

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue, San Francisco, CA 94102 557-3686

May 1987

TO: All Interested Parties
FROM: Alan R. Pendleton, Executive Director
SUBJECT: BAY PLAN AMENDMENTS

Attached are the amendments to the San Francisco Bay Plan since September 1983, the last printing of the Bay Plan amendments. The amendments are as follows:

1. Bay Plan Amendment No. 3-83 concerning changes to San Francisco Bay Plan houseboat findings and policies and the addition of live-aboard boat findings and policies.
2. Bay Amendment No. 6-83 concerning changes to a park priority use designation on Plan Maps 4, and 5 in San Leandro, Alameda County.
3. Bay Plan Amendment No. 3-84 concerning adding a policy note to San Francisco Bay Plan Map 2 and deleting the "military site" designation from the San Francisco Bay Area Seaport Plan Map 2 at Todd Shipyards in Alameda, Alameda County.
4. Bay Plan Amendment No. 5-84 concerning changes to the San Francisco Bay Plan public trust policy and the addition of a mitigation policy.
5. Bay Plan Amendment No. 1-85 concerning changes to park priority use areas designated on San Francisco Bay Plan Maps 2, 15, and 16 in Vallejo, Solano County.
6. Bay Plan Amendment No. 3-85 concerning changes to a park priority use area designation on Bay Plan Maps 2, 8, and 9 in Foster City, San Mateo County.
7. Bay Plan Amendment No. 4-85 concerning a change to a park priority use area designated on San Francisco Bay Plan Maps 2 and 11 in Tiburon, Marin County.
8. Bay Plan Amendment No. 2-86 concerning the addition to the San Francisco Bay plan of commercial fishing, shellfishing, and mariculture findings and policies and the addition of a salt pond policy related to mariculture.
9. Bay Plan Amendment No. 3-86 concerning changes to the San Francisco Bay Plan water-related industry findings, policies, and map designations.
10. Bay Plan Amendment No. 4-86 concerning changes to the San Francisco Bay Plan summary, findings and policies concerning water quality.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue, San Francisco 94102 557 - 3686

March 28, 1986

TO: All Commissioners, Alternates, and Interested Parties
FROM: Alan R. Pendleton, Executive Director
SUBJECT: SAN FRANCISCO BAY PLAN POLICY AMENDMENT NO. 3-83
CONCERNING HOUSEBOATS AND LIVE-ABOARD BOATS
(For Commission information only)

The above referenced Bay Plan amendment was adopted by the Commission on March 20, 1986 and involves changes to the Bay Plan sections on Recreation (pages 21 and 22) and Other Uses of Bay and Shoreline (page 31) as indicated below. These pages may be inserted in the Bay Plan prior to its reprinting.

Recreation

Existing findings "e." and "f." are relettered as findings "f." and "g." respectively, and new finding "e." below is added to the Bay Plan section on Recreation on page 21:

- e. Live-aboard boats are designed and used for active navigation but are distinguished from other navigable boats in that they are also used as a primary place of residence. Although residential use is neither a water-oriented or a public trust use, live-aboard boats can be converted easily to a navigable, recreational use and, when properly located within a recreational boat marina, can provide a degree of security to the marina.

The following new policy is added to the Bay Plan section on Recreation on page 21 at the end of existing Policy 4. b.:

Live-aboard boats should be allowed only in marinas and only if:

- (1) the number would not exceed ten percent of the total authorized boat berths unless the applicant can demonstrate clearly that a greater number of live-aboard boats is necessary to provide security or other use incidental to the marina use;

- (2) the boats would promote and further the recreational boating use of the marina (for example, providing a degree of security), and are located within the marina consistent with such purpose;
- (3) the marina would provide, on land, sufficient and conveniently located restrooms, showers, garbage disposal facilities, and parking adequate to serve live-aboard boat occupants and guests;
- (4) the marina would provide and maintain an adequate number of vessel sewage pumpout facilities in locations that are convenient in location and time of operation to all boats in the marina, particularly live-aboard boats, and would provide the service free of charge or at a reasonable fee; and
- (5) there would be adequate tidal circulation in the marina to mix, dilute, and carry away any possible wastewater discharge.

Live-aboard boats moored in a marina on July 1, 1985, but unauthorized by the Commission, should be allowed to remain in the marina provided the tests of (2), (3), (4), and (5) above are met. Where existing live-aboard boats in a marina exceed ten percent of the authorized berths, or a greater number is demonstrated to be clearly necessary to provide security or other use incidental to the marina use, no new live-aboard boats should be authorized until the number is reduced below that number and then only if the project is in conformance with tests (1), (2), (3), (4), and (5) above.

Other Uses of the Bay and Shoreline

The following new finding is added to Other Uses of the Bay and Shoreline findings on page 31:

- c. Houseboats are designed for and used as permanent private residences and occasionally for office and similar non-navigation purposes and are not used for active navigation. A houseboat is neither a water-oriented use nor a use that furthers the public trust and does not serve a statewide public benefit. Because of size and bulk, houseboats can restrict views of the Bay from the shoreline, block sunlight penetration to Bay waters, and, in shallow areas, reduce wind and wave action that can result in sedimentation and detrimentally affect the Bay. Houseboat marinas also compete for sites needed for future recreational boat berths, other recreational activities, open space, and wildlife habitat.

The following struck out language is deleted from Other Uses of the Bay and Shoreline Policy 3, on page 31:

3. Wherever waterfront areas are used for housing, (a) the amount of shoreline and the surface area of the Bay should be increased to the maximum extent feasible by dredging additional channels inland from the Bay, and (b) whenever feasible, high densities should be encouraged to provide the advantages of waterfront housing to larger numbers of people.

~~Houseboats/floating/homes/useable/as
year-round/residences/may/be/permitted/in
some/areas/of/the/Bay/provided/the/boats/(a)
would/not/adversely/affect/the/ecology/of/the
Bay/(b)/would/not/cause/a/harmful/amount/of
sedimentation/(c)/would/either/be/connected
to/a/shoreline/sewage/treatment/system/or
have/on/board/treatment/facilities
acceptable/to/public/health/and/water
quality/control/agencies/(d)/would/require
no/fill/except/for/a/pedestrian/walk/on
pillings/(and/e)/would/be/acceptable/to/local
governments/having/jurisdiction/over/the
areas/in/question.~~

The following new Policy 4 is added to Other Uses of the Bay and Shoreline, and existing Policies 5 through 11 are renumbered as Policies 6 through 12.

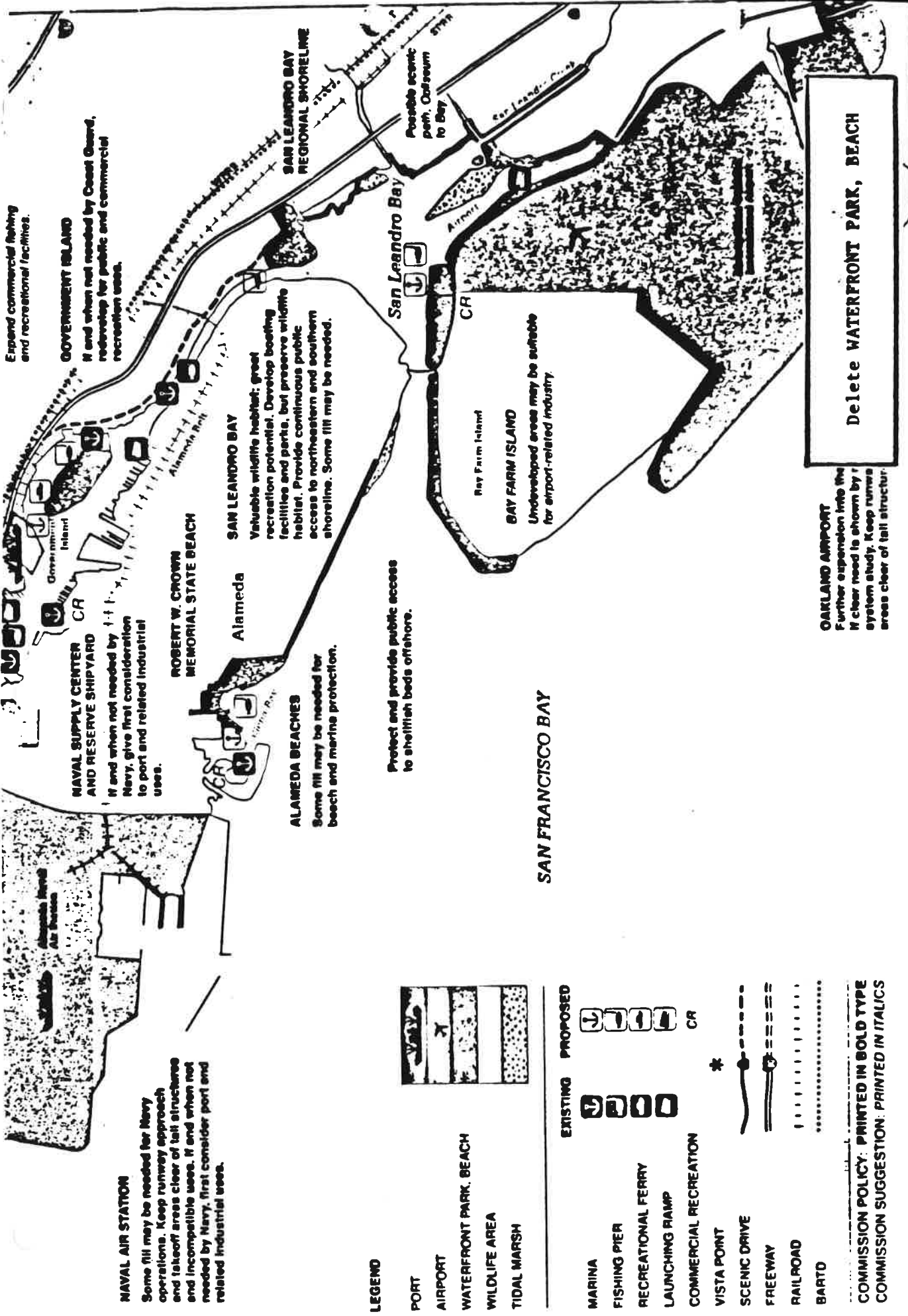
4. Because of the requirements of existing law, the Commission should not allow new houseboat marinas.

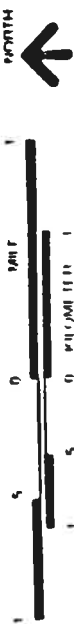
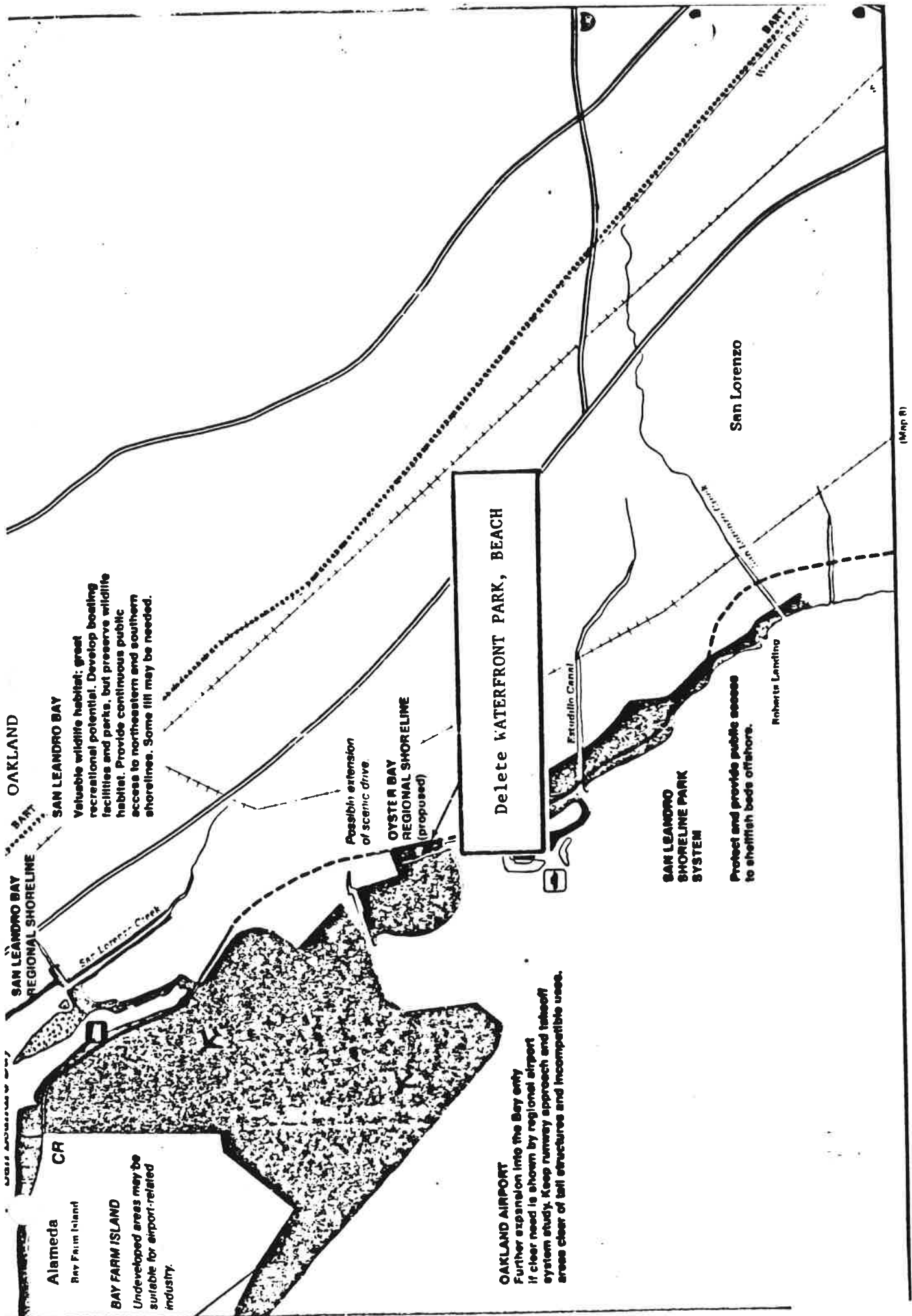
The Commission should authorize houseboats used for residential purposes in existing houseboat marinas only when each of the following conditions is met:

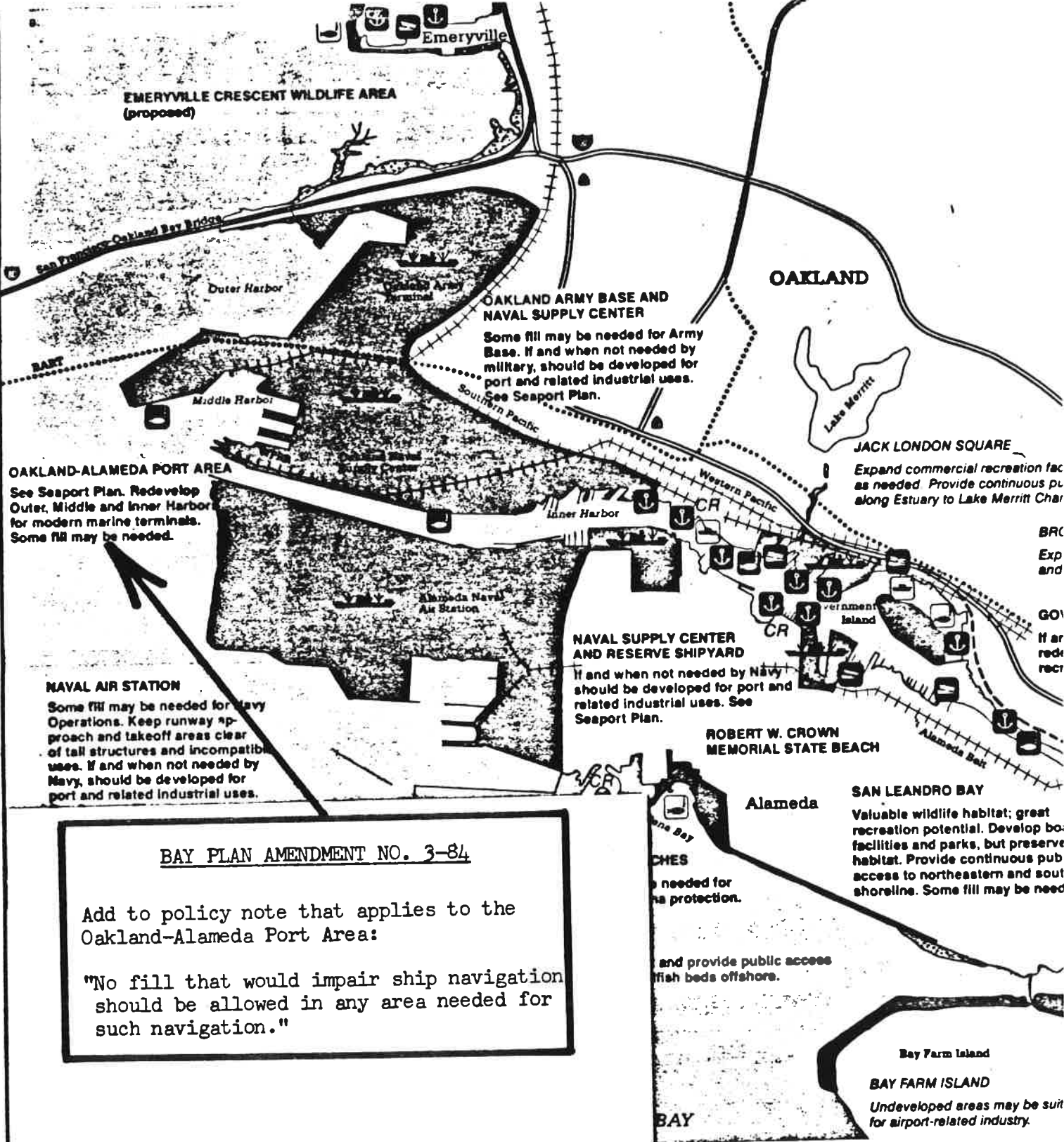
- (a) The project would be consistent with a special area plan adopted by the Commission for the geographic vicinity of the project;
- (b) As to marina expansions, the houseboats would be limited in number and would be only a minor addition to the existing number of authorized houseboat berths;
- (c) All wastewater producing facilities would be connected directly to a shoreside sewage treatment facility;
- (d) No additional fill would be required except for the houseboat itself, a pedestrian pier on pilings, and for minor fill for improving shoreline appearance or for producing new public access to the Bay;
- (e) The houseboats would float at all stages of the tide to reduce impacts on benthic organisms and to allow light penetration to the Bay bottom, unless it is demonstrated that requiring flotation at all tidal stages would have a greater adverse environmental effect on the Bay, and would not result in increased sedimentation in the area;
- (f) The houseboats would not block views of the Bay significantly from the shoreline;
- (g) The project would comply with local government plans and enforceable regulations and standards for mooring locations and safety, wastewater collection, necessary utilities, building and occupancy standards, periodic monitoring and inspection, and provide for the termination of the residential use when the lands are needed for public trust purposes;

- (h) The project would be limited in cost and duration so that the tidelands and submerged lands could be released for water-oriented uses and public trust needs and, in no case, would the initial or any subsequent period of authorization exceed 20 years. The Commission should conduct a study of public trust needs of the project area within five years of project authorization or reauthorization and every five years thereafter. If the Commission determines within the first five years of authorization that the area is needed for water-oriented uses and public trust needs, the project should be terminated at the end of the 20-year authorization period. If after the first five-year period of project authorization the Commission determines that the area is needed for water-oriented uses and public trust needs, the project should be terminated no less than 15 years from the date of Commission determination. In any event, the original 20 years of the permit's authorization period cannot be extended or renewed by the Commission unless an application is filed for such purpose.
- (i) The project would be consistent with the terms of any legislative grant for the area.

Houseboats moored in recreational boat marinas in the Bay on July 1, 1985 but unauthorized by the Commission should be allowed to remain in the marina provided that the total number of houseboats and live-aboard boats would meet all the live-aboard boat policy tests and the tests of houseboat policies (b), (c), (d), (e), (f), (g), (h), and (i).







Plan Map 4
Berkeley to Oakland

BAY PLAN AMENDMENT NO. 3-84

Add to policy note that applies to the Oakland-Alameda Port Area:

"No fill that would impair ship navigation should be allowed in any area needed for such navigation."

Delete the symbol "M" and site number "570"

Oakland-Alameda Port Area

Some fill may be needed for Army Base II and when not needed by military should be developed for port and related industrial uses

NAVAL AIR STATION

Some fill may be needed for Navy operations. If and when not needed by Navy, should be developed for port and related industrial uses

NAVAL SUPPLY CENTER AND RESERVE SHIPYARD

If and when not needed by Navy should be developed for port and related industrial uses

Map 2

MARINE TERMINAL DEVELOPMENT SITES AND PORT PRIORITY USE AREAS

Oakland/Alameda

- (N) near-term development
- (L) long-term development
- (A) active terminals
- (M) military sites (available only if and when the military no longer needs them; the military, and particularly the Navy, has no plans to release any of the properties cited in the Seaport Plan and shown on this map.)

Port Priority Use Areas

Short segment Oakland International Airport

MARINE TERMINAL DEVELOPMENT SITES AND PORT PRIORITY USE AREAS

- (N) near-term development
- (L) long-term development
- (A) active terminals
- (M) military sites

(available only if and when the military no longer needs them; the military, and particularly the Navy, has no plans to release any of the properties cited in the Seaport Plan and shown on this map.)

Port Priority Use Areas

Short-response Question

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

March 15, 1985

TO: All Commissioners, Alternates, and Interested Parties
FROM: Alan R. Pendleton, Executive Director
SUBJECT: SAN FRANCISCO BAY PLAN POLICY AMENDMENT NO. 5-84
PUBLIC TRUST AND MITIGATION POLICIES
(For Commission information only)

The above referenced Bay Plan amendment was adopted by the Commission on March 7, 1985 and involves changes to page 37 of the San Francisco Bay Plan, reprinted September 1983. Paragraph "f. Public Trust" has been changed and new paragraph "h. Mitigation" has been added as set out below.

Public Trust

The lined out language is deleted from paragraph "f. Public Trust" (page 37).

- f. Public Trust. ~~Many private owners of Bay lands hold title subject to rights of the public derived from English common law and the California Constitution, as to use of waterways for commerce, navigation, and fishing. These rights, sometimes called the "public trust" for commerce, navigation, and fishing, are the subject of considerable legal debate, and court tests may be required to determine their practical significance. Any necessary court tests should be completed as soon as possible; in the meantime, an applicant for a fill permit should be required to show either that the public trust does not apply to his lands, or that filling would be consistent with the trust.~~

The following new language and footnote is added to paragraph "f. Public Trust" (page 37).

- f. Public Trust. Virtually all the publicly and privately-held unfilled tidelands and submerged lands within the jurisdiction of the Commission are subject to the public trust. The public trust is a paramount public property right held in trust by the State for the benefit of the public. Title to this public trust ownership is vested in the State Lands Commission or legislative grantees. The purpose of the public trust is to assure that the lands to

which it pertains are kept for trust uses, for example commerce, navigation, fisheries, wildlife habitat, recreation, and open space. The McAteer-Petris Act and the Bay Plan are an exercise of authority by the Legislature over public trust lands and establish policies for meeting public trust needs. As a result, the public trust ownership provides additional support for Commission decisions affecting such lands. When the Commission takes any action affecting lands subject to the public trust, it should^{1/} assure that the action is consistent with the public trust needs for the area and, in case of lands subject to legislative grants, should also assure that the terms of the grant are satisfied and the project is in furtherance of state-wide purposes.

^{1/} As used in the Bay Plan, "should" is mandatory.

Mitigation

The following new paragraph "h. Mitigation" is added to page 37 of the Bay Plan.

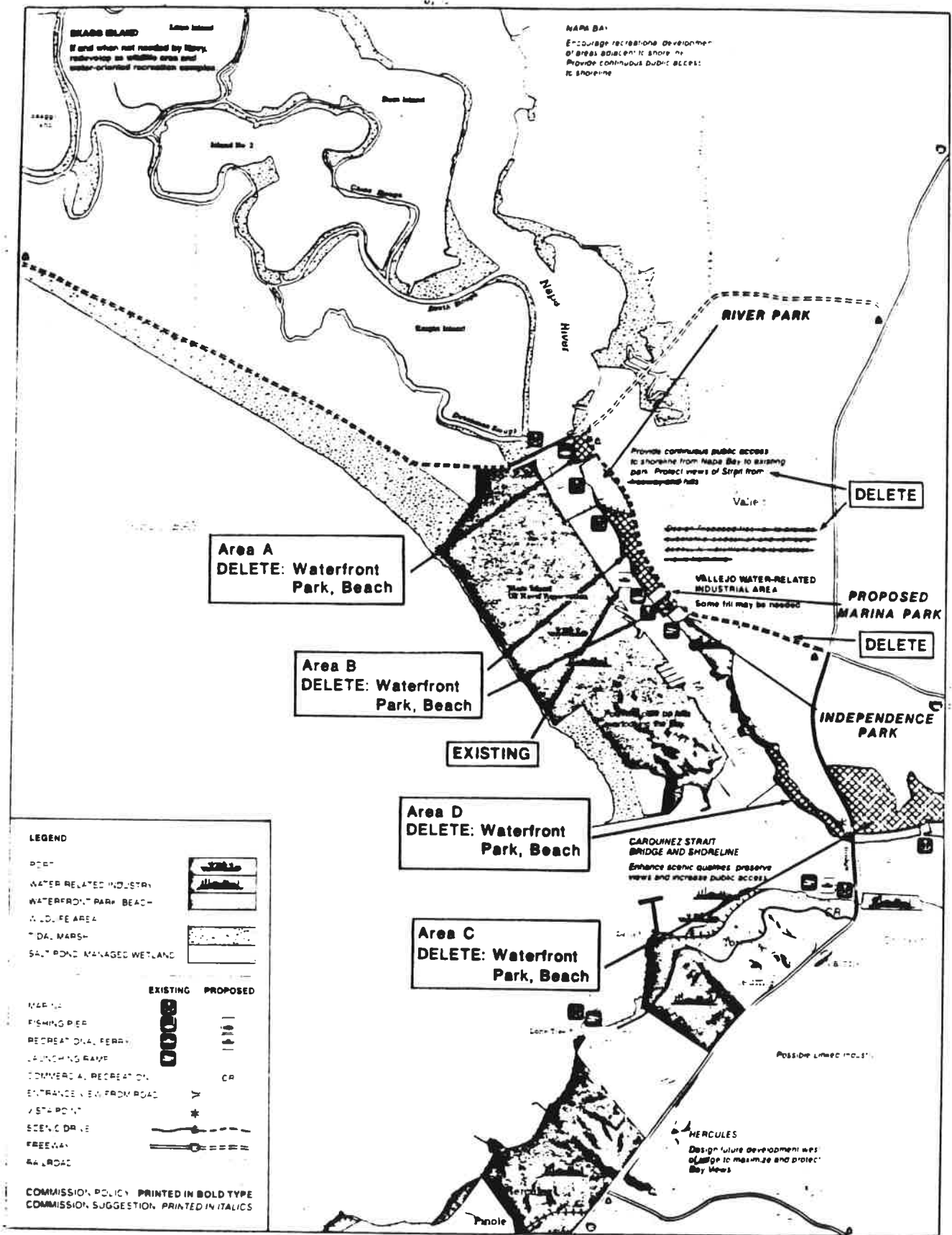
h. Mitigation. Mitigation for the unavoidable adverse environmental impacts of any Bay fill should be considered by the Commission in determining whether the public benefits of a fill project clearly exceed the public detriment from the loss of water areas due to the fill and whenever mitigation is necessary for the Commission to comply with the provisions of the California Environmental Quality Act. Whenever mitigation is needed the mitigation program should be provided as part of the project. Mitigation should consist of measures to compensate for the adverse impacts of the fill to the natural resources of the Bay, such as to water surface, volume or circulation, fish and wildlife habitat or marshes or mudflats. Mitigation is not a substitute for meeting the other requirements of the McAteer-Petris Act concerning fill. When mitigation is necessary to offset the unavoidable adverse impacts of approvable fill, the mitigation program should assure:

- (1) That benefits from the mitigation would be commensurate with the adverse impacts on the resources of the Bay and consist of providing area and enhancement resulting in characteristics and values similar to the characteristics and values adversely affected;

- (2) That the mitigation would be at the fill project site, or if the Commission determines that on-site mitigation is not feasible, as close as possible;
- (3) That the mitigation measures would be carefully planned, reviewed, and approved by or on behalf of the Commission, and subject to reasonable controls to ensure success, permanence, and long-term maintenance;
- (4) That the mitigation would, to the extent possible, be provided concurrently with those parts of the project causing adverse impacts; and
- (5) That the mitigation measures are coordinated with all affected local, state, and federal agencies having jurisdiction or mitigation expertise to ensure, to the maximum practicable extent, a single mitigation program that satisfies the policies of all the affected agencies.

If more than one mitigation program is proposed that satisfies all five factors above, the Commission should consider the cost of the alternatives in determining the appropriate program.

To encourage cost effective and comprehensive mitigation programs, the Commission should extend credit for certain fill removal and encourage land banking provided that any credit or land bank is recognized pursuant to written agreement executed by the Commission. In considering credit or land bank agreements, the Commission should assure that the five factors listed above will be met.



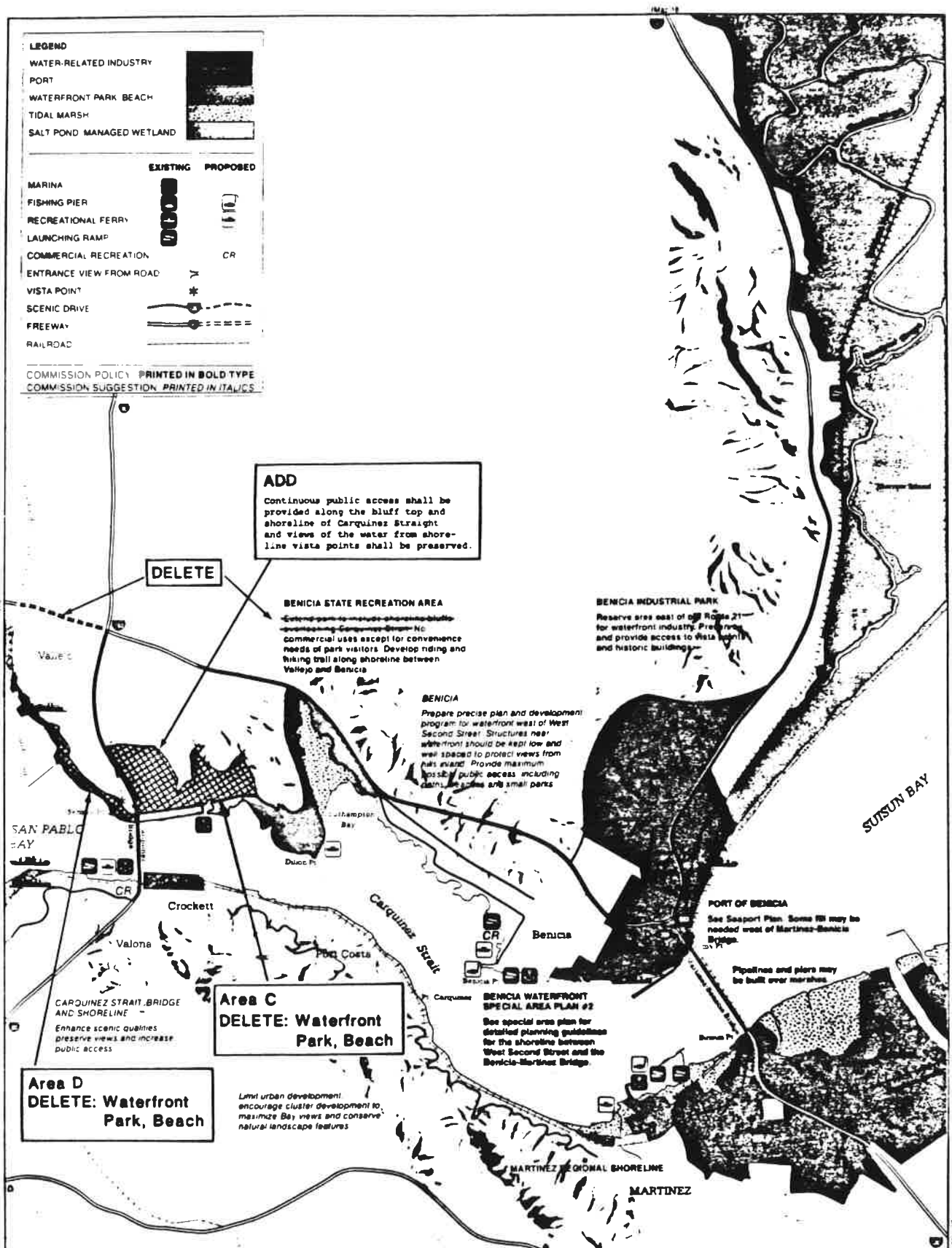


EXHIBIT C

CHANGES TO RESOLUTION 16

The language underscored below is added and the language lined out is deleted from Commission Resolution No. 16:

19. Vallejo Waterfront - River Park (Recreational)

(A) North Boundary: ~~South~~ North line of ~~Sears Point Road~~ parcel
51-260-1.

(B) Southeast Boundary: ~~South~~ North line of ~~small boat launching~~
~~ramp (near the foot of Marin Street)~~ Mare Island Causeway.

19A. Vallejo Waterfront-Marina Park (Recreational)

(A) North Boundary: North line of parcel 55-160-3.

(B) Southeast Boundary: South line of parcel 55-160-6.

19B. Vallejo Waterfront-Independence Park (Recreational)

(A) North Boundary: North line of parcel 55-170-9.

(B) Southeast Boundary: South line of parcel 55-170-9.

21. Vallejo-Semple Point-Carquinez Bridge-Benicia Beach State
Recreation Area (Recreational)

(A) North West Boundary: ~~South line of parcels 62-101-11 and~~
~~62-010-13~~ East line of Carquinez Bridge (Interstate Highway
Route 80).

(B) East Boundary: Southwest line of L Street, Benicia (west of
14th Street).



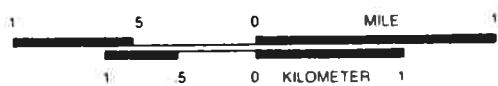
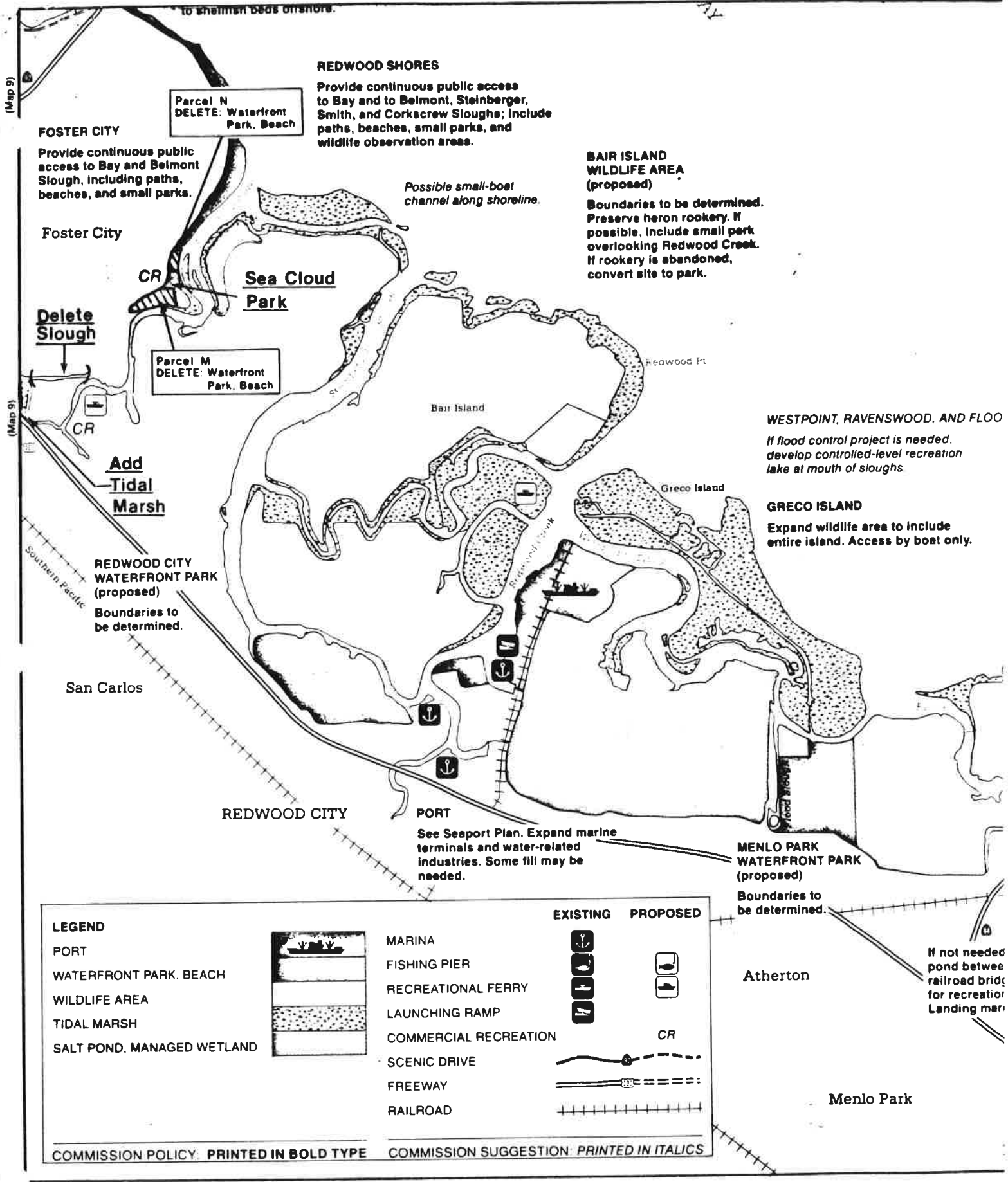


EXHIBIT C
CHANGES TO RESOLUTION 16

The language underscored below is added and the language lined out is deleted from Commission Resolution No. 16:

73. Foster City Belmont Slough (Recreation)(Amended by Bay Plan Amendments 2-79 and 3-85)

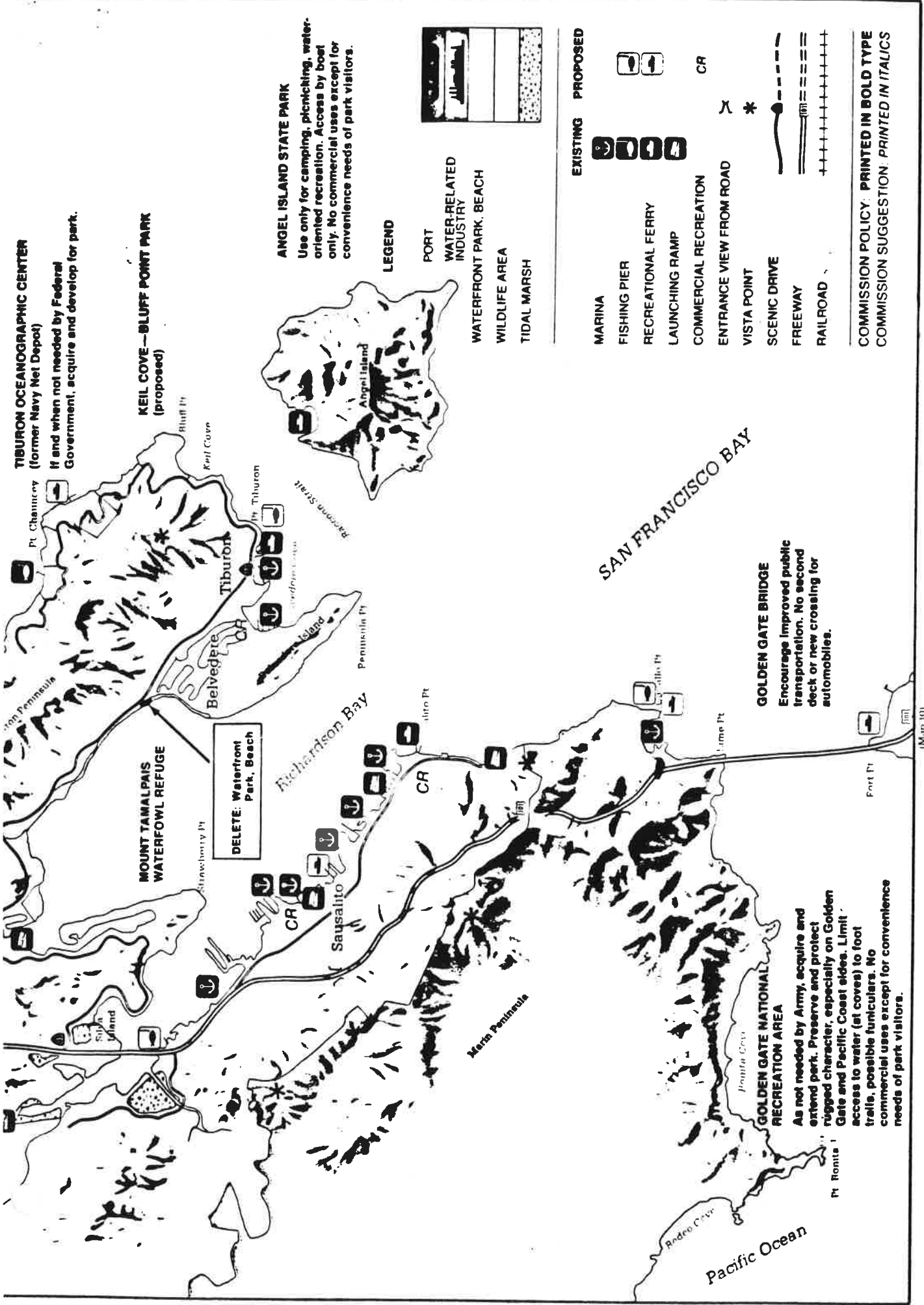
(A) South West Boundary: ~~North~~ East line of San Mateo County Assessor's Parcel ~~094-480-480~~ 094-480-50, as shown on ~~April 20, 1979~~ February 20, 1985.

(B) North Boundary: South line of San Mateo County Assessor's Parcel 094-480-52.

73A. Foster City (Recreation) (Bay Plan Amendment 3-85)

(A) South Boundary: North line of San Mateo County Assessor's Parcel 094-480-52

(B) North Boundary: Southeast line of San Mateo-Hayward Bridge right-of-way.



Bay Plan Amendment No. 4-85: Tiburon

Changes to Resolution No. 16: Tiburon Shoreline

Commission Resolution No. 16, adopted December 1, 1971 as amended, establishes and fixes the shoreline water-oriented priority use areas. The Commission hereby amends Resolution No. 16 as indicated below by adding underlined language:

4. Tiburon Boulevard Shoreline (Recreation)

(A) Northwest Boundary: Westerly line of parcel 55-041-16 extended to shoreline.

(B) Southeast Boundary: North line of parcel 55-262-05.

4A. San Rafael Avenue Shoreline (Recreation)

(A) Northwest Boundary: South line of parcel 55-062-02.

(B) South Boundary: Northeast line of parcel 60-271-01.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue, San Francisco 94102 557 - 3686

July 2, 1986

TO: All Commissioners and Alternates
FROM: Alan R. Pendleton, Executive Director
SUBJECT: BAY PLAN AMENDMENT ON COMMERCIAL FISHING,
SHELLFISHING, AND MARICULTURE
(For Commission information only)

Attached is the above referenced new Bay Plan amendment adopted by the Commission on June 19, 1986. The findings and policies on Commercial Fishing should be added to your Bay Plan at the end of Part IV--Development of the Bay and Shoreline: Findings and Policies. The new Salt Ponds and Other Management Wetlands finding and policy should be inserted after page 26 of the Bay Plan. Finally, the new map policy note should be inserted before Bay Plan Map No. 10.

These changes will be incorporated into the Bay Plan when it is reprinted.

Commercial Fishing

The Commission adds to Part IV--Development of the Bay and Shoreline Findings and Policies--a new section on commercial fishing which reads as follows:

Commercial Fishing

Findings and policies concerning commercial fishing, shellfishing and mariculture around the Bay.

Findings

- a. The construction and use of commercial fishing facilities are consistent with state and federal policies promoting public trust and water-oriented uses of the State's waters.
- b. Existing commercial fishing facilities in the San Francisco Bay Area are centered principally in three areas: the Fisherman's Wharf area of San Francisco, north of the Dennison Street Bridge in Oakland, and south of the Army Corps of Engineers' Operations Base in Sausalito. Facilities at each location include boat docking and mooring and fish unloading, handling, cleaning, filleting, and distribution facilities. There are no public fish markets at these facilities.
- c. Commercial fishing continues to be a valuable part of the Bay Area economy and culture. The commercial fishing industry provides fresh fish for area residents and restaurants and generates primary and secondary economic benefits to the state. Additionally, because visitors are attracted by commercial fishing activities, the industry is an important part of the Bay Area's multi-billion dollar tourist industry.
- d. Because of the relatively low direct economic return and the character of commercial fishing operations, there is pressure to convert fishing boat berths to recreational boat berths and to replace commercial fishing facilities with retail, commercial, recreational, and other uses.
- e. If the existing facilities are protected, it is not necessary to reserve shoreline areas for commercial fishing.
- f. Although clam and native oyster beds are located throughout the Bay Area, shellfish harvesting is currently limited to recreational harvesting due primarily to Bay water quality problems.
- g. If and when not needed for salt production, salt ponds may have continued commercial value for mariculture operations. Managed wetlands are low-lying seasonal wetlands which could be appropriate sites for construction of mariculture ponds.

Policies

1. Commercial fishing facilities are water-oriented uses (port and water-related industry) for which the Commission can allow some Bay fill subject to the fill policies contained in the McAteer-Petris Act and elsewhere in the Bay Plan.
2. Modernization of existing commercial fishing facilities and construction of new commercial fishing boat berthing, fish off-loading, and fish handling facilities on fill may be permitted at appropriate sites with access to fishing grounds and to land transportation routes, if no alternative upland locations are feasible. Support facilities for the resident fleet and transient fishing vessel crew use, such as restrooms, parking, showers, storage facilities, and public fish markets should be provided, and, where feasible, located on land.
3. Existing commercial fishing mooring areas, berths, and onshore facilities should not be displaced or removed unless adequate new facilities are provided or the Commission determines that adequate facilities of the same or better quality are available.
4. New commercial fishing facilities should be approved at any suitable area on the shoreline, preferably with good land transportation and space for fish handling and directly related ancillary activities. Because commercial fishing boats do not need deep water to dock and off-load cargo, they should not preempt deep water berthing needed for marine terminals or water-related industry.
5. If commercial shellfish harvesting is reactivated in the Bay Area, handling and depuration facilities should be allowed only on land. Commercial shellfish harvesting facilities and activities should not interfere unduly with recreational uses of San Francisco Bay or cause significant adverse impacts on fish and wildlife resources. New Bay projects should not destroy or otherwise adversely impact existing shellfish beds.
6. Where consistent with the protection of fish and wildlife, mariculture operations should be permitted in salt ponds if salt production is no longer economically feasible or if the mariculture operations would not interfere with the overall economic viability of salt production.
7. Consistent with the protection of fish and wildlife resources, mariculture ponds should be permitted in managed wetlands that cannot be retained in their existing uses.

Salt Ponds and Other Managed Wetlands

The Commission adds the following new finding (page 25):

- h. Salt ponds are currently used to raise and harvest between one-half and three-quarters of a million pounds of brine shrimp per year and have commercial value for mariculture operations.

The Commission adds the following new criterion "d" to existing Policy 3 (page 26):

- d. Mariculture operations should be encouraged in abandoned salt ponds to provide salt pond owners with an economic use of their property that does not require the ponds to be drained or filled. Managed wetlands no longer used as duck clubs may be developed for mariculture to allow an economic use of the land which does not require filling.

Plan Map 10

The Commission adds the following map policy note to Plan Map 10:

Fisherman's Wharf: Improve and expand commercial fishing support facilities. Enhance public access to and economic value of Fisherman's Wharf area by encouraging development of a public fish market.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue, San Francisco, CA 94102 557-3686

January 30, 1987

TO: All Commissioners, Alternates, and Interested Parties
FROM: Alan R. Pendleton, Executive Director
SUBJECT: BAY PLAN POLICY AND MAP AMENDMENT NO. 3-86
CONCERNING WATER-RELATED INDUSTRY
(For Commission information only)

The above referenced amendment of the San Francisco Bay Plan was adopted by the Commission on January 15, 1987 and involves changes to the findings and policies of the Bay Plan section on Water-Related Industry (pages 16 and 17) as indicated below and to Bay Plan Map Nos. 2, 3, 12, 13, 14, 15, 16, 17, 19 and 20 as indicated on the attached maps. These pages may be inserted in the Bay Plan prior to its reprinting.

Water-Related Industry

1. Findings. The underlined language is added and the ~~STRIKED OUT~~ language deleted from the existing water-related industry findings (page 16):

- a. Certain industries ~~use water for~~ transportation require a waterfront location on navigable, deep water to receive raw materials and distribute finished products by ship, thereby gaining a significant ~~economic benefits by~~ reducing on navigable water transportation cost advantage. These industries are defined as "water-related industries."
- b. ~~Water-related industry is basic to the economy of the Bay Area and of the Western United States. Therefore the needs of water-related industry must be given high priority in the Bay Plan.~~ The navigable, deep water sites around the Bay are a unique and limited resource and should be protected for uses requiring deep-draft ship terminals, such as water-related industries and ports.
- c. ~~Vacant or underutilized industrial waterfrontage, particularly with access to deep water, is scarce in the Bay Area. There is current and anticipated future demand for use of these remaining sites by water-related industries. Substantial regional public benefits can result from reservation of these sites for use by water-related industry, and from efficient and planned use of these sites~~

~~BY SUCH WATER-RELATED INDUSTRIES/~~ There is little foreseeable future demand for new water-related industrial sites around the Bay. Expansion of water-related industry can be accommodated at existing water-related industries. Because waterfrontage with access to navigable, deep water is scarce in the Bay Area, existing and future water-related industrial sites must be efficiently planned and managed.

- d. Many other industries compete with water-related industries for waterfront sites: (1) industries that use large volumes of water for cooling or processing purposes and therefore often seek sites near the shoreline, these are defined as "water using industries"; (2) industries that benefit from or support the operation of water-related industries and therefore seek locations near them, these are defined as "linked industries"; (3) other industries that simply seek locations close to freeways and railroads, or that seek a waterfront site because of favorable land costs.

2. Change to Policies. The underlined language is added and the ~~struck over~~ language deleted from the existing water-related industry policies (pages 16-17):

1. ~~THOSE SITES designated as for both water-related industrial purposes and port uses ARE IN THIS PLAN should be reserved EXCLUSIVELY for those industries and port uses that require navigable, deep water for receiving materials or shipping products by water in order to gain a significant transportation cost advantage WHICH MEET THE FOLLOWING CRITERIA: (A) THE SPECIFIC INDUSTRIAL PROJECT IS DETERMINED BY THE COMMISSION TO BE WATER-RELATED USING THE DEFINITION FOUND IN FINDING A/ ABOVE/ AS WELL AS ANY ELABORATION ON THIS DEFINITION AS FOUND IN COMMISSION REGULATIONS/ AND (B) THE PROJECT IS DETERMINED TO MEET ALL OTHER APPLICABLE POLICIES OF THE BAY PLAN AND THE GOVERNMENTAL AGENCY.~~
2. Linked industries, water-using industries, and industries which gain only limited economic benefits by fronting on navigable water, should be located in adjacent upland areas. However, pipeline corridors serving such facilities may be permitted within water-related industrial priority use areas, provided pipeline

construction and use does not conflict with present or future water-transportation use of the site.

3. Land reserved for both water-related industry and port uses will be developed over a period of years. Other uses may be allowed in the interim/ ~~as defined in Commission~~ regulations that, by their cost and duration, would not preempt future use of the site for water-related industry or port use.
4. Water-related industry and port sites should be planned and managed so as to avoid wasteful use of the limited supply of waterfront land. The following principles should be followed to the maximum extent feasible in planning for water-related industry and port use.
 - a. Extensive use of the shoreline for storage of raw materials, fuel, products, or waste should not be permitted on a long-term basis. If required, such storage areas should generally either be at right angles to the main direction of the shoreline or be as far inland as feasible, so other use of the shoreline may be made possible.
 - b. Where large acreages are available ~~for~~ industrial, site planning should strive to provide access to the shoreline for all future plants and port facilities that might locate in the same area (as a general rule, therefore, the longest dimension of plant sites should be at right angles to the shoreline). Existing facilities of Marine terminals ~~waterfront industrial~~ facilities should also be shared as much as possible among industries and/ ~~also/ if appropriate/ with public~~ port uses ~~agencies~~.
 - c. Waste treatment ponds for water-related industry and port uses should occupy as little land as possible, be above the highest recorded level of tidal action, and be as far removed from the shoreline as possible.
 - d. Any new highways, railroads, or rapid transit lines in existing or future

water-related industrial and port areas should be located sufficiently far away from the waterfront so as not to interfere with industrial use of the waterfront. New access roads to waterfront industrial and port areas should be approximately at right angles to the shoreline, topography permitting.

5. Water-related industry and port uses should be planned so as to make the INDUSTRY sites attractive (as well as economically important) uses of the shoreline. The following criteria should be employed to the maximum extent possible.
- a. Air and water pollution should be minimized through strict compliance with all relevant laws, policies and standards. Mitigation, consistent with the Commission's policy concerning mitigation ENVIRONMENTAL QUALITY ACT should be provided for all unavoidable adverse environmental impacts.
 - b. When Bayfront hills are used for water-related industries, terracing should generally be required and leveling of the hills should not be permitted.
 - c. Important Bay overlook points, and historic areas and structures that may be located in water-related industrial and port areas, should be preserved and incorporated into that site design, if at all feasible. In addition, shoreline not actually used for shipping facilities should be used for some type of public access or recreation, to the maximum extent feasible. Public areas need not be directly accessible by private automobiles with attendant parking lots and driveways; access may be provided by hiking paths or by forms of public transit such as elephant trains or aerial tramways.
 - d. Regulations, tax arrangements, or other devices should be drawn in a manner that encourages industries and port uses to meet the foregoing objectives. In addition if a suitable area is to be reserved for public use in an existing industrial site, a public agency should be authorized, but not obligated, to acquire the industry in operating suitable adjacent land to replace areas given over to public use.

6. BCDC together with the relevant local government(s), should cooperatively plan for use of vacant and underutilized water-related industrial priority use areas. Such planning should include regional, state, and federal interests where appropriate, as well as public and special interest groups. Resulting plans should include (a) a program for joint use of waterfront facilities where this is beneficial and feasible; (b) a regulatory or management program for reserving the entire waterfront site or parcel for water-related industrial and port use; and (c) a program for minimizing the environmental impacts of future industrial and port development. Such plans, if approved by relevant local governments and by BCDC, could be amended into the Bay Plan as Special Area Plans.
7. The Bay Plan water-related industrial findings, policies, and priority use areas, together with any detailed plans described above in 6., should be included as the waterfront element of any Bay regional industrial siting plan or implementation program.

Bay Plan Maps 2, 3, 12, 13, 14, 15, 16, 17, 19, and 20 are amended as indicated on the attached figures.

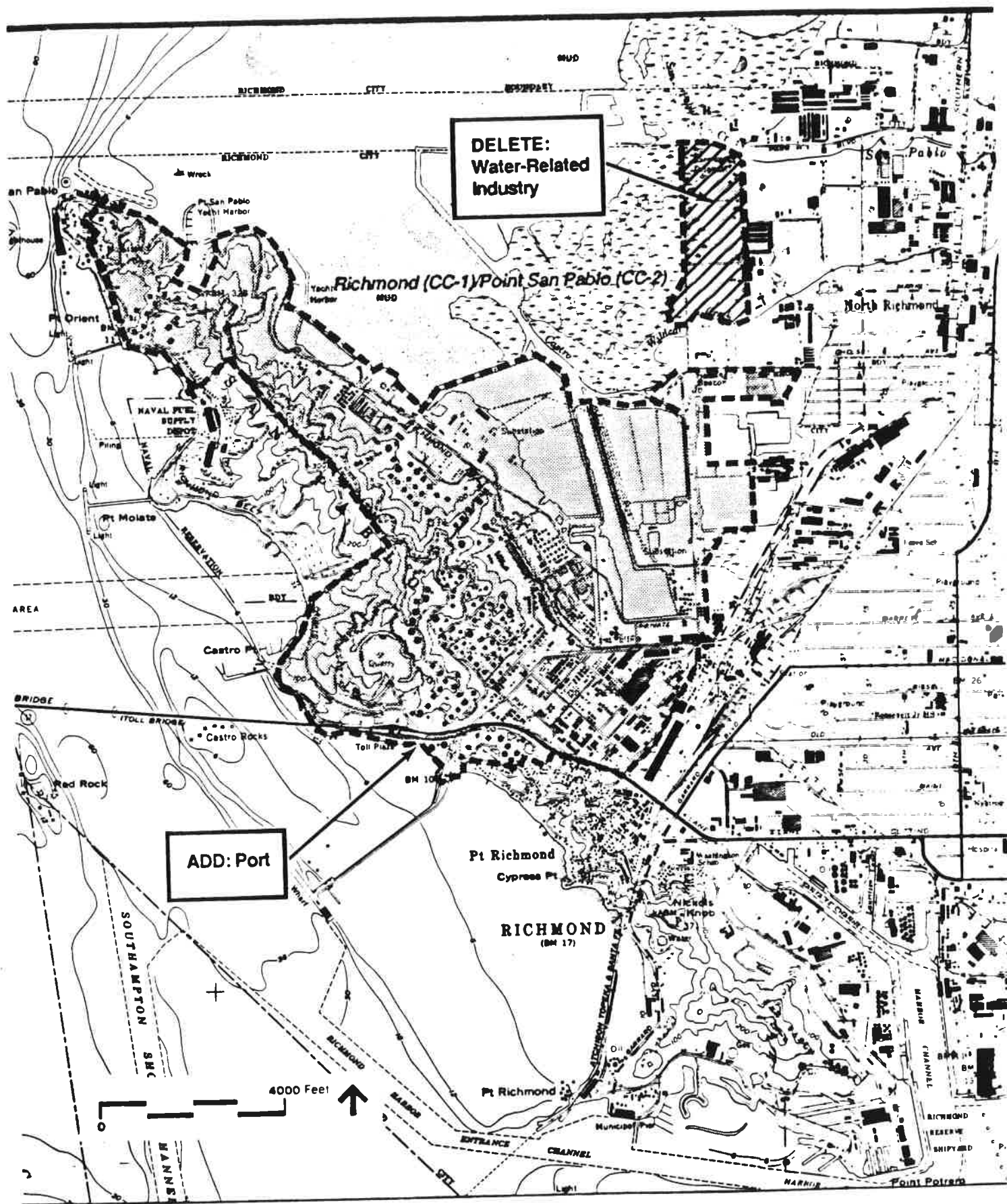


FIGURE 1

Richmond (CC-1) / Point San Pablo (CC-2)

--- Priority Use Area Boundary

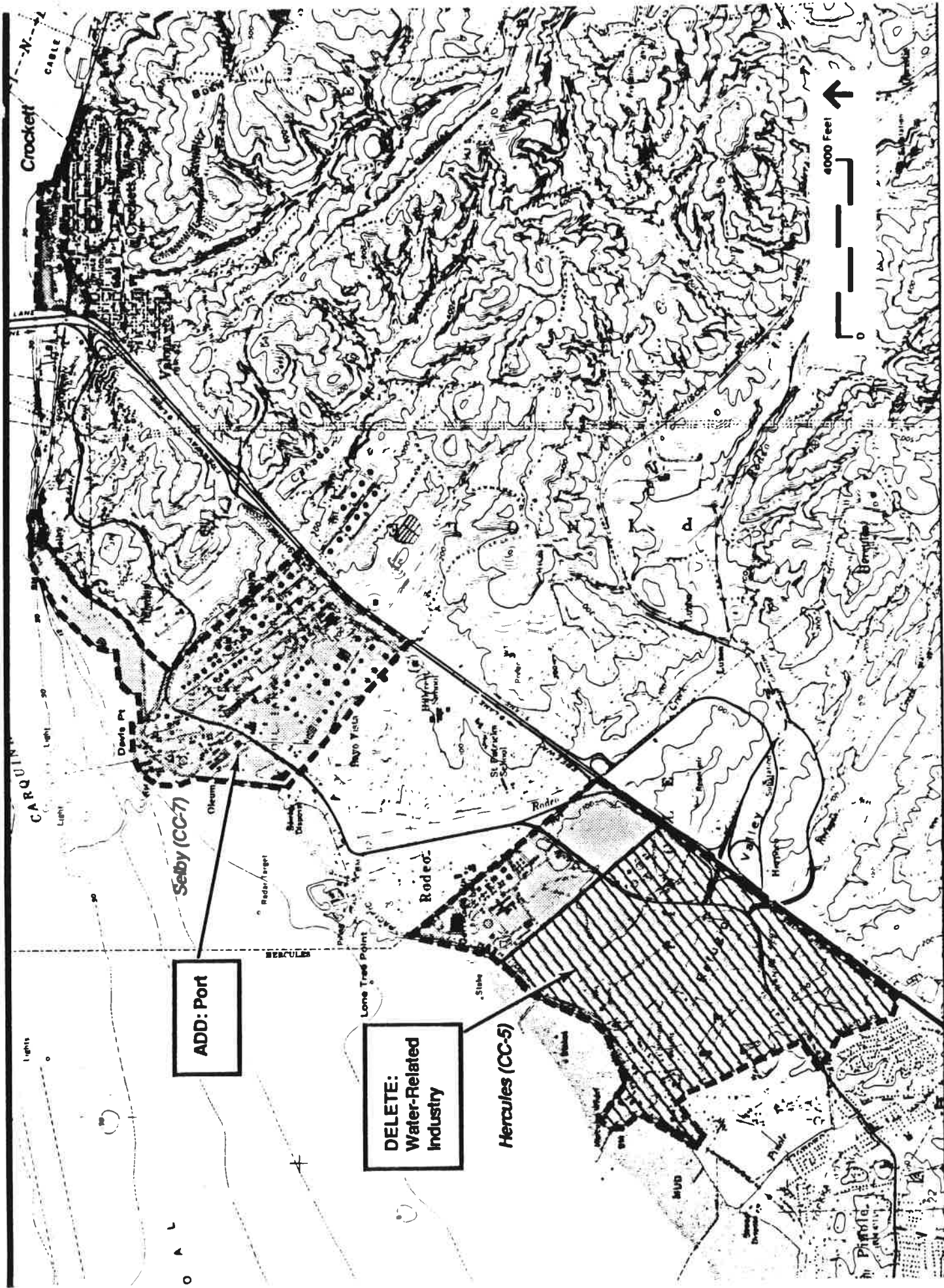


FIGURE 2

Location 100 ft / Selby (CC-7) / Crockett

--- Priority Use Area Boundary

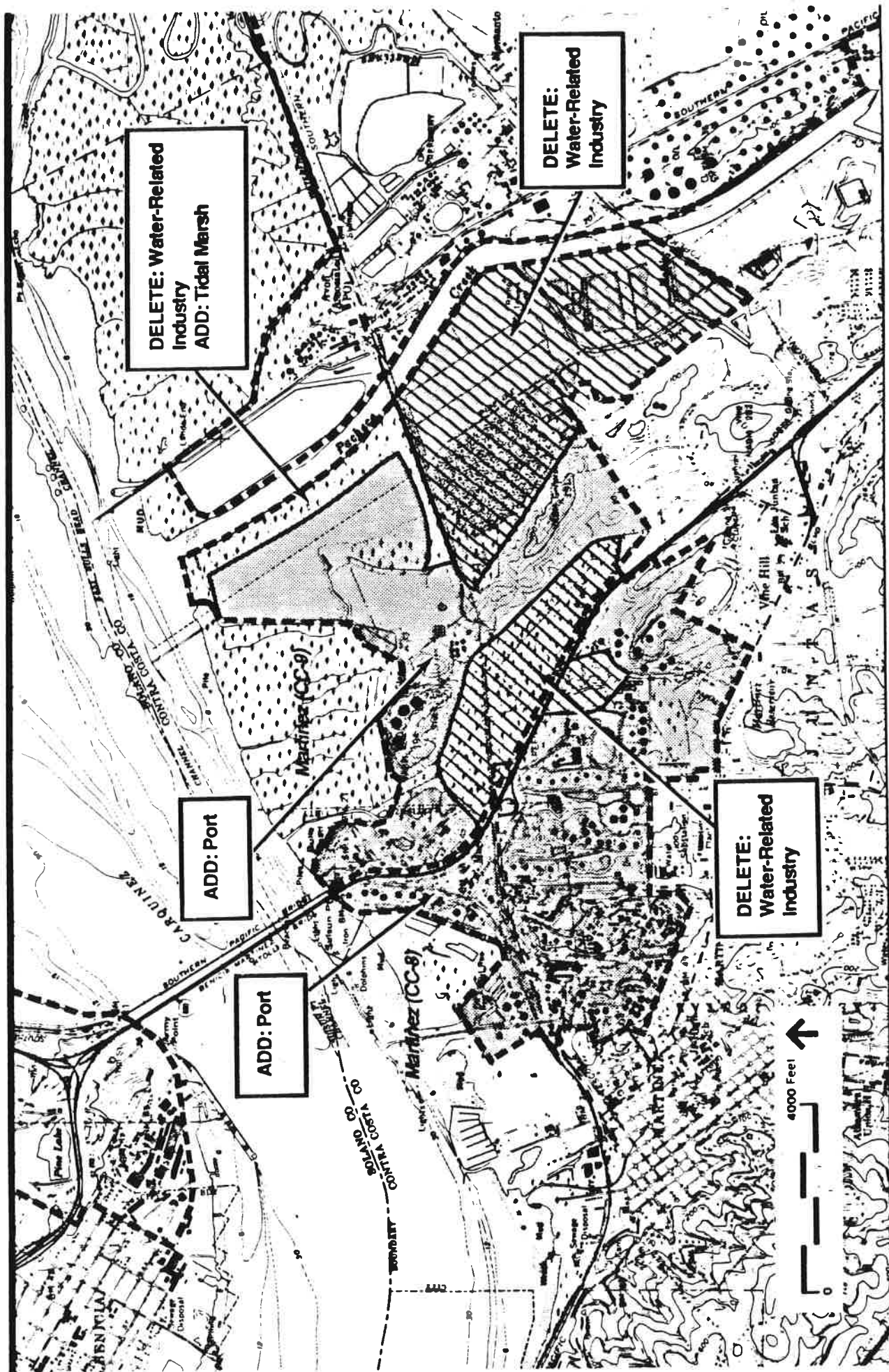


FIGURE 3

Martinez (CC-8) / Martinez (CC-9)

Priority Use Area Boundary

Tidal Marsh

Seasonal Wetland

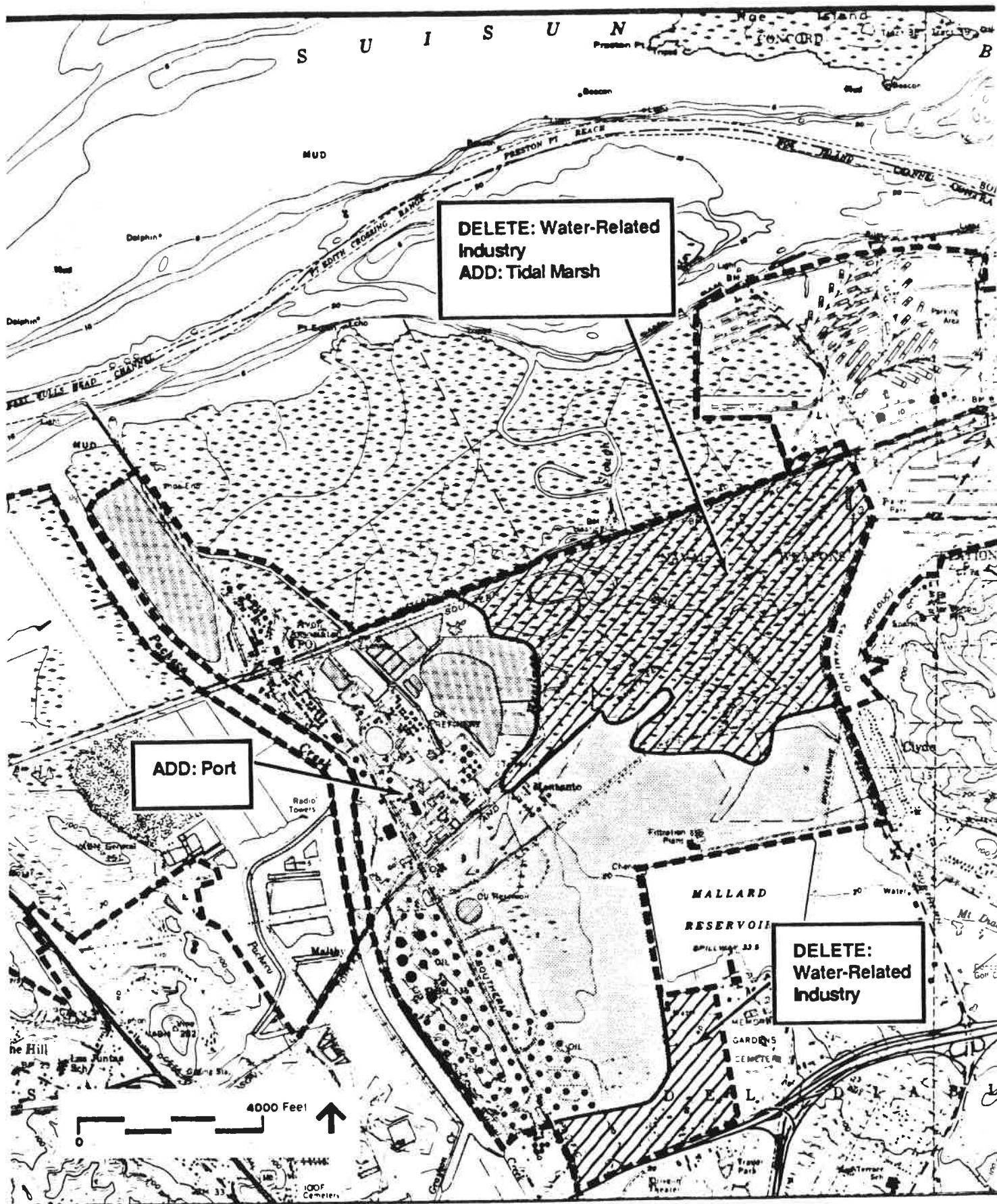


FIGURE 4

Avon (CC-10 and CC-11)

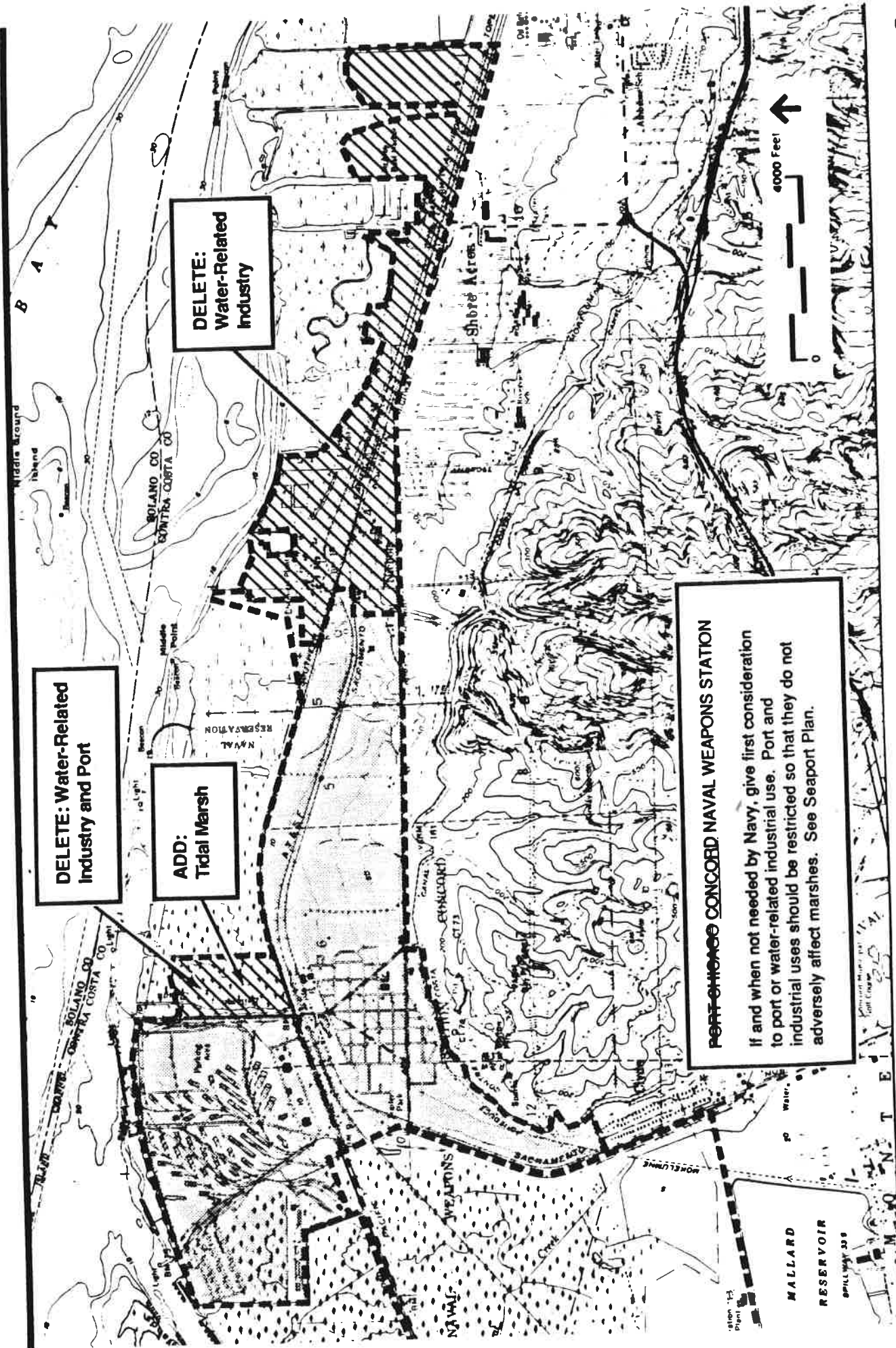
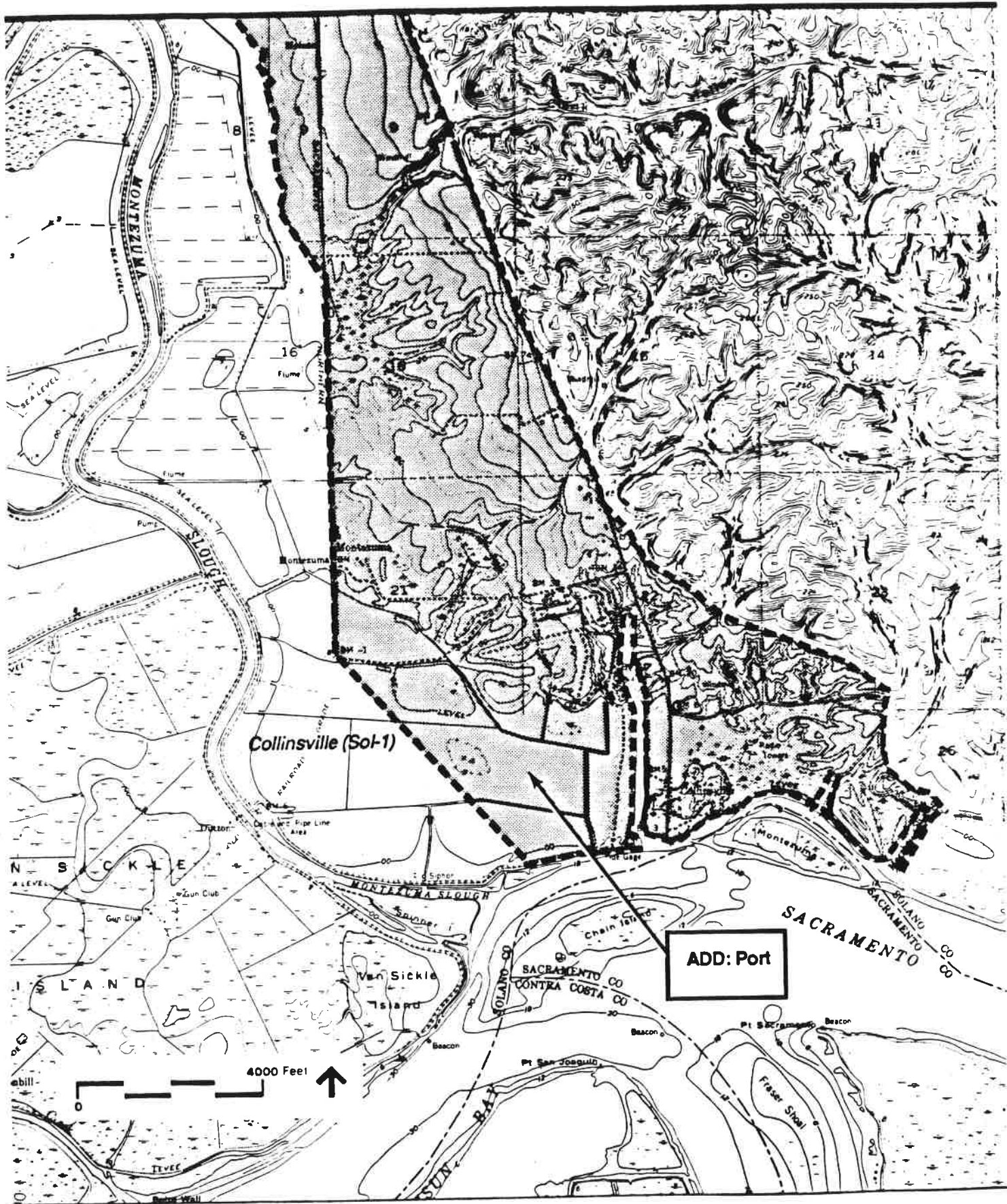


FIGURE 5

--- Priority Use Area Boundary

Concord Naval Reservation / Pittsburg (CC-13)



--- Priority Use Area Boundary

FIGURE 6

Collinsville (Sol-1)

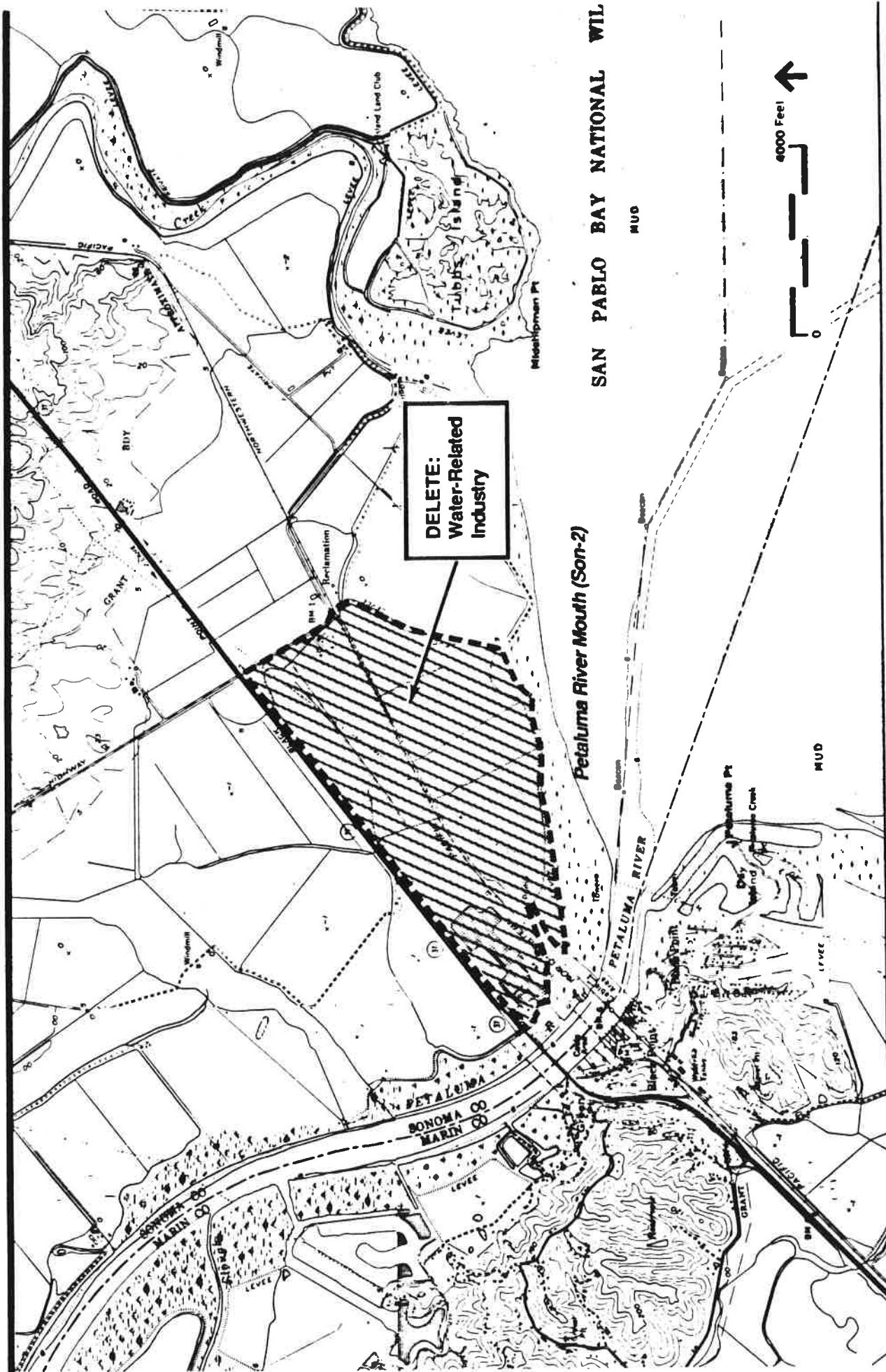


FIGURE 8

--- Priority Use Area Boundary

Petaluma River Mouth (Son-2)

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Thirty Van Ness Avenue, San Francisco 94102 557 - 3686

April 3, 1987

TO: All Commissioners and Alternates
FROM: Alan R. Pendleton, Executive Director
SUBJECT: BAY PLAN AMENDMENT NO. 4-86 CONCERNING
WATER QUALITY IN SAN FRANCISCO BAY
(For Commission information only)

The above referenced amendment of the San Francisco Bay Plan was adopted by the Commission on March 19, 1987 and involves changes to: (1) the water quality portion of the Summary section of the Bay Plan, (2) the title of the Water Pollution section, and (3) the findings and policies of the Bay Plan sections on Water Pollution, Recreation, and Dredging as indicated below. These pages may be inserted in the Bay Plan until the Bay Plan is reprinted.

Changes to Major Conclusions and Policies

The underlined language is added to and the lined out language deleted from the Water Quality section (page 2) of Part I Summary, Major Conclusions and Policies (pages 1-3):

7. ~~Water Quality. Liquid wastes from many municipal, industrial, and agricultural sources are emptied into San Francisco Bay. Because of the work now underway by the San Francisco Bay Regional Water Quality Control Board, the Army Corps of Engineers, and the Bay-Delta Water Quality Control Program, the Bay Plan does not deal extensively with the problems of pollution control. But the entire Bay Plan is founded on the belief that water quality in San Francisco Bay can and will be maintained at levels sufficiently high to permit full public enjoyment and use of the Bay.~~

San Francisco Bay receives wastes from many municipal, industrial, and agricultural sources. Because of the regulatory authority of the State Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, the federal Environmental Protection Agency, and the Army Corps of Engineers, the Bay Plan does not deal extensively with the problems and means of pollution control. Nevertheless, the entire Bay Plan is founded on the belief that water quality in San Francisco Bay can and will be maintained at levels sufficiently high to protect the beneficial uses of the Bay.

Changes to Water Pollution Findings and Policies

1. Section Title. The underlined language is added to and the lined out language deleted from the title of the water pollution section (page 8):

WATER POLLUTION QUALITY
Findings and policies concerning
Water Pollution Quality in the Bay

2. Findings. The underlined language is added to and the lined out language deleted from the existing Water Pollution findings (page 8):

- a. ~~San Francisco Bay receives a variety of municipal, industrial, and agricultural wastes from sources throughout its tributary drainage area. Pollution occurs when waste discharges cause water quality conditions that damage or destroy varied uses of the Bay. Such conditions can result from toxic (poisonous) substances, from residues that unduly stimulate organic growth in the Bay, and from sewage that consumes oxygen in the water as it disintegrates. Polluted waters may be unsafe for human contact or use, offensive to the senses, damaging or lethal to marine life, and even unsuitable for industrial use.~~

San Francisco Bay receives a variety of wastes from numerous sources throughout its tributary drainage area. These include industrial and municipal waste, urban and agricultural surface runoff, sedimentation from upland erosion, vessel wastes, oil and chemical spills, and leachate from landfills and toxic dumps. Pollution occurs when waste discharges unreasonably interfere with, damage, or destroy one or more of the beneficial uses of the waters of the Bay. Pollutants include substances that are toxic, that unduly stimulate organic growth in the Bay, or that deplete dissolved oxygen. Polluted waters may be offensive to the senses, unsafe for human contact or use, damaging or lethal to aquatic life, or unsuitable for industrial use.

- b. ~~Compared to rivers and estuaries in other parts of the country, San Francisco Bay is relatively unpolluted. In recent years, extensive improvements in the treatment of industrial and municipal wastes have greatly reduced the pollution that once existed in the Bay. But some parts, especially in the South Bay, are still polluted at certain times of the year. As long as~~

~~the Bay continues to receive wastes from an expanding population and industry, there must be constant improvement in waste management to upgrade presently polluted areas and prevent pollution problems in the future.~~

Pollution from past waste discharges resulted in harm to fish and wildlife and the Bay's beneficial uses. Implementation of state and federal water pollution control programs by public agencies, particularly the federal Environmental Protection Agency, the State Water Resources Control Board, and the San Francisco Bay Regional Water Quality Control Board, have decreased significantly the pollutant levels in waste discharges to the Bay, resulting in dramatic improvements in the quality of Bay waters. However, water pollution still impairs Bay water quality and the beneficial uses of the Bay. Of particular concern is the potential for cumulative long-term effects on the Bay from toxic pollutants. Water quality varies significantly within the Bay due to the pattern of waste discharges and the varying capability of the Bay to disperse, flush, and assimilate pollutants. Certain localized areas are seriously polluted with toxic substances. Additionally, toxic disposal sites on the shoreline threaten both Bay water quality and the development and use of certain areas of the shoreline by the public.

- c. ~~While waste disposal poses a continuing threat to water quality in the Bay, this use of Bay waters will continue for some time. Pollution of Bay waters from these wastes can be prevented by: (1) transporting waste directly to the ocean, (but without allowing waste discharges to damage the ocean's marine life); (2) prohibiting the discharge into the Bay of toxic wastes (poisons) that do not break down; (3) adequate treatment of wastes before discharge into the Bay; and (4) natural breakdown of any biodegradable wastes placed in the Bay, which can be encouraged by maintaining adequate flushing action and an adequate supply of dissolved oxygen in the Bay.~~

Many strategies can be used to reduce the discharge of pollutants to the Bay, including: (1) assuring adequate treatment of wastes discharged to the Bay and its tributaries in compliance with standards set by the State Water Resources Control Board, Regional Water Quality Control Board, and the federal Environmental

Protection Agency; (2) directing treated waste discharges to the ocean (after assuring that the marine environment will be protected); (3) eliminating discharge of toxic substances into the Bay; (4) cleaning up existing toxic sites in the Bay, on the shoreline, or in upland areas that drain into the Bay; and (5) preventing increased sedimentation of the Bay by controlling upland soil erosion, particularly during the land development process.

- d. ~~Key elements that affect flushing and the supply of dissolved oxygen are (1) the volume of water flowing in and out with the tides (and fresh water flowing into the Bay), (2) the temperature of Bay waters, and (3) the rates of oxygen interchange at the surface of the Bay, including the tidal flats.~~

The harmful effects of pollutants reaching the Bay can be reduced by maximizing its capacity to assimilate, disperse, and flush pollutants. Key elements that affect the Bay's natural capacity to assimilate, disperse, and flush wastes are: (1) the volume and circulation of water flowing in and out with the tides and in freshwater inflow (2) the rate of oxygen interchange at the surface of the Bay; and (3) the extent and distribution of tidal marshes.

- e. ~~Several governmental programs are now seeking to determine the best methods of controlling water quality and preventing water pollution in the Bay. The San Francisco Bay Regional Water Quality Control Board has set water quality limits and time schedules for treatment facilities, so as to protect and enhance designated beneficial water uses of the Bay. The State's Bay Delta Water Quality Control Program presented in 1969 its long-range plan to preventing Bay pollution. And the State Water Resources Control Board is studying the California laws on water quality control to determine whether they should be strengthened.~~

The State Water Resources Control Board is responsible for formulating and adopting state policy for water quality control pursuant to the state Porter-Cologne Water Quality Control Act and the federal Clean Water Act. The State Board is responsible for approving the water quality control plans of the nine regional water quality control boards, and establishing salinity

standards for the Bay and Delta to protect the beneficial uses of these waters. The San Francisco Bay Regional Water Quality Control Board is charged with designating, protecting, and enhancing the beneficial uses of the waters of the San Francisco Bay Basin. The Regional Board states the beneficial uses of the Bay waters and the water quality objectives and waste discharge standards in its Water Quality Control Plan, San Francisco Bay Basin, which it carries out through adoption and enforcement of waste discharge requirements and certification of Army Corps of Engineers' permits.

3. Policies. The underlined language is added to and the lined out language deleted from the existing Water Pollution policies (page 8):

1. ~~To the greatest extent feasible, the remaining marshes and mudflats around the Bay, the remaining water volume and surface area of the Bay, and fresh water inflow into the Bay should be maintained.~~

To the greatest extent feasible, the Bay marshes, mudflats, and water surface area and volume should be maintained and, whenever possible, increased. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses. Bay water pollution should be avoided.

2. ~~Water quality in all parts of the Bay should be sufficiently high to permit water contact sports and to provide a suitable habitat for all indigenous and desirable forms of aquatic life. It is assumed that this will be achieved, in time, as the result of measures taken in response to requirements and enforcement proceedings of the Regional Water Quality Control Board, and measures resulting from current government studies. (Because of the work of these agencies, this Commission has not dealt extensively with the problem of pollution control. But the entire Bay Plan is founded on the belief that water quality in San Francisco Bay can and will be maintained at levels sufficiently high to permit full public enjoyment and use of the Bay.)~~

Water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the Regional Water Quality Control

charge or at a reasonable fee, as well as receptacles to dispose of waste oil. (4) In addition, all projects approved should provide public amenities such as viewing areas, restrooms, and public parking; substantial physical and visual access; and maintenance for all facilities. Frequent dredging should be avoided.

Changes to Dredging Findings and Policies

1. Findings. The underlined language is added to the existing Dredging findings (page 15):

- f. Past and present waste disposal practices have resulted in the introduction of pollutants into the Bay, some of which have degraded Bay sediments. These pollutants are not distributed evenly in the Bay and localized areas are highly contaminated.
- g. Dredging and subsequent Bay disposal of contaminated sediments can resuspend pollutants or make them accessible to Bay organisms, resulting in possible adverse impacts on the beneficial uses of the Bay.
- h. The Regional Water Quality Control Board and the Environmental Protection Agency are responsible for determining what testing is appropriate and for assuring that dredging and materials disposal are consistent with the maintenance of water quality in the Bay.

2. Policies. The underlined language is added to the existing Dredging policies (page 15-16):

- 7. Prior to authorization of dredging or the disposal of dredged materials in the Bay, the Commission should assure that adequate testing of the sediments will be done and that the sediments will be dredged and disposed of consistent with the requirements of the Regional Water Quality Control Board and the Environmental Protection Agency.

