

MINUTE ITEM

This Calendar Item No. 23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 3
to 0 at its 9-23-87
meeting.

CALENDAR ITEM

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**CONSIDERATION OF IMPLEMENTATION PROCESS
BASED ON SACRAMENTO RIVER CARRYING CAPACITY STUDY**

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 Sacramento River Study (River Study) of the cumulative effects of existing and proposed marina development on the River's carrying capacity was completed.

The purpose of the River Study was to assess the extent to which 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, had the capacity to accommodate marinas and related development and activities. 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 Exhibit "A".

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; (c) incorporate relevant information into future project and site specific environmental impact reports; and, (d) evaluate the level of marina development which could be accommodated in balance with competing uses for the river and with resource protection within the River Study area.

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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 process for the implementation of the findings and recommendations contained in the report.

CURRENT SITUATION:

There are currently five applications on file with the State Lands Commission for new or expanded marina facilities in the study area. Applications from Captain's Table, DaRosa, and Metro Marina are incomplete at this time. The applications from Virgin Sturgeon and Riverbank for construction of dockage are complete. The staff has also received applications for tie-up facilities from Sacramento Steam Navigation and Mr. O'Leary, each of which are still incomplete.

While these are the only applications on file at this time, the staff has been contacted by other parties who have expressed an interest in marina construction within the River Study area. These are at the Raley's Landing and Light 29. The proposed Lighthouse Marina in the new city of West Sacramento is within the study area, but will be constructed offstream.

EXHIBIT "B" shows the location of these proposed projects.

IMPLEMENTATION PROCESS:

Staff has conducted workshops for the public, marina operators and governmental agencies to review the report's recommendations. Government agencies have shared the Commission's concerns regarding development in the River Study area, but have generally indicated that they suffer from 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 those who stress environmental concerns, advocating the need for strict controls over future river activities, to those in the development community who favor a more flexible approach.

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The Sacramento River Study has provided valuable insights into the carrying capacity of the area. It has also identified: (1) potentially adverse cumulative impacts; (2) uses which will increasingly conflict with one another; and (3) a myriad of responsible agencies whose authority is overlapping and fragmented. More coordination will be required between these agencies to manage the river so it can be used, protected and enjoyed in an optimal manner by all interest groups.

While the River Study has identified issues that projects in the study area must address, the development of regulations is inadvisable at this time because of the range of issues and the spread of jurisdictional responsibilities. Rather, there is a need to examine these issues in a "real world" context to see what trade-offs emerge and what conflicts arise. Evaluating permit applications in the context of the information contained in the River Study through the permit and public hearing process should help the SLC assess the need for and feasibility of program regulations.

To assure that the information in the River Study is put to use, the staff has developed a process to evaluate marina applications on a case-by-case basis. The process would have the following major components: (1) a checklist to supplement current application forms which would identify additional project information which must be submitted by applicants (Exhibit C); (2) a supplementary CEQA Initial Study checklist for staff to use in evaluating projects within the study area (Exhibit D); (3) consideration of the recommendations made by the River Study in the evaluation of any project within the study area; (4) public input; and (5) establishment of communication, coordination and cooperation with affected public agencies.

Staff has examined all of the recommendations in the River Study. Those recommendations from the study which clearly fall within the Commission's jurisdiction or which have the potential to directly affect resources within such jurisdiction have formed the basis for the suggested revisions to the Application and CEQA Checklists. The goal of the recommended process is to ensure that the staff and the Commission have adequate information about each project to subsequently evaluate it in light of the results of the River Study and to develop appropriate lease terms and conditions.

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Application Checklist (Exhibit "C")

This is a supplement to Section "H - Project Description" of the Commission's existing application form. Based on preliminary review of some marina applications already on file, it is clear that more information is needed from applicants. The application checklist should solve this problem.

CEQA Checklist (Exhibit "D")

Typically, a city or county will be the CEQA Lead Agency for river projects. They will inform the Commission when they initiate an environmental analysis by sending a Notice of Preparation (NOP). This is staff's opportunity to identify issues which need to be examined. To assist staff in communicating these informational needs to the lead agency, the CEQA Checklist was developed. It identifies the range of issues SLC is most concerned about as a result of the River Study, and could also be used to inform the applicant of these informational needs. If an EIR is done, the draft of this document will be circulated through the State Clearinghouse for comments, providing an independent check to make sure concerns are adequately addressed.

Application Review

Applications will be reviewed through the recommended process for completeness by staff and evaluated for consistency with the River Study. To the extent possible, lease terms and conditions will be negotiated in accordance with study recommendations.

If unanticipated problems occur after full implementation of the suggested process, revisions may seem appropriate; however, staff believes the system is flexible enough to accommodate it. Any significant changes will be taken to the Commission.

This implementation process is aimed at the evaluation of projects pursuant to the recommendations of the River Study and does not necessarily reflect all factors which the Commission, at its discretion, may consider in approving or denying an application.

Public Input

This implementation program provides ample opportunity for public input. The staff and Commission will have the benefit of

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communication with various affected agencies prior to its deliberation. The applicant will be able to meet and confer with staff. In addition, any terms or conditions which are opposed by any party can ultimately be heard at the Commission meeting.

COORDINATION WITH OTHER AGENCIES

The staff has always attempted to coordinate with other affected public agencies, primarily through the environmental review process, and will continue to do so. Any applicant is currently required to identify other public agencies having approval authority and is required to submit copies of any permits obtained at the time of application. The Commission's standard lease provisions require the lessee to comply with and be bound by all presently existing or subsequently enacted rules, regulations, statutes or ordinances of any governmental agency or entity having lawful authority and jurisdiction over the project.

It is clear that the successful implementation of the recommendations in the River Study depend on increased cooperation among the affected public agencies. This fact is illustrated most directly on page 189 of the study, where it is stated:

"In conclusion, the Sacramento River's capability to carry divergent types of vessel and other use is variable, depending on the consideration that recreators offer one another, and on the way use in the river is managed. Left unmanaged, and if a high level of user irresponsibility prevailed, it could be concluded that the study area has currently exceeded its capability to support multiple use. We believe, however, that with appropriate education and management initiatives, boater use on the river, whether generated from marinas or launch ramps, can be held well within the present study area's capabilities."

The staff of the State Lands Commission is prepared to actively participate in future planning and coordination efforts. To accomplish this, staff will communicate with the various affected agencies about the interrelated nature of the River Study recommendations and develop a cooperative review procedure. Conceptually, the procedure could be modelled after the Joint Review Panel Process developed with Santa Barbara County and used on major energy facility E.I.R.s. A Memorandum of Agreement (M.O.A.) could be used to formalize the procedure with the cooperation of affected agencies.

Presently, the question of which agency should act first presents a dilemma. Local agencies do not want to take action without knowing the position of the State Lands Commission. However, having the SLC act first would mean surrendering the CEQA lead agency role to the Commission. Increased communication and participation in a joint review process could provide a solution. This process could provide each agency with more confidence that their decision will not run counter to a subsequent agency's decision. This should be in the best interest of the applicants as well.

As an example, in order to improve communication, a LETTER OF PERMISSION (EXHIBIT E) has been agreed to by staff and the City of Sacramento. This LETTER OF PERMISSION would indicate staff's awareness of each proposed project without committing to a position of support. It would assure the City that the applicant has initiated contact with State Lands Commission staff and that no prior or conflicting lease commitments exist on the project site.

LIFTING MORATORIUM

The staff recommends lifting the moratorium. Applications would be considered on a case-by-case basis and on condition that sufficient information has been provided to resolve issues raised by the River Study. As usual, all projects would be subject to CEQA review.

ENVIRONMENTAL IMPACT

Staff recommends that the Commission find that adoption of the process is exempt from the requirements of CEQA because it is not a project as defined by CEQA Guidelines Section 15378.

As specific 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 process affects 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

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the staff's opinion that this activity could substantially benefit the affected significant lands.

SUMMARY

This process, as proposed by staff, is structured around the following key elements:

- (1) Lifting of the moratorium;
- (2) Improving, via an expanded checklist, the information received in applications;
- (3) Improving via an expanded checklist, the breadth and depth of CEQA evaluations;
- (4) Providing additional opportunities for public and agency input; and
- (5) Encouraging greater cooperation and coordination between affected agencies

AB 884: N/A.

EXHIBITS: A. Location Map.
B. Location map of proposed projects.
C. Application Checklist Supplement.
D. CEQA Checklist Supplement.
E. Letter of Permission.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT ADOPTION OF THE RIVER STUDY IMPLEMENTATION PROCESS 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 COULD SUBSTANTIALLY BENEFIT SUCH LANDS.
3. ADOPT THE SUPPLEMENTAL APPLICATION AND CEQA CHECKLISTS SUBSTANTIALLY AS SHOWN ON EXHIBITS "C" AND "D", ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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4. AUTHORIZE STAFF TO COMMUNICATE WITH ALL AFFECTED AGENCIES, INFORMING THEM OF: (A) THE INTERRELATED NATURE OF THE RIVER STUDY RECOMMENDATIONS; (B) THE NEED FOR EACH AGENCY TO RECOGNIZE THE CONTRIBUTION IT CAN MAKE IN MAXIMIZING THE CARRYING CAPACITY OF THE SACRAMENTO RIVER; AND (C) OUR DESIRE TO EFFECTIVELY AND EFFICIENTLY COORDINATE OUR REVIEW PROCEDURES.
5. LIFT THE MORATORIUM ON MARINA DEVELOPMENT ALONG THE SACRAMENTO RIVER WITHIN THE RIVER STUDY AREA.
6. AUTHORIZE STAFF TO MAKE THIS REVISED PROCESS KNOWN TO AFFECTED APPLICANTS AND TO THE GENERAL PUBLIC.

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TELETYPE	2434

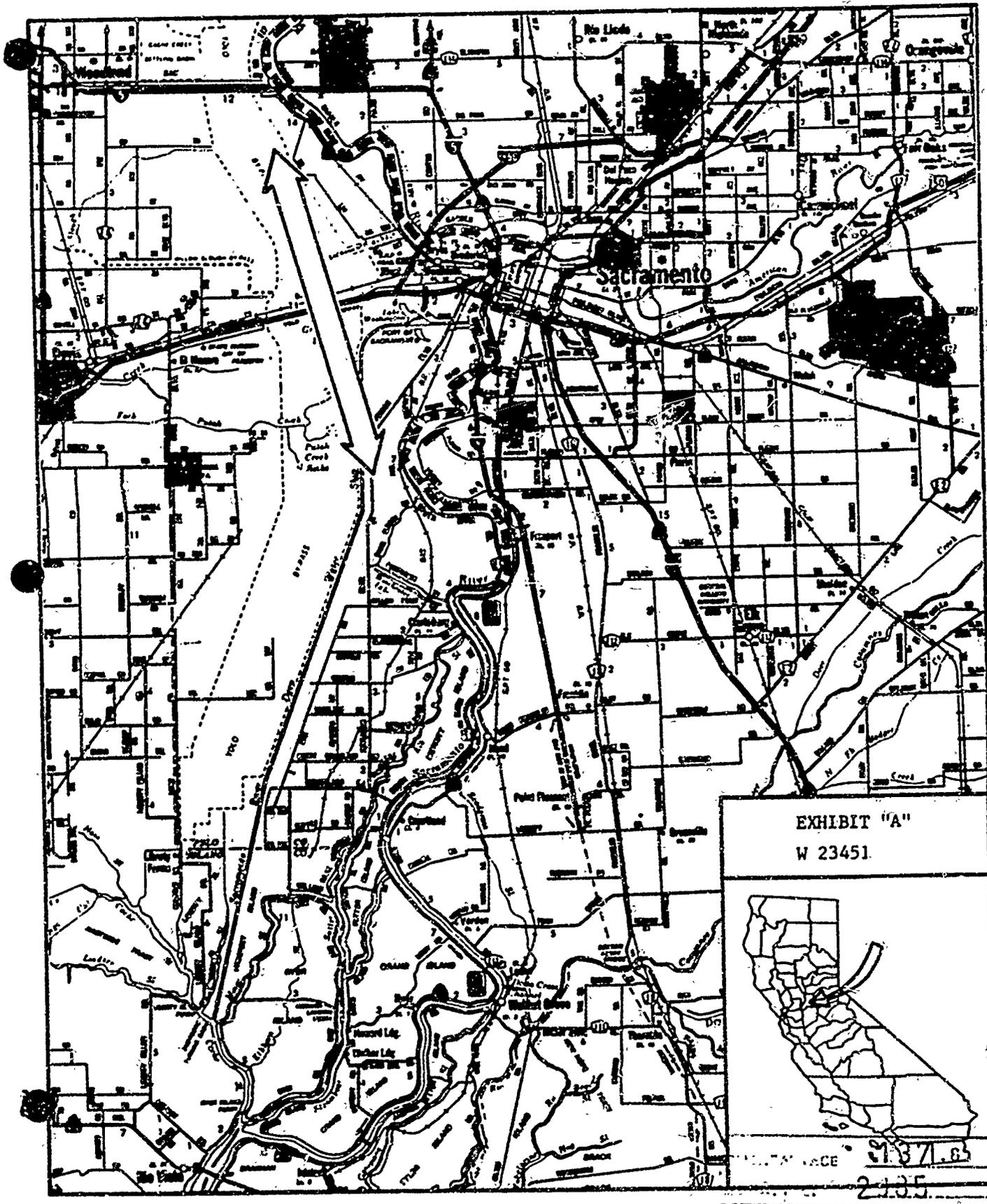


EXHIBIT "A"
 W 23451



SCALE 1:371.8
 2435

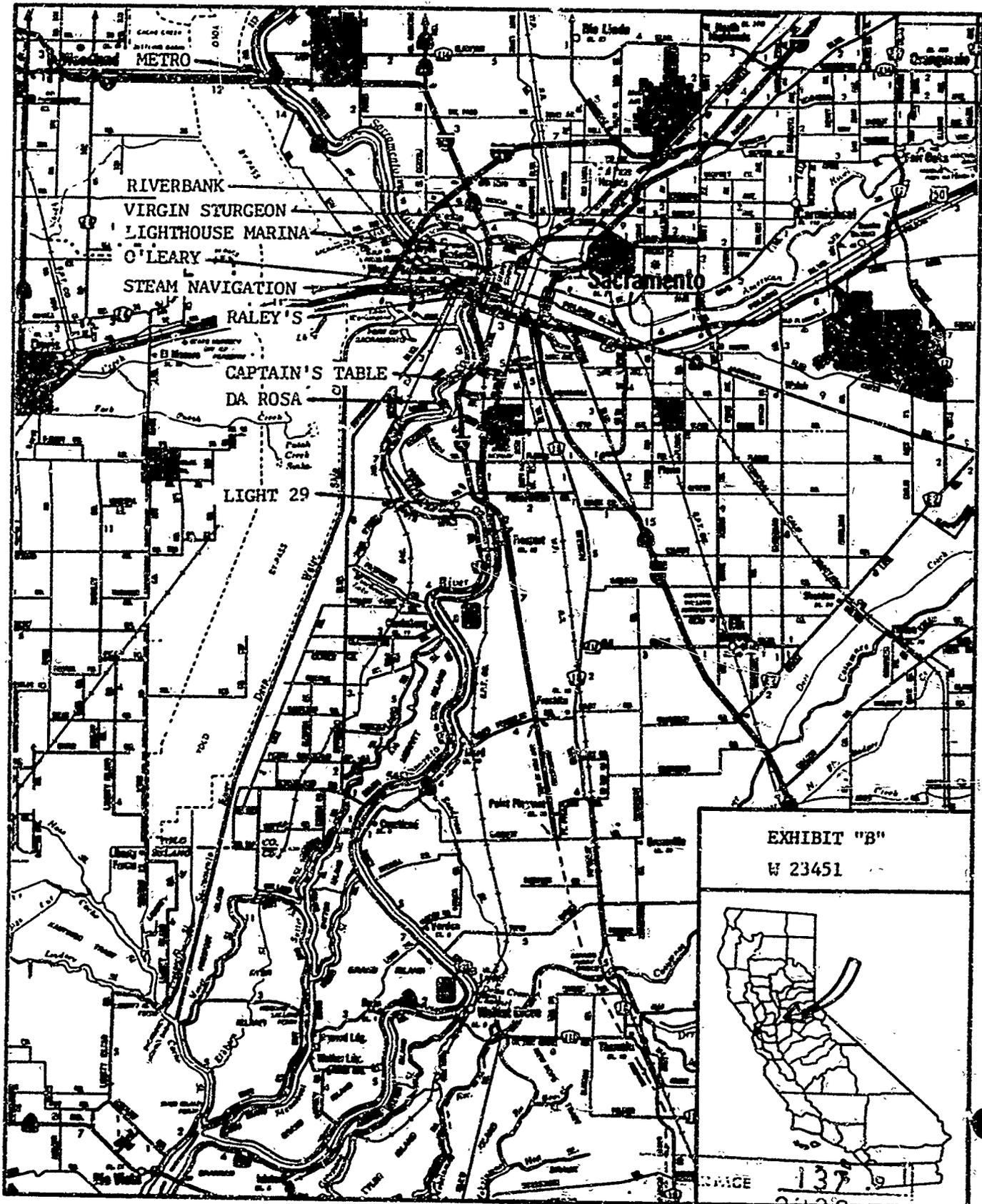


EXHIBIT "B"
W 23451



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EXHIBIT "C"

APPLICATION CHECKLIST
SACRAMENTO RIVER STUDY AREA SUPPLEMENT

Section I- All applicants shall provide the following information:

- (1) Provide a location map which clearly shows:
 - (a) the project (to scale with linear extent and distance offshore clearly noted);
 - (b) nearest existing marinas (up and down, east and west bank); and
 - (c) "stringline" between nearest up and downstream marinas.
- (2) Identify any feature(s) you feel would mitigate the effect the project would have on boat speed in the channel and also any feature(s) you feel would mitigate the effect of speeding boats (wave wash) on the marina.
- (3) Provide a site map, to scale, which clearly shows:
 - (a) the full range and location of all project elements including, but not limited to, number and size of berths, type and size of commercial facilities, utilities, parking, public access, marine services, etc.
 - (b) existing vegetation and any proposed for removal;
 - (c) any landscaping/vegetation restoration proposed - show both type and location;
 - (d) any known sensitive species habitat;
 - (e) any known or suspected historic or pre-historic sites; and
 - (f) any boat maintenance facilities.
- (4) Provide any information you have regarding rare and endangered plant and animal species, especially input from California Department of Fish and Game and U.S. Fish and Wildlife Service.
- (5) Identify whatever provisions are proposed for sewage disposal from boats, commercial uses, etc..
- (6) Identify whatever provisions are proposed for litter/garbage disposal, including frequency of pick-up.
- (7) Identify any proposed fueling facility and fully describe spill control features.

- (8) Describe how the project will affect the levee. Identify any proposed alterations or modifications to the levee, including any ecological/habitat features.
- (9) Describe any historic structures or sites within the project boundaries.
- (10) Describe any proposed boat maintenance facility - its capacity, typical activities and quantities of potentially toxic materials expected to be used. If no boat maintenance facility is proposed, identify the off-site facilities most likely to be used.
- (11) Identify the location of any engine and hull washing activities, expected annual numbers of washings and types of detergents proposed for use.
- (12) Describe any proposed pollution control measures for boat maintenance and haulout facilities.
- (13) Describe any special measures proposed to control the quality and quantity of urban runoff.
- (14) Identify terms and conditions of slip rental agreements and means of enforcement.

Section II- In addition to Section I, for all projects involving maintenance dredging, please answer the following:

- (1) Identify the estimated amount and frequency of dredging operations. Also identify potential locations for dredge disposal. (NOTE: Approval of this application for construction and operation of an offstream marina does not include permission to dispose of dredge materials. Separate application will be required.) These estimates must be prepared and certified by a qualified hydrologic engineer.
- (2) Identify possible contaminants from construction, operation and maintenance of the marina. A qualified professional must estimate their amounts and persistence.

Section III - For OFFSTREAM MARINAS Only:

- (1) In addition to Sections I and II above, please provide a water circulation plan prepared and certified by a qualified hydrologic engineer which indicates the direction and amount of flushing action in the marina basin.

Section IV - For TIE-UP FACILITIES Only:

- (1) In addition to Section I above, identify the terms of use (length of stay, etc.) and enforcement of same.

PERMITS	137.11
FEES	2988

Section V - For LAUNCH RAMPS Only:

In additon to Section I above, Please answer the following:

- (1) Identify the boat and parking capacity.
- (2) Identify any ancillary features (such as restrooms, trash disposal bins, etc.).
- (3) Identify any provision for bilge water disposal.

1537S

NO. OF PAGES	137.12
NO. OF	2089

EXHIBIT "D"

CEQA CHECKLIST
SACRAMENTO RIVER STUDY AREA SUPPLEMENT

Will the proposal, as evaluated under Section II of the State Lands Commission's Environmental Impact Assessment Checklist, Part II, result in:

- Impacts on existing boat transit speed? (see item M5*)
- Impacts on the American River Parkway? (see items N 4 and M5)
- Inadequate circulation of water in an offstream basin causing accumulation of toxins in sediments or receiving waters? (See items . . . Q 1 and C 5 and E 4)
- The generation of dredge spoils, impacts to spoils disposal sites or contamination via toxins in dredge spoils? (If monitoring is recommended as a mitigating measure with respect to toxins, identify subsequent steps to be taken, if toxins are found.) Q 2 and (See items . . . C 5)
- Increased boat traffic? (See items . . . M 5 and S 1)
- Disposal of bilge water at launch ramps? (See item C 5)
- Impacts to the levee system including non-essential vessel traffic during high water? (See item C 9)
- Impacts due to live-aboards? (See item H 1)
- Impacts of boat wakes and speed? (See item S 1)
- Impacts due to conflicting uses including: jet skiing in Reach 4 and between RM 46-50 during fishing seasons; jet skiing opposite all instream marinas; jet skiing in areas adjacent to private docks (RM 62-68 primarily) during off-peak season; and noise created by use of dry stacks and unmuffled boats. (See items S 1 and N 2)
- Impacts (secondary) to other river area resources caused by vegetation removal? (See items D 1 and E 1)

*These notations refer to the Commission's Form 13.20, Environmental Impact Assessment Checklist - Part II, Section II - Environmental Impacts.

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- Impacts to special status species?
(See items D 2 and E 2)
- Impacts due to lack of pumpout and litter disposal facilities?
(See items N 6 and C 5)
- Impacts due to fuel spills?(See item C 5)
- Impacts or disturbance to historic or archaeological resources?
(See item T 1-4)
- Impacts due to use of bottom paints (especially tributyltin-oxide)?
(See items Q 2 and N 5 and E 4)
- Impacts at boat maintenance facilities related to toxic accumulation?
(See items Q 2 and N 5)
- Impacts from engine and hull washing?
(See items Q 2 and N 5)
- Impacts from urban runoff?(See items C 2 and 5)

Alternatives considered should include:

- "Stringline" limitation on channelward intrusion of instream marinas.
- Various offstream basin designs and methods of operation to enhance flushing.
- Transverse mounted drains across launch ramps with drainage to a buried tank for eventual safe disposal.
- Multiple use management of levees.
- Regulation/prohibition of conflicting river uses.
- Public/Recreational uses vs. private/business uses.
- Equipment to prevent spills at fueling stations.
- Levee designs that incorporate ecologically protective features.
- Use of minimally toxic and non-toxic bottom paints.
- "Safe" engine and hull detergent.

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- Control measures and disposal methods at boat haulout and maintenance facilities.
- Techniques to control urban run-off.

Cumulative impacts considered should include:

- Impacts of instream marinas on boat transit speed.
- Impacts associated with vegetation removal.
- Impacts (especially to fishermen and swimmers) resulting from lack of pumpout and litter disposal facilities.
- Impacts resulting from failing to incorporate ecologically protective features in levee design.
- Potential loss of channel lock due to closure.
- Failure to implement a cooperative signing program.

1537S

PLUMBANCE	137.15
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STATE LANDS COMMISSION

"EXHIBIT E"

LEO T. McCARTHY, Lieutenant Governor
GRAY DAVIS, Controller
JESSE R. HUFF, Director of Finance

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, California 95814
CLAIRE T. DEDRICK
Executive Officer



LETTER OF PERMISSION

Date: _____

City of Sacramento
City Planning Department
927 - 10th Street, Suite 300
Sacramento, California 95814

Gentlemen:

The undersigned owner's representative does not object to _____ (Applicant) application for: special permit request on property located at _____, Assessor's Parcel No. _____. The Applicant proposes to construct _____.

This letter does not constitute, nor shall it be construed as, an indication that the State Lands Commission will or will not approve _____ proposal for development on the subject site. The Commission will consider the project only after legal requirements have been met, including, but not limited to, submission by _____ to the Commission of a completed application, and compliance with the California Environmental Quality Act.

Signature of Owner's Representative: _____
CLAIRE T. DEDRICK

Authorized Representative: Executive Officer, State Lands Commission

Address: 1807 - 13th Street, Sacramento, CA 95814
Phone: (916) 322-4105

Applicant's Address: _____
Phone: _____

Application No. _____
CPC Meeting Date: _____

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