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FLOATING TIMES

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The Floating Homes Association Newsletter

November 2001

Merits Hearing for WPH Plan

The Marin County Planning Commission has recommended that the Board of Supervisors certify the Waldo Point Environmental Impact Report, with the Community Development Plan (CDP) designated as environmentally superior to any other alternative.

Now WPH will submit the CDP to the County in place of its old plan. Then the whole application goes to two “merits” hearings. The first is the Planning Commission Merits Hearing on November 26. Check your dock rep or dock bulletin boards for a specific time. This is a long-awaited hearing where anyone can speak (with a time-limit) and everyone interested in the future of this community should be present.

In preparation for the November 26 hearing, the Harbor Equity Group is holding its annual meeting on November 13 at the Sausalito Cruising Club. HEG consultant Gary Giacomini will explain a bit of what has happened behind the scenes to get this far, and what has to happen next.

Informational packets will be sent to each planning commissioner prior to

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BCDC: What ARE They Thinking?

—Larry Clinton

A few months ago I had the opportunity to submit some questions to Will Travis, Executive Director of the Bay Conservation and Development Commission, for an article in Bay Crossings. Travis’ replies shed some light on where the Commission derives its authority, and the staff’s current posture toward floating homes, live-aboards and anchor-outs.

Here are my questions and Travis’ answers, excerpted with permission of Bay Crossings. Some passages have been bold-faced for emphasis:

QUESTION: BCDC says that the McAteer-Petris act, which established BCDC, defines floating homes or boats as land fill. Can you tell me where and how this interpretation was arrived at, and how it can have the force of law?

RESPONSE: Section 66632 of the McAteer-Petris Act defines fill as “earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and

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September Tour A Huge Success

Nearly 1500 paid attendees turned out on a balmy Sunday in September to enjoy the 17th Annual Floating Homes Tour. They were welcomed by close to 200 volunteers in the FHA’s largest community event of the year. Improvements in traffic control kept the crowds moving smoothly on the seven participating docks.



Traffic flowed steadily all day during the FHA tour.

PHOTO: LARRY CLINTON

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PRESIDENT’S MESSAGE

Déjà Vu All Over Again

—Suki Sennett

It was, in the words of Yogi Berra, “déjà vu all over again.” The scene was the October 17 Bay Conservation and Development Commission-sponsored “A Public Meeting to Discuss Boating on Richardson Bay” at the Bay Model. Assemblyman Joe Nation presided over the meeting, attended by about 100 people including a number of FHA members. The purpose of the meeting: “to hear from vessel dwellers, live-aboard boaters, floating home dwellers, recreational boaters, local, state and federal agencies, environmental organizations and other members of the public who are interested in BCDC’s policies on boating on Richardson Bay.” As one of one of eleven “invited participants” representing FHA I found myself sitting on a panel with some powerful company: BCDC, State Lands Commission, SF Regional Water Quality Control Board, RBRA, Supervisor Rose, Baykeeper, the Northern California

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moored for extended periods, such as houseboats and floating docks." Thus, houseboats, as well as other boats used as houses (i.e., for residential purposes), that are moored for extended periods are considered fill under the provisions of state law. This interpretation has been confirmed in a number of court cases. There is no statutory or regulatory definition of the term "extended period."

To define the term "houseboats" as used in the McAteer-Petris Act, the Commission adopted a regulation (Section 10127 of the California Administrative Code) which defines a houseboat as "a boat that is used for a residential or other nonwater-oriented purposes and that is not capable of being used for active navigation." This definition doesn't cover the kinds of houseboats seen on Lake Shasta and in the Delta because those vessels are capable of being used for active navigation. BCDC regards these vessels as recreational boats. The houseboats covered by the BCDC definition are most often called "floating homes." But some once navigable boats are now used exclusively as residences so these vessels are also covered by BCDC's definition of "houseboat."

QUESTION: What is the specific code and section that gives BCDC authority to prohibit private residences on publicly-owned waters of the Bay?

RESPONSE: Section 66605(a) of the McAteer-Petris Act limits the uses for which BCDC can approve new fill to: (1) water-oriented uses which the law specifies are "ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreation and public assembly, water intake and discharge lines for desalinization plants and power generating plants requiring large amounts of water for cooling purposes"; and (2) minor amounts of fill needed to improve shoreline appearance or public access to the Bay. **The legislation does not list housing as a water-oriented use,** and the courts have upheld this distinction.

In addition, the public trust doctrine, which is a property right that gives the general public the right to use lakes, rivers, the ocean and the Bay for navigation, fishing maritime commerce and open space, precludes government agencies from depriving the public of its property rights by allowing these public waterways to be used for private purposes, such as housing. The State

Lands Commission is the principal administrator of the public trust statewide, but the McAteer-Petris Act is a legislative expression of these public property rights in the Bay.

Given the responsibility to carry out the mandates of the Legislature and to protect public property rights, from a purely legal perspective BCDC could have adopted a draconian prohibition against all residential use in and on the Bay. The Commission didn't do this because in its interpretation of the law, **the Commission tries to focus on enhancing the environmental quality of the Bay and protecting the public's use of the Bay.** The Commission recognized that living on boats is a part of the rich history of San Francisco Bay that makes our region a more vibrant and interesting place. **BCDC has also acknowledged that building portions of residential structures over the Bay can add to the attractiveness of the Bay's shoreline.** Therefore, relying on its authority to approve small amounts of fill to improve shoreline appearance, for nearly 40 years BCDC has authorized all manner of housing so long as it doesn't interfere with the public's right to use and enjoy the Bay.

For example, BCDC's policies encourage residential development along the Bay shoreline; allow old dwellings built on pilings in the Bay to be upgraded; permit portions of new houses to be built over the Bay in some circumstances; authorize historic structures and historic vessels to be used for most anything, including housing; allow up to ten percent of the berths in recreational boat marinas to be used for live-aboard boats; and permit existing houseboat marinas to be enlarged. In addition, **the Commission has authorized a number of marinas exclusively for houseboats, including five along the shoreline of Richardson Bay.**

QUESTION: How do you respond to the statement in John Burton's July 16 letter to BCDC Chair Barbara Kaufman: "In a recent meeting with representatives from the anchor-out community, Senator Petris remarked that not only was it not his bill's intention for boats to be categorized as 'bay fill,' but also it was never his intention for BCDC 'to have authority over vessels'?"

RESPONSE: I would refer to Section 66632 of the McAteer-Petris Act which states **"fill" means [among other things] structures...moored for extended periods, such as houseboats.**" This provision

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the day. Speakers included Chronicle cartoonist Phil Frank, realtor Howard Myers, FHA president Suki Sennett, plus past presidents Larry Clinton and Henry Baer.

The tour netted about \$28,000. Of this amount, the FHA Board will donate \$3,000 each to the Sausalito Schools Foundation and Friends of the Marin City Library, which supplied volunteers and other important resources for the tour. Another \$1,000 has been earmarked for the Sausalito



Phil Frank presented an illustrated history of the Richardson Bay Arks.

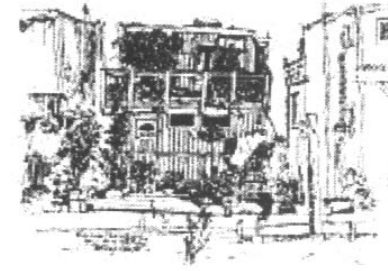
PHOTO: LARRY CLINTON

Historical Society, especially in thanks for Society board member Phil Frank's appearance. The remainder of the proceeds will be used to fund upcoming FHA activities such as Community Emergency Response Training, our annual membership meeting and party on February 2, and our ongoing efforts to renew the BCDC permits for Waldo Point, Kappas, and Yellow Ferry.

One of the goals of the tour is to generate positive publicity for floating homes, particularly with permit applications pending. This year we were pleased to see feature articles in the Chronicle, I-J, and MarinScope, along with listings in Via Magazine, the Sunday Pink Sheet and numerous other publications. Some national and international magazines sent reporters to the tour, so we can look forward to more coverage in the future. It's clear that our community is a major scenic attraction on the Sausalito waterfront.

Slightly over half of this year's attendees came on bus tours from as far away as Salinas and Sacramento. Most individual (non-bus) attendees heard about the tour in newspapers, magazines, and via the FHA

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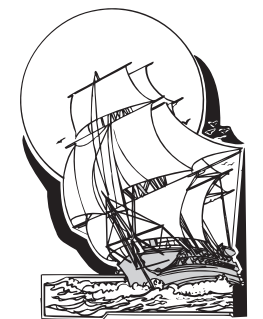
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Water You Doing Here?

This month we were attracted by a beautiful garden and just had to see who lived within those garden walls. We were treated with "houseboatality" galore by Blaise and Tom Dugan.

Blaise Simpson arrived here in the late '70s to attend San Francisco State. She soon became a journalist and high fashion model.

Many of San Francisco's old Victorians were being restored so she accepted an assignment to write about four different ones occupied by: a single female, a family with small children, a gay male and a grand dame.

As she had two weeks to complete the task, this was no small feat. (We think she wears a size 9.) A friend knew

a guy who owned a painting and scaffolding company and restored these Victorians. Tom Dugan to the rescue! Tom told us that most of these homes were purchased from Sears catalogs for \$2,500 and shipped in kits around "The Horn."

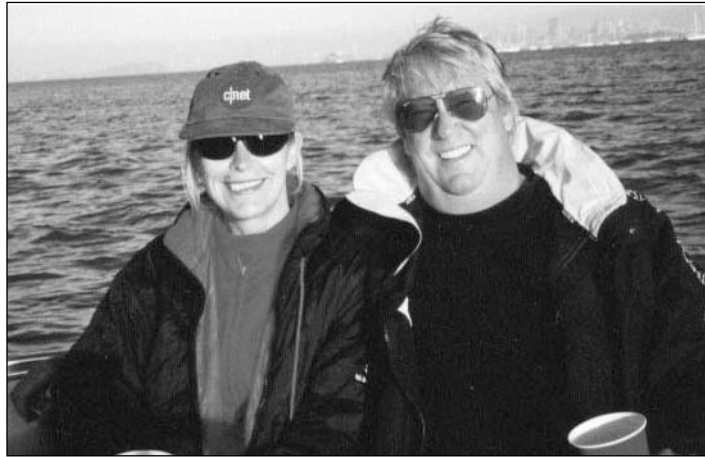
To thank Tom, Blaise took him to dinner. They had a blast, but it wasn't 'til Tom saw her bouncing a basketball down the street that his interest was really piqued. She asked him to join her and he agreed. That's when Blaise started a flame in his heart. "This girl was a number one fashion model in northern California," said Tom. "I'm 6'5", she's 5'8" and not only did she ask me to play, but she tried to beat me!! That's when I started to fall in love with Blaise...on the basketball court." (Do you believe that dribble?)

Tom hails from Boston...one of 10 children born to the Kellys and Dugans. They had a sailboat and he grew up with passion and respect for the water. One time his mother lined up all ten of them and doled out a taste of bourbon to each to discourage them from drinking...Only Tom licked his lips....

The summer Tom was 15 he and four friends saw five of the most beautiful females they'd ever seen in a photo entitled California Living and decided to find out if

it was true. At departure time, Tom alone showed up, so he told his parents he was headed for "The Cape" and hitch-hiked to Hermosa Beach. He had a picture taken with a surfboard on his head, flanked by 6 Pan Am stewardesses! Tom sent the photo to his friends in Boston, and Blaise says he is still a legend there!

Tom loved California, and when he attended Boston University as an English Lit major he KNEW he was going to live there, so he set out for Haight Ashbury. "I had long blond hair and was a true hipster,"



Blaise and Tom on the Bay they love. PHOTO: DONNA LUNSFORD

says he, "but I was always a sailor."

The Dugans have been together 22 years and wed for half of that. When dating, Tom would call and urge her to join him in exotic places like Moscow or Africa. She finally settled on Aspen! Since then they have traveled extensively to many beautiful places, but both feel that this is the best place in the world.

Blaise was editor of a west coast fashion magazine, and her job took her south. For five years they kept the airlines busy. All the society women in San Francisco were delighted as she covered their parties regularly...(in order to see Tom!) However, the commute took its toll. She returned to San Francisco and they married ten days later! Tom Tom the Dugan's son...got the girl and away he run!

From Nob Hill Blaise now drove to St. Helena, so once again she began to look for a shorter commute (not a shorter Tom). Her boss was Bill Harlan who built "The Pirate" on Issaquah and owned "The Taj Mahal" and she had visited Shel Silverstein in his floating home. Tom's only experience was being in another 6' 5" friend's landing craft and finding that while sitting, their legs spanned the whole width of the boat, so he didn't know that floating homes could be so comfortable. They owned a 37 foot Islander

and sailed to Sausalito all the time and loved it. But it wasn't until a friend suggested a floating home that they seriously considered it.

They had long been looking for a boat to live on and had actually made an offer on a 73-footer, but that fell through so they finally decided to give floating home living a try for one year. They lived on A dock for five years and loved it more than they could imagine. The first night on their floating home they decided "we don't have to go anywhere."

Blaise and Tom now live on Gate 6 1/2 and are happy as clams. Until recently they owned a Noank Sloop which Tom described as a sandbagger. Bags of sand are thrown from side to side for ballast. The first ones built in Connecticut used bags of oysters for the same purpose. (Shell of a good idea if you ask us). They recently donated the boat to the Maritime Museum to teach inner-city kids to sail.

The Dugans feel that "the biggest bonus of living on a floating home is that we are surrounded by really really interesting people and an eclectic crowd." Tom says that in the city the people are "all on the same page," and that there is greater diversity here. He finds us "more down to earth with no talk of status. Unlike most communities, there is a very strong live and let live mentality here. I feel that the key to success is that people are more centered here, and that is a good comfortable feeling." We think so, too....

On a sad note, one Dinghy Dame is paddling off into the sunset...We shall miss her...See ya next time...Dinghy Dame #2

COMMUNITY DEVELOPMENT

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November 26 to explain the CDP's solution to the years of complicated and seemingly irresolvable issues. At the hearing, the CDP will be presented by WPH's planner, Scott Hochstrasser, as it will then be the Harbor's Plan. Harbor Equity Group (HEG) consultants will participate.

Annual Meeting, Party Set for February 2

The Floating Home Association will host its annual membership meeting and party on Saturday evening, February 2. Immediately after the 5:30 PM meeting, a party for FHA members and their guests will begin. Look for more details in the next Floating Times.

BCDC

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has been in the law since then-Assemblymember Petris authored it in 1969.

QUESTION: The staff report and recommendation on Richardson Bay enforcement (July 20) states that long-term residential use conflicts with the goals of the public trust. Where are the goals of the public trust spelled out? How were they adopted, and what is the process for amending them?

RESPONSE: The public trust principle appears to have had its genesis in Roman law at the time of Emperor Justinian. The basic idea of the trust is that the rivers, ports, sea, shores of the sea, and the rights to fish and use those areas belong to the public, rather than to some person or entity, such as the emperor. The concept found its way into English common law which held that the ownership of these areas resided in the King of England and these public rights were inalienable and could not be transferred by the Crown into private ownership. This idea came to be known as "the public trust for commerce, navigation and fisheries" and found its way into American law, and ultimately into the laws of California.

The public trust is a creature primarily of the common law, which is made case-by-case by judges, so there is no zoning code or general statute to which one can resort for a list of permitted trust uses. However, the Legislature can articulate its expressions of public trust rights and has done so in Article X, Section 4 of the California Constitution, as well as in state laws like the McAteer-Petris Act.

The courts have established as a principle of American constitutional law that public rights in lands lying under the navigable waters of a state are an element of sovereignty which cannot be abdicated or alienated by the state except in very limited circumstances. California courts have applied this principle strictly and have interpreted the public trust beyond historical concerns for commerce, navigation and fishing to include the preservation of such lands in their natural state, in effect precluding all development. Generally speaking, the more private a use, the less likely a court would find it consistent with the public trust. As noted earlier, **the courts have found that private housing is not a water-oriented use and have held that housing is not considered a trust use because it privatizes**

trust lands with no corresponding trust benefit such as promotion of maritime commerce or public use and enjoyment of shoreline areas. Therefore, it is quite difficult to allow property held in trust to be used for housing.

The State Lands Commission and the California Attorney General exercise oversight over public trust lands, including those granted to local governments by the Legislature, such as those in Richardson Bay, and will intervene if they believe trust lands are being used for purposes inconsistent with the trust or a trust grant.

QUESTION: Are you aware of the distrust that exists among the floating home, live-aboard and anchor-out communities toward the BCDC? Would you care to comment?

RESPONSE: Yes, I am aware of it and I deeply regret it. I think the distrust also extends beyond the communities you have mentioned to include the general recreational boating community. This is truly unfortunate because I believe that boaters who love sailing on the Bay, and people who enjoy living along the shoreline of the Bay should find a natural ally in a government agency charged with protecting the Bay. I believe the distrust exists in large part because boaters find it so difficult to accept the provision of law that stipulates that under certain circumstances, a boat can become Bay fill. Since this provision seems to fly in the face of common sense, boaters fear if BCDC thinks some boats are Bay fill, BCDC can declare all boats to be Bay fill and ban them all. I too would distrust a government agency with this kind of sweeping power to alter reality. Obviously, BCDC doesn't have this power. But there is no denying that there is a great deal of confusion and misunderstanding about BCDC policies on boating.

There are also some really creative and frightening urban legends about BCDC's alleged terrible treatment of boaters even

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PRESIDENT'S MESSAGE

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Marine Association (a boating trade organization), the California Marine Parks and Harbors Association (harbor masters and administrators), the Pacific Inter-Club Yacht Association and an anchor-out spokesperson, Julia Gilden.

Julia, an artist, was largely instrumental in convincing Senator John Burton that BCDC's inclusion of residential use of boats in the definition of bay fill is a misinterpretation of the McAteer-Petris Act. The result was a letter from the powerful state Senator to BCDC urging them to delay implementation of the plan to remove water-based residences. Burton challenged BCDC's interpretation of bay fill to exclude residential use. BCDC subsequently postponed implementation of their removal plan for a year and to allow the public and stakeholders to comment on policy-making.

My fellow panelists described their



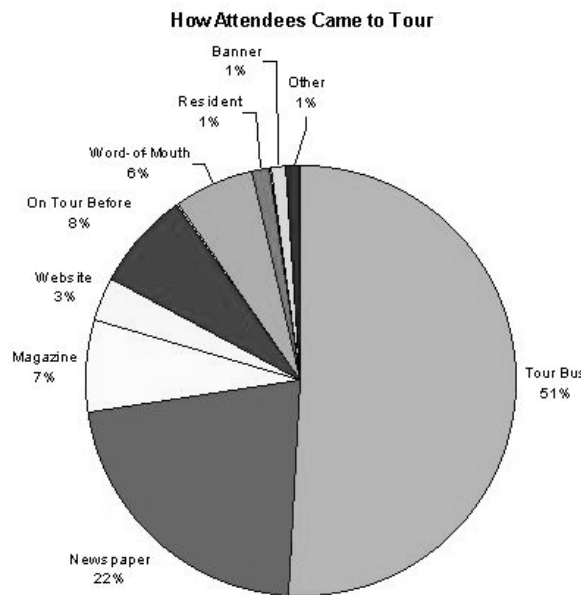
Eve Lubalin: "Keep smiling, Jim. They actually think we know what we're doing!" PHOTO: LARRY CLINTON

organizations' missions, then commented on water quality issues, accessibility to the bay for recreational boating plus policies regarding abandoned vessel removal, and praised clean-up activities by the RBRA. Although designed to give the public an opportunity to comment, the second half of the meeting was predominately anchor-out testimony.

This is where déjà vu comes in. I was hearing the same concerns voiced by the anchor-outs and their supporters back in the 1980's when RBRA and the Richardson Bay Special Area Plan were being created. Only this time the very core of BCDC's perceived mandate - that public property cannot be given away for private use such as residential - has been challenged by one of California's most powerful elected officials. Our community has much at stake in the outcome.

website. Some 8% were repeat visitors. Most individuals (30%) came from Marin, with 53% from other Bay Area counties, and the rest from elsewhere in California.

Tour Directors Jim and Eve Lubalin, newcomers who had only been around for one previous tour, did a great job of directing the Tour Committee this year. They have expressed their sincere thanks to committee members Larry Clinton, Muriel



Kifer, Alex Kinan, Doug Lawrence, Pam Maldonado, Joan Marechal, Suki Sennett, Annie Sutter, Leni Miller, David and Elaine West, and Paul Winward. Also to all the volunteers, especially those who generously opened their homes to our visitors.

Thanks also go out to numerous local businesses and organizations who helped to sponsor the tour, or provided other assistance: Kappas Marina, Waldo Point Harbor, Party America, Sausalito Cruising Club, Novato Community Bank, Peg Copple & Associates, Kenneth S. Baron & Co. Insurance, ABC Yachts & Realty, Sunshine Cleaners, Bayside Cafe and Bank of Marin.

Next Year: September 29

The date has already been set for next year's tour: Sunday, September 29. The FHA Board is actively seeking a volunteer to chair the Tour Committee for next year, with help and guidance from the Lubalins. Almost all tour committee members will continue on, but since some committees will be expanded to improve their effectiveness, a few key positions will be open. If you're interested, call Jim or Eve at 332-4626.

though the Commission has always supported boating in San Francisco Bay. BCDC has not denied an application for a recreational marina in the past quarter century. The marina permits BCDC has approved have resulted in thousands of berths being built which have provided access to the Bay for countless boaters. The Commission has also fostered the develop-

ment of small boat, kayak, and sailboard facilities in marinas and other public access and recreation areas. And the Commission played a leadership role in streamlining the process to get permits for dredging and provided a special provision so small dredgers, like recreational marinas, could continue to dispose of dredged material in the Bay.

The focus of the Commission's enforcement actions against boats has always been on vessels that are polluting the Bay, posing navigational hazards or trespassing on someone else's property. Often these vessels are derelict and abandoned. Sometimes they are anchor-out boats, which often have no way of getting rid of waste other than to dump it overboard, create hazards to other boaters, and are either trespassing on private property or using public lands for private residential use in violation of state law. BCDC's intention is not to evict anchor-out residents and make them homeless. **The Commission's objective has always been to have anchor-out vessels moved into marinas that can provide the boat dwellers with sewer connections, fresh water, electricity, fire protection and other amenities.** Typically, when the Commission takes enforcement action against a vessel, it is as part of a collaborative effort with local government to resolve a long-standing problem caused by an unsewered houseboat, a grounded or sunken boat or an unauthorized anchor-out boat. In addition to BCDC's partnership with the Richardson Bay Regional Agency, the Commission has collaborated with the City of Redwood City and San Mateo County in the Operation Aqua Terra efforts in

Redwood Creek, with the City of San Jose and a host of other agencies in Alviso Slough, and with various other local agencies working to get rid of sunken boats throughout the Bay.

Despite this limited focus of BCDC's vessel enforcement program, some people seem to believe that BCDC wants get rid of anybody who chooses to live on a boat. Perhaps this belief is fueled by the fact that BCDC is currently involved in litigation with the Waldo Point Harbor houseboat marina in Richardson Bay over the marina's expired permit. But **BCDC's objective in this lawsuit is not to get rid of the houseboats.** Rather the Commission is trying to stimulate the marina to apply for a new permit so the houseboat residents who are renting berths will have the security of being in a legal marina.

Moreover, the BCDC restrictions on live-aboard boats in recreational marinas apply only to people who use their boats as their primary residence. If someone lives on a boat during the summer, but has another official residence, the boat would not be considered by BCDC to be a live-aboard boat. It would be a recreational boat. Therefore, BCDC's restrictions do not impact sailors who live on their recreational boats, whether overnight, for a weekend, a month's vacation or during a round-the-world cruise. Transient boats or cruisers which are used as permanent residences by people on extended sailing excursions, are also considered by BCDC to be a type of recreational boat. Even with BCDC's restrictions, many harbor masters allow additional residents if they are on transient boats or are not permanently living on their vessels.

So under BCDC's policies, most people who choose to live on their boats can do so without any fear of running afoul of BCDC. The Commission supports all forms of boating on the Bay and focuses its enforcement efforts on vessels that cause pollution, are navigational hazards or are trespassing.

In an attempt to overcome the confusion about BCDC's boating policies, over the next few months our staff is planning to meet with anchor-out residents, live-aboard boaters, floating home dwellers, recreational boaters and anyone else who is interested in the Commission's policies on boating. The purpose of meeting is to get a better understanding of all perspectives and to determine how boaters and BCDC can work together to protect the Bay we all love.

I hope you will join us in these discussions.

(CONTINUED ON PAGE 5)

Dock Reps for 2002

Election returns are in, and here are the reps and alternates from each dock for next year. Dock reps bring your dock's concerns to the attention of the FHA Board of Directors, and communicate Board actions back to your dock. So get to know them. You'll find their phone numbers on the back page of this newsletter.

COMMODORE	A-DOCK
Terry Adams (Representative)	JoAnn Ponek (Representative)
GATE 6 1/2	Sally Champe (Alternate)
Roy Grecken (Representative)	ISSAQUAH
Blaise Simpson (Alternate)	Richard Mickley (Representative)
WEST KAPPAS	Ann Duval (Alternate)
Lance Belville (Representative)	MAIN DOCK
Laura Scott (Alternate)	Tony Williams (Representative)
EAST KAPPAS	Peter Huson (Alternate)
Ted Sempliner (Representative)	LIBERTY DOCK
Ron Moreland (Alternate)	Nanci Noblett (Representative)
YELLOW FERRY	Andy Lomas, (Alternate)
Michael Korman (Representative)	SOUTH FORTY
Dan Goodman (Alternate)	Richard Holstein (Representative)
MAYS LANDING	
Gary Richardson (Representative)	

Please join the Board in thanking outgoing dock reps/alternates Jan Land, Jack Davis, Stephanie Burns, Pierre Valeille, Amy Pertschuck and Katie Danielson.

BCDC

(CONTINUED FROM PAGE 4)

The following question and response were edited out of the Bay Crossings article, but are included here because of the relevance to our community:

QUESTION: The Richardson Bay Special Area Plan states that "a limited number of houseboats and liveaboards should be permitted in the existing and new recreational boating marinas provided they are necessarily incidental to the recreational boating use and they comply with relevant laws and the RBSAP policies." Could you explain what "necessarily incidental" means in this context? Also, could you summarize what would be required to comply with relevant laws and RBSAP policies?

RESPONSE: In general, to be considered "necessarily incidental" the residential use would have to be necessary to achieve the underlying purpose of the marina, which is to provide for water-oriented recreation. **Thus, the houseboats or live-aboard boats would have to be located throughout the**

marina to provide for better security and assistance in times of need (such as providing more eyes at the harbor to reduce theft, vandalism, etc.) and to aid in times of emergencies (loose boats, fires, drowning, etc.). In addition, **the number of live-aboard boats must be small enough to be clearly incidental or ancillary to the water-oriented recreational use.** However, the Commission may find other factors to be relevant in making such a determination.

The specific RBSAP policies dealing with residential use of boats include:

1. 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.**

2. **Within the existing houseboat marinas, limited numbers of new berths should be authorized to accommodate some of the anchor-out houseboats which existed in Richardson Bay on or prior to September 30, 1983, provided the anchor-out houseboat is in compliance with the applicable local government codes, including parking requirements; Bay Commission policies; and policies of the Special Area**

Discount Tide Calendars

Tidelines calendars are again available to FHA members for just \$7.65 – well below retail.

You can order by sending a check to the FHA, PO Box 3054, Sausalito, CA 94966, or by calling 332-2429. Be sure to provide your address and phone number, along with exact quantity. For you procrastinators, any remaining calendars will be available at the FHA Annual Meeting, February 2.

Marin Express: Only \$20

FHA members can save \$10 off the regular price of the Marin Express program, which offers two-for-one dining at over 140 restaurants, plus savings up to 50% at over 700 local merchants.

It's another benefit of FHA membership, and a great gift idea.

Call 415-332-2429 to order, or bring your checkbook to the February 2 Annual Meeting and Party. The sooner you pick one up, the more you'll be able to save throughout the year.

Plan. No new houseboat marina should be authorized.

3. **To accommodate anchor-outs, a limited number of live-aboards and houseboats should be permits [sic] in the existing and new recreational boat marinas provided:** (a) they are necessarily incidental to the recreational boating use; and (b) they are in compliance with the applicable local government codes, including parking requirements; Bay Commission policies; and policies of the Special Area Plan.

4. **Any vessel or floating structure used primarily for nonwater-oriented use such as office, commercial, or industrial use should not be permitted in Richardson Bay.**

The term "limited number" is intended to mean a "relatively small number" of berths, or houseboats, or live-aboards to be consistent with the Attorney General's advice. "Limited number" is a relative term and the exact number that would be authorized at each marina would be dependent on the size of the marina and the individual facilities of the marina such as parking and sanitary facilities.

As proposed, the Gates Cooperative project would be an expansion of an existing houseboat marina.