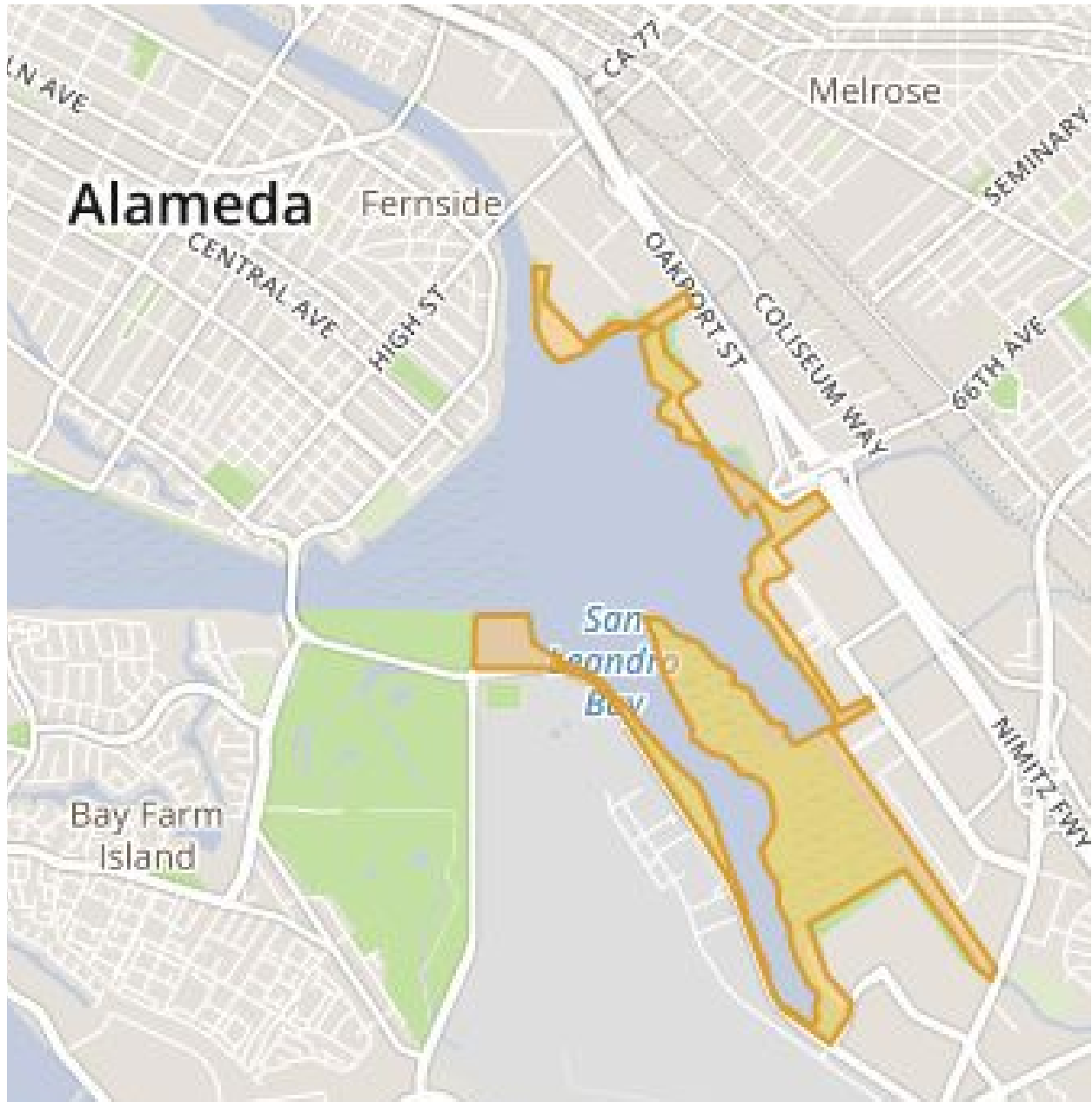


# 2019 San Leandro Bay Jurisdiction Report



*Courtesy of LocalWiki*

Ian F. McNanie  
Joshua B. Jacobs

## **Table of Contents**

<i>Cover Page</i> .....	1
<i>Table of Contents</i> .....	.2
<i>Purpose of this Report</i> .....	3
<i>Errors in the Encampment Warning</i> .....	3
<i>Jurisdiction Analysis</i> .....	4 - 5
<i>Nautical Chart</i>	
<i>Conclusion</i> .....	6
<i>Appendix</i> .....	7 - 13
<i>References</i>	
<i>Park Maps</i>	
<i>Satellite Image of San Leandro Bay</i>	
<i>Coordinate Issue</i>	
<i>Documents Received from EBRPD Police Department</i>	

## **Purpose of this Report**

A recent incident involving two recreational boaters has prompted a jurisdiction dispute between the United States Coast Guard and the East Bay Regional Parks District. These individuals were given a “Notice to Remove” **[A]** (EBRPD Ordinance 38 Section 503.14) as well as an “Encampment Warning” **[B]** (EBRPD Ordinance 38 Section 400.1) - an overnight camping violation.

This report maintains that these notices were issued outside the East Bay Regional Parks Police Department’s Jurisdiction, in waters controlled by the US Coast Guard. The area is charted on official nautical charts as part of General Anchorage No. 9. Coordinates and restrictions for Anchorage 9 are available in Title 33 CFR Section 110.224 **[C]**.

According to NOAA charts, General Anchorage 9 starts in San Leandro Bay and continues west across Bay Farm Island Bridge into the greater bay waters. Since San Leandro Bay has not been dredged recently, large shipping vessels cannot anchor there as they once did. However, there are deep areas that can still support small pleasure craft. This is where the recreational boaters are anchored (37 47’09.1”N 122 13’15.2”W) - outside of the marshlands and in Coast Guard controlled waters.

## ***Errors in the Encampment Warning***

Incorrect GPS position was recorded on the “encampment warning” issued on January 11, 2019. The vessel issued the warning is equipped with a high-accuracy anchor drift alarm. It recorded the GPS position at the time of the incident at 37 45’09.1”N 122 13’15.2”W **[F]**. The incorrect GPS position on the encampment warning was recorded at 37 45’150”N 122 13’258”W. **[G]**

The Park is called MLK Regional Shoreline, but is referred to on the encampment notice as “MLK Bay.” This notice maintains that the “bay” is not part of the shoreline, but part of Anchorage 9, under Coast Guard authority.

## Jurisdiction Analysis

33 CFR Section 110.224 [C] states coordinates for General Anchorage 9:

*In San Francisco Bay bounded by the following lines: Beginning at latitude 37°47'35" N and longitude 122°21'50" W; thence south-southwesterly to latitude 37°47'07" N and longitude 122°22'09" W; thence south-southeasterly to latitude 37°46'30" N and longitude 122°21'57" W; thence easterly along the northern border of Anchorage 9 to latitude 37°46'26" N and longitude 122°20'42" W; thence northerly to latitude 37°46'38" N and longitude 122°20'42" W; thence westerly along the southern border of Anchorage 8 to latitude 37°46'41" N and longitude 122°21'23" W; thence northwesterly along the southwestern border of Anchorage 8 back to the beginning point (NAD 83). [C]*

These coordinates are reflected in the USCG recommended NOAA nautical chart:



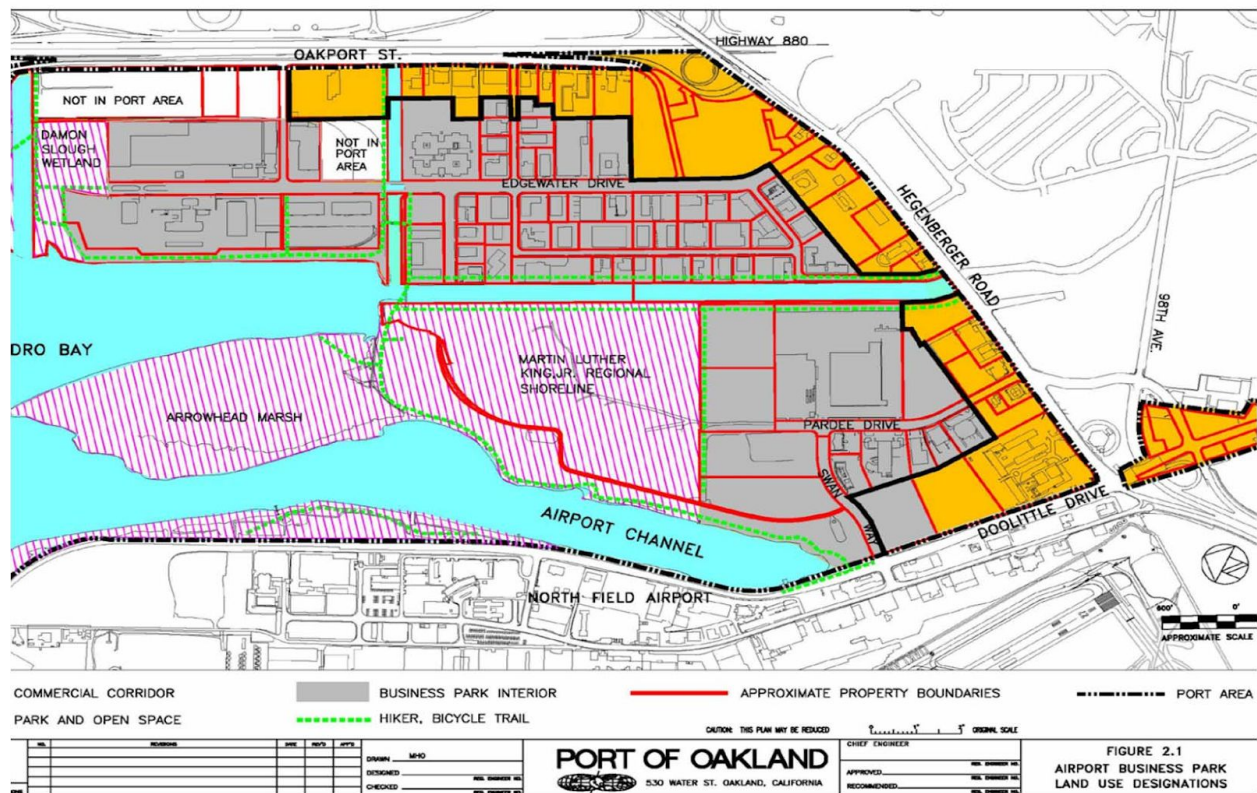
Official NOAA navigation chart for boaters.

Chart 18649 <http://www.charts.noaa.gov/OnLineViewer/18649.shtml>

Jurisdiction Analysis, cont.

Martin Luther King Jr. Regional Shoreline was established in 1993 on 741 acres of land leased by EBRPD from the Port of Oakland [D]. This includes marshlands such as Damon Marsh and the Arrowhead Marsh.

The following is a map of the official Port of Oakland property boundaries. Notably, the pink hatched areas indicate the Martin Luther King Regional Shoreline. **This is the extent of the jurisdiction controlled by the East Bay Regional Park District.** Waters shown in blue are controlled by the United States Coast Guard.



Reference: Port of Oakland Property Boundaries [E]

## **Conclusion**

Based on the information presented in this document, the pleasure vessel owned and operated by Ian McNanie located at 37 45'09.1"N 122 13'15.2"W is not anchored in EBRPD jurisdiction. This is a formal request to revoke the "notice of encampment" and the "notice to remove" issued on 01/11/19.

We hope this is the beginning of a healthy and productive relationship with EBRPD and the EBRPD Police Department, and we sincerely thank you for your time and patience with this matter.

Sincerely,

Ian F. McNanie

Joshua B. Jacobs

# Appendix

## References

[A] Ordinance 38 Section 503.14

[https://library.municode.com/ca/east\\_bay\\_regional\\_park\\_district/codes/ordinance\\_38\\_-\\_rules\\_and\\_regulations?nodeId=CHVPAUSQUBO\\_S503BORURE](https://library.municode.com/ca/east_bay_regional_park_district/codes/ordinance_38_-_rules_and_regulations?nodeId=CHVPAUSQUBO_S503BORURE)

[B] Ordinance 38 Section 400.1

[https://library.municode.com/ca/east\\_bay\\_regional\\_park\\_district/codes/ordinance\\_38\\_-\\_rules\\_and\\_regulations?nodeId=CHIVPAUSEN\\_S400CA](https://library.municode.com/ca/east_bay_regional_park_district/codes/ordinance_38_-_rules_and_regulations?nodeId=CHIVPAUSEN_S400CA)

[C] Title 33 CFR Section 110.224 - Coordinates and Anchoring Regulations

<https://www.law.cornell.edu/cfr/text/33/110.224>

[D] EBRPD - Martin Luther King Jr. Regional Shoreline Website

<https://www.ebparks.org/parks/martinlking/>

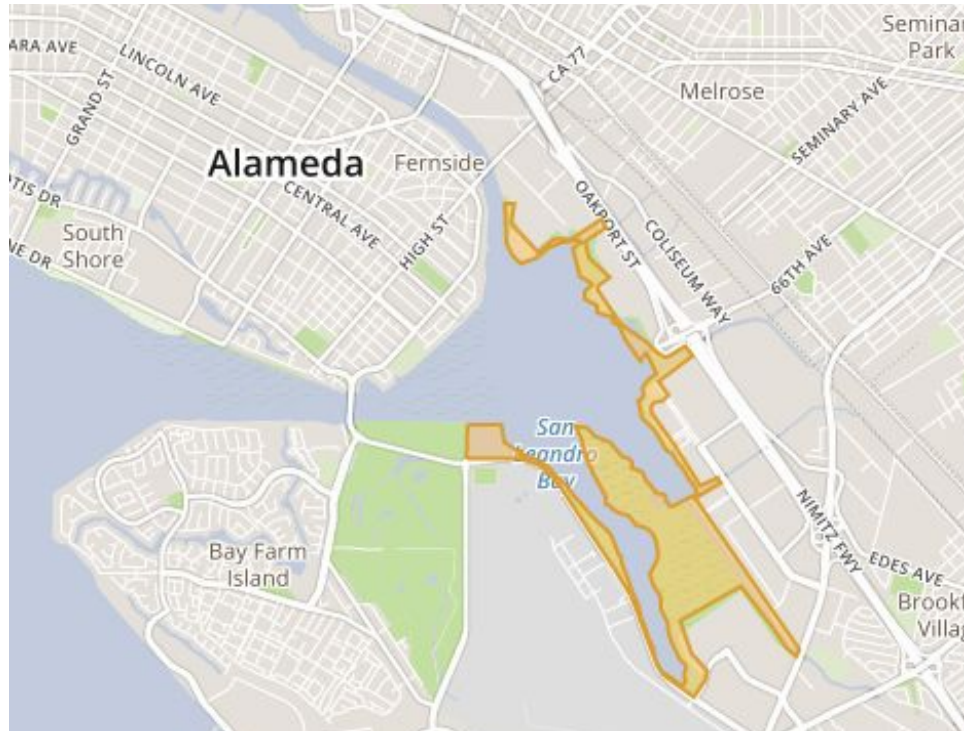
[E] Land Use Jurisdiction in the Port Area (PDF)

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwilwpvX7OzfAhWrwlQKHf8iBKcQFjAAegQlChAC&url=http%3A%2F%2Fwww2.oaklandnet.com%2Fgovernment%2Fo%2FCityAdministration%2Fcannabis-permits%2FOAK066613&usg=AOvVaw145VExFsqmvtsSKmNhaju5>

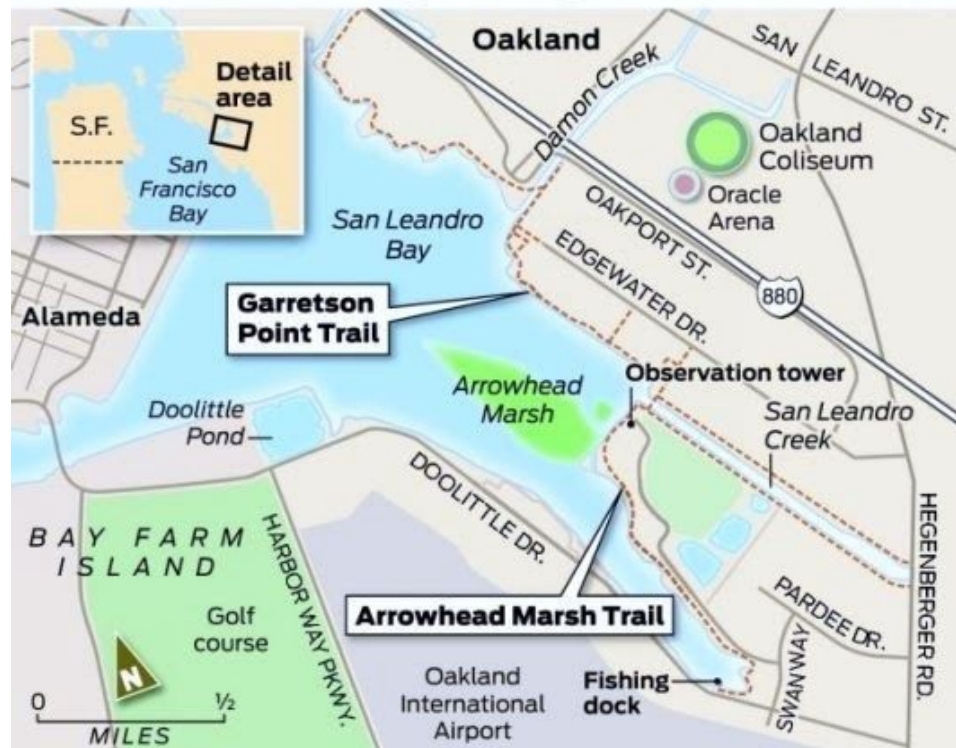








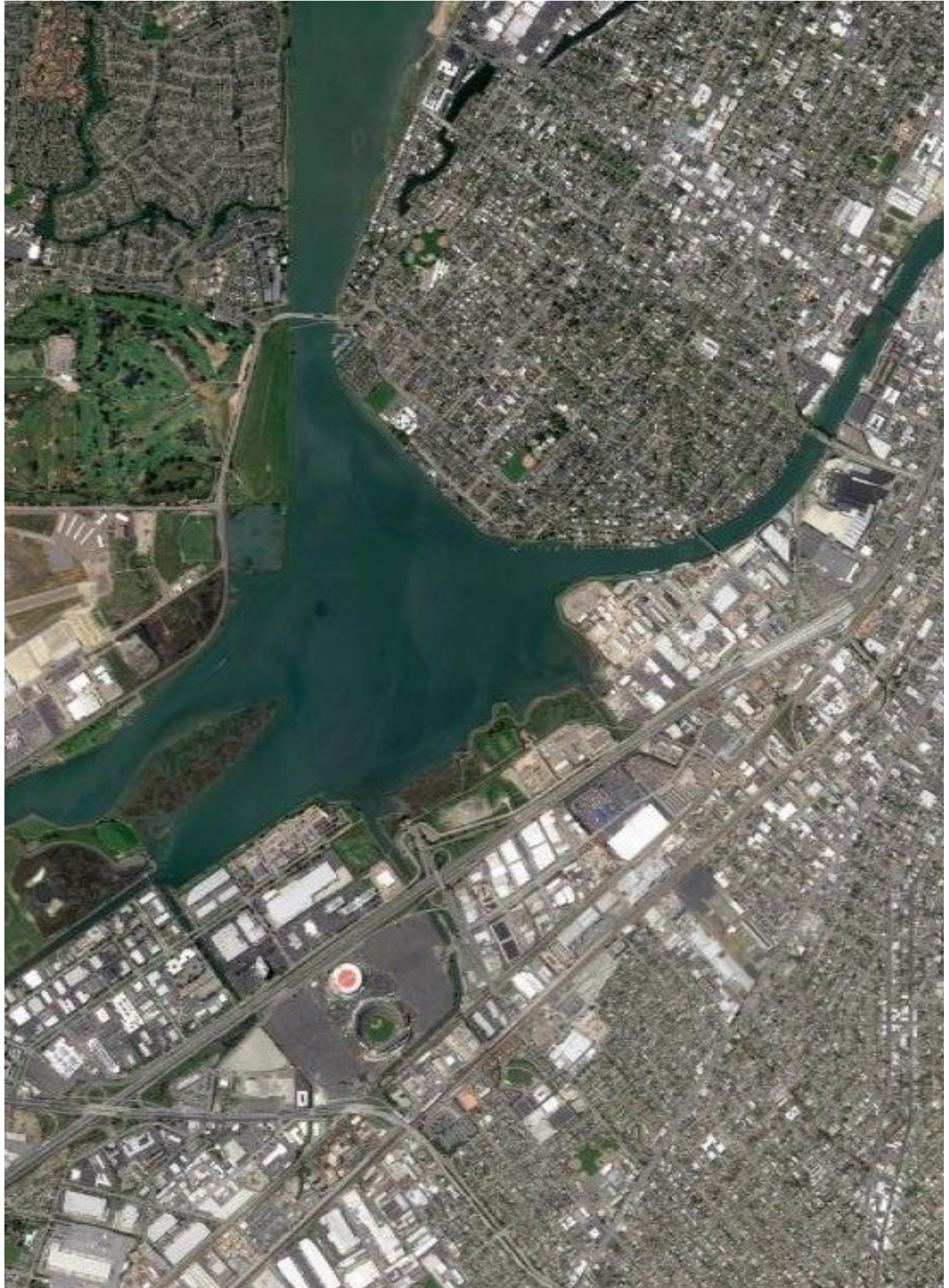
## Martin Luther King Jr. Regional Shoreline



Reference:


[https://localwiki.org/oakland/Martin\\_Luther\\_King\\_Jr\\_Regional\\_Shoreline?fbclid=IwAR27M6OINae3CvIUZtQBMcMhplN69nLttAni0jKuLquC2dkCIXa9Qxnp48U](https://localwiki.org/oakland/Martin_Luther_King_Jr_Regional_Shoreline?fbclid=IwAR27M6OINae3CvIUZtQBMcMhplN69nLttAni0jKuLquC2dkCIXa9Qxnp48U)








Documents Received from EBRPD Police Department

 **EAST BAY REGIONAL PARK DISTRICT  
POLICE DEPARTMENT**  
17930 Lake Chabot Rd.  
Castro Valley, CA 94546  
PHONE 510 881-1833 FAX 510 538-4622



Case #: 19-0133  
Park/Location: MLK BAY  
GPS (if available): N 37° 45.150 W 122° 13.258

**WARNING**

This encampment and/or personal property is located on public land operated by the East Bay Regional Park District. It is an illegal act (misdemeanor) to erect, maintain, or occupy an encampment pursuant to East Bay Regional Park District Ordinance 38-Section 400.1, as well as California Penal Code Section 647(e). A violation of either of the above referenced sections means that you are subject to arrest and your property may be seized.

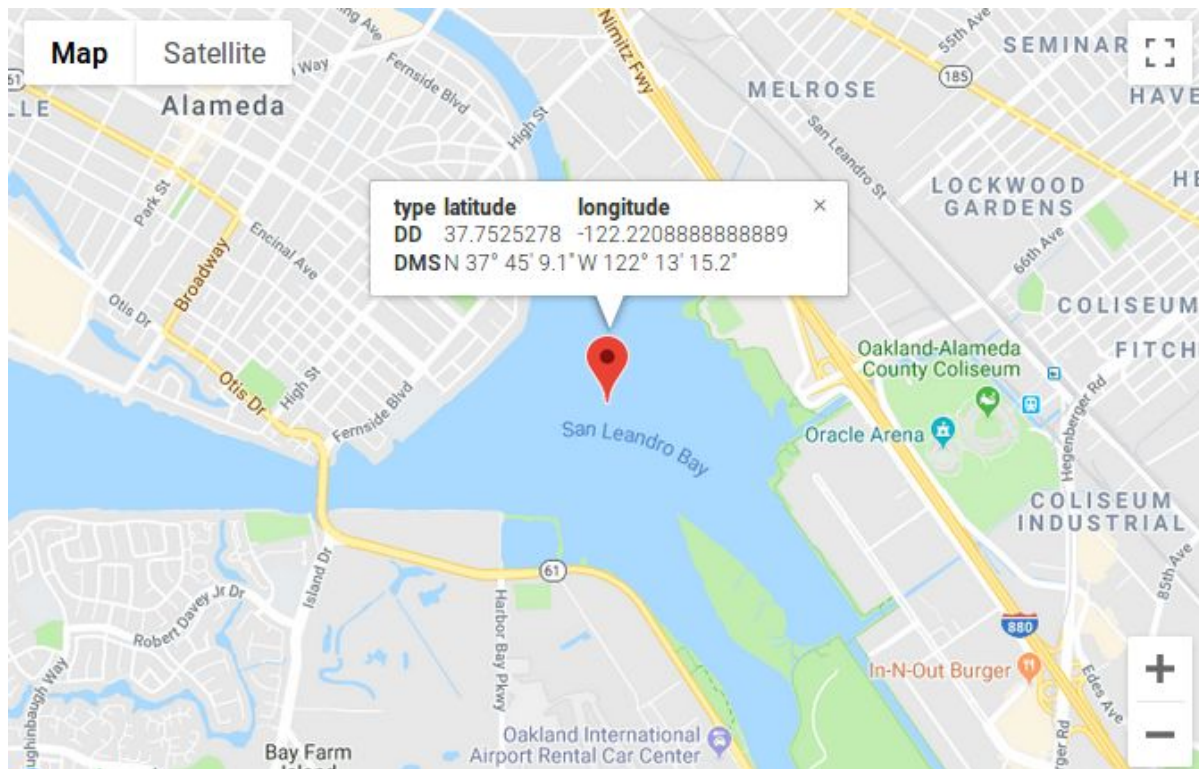
You are therefore required to vacate the premises and remove all of your belongings within 72 hours OR by 5:00 PM on the date of 01/14/19.  
01/19/19 @ 1200

Additionally, if property is left beyond the above 72 hour period, it will be considered abandoned and subject to disposal.

Notice served to: CF 7400 SL McNANIE, IAN FRANCIS  
Officer Signature/ID: D. MARTINELLI #115  
Date Served: 01/11/19

EBRPD Illegal Encampment Form Revised: 10/17

Encampment Warning - Issued 01/11/19



**[F]** Correct Coordinates (37 45'09.1"N 122 13'15.2"W)



**[G]** Incorrect Coordinates (37 45'150"N 122 13'258"W)



# NOTICE TO REMOVE

Your vessel has been found standing, moored, anchored, grounded, placed or otherwise located on shoreline or waters owned and/or operated by the East Bay Regional Park District ("EBRPD") for a period of more than 24 hours, in violation of EBRPD's Ordinance 38 Section 503.14.

If you do not remove the vessel within 10 days from the date of this Notice, it will be removed and stored by the EBRPD, and you will be charged for the costs. All costs related to the removal and storage of the vessel are the responsibility of the owner or operator. [Ordinance 38 Section 503.14(b)].

A vessel removed and stored by EBRPD in accordance with this notice, may be disposed of in accordance with the provisions of Article 4 of Chapter 2 of Division 3 of the Harbors and Navigation Code.

DATE/TIME MARKED: 01/11/19 1100

DATE BY WHICH VESSEL MUST BE REMOVED: 01/21/19

VESSEL REGISTRATION NUMBER: CF 7400 SL

EBRPD OFFICER: D. MARTINELLI NO. 115

IF THE VESSEL CANNOT BE  
DRIVEN, YOU MUST ARRANGE  
FOR PRIVATE TOWING SERVICE  
TO REMOVE IT FROM THE PARK.

**FOR INFORMATION  
CALL (510) 881-1833**



[H] Notice to Remove - Issued 01/11/19