MINUTE ITEM

31

03/26/87
W 23451
Horn
J. Sekelsky

Adoption of Sacramento River Carrying Capacity Study Implementation Plan and Consideration of a Course of Action Regarding the Commission's Moratorium on Marina Construction

Chairman McCarthy announced that Calendar Item 31 was removed from the agenda.

Mr. Tom Westley representing Riverbank Holding Company appeared to ask when the Commission intends to make a decision on this item.

Chairman McCarthy assured Mr. Westley that the Commission will come to a decision as soon as possible.

There was no further discussion on this item.

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A 3, 4, 8, 10

S 1, 5, 6

31

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ADOPTION OF SACRAMENTO RIVER CARRYING CAPACITY STUDY IMPLEMENTATION PLAN AND CONSIDERATION OF A COURSE OF ACTION REGARDING THE COMMISSION'S MORATORIUM ON MARINA CONSTRUCTION

**BACKGROUND:**
On July 12, 1984, the State Lands Commission imposed a moratorium on marina development along the Sacramento River within Sacramento and Yolo Counties, until a comprehensive study of the cumulative effect of existing and proposed marina development on the River's carrying capacity was completed ("River Study").

The purpose of the River Study was to assess the marina carrying capacity of the Sacramento River from River Mile (RM) 44.8, approximately one and one-half miles below Freeport, up river to RM 76.0, just above the Sacramento/Sutter County line. Carrying capacity is defined as "the extent to which the Sacramento River and its adjacent banks can carry marina development without significant negative impact on other human, ecological or water quality benefits associated with the river system". The River Study area is shown on the location map attached hereto as Exhibit "A".

A principal focus of the River Study was to develop criteria which could be used by the Commission and local agencies to evaluate what level of marina development could be accommodated within the River Study area in balance with competing uses for the river and with resources protection. The River Study was to provide the Commission, other public agencies, and prospective developers with a common information base to: (a) use in their respective planning efforts; (b) assess specific project proposals in a more comprehensive way; and (c) incorporate relevant information into future project and site specific environmental impact reports.

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The River Study was conducted, and a report of the results of the study prepared, with staff by Riparian Systems and Meyer Resources, Inc., in association with consultants Taylor Miller, David Storm, and Susan Anderson. At its meeting on September 25, 1986, the Commission accepted the River Study report and directed staff to develop a plan for the implementation of the findings and recommendations contained in the report. The moratorium on marina development imposed by the Commission in 1984 remains in effect.

IMPLEMENTATION PLAN

Staff has conducted public agency workshops and public hearings to review the report's recommendations, and has received generally positive responses from those who participated. Government agencies have shared the Commission's concerns regarding development in the River Study area, but have generally indicated a lack of funding and manpower to implement and enforce many of the measures recommended in the report.

Public response to the report has varied from a strong environmental emphasis, stressing the need for strict regulatory controls over future river activities, to a more moderate, flexible approach urged by the development community.

Numerous agencies have jurisdiction and authority, sometimes exclusive and at other times overlapping, regarding development and use of the river and its surrounding areas. As a practical matter, the Commission's authority to manage the use and development of the River Study area is limited by its role as a landowner, having jurisdiction and control over the bed of the river subject to the public trust for commerce, navigation, fisheries, recreation, and open space.

Some of the report recommendations are beyond the Commission's present authority to implement or enforce. For instance, policing of speed limits on the river lies exclusively within the jurisdiction of law enforcement agencies, typically the county sheriffs' offices.

In light of the foregoing considerations and input from other agencies and interested members of the public, staff has drafted a River Study Implementation Plan which includes recommended findings regarding policy concerns, and a commitment to work with other public agencies to attain goals defined in the report which are beyond the Commission's jurisdiction. That plan is outlined on Exhibit "B" attached hereto.

**MORATORIUM**
Staff believes that upon adoption and implementation of the measures outlined in Exhibit "B", there will be adequate guidelines for consideration of project applications to assure rational planning and to protect resources in the River Study area. Staff therefore recommends that the Commission adopt the River Study Implementation Plan and then lift its moratorium on further marina development in the River Study area, subject to the requirements and policies of the Plan.

**ENVIRONMENTAL IMPACT**
Due to the nature of the study and the staff's recommendations regarding the River Study Implementation Plan, staff recommends that the Commission find that adoption of the Plan is exempt from the requirements of CEQA because it is not a project as defined by CEQA Guidelines Section 15378.

As individual future projects come before the Commission, each will individually have to comply with the provisions of CEQA.

**SIGNIFICANT LANDS**
Adoption of the River Study Implementation Plan involves lands identified as possessing significant environmental values pursuant to PRC 6370, et seq. Based upon the staff's coordination with other agencies regarding the River Study it is the staff's opinion that this activity will substantially benefit the affected significant lands.

EXHIBITS: A. Location Map.
B. Implementation Plan Recommendations.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT ADOPTION OF THE RIVER STUDY IMPLEMENTATION PLAN IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA BECAUSE IT IS NOT A PROJECT AS DEFINED BY 14 CAL. ADM. CODE SECTION 15378.

2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE A SUBSTANTIALLY BENEFICIAL EFFECT ON SUCH LANDS.

3. ADOPT THE FINDINGS LISTED IN PARAGRAPH A OF THE RIVER STUDY IMPLEMENTATION PLAN, ATTACHED HERETO IN EXHIBIT "B".

4. DIRECT STAFF TO WORK THROUGH THE LEGISLATURE AND WITH OTHER PUBLIC AGENCIES TO ENCOURAGE IMPLEMENTATION OF THOSE REPORT RECOMMENDATIONS NOT WITHIN THE COMMISSION'S AUTHORITY AND JURISDICTION, AS SET FORTH IN PARAGRAPH B OF THE RIVER STUDY IMPLEMENTATION PLAN, ATTACHED HERETO IN EXHIBIT "B", IN ORDER TO ASSURE A RATIONAL AND INTEGRATED PLANNING APPROACH TO THE RIVER STUDY AREA.

5. LIFT ITS MORATORIUM ON THE DEVELOPMENT OF COMMERCIAL MARINAS IN THE RIVER STUDY AREA SUBJECT TO THE PROVISIONS OF THE RIVER STUDY IMPLEMENTATION PLAN AS ADOPTED BY THE COMMISSION ON THIS DATE.

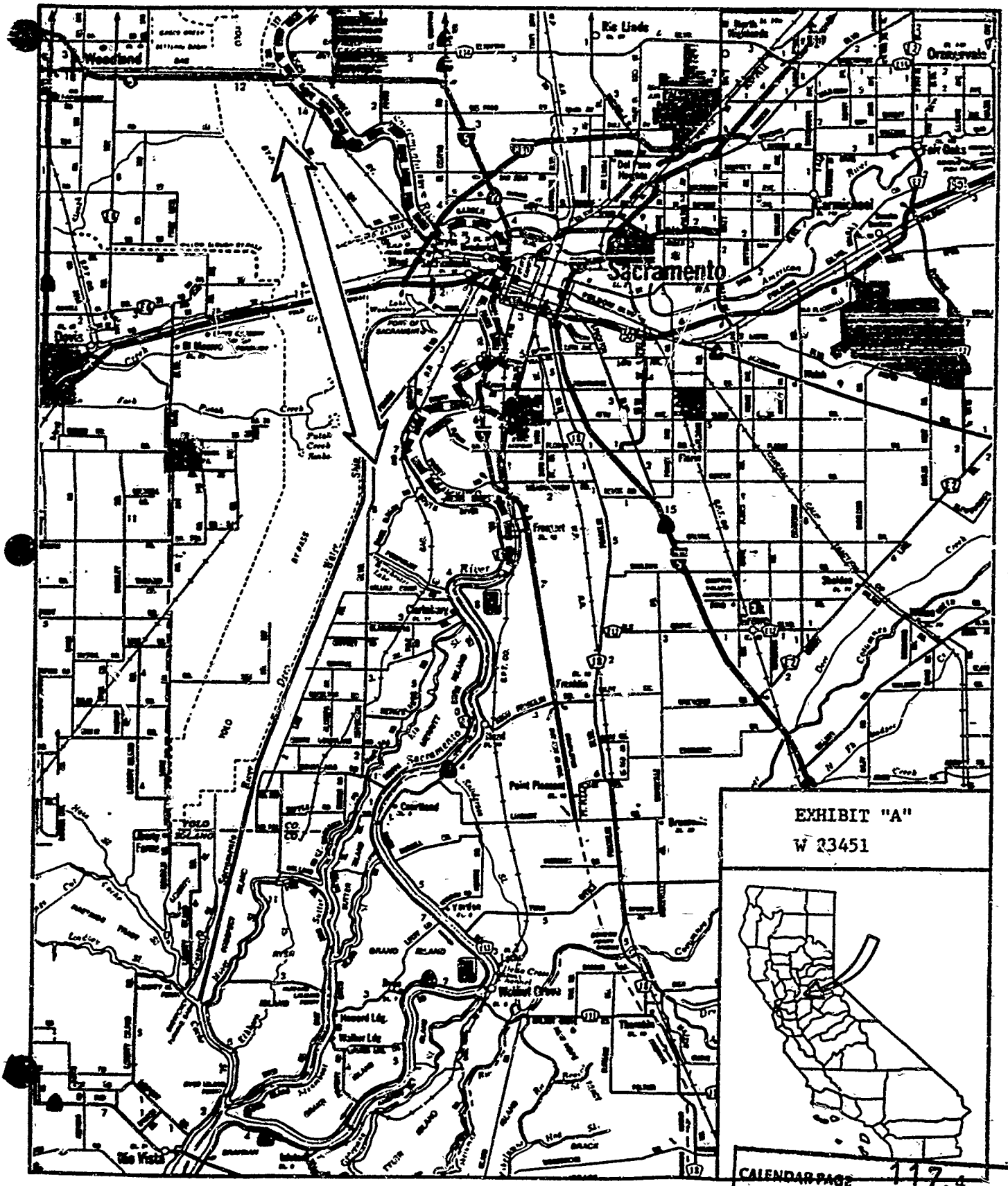


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EXHIBIT "B"
IMPLEMENTATION PLAN

A. The following findings may and should be adopted by the Commission in order to define policy considerations which must be made in reviewing applications for development in the River Study area.

(1) Find that physical and biological characteristics of the River in Reaches 1, 2, 3, and 5, as defined in the River Study report, should be maintained or improved in order to preserve valuable natural resources and assure continuation of unique recreational opportunities available in these reaches; and that based upon information available at this time, any development other than repair or reconstruction of existing facilities within these reaches may have a significant adverse impact on those natural resources and recreational opportunities, and that such development will not be allowed unless it can be shown through preparation of an EIR and other studies as appropriate that the proposed development, including mitigation, if any, will not have any such adverse impacts, and will be in the best interests of the public.

(2) Find that Reach 4 of the river study area has been the site of extensive marina and other dock development. Because this reach of the river has already exceeded its capacity to effectively carry boating traffic at speed, future new marina construction should be limited to this area, unless the Commission, on weighing access, environmental and other factors surrounding a particular application, finds that public interest would best be served by allowing new construction in another reach of the river.

(3) Find that boat traffic in the River Study Area is impacted by the construction of marina facilities along the river, and that there is a greater potential for adverse impact where marinas are constructed directly across the river from each other, or are allowed to extend further into the river than existing facilities.

(4) Find that based on existing information, it appears that existing launch ramps contribute the majority of boating traffic in the River Study area and that the further development of launch ramps can have serious



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deleterious effects on the ability of the river to carry boats and additional development; and that such development should be accomplished only where need for additional public access of this sort is clearly demonstrated and after thorough environmental review.

(5) Find that residential use of vessels permanently moored in the River Study area may create a greater burden on the ecosystem and carrying capacity of the river, relative to vessels not so used, and should not be permitted without thorough environmental review; and where permitted, should be conditioned so as to assure public benefit, protection of the lands occupied, promotion of the public trust under which such lands are held by the State, and protection of the general river ecosystem.

(6) Find that, if marina developers who propose new facilities or are expanding existing marina facilities toward a diverse array of enterprise centers can fully meet the review criteria set forth in the Commission's River Study Implementation Plan, CEQA, and all other applicable laws, rules, and regulations, priority may be given to such developments. In this regard, enterprise centers shall include water related uses commonly associated with marinas and shall not include upland residential or office space use.

(7) Find that the waters on the Sacramento side of the river in front of the American River Parkway have a particularly high resource and recreational value for sport fishing, and that marina construction in that area would have a substantially adverse impact on that value.

(8) Find that the water quality in the River Study Area is threatened by numerous factors related to development and maintenance of marina facilities and launch ramps and recreational facilities, including, but not limited to, the discharge of sewage into the river, litter disposal, fuel spills, toxic paints and other chemicals, and bilge water discharge, and that all leases and permits issued by the Commission shall be subject to requirements designed to protect and improve water quality in the River Study Area.

(9) Find that riparian habitat in the study area is an important natural resource that should be preserved and restored, and that protection of riparian habitat is vital to the resource value of lands under the Commission's jurisdiction, because physical changes in the riparian habitat may result in impacts on the bed, flow and natural biological communities of the river. Further find that the strategy outlined in recommendations 5.1 through 5.5 and items 6.1 and 6.2 of the Sacramento River Marina Carrying Capacity Study provides a basis for protecting the riparian habitat and should be adopted by all permitting agencies having lawful authority over development in the River Study Area.

(10) Find that the Commission, as lead or responsible/trustee agency under CEQA and as a reviewer under NEPA reviews all river impacting projects for their direct and indirect effects on the river environs.

(11) Acknowledge the importance of flood control levees in the development of marinas and the role of the State Reclamation Board with regard to maintaining and preserving flood control project levee safety and integrity. Further acknowledge that it utilizes the resources available from the State Reclamation Board, the California Department of Fish and Game and the Department of Water Resources in its examination of river projects.

(12) Find that levee and berm erosion is a continuing problem in the River Study Area. Direct staff to work with the Reclamation Board regarding erosion on berms and levees in the study area.

(13) Find that new or expanded tie-up facilities shall meet all ecological and water quality criteria set forth in the River Study Report, Implementation Plan, and all other applicable laws, rules, and regulations.

(14) Find that tie-up facilities which do not interfere with boat travel on adjacent areas of the river and which meet the provisions of the River Study Implementation Plan, CEQA, and all other applicable laws, rules, and regulations, should not have an adverse impact on the recreational and resource values in the River Study Area; and that any tie-up facility that is proposed for conversion to or use as a marina facility must be reviewed as a new marina development project.

(15) Find that, to the extent that off-stream marinas involve the jurisdiction of the Commission, the Commission shall, pursuant to its responsibilities under CEQA, carefully examine the environmental effects of those off-stream marina projects so as to provide maximum protection to nearby tide and submerged lands.

(16) Find that the Commission addresses archaeological and historic concerns relative to marina projects on project specific bases through the CEQA/NEPA review process and with site investigations.

C. The Commission has little or no direct authority to implement or enforce several of the recommendations included in the River Study report, as indicated below. However, the Commission may and should direct staff to work through the Legislature and with other public agencies, including law enforcement agencies, to attempt to accomplish the goals set forth in these recommendations when practical, so as to assure a rational and integrated planning approach to the River Study area.

| Report Number | Summary of Recommendation |
|---|---|
| 1.1 | Adopt 5 mph speed limit within reach 4. |
| 1.5 | Develop stable funding to ensure continued operation of the accessing lock to the ship channel. |
| 1.6 | Encourage a cooperative speed signing program on the river. |
| 1.7 | Support training and funding for enforcement of laws relating to inebriated/irresponsible boaters. |
| 1.8 | Encourage a cooperative review of enforcement and safety capabilities on the river. |
| 2.1 - 2.5 | Prohibit jet skiing on portions of the river and at various times of the year together with posting signs regarding private dock development. |
| 2.8 | Posting speed signs at fishing hot spots on the river. |



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|---|---|
| 2.9 | Assess the need for warning signs where there are extensive private docks along the river regarding transmitting craft. |
| 2.11, 2.12 | Support the enforcement of noise regulations and prohibitions of dry stack and unmuffled boats in the river study area. |
| 4.1, 4.2 | Participate with local governments to jointly develop an urban riverfront access policy and a Sacramento River Corridor plan or alternatively, urge changes to local general plans to provide for river access. |
| 7.4 | Encourage local governments to jointly assess the adequacy of public washroom facilities in the study area and to provide any facilities needed. |
| 8.1 - 8.7 | Study and regulate tributyltin-oxide and its effects on the river environment, including working with appropriate governmental agencies to prohibit its use. |
| 8.8 | Ensure that off-stream marinas are engineered to provide adequate water circulation and the monitoring of dredge spoils for toxins. |
| 11.3 | Prohibit non-essential vessel traffic in the study area during periods of high water when levee safety is threatened. |
| 11.4 | Convene an inter-agency task force to study multiple use management of the levees in the study area. |



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