introduce non-native species;
 - Register your Vessel/ do not abandon boats
 - Protect eelgrass: don’t anchor in eelgrass.
 - B. Education and Outreach Materials/Strategies and potential locations as identified in WG notes from 11/12/08. The highest/short-term priority was identified as creating a webpage with maps, locations for products and services, and integrated messages, and outreach at specific venues and events.
- (12-11-08 SAC Meeting)*

MOORING CRITERIA (MC)

Seagrass Criteria

1-MC The Advisory Council recommends that sanctuary staff ask the following questions to seagrass experts:

- Do moorings have a measurable impact to seagrass, and if so what type of impact do moorings have?
- Is there guidance that can be given on an adequate buffer for a moored boat?
- Do helical moorings have an impact on seagrass? If so, what is the extent of that impact?
- Is there a precedent that shows zero impact from installing moorings on seagrass beds?
- What is everything known about shading from boats and it's impacts to seagrass considering new technology of mooring tackle?
- What is the possibility for local research on impacts to seagrass (and possibility benthic habitat) from moorings?

(7-25-08 SAC Meeting)

2-MC The Advisory Council recommends a pilot test for the effectiveness of mooring and chain / rode management systems installed and their environmental impacts using scientific protocol (including new and existing mooring systems). Costs should be part of the study, but not a determinant of the study. The Advisory Council also recommends that the eelgrass expert panel should be consulted on the content of the tackle test study and that eelgrass research funding sources be discussed and considered by the eelgrass expert panel. *(7-25-08 SAC Meeting)*

3-MC The Advisory Council supported the following concept presented in the working group recommendation as quoted below, and the importance of having more restrictive criteria for an exception to the seagrass mooring criteria, but advised the Superintendent that more specific language needs to be developed on the types of exceptions.

“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 submerged lands, a buffer equal to the radius of the mooring tackle 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 impacts individually or cumulatively, or is beneficial to the environment in comparison to the alternatives. Based on adaptive management, designated seagrass beds will be periodically updated using surveys.” (12-11-08 SAC Meeting)

4-MC The Advisory Council supported the following concept presented in the working group recommendation as quoted below for addressing migrating seagrass beds and the citing of future seagrass beds and the importance of having more restrictive criteria for an exception, but advised the Superintendent that more specific language needs to be developed on the types of exceptions.

“Recommendation for addressing migrating seagrass beds:

- A. *Designated seagrass beds will be established at the time that the permitting process is approved, subject to amendment in accordance with periodic review;*
- B. *Prior to permit/lease renewal, evaluate location and extent of designated seagrass beds based on the most recent reviewed data. If moorings are within designated*

- seagrass beds, consider repealing the mooring license or permit, relocating the mooring or mandating alternative mooring technology in that location.*
- C. *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.”*
- (12-11-08 SAC Meeting)*

State Parks Criteria

- 5-MC** The Advisory Council recommends that the Sanctuary investigate the possibility of State Parks revising their recommendations for mooring. Specifically, to change the recommendation 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, if required.” *(12-11-08 SAC Meeting)*

Shoreside Properties Criteria

- 6-MC** The Advisory Council recommends that the Sanctuary bring for consideration to the Interagency Committee the creation of a no-mooring buffer in front of residential shoreside properties without the consent of the property owner. *(12-11-08 SAC Meeting)*

Aquaculture Criteria

- 7-MC** The Advisory Council proposed adding a sentence to the aquaculture criteria paragraph proposed by the working group. The sentence is noted below in italics.

Areas that fail to meet the DPH calculations for safe distances between moorings and shellfish growing operations.

Locations and extents of active aquaculture lease areas were provided by the CA Dept. of Fish and Game. The safe distances between moorings and shellfish growing operations are based on dilution ratios that analyze the number of vessels and volume of water surrounding each vessel relative to fecal coliform dilutions to safe levels (below 14 Most Probable Number) and factor in other viruses and other pathogens. The dilution ratios for moored boats near shellfish beds will be applied on a case-by-case basis. *Additional consideration may be given to boat type, location, usage, and other factors.*

(7-25-08 SAC Meeting)

MOORING ZONES (MZ)

The Advisory Council recommends that GFNMS include in an environmental document the following Tomales Bay Working Group recommendations, which the Advisory Council forwarded verbatim to the Sanctuary Superintendent:

(8-13-09 SAC Meeting)

Mooring Zones

- 3-MZ** Recommends that all existing moorings on the bay there should be a process to permit them in one group.
- 4-MZ** Recommends that public mooring zones be large enough to accommodate the existing moorings in the historical mooring areas, and that those existing moorings that fall outside the zones or those that do not meet mooring criteria should be relocated within these zones on a priority basis as a part of an initial batch application.

- 5-MZ** Recommends that the boundaries for mooring zones should be lines extending approximately perpendicular from the shoreline.
- 7-MZ** Recommends that at mooring zone #6 the public mooring zone should end at the northern boundary of the Vilicich family property and the area northwest of that is recognized as a historically used private mooring zone.
- 8-MZ** Recommends that the rights of littoral property owners should be considered in establishing public mooring zones.
- 9-MZ** The southern boundary for mooring zone #8 as depicted in the PDF map (a private mooring area) should be adjusted further east to accommodate existing commercial fishing boat moorings.
- 10-MZ** Mooring zone #9 should be expanded since it is a potentially valuable public mooring area. The northern boundary should be the new line between zones 8 and 9 located to the south of Fisherman's Town. The southern boundary should be extended to the aquaculture lease area.
- 11-MZ** Merge mooring zones #10 and 11. The southern boundary should be at the yacht club, the northern boundary at Teacher's Beach. Investigate whether or not the cable area shown on the PDF Map should be an excluded area.

The Advisory Council recommends the sanctuary forwards the following working group Recommendations to the to the Tomales Bay Interagency Committee for further consideration: (8-13-09 SAC Meeting)

Mooring Zones

- 6-MZ** Recommend that Mooring zones 3, 4, 5, 8, 12 and 13 as depicted in the PDF Map from the 4/29/09 working group meeting be recognized as historically used private mooring areas, and should not be recognized as public mooring zones.

Maximum Number of Moorings for Tomales Bay

- 1-MZ** Historically it has been established that the average number of moorings on the bay has been between 130 and 150. The working group recommends to the SAC that the maximum number not exceed the historic number by more than 100 percent, appropriately balanced between public moorings and littoral property moorings.

Recommended language regarding Littoral Properties

- 2-MZ** Recommends the following language: "*A mooring is allowed offshore of developed littoral properties for the use of the owner or the lessee of the property, unless commercial needs or legitimate private needs justify a greater number.*"

Defining Historical Mooring Areas

- 12-MZ** The following language is recommended regarding historical mooring areas: "*Areas that have historically had moorings based on a composite of the best available aerial photos and agency boat-based surveys as referenced in Tomales Bay Vessel Management Plan.*"

MOORING TACKLE (MT)

(12-10-09 SAC Meeting)

- 1-MT** The Advisory Council recommends that a Standard be established within a predetermined timeframe for the mooring technology to be used in Tomales bay. This standard should review the engineering specifications of accepted mooring technologies and outline the key elements of mandatory inspection programs that these technologies entail.
- 2-MT** The Advisory Council recommends permitting the current moorings that meet or that upgrade to the standard established in recommendation 1-MT.
- 3-MT** The Advisory Council recommends that new technologies only be implemented for new and replacement mooring within a predetermined timeframe.
- 4-MT** The Advisory Council recommends that the sanctuary pursues adaptive management of various mooring technologies (anchor and tackle) in Tomales Bay to select those that are (a) the least damaging to the environment, (b) appropriate for Tomales Bay hydrodynamic conditions and (c) affordable

PERMITTING PROGRAM (PP)

The Sanctuary Advisory Council Recommends that the Sanctuary Superintendent forward the following to the State Lands Commission regarding permitting:

(12-10-09 SAC Meeting)

- 1-PP** The Advisory Council recommends introducing permitting over a set time frame (e.g. from May to October) to assure adequate time for adjustment.
- 2-PP** The Advisory Council recommends to establish priority in the initial permitting batches by first processing existing mooring used by local residents, then processing all other existing mooring and finally opening the permitting process to new moorings.
- 3-PP** The Advisory Council recommends introducing the permitting process to the community through public presentations or workshops, focusing on the criteria restricting mooring, the designation of historical mooring areas, and the standards for mooring.
- 4-PP** The Advisory Council recommends consolidating information about the mooring permit process on a single web site that can be linked to all interested agencies. This web site should, at minimum, include:
 - a. The decision tree that control the process;
 - b. The interactive map showing historical mooring area, restricted area and existing mooring;
 - c. Recommendations on mooring options and associated maintenance requirements;
 - d. A list of Frequently Asked Questions; and
 - e. Links to appropriate forms required for permit application.
- 5-PP** The Advisory Council recommends that the permit application be available both through mailing and interactively.