

MINUTE ITEM
Calendar item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 3
to 0 at its 5/5/92
meeting.

CALENDAR ITEM

A 4
S 2

C 2 1

05/05/92
W 24738 PRC 7625
PRC 2256
PRC 2684
PRC 5345
PRC 5738
N. Smith

ISSUANCE OF A GENERAL LEASE - PUBLIC AGENCY USE
AND ACCEPTANCE OF QUITCLAIM DEEDS
FOR LEASES PRC 2256, 2684, 5345, AND 5738

APPLICANT:

Redevelopment Agency
City of Suisun
701 Civic Center Boulevard
Suisun, California 94585

AREA, TYPE LAND AND LOCATION:

A 12±-acre parcel of tide and submerged land in Suisun
Slough, City of Suisun, Solano County.

LAND USE:

Demolition of existing 144 operating berths and construct an
150 open-berth commercial marina with a fuel dock, sewage
pumpout station and public promenade.

TERMS OF PROPOSED LEASE:

Initial period:
Thirty (30) years beginning May 1, 1992.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Consideration:

\$250 per annum for first two years in recognition of
the costs of demolition and construction; then \$11,900
per annum; six percent (6%) of gross income per annum,
whichever is greater, with the State reserving the
right to fix a different rental on each fifth
anniversary of the lease.

(ADDED pgs. 177-177.40)

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CALENDAR ITEM NO 021 (CONT'D)

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

08/24/92

OTHER PERTINENT INFORMATION:

1. As part of a multi-phase redevelopment project, the City will demolish 144 existing berths and construct 150 open berths along both sides of the Suisun Slough. This project will also include dredging up to 2,500 cubic yards of material from the Slough, with disposal either in the adjacent upland areas of the project site or at the Potero Hills disposal site. removal of 40,000 cubic yards of fill along the shoreline with disposal at Potero Hills and maintenance dredging of up to 12,900 cubic yards every sixth year with disposal at Pierce Island.
2. The proposed project includes existing State Lands leases PRC 2256, 2684, 5345, and 5738. Staff has determined that quitclaim deeds should be accepted for leases PRC 2684 and 5345 upon execution of this lease because they are located wholly within the proposed lease premises. As to PRC 2256 and 5738, quitclaim deeds will be accepted upon completion of demolition because they are not included within the proposed lease area. The Redevelopment Agency is the current lessee.
3. The proposed lease will allow a limited and controlled mooring of a maximum of seven (7) navigable vessels used as a residence on the lease premises to provide

CALENDAR ITEM NO. C 2 1 (CONT'D)

security for the marina. The westerly portion of the proposed marina will be 1,350± feet in length and comprised of ninety (90) berths with accessibility by the general public. The residential berths will be placed so as to provide maximum security to this portion of the facility. The lessee will provide annually the location of the residential vessels within the marina. Also, proof of navigability of residential vessels will be required during each quarter of the calendar year. A vessel granted residential privileges must submit a log of his/her vessel's trips out of the marina and a list of the dates the holding tank pumpout station was used for each quarter of the calendar year.

4. The proposed project will also provide public access throughout the lease area.
5. An EIR, SCH 90030951, was prepared and adopted for this project by the City of Suisun City (City). The State Lands Commission staff has considered the FEIR as prepared by the City. The State Lands Commission staff has reviewed the CEQA Findings, attached as Exhibit "D", and the Wetland Impact and Mitigation Monitoring Plan, dated June 1991, on file in the offices of the State Lands Commission within the document entitled "Amendments to the Specific Plan for the Historic Downtown and Waterfront SCH 90030951 Draft and Final Environmental Impact Reports, pages 1-1 through 3-6".

With the exception of one impact, Construction Noise, all adverse impacts have been mitigated to a less-than-significant level. The City has adopted a Statement of Overriding Considerations for the short-term impact on ambient noise levels. Commission staff has reviewed the Statement of Overriding Considerations for this impact. The project will provide access to and use of the waters of the greater San Francisco Bay, provide economic benefits to the City, remove a blighted area, as well as to restore, enhance, and protect environmentally sensitive areas, including wetlands and wetland habitat, to the benefit of the flora and fauna and the public at large. This benefit is considered to outweigh the one unavoidable adverse effect. A copy of the Statement of Overriding Considerations is included in Exhibit "D".

6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission,
Department of Fish and Game, United States Army Corps of
Engineers, and Regional Water Quality Control Board.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Resolution 91-63, City of Suisun City
- D. CEQA Findings/Statement of Overriding Consideration

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF SUISUN CITY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE CEQA FINDINGS ATTACHED AS EXHIBIT "D".
3. FIND THAT THE CITY OF SUISUN CITY HAS ADOPTED A STATEMENT OF OVERRIDING CONSIDERATIONS FOR CONSTRUCTION NOISE IMPACTS, THAT STAFF HAVE REVIEWED THE STATEMENT AND FIND THAT, IN BALANCING THE PROJECT'S BENEFITS AGAINST ITS UNAVOIDABLE ENVIRONMENTAL RISKS, THE BENEFITS OUTWEIGH THE LEVEL OF ENVIRONMENTAL RISKS (NOISE IMPACTS) WHICH WOULD REMAIN AFTER THE APPLICATION OF MITIGATION MEASURES DISCUSSED IN THE EIR.
4. FIND THAT THE CITY OF SUISUN CITY, OR ITS DESIGNATED REPRESENTATIVE, IN CONJUNCTION WITH THE U. S. FISH AND WILDLIFE SERVICE, THE ARMY CORPS OF ENGINEERS, CALIFORNIA DEPARTMENT OF FISH AND GAME, AND SOLANO COUNTY, SHALL BE RESPONSIBLE FOR IMPLEMENTATION OF THE ENVIRONMENTAL MITIGATION MEASURES IDENTIFIED IN FEIR, SCH 90030951, AND IN THE WETLAND IMPACT AND MITIGATION MONITORING PLAN, PREPARED FOR THIS PROJECT PURSUANT TO P.R.C. SECTION 21081.6.

CALENDAR ITEM NO. C 2 1 (CONT'D)

5. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
6. AUTHORIZE ISSUANCE TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN OF A THIRTY-YEAR GENERAL LEASE - COMMERCIAL USE, BEGINNING MAY 1, 1992; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$250 FOR THE FIRST TWO YEARS, A BASE ANNUAL RENT IN THE AMOUNT OF \$11,900 FOR THE NEXT THREE YEARS OR SIX PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, SUBJECT TO FIVE-YEAR RENT REVIEWS, PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR THE DEMOLITION OF EXISTING 144 OPERATING BERTHS AND THE CONSTRUCT OF A COMMERCIAL MARINA, FUEL DOCK, SEWAGE PUMPOUT STATION, AND PUBLIC PROMENADE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
7. AUTHORIZE ACCEPTANCE OF QUITCLAIM DEEDS FOR PRC 2684 AND 5345 UPON EXECUTION OF LEASE FOR PROPOSED PROJECT AND ACCEPT QUITCLAIM DEEDS FOR LEASES PRC 2256 AND 5738 CONTINGENT UPON COMPLETION OF DEMOLITION OF EXISTING FACILITIES BY THE CITY AND STAFF'S DETERMINATION, BASED ON AN ONSITE INSPECTION THAT THE AREA HAS BEEN RESTORED TO A SAFE CONDITION.

EXHIBIT "A"

W 24738

LAND DESCRIPTION
WEST SIDE OF CHANNEL SITE

A parcel of tide and submerged land, in the bed of Suisun Slough, Suisun City, Solano County, California lying within the following described parcel of land:

BEGINNING at the point of intersection of the easterly line of Kellogg Street and the northerly line of Morgan Street; thence Northerly, 140 feet more or less along the projection of the easterly line of Kellogg Street to a point of intersection with the projection of the northerly line of Parcel A as shown on the map entitled "Parcel Map, Division of Land into 2 Parcels, All of lots 3,7,8,9, and a Portion of Lots 2 and 6, Block 15, City of Suisun City" filed on June 21, 1971 in the Office of County Recorder of Solano County in Book 5 of PM, page 28; thence at a right angle Easterly, 95 feet along the projection of the northerly line of said parcel; thence at a right angle Northerly, 130 feet more or less to a point of intersection with the northerly line of Parcel B as shown on the map entitled "Division of Block 14 and a portion of the Northwest One-Quarter of Section 36, T5N, R2W, MDM, City of Suisun, Solano County, California" filed on October 27, 1969 in the Office of the County Recorder of Solano County in Book 3 of PM, page 82; thence at a right angle Easterly, 25 feet; thence at a right angle Northerly, 149 feet more or less to a point of intersection with a line that is the easterly projection of the northerly line of Solano Street; thence Easterly, 82 feet more or less along a line perpendicular to the centerline of the authorized Federal Channel in Suisun Slough, to a line parallel with and 75 feet westerly of the centerline of said channel, thence at a right angle Southerly along said parallel line 1,540 feet more or less to point of intersection with a line that is the easterly projection of the centerline of Walnut Street; thence Westerly, 97 feet more or less along a line bearing S 72° 23' W to a point of intersection with a line 52 feet south of and parallel with the easterly projection of the centerline of Walnut Street; thence Westerly along said parallel line, 440 feet more or less to the easterly line of Kellogg Street; thence Northerly, 120 feet more or less along the easterly line of Kellogg Street to the southwest corner of the land of Hunter Boat Company as per deed filed in the Office of the County Recorder of Solano County, in Book 172, page 462; thence Easterly along the southerly line of said land, 375 feet; thence N 12° 00' W, 960 feet more or less to a point of intersection with the northerly line of Parcel C as shown on the map entitled "Division of Block 14 and a Portion of the Northwest One-Quarter of Section 36, T5N, R2W, MDM, City of Suisun, Solano County, California" filed on October 27, 1969 in the Office of the County Recorder of Solano County in Book 3, page 82, thence Westerly along the northerly line of said Parcel C, 170 feet more or less to a point of intersection with the easterly line of Kellogg Street; thence Northerly, 40 feet more or less along the easterly line of Kellogg Street to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the westerly bank of Suisun Slough.

END OF DESCRIPTION

REVISED MARCH, 1992 BY LLB

EXHIBIT "A"

W 24738

LAND DESCRIPTION
CITY HALL SITE

A parcel of tide and submerged land, in the bed of Suisun Slough, Suisun City, Solano County, California, lying within the following described parcel of land:

COMMENCING at the northwest corner of Parcel 1 as shown on the map entitled "Record of Survey of the Lands of the Fairfield Suisun Sewer District as described in those Grant Deeds Book 1301 OR Page 433, Book 1976 OR Page 67116 and Book 695 OR Pages 39 and 43 Official Records of Solano County" filed June 28, 1984 in the Office of the County Recorder of Solano County in Book 17 R/S Page 14; thence Easterly 115.00 feet along the northerly line of said Parcel 1 to a point which is the TRUE POINT OF BEGINNING of this description; thence due South, 240 feet more or less to a point of intersection with the southerly line of said Parcel 1; thence due West, 135 feet more or less to a line that is parallel with and 75 feet easterly of the centerline of the authorized Federal Channel in Suisun Slough; thence Northerly, 800 feet more or less along said parallel line to a point of intersection with the westerly projection of the southerly line of the Transon Street easement as shown on a Map entitled "A Division of Fairfield Suisun Sewer District Land, being a portion of Sections 25 and 36, T5N, R2W, MDM, into three Parcels, City of Suisun City, Solano County", filed August 21, 1974 in the office of the County Recorder of Solano County in Book 8 PM Page 74; thence Easterly, 185 feet more or less along said projection of the southerly line of Transon Street easement to the easterly shoreline of Suisun Slough; thence continuing Easterly, 125 feet along the southerly line of Transon Street easement to a point of intersection with a line that is parallel with and 125 feet west of the westerly line of Cedar Street extension easement as said easement is shown on said Map recorded in Book 8 PM Page 74; thence Southerly, along said parallel line 190.00 feet; thence at right angle Easterly, 103 feet more or less to a point of intersection with the westerly line of Cedar Street extension easement; thence Southerly along said easement line on a curve concave to the left, to the northwesterly corner of Parcel C as shown on said Map recorded in Book 8 PM Page 74; thence S 63° 03' 03" W along the boundary of said Parcel C, 120.00 feet; thence S 00° 37' W, 255 feet more or less to a point of intersection with the northerly line of Parcel 1 as shown on said Map recorded in Book 17 R/S Page 14; thence Westerly along said northerly line, 60 feet more or less to the true point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the easterly bank of Suisun Slough.

END OF DESCRIPTION

REVISED MARCH, 1992 BY LLB

CALENDAR PAGE 177.6
PAGE 1256

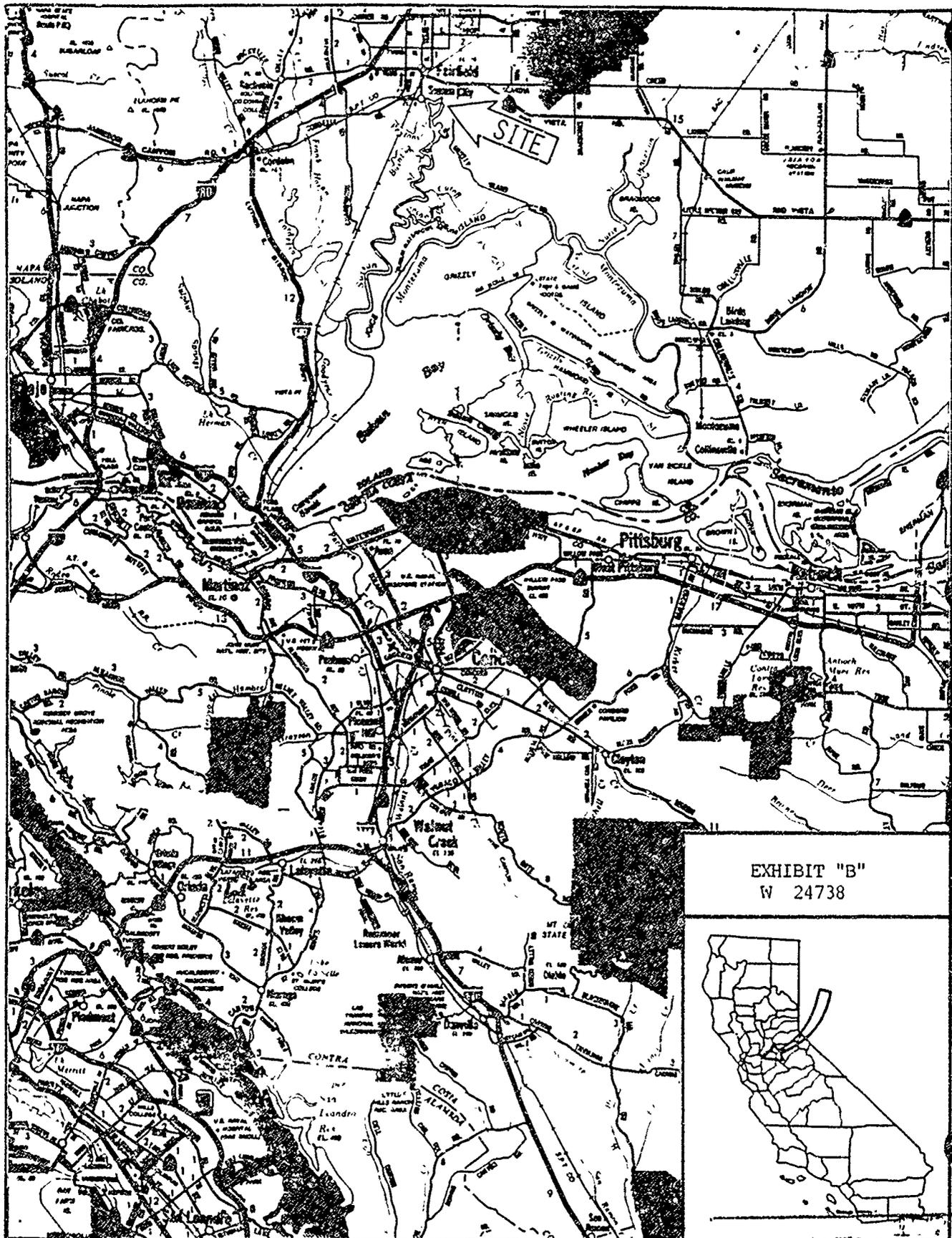


EXHIBIT "B"
W 24738



RESOLUTION NO. 91-63

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SUISUN CITY
CERTIFYING REVIEW AND CONSIDERATION
OF THE FINAL ENVIRONMENTAL IMPACT REPORT,
MAKING FINDINGS REQUIRED BY THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT;
ADOPTION OF COMPREHENSIVE AMENDMENT TO THE
DOWNTOWN/WATERFRONT SPECIFIC PLAN**

WHEREAS, the City Council of the City of Suisun City (the "City Council") is considering adoption of Comprehensive Amendments to the City's Downtown/Waterfront Specific Plan, consisting of an Expansion of the area covered by the Specific Plan and various changes in proposed land uses, development standards and design guidelines (hereafter the "Amended Specific Plan"); and

WHEREAS, an Environmental Impact Report (the "EIR") on the Specific Plan Amendments was prepared by the City of Suisun City pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et. seq., hereafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, Sections 15000 et. seq., hereafter the "State CEQA Guidelines") and the City's Guidelines for Implementing CEQA adopted on November 3, 1981, by the City Council Resolution No. 81-46 (the "Local Guidelines"); and

WHEREAS, on March 1, 1991, the City forwarded the Draft EIR to the State Clearinghouse for distribution to those State agencies which have a regulatory responsibility with respect to potential impacts of the Amended Specific Plan, and to other interested persons and agencies, and sought the comments of such persons and agencies for a period of forty-five (45) days; said comment period closed on April 16, 1991; and

WHEREAS, notice to all interested persons and agencies of the completion of the Draft EIR was published in the Fairfield Daily Republic on March 1, 1991; and

WHEREAS, eight (8) comments were received on the Draft EIR. The comments received and the City's responses to such comments, as well as a comprehensive summary of the EIR, are contained in the Final EIR, which document is incorporated herein by this reference; and

3.8
1253

1 **WHEREAS**, a public hearing was held by the Suisun City Planning
2 Commission on March 12, 1991, for the purpose of obtaining additional public
3 input on the Draft EIR; and

4 **WHEREAS**, a public hearing was held by the City Council on July 1 and
5 July 15, 1991 on the Amended Specific Plan and the Final EIR respectively,
6 following notice duly and regularly given as required by law. All interested
7 persons expressing a desire to comment thereon or object thereto were heard;
8 and

9 **WHEREAS**, the Final EIR consists of the Draft EIR (dated March, 1991);
10 written comments received during the forty-five (45) day circulation period and
11 responses thereto; additional comments received at the public hearings together
12 with responses to those comments, said document dated July, 1991; and written
13 findings and responses adopted pursuant to this Resolution; and

14 **WHEREAS**, the Final EIR was considered by the City Council on July 15,
15 1991; and

16 **WHEREAS**, by this Resolution, the City Council, as the lead agency
17 under CEQA for preparing the Final EIR and the entity responsible for adopting
18 the Amended Specific Plan, desires to comply with the requirements of CEQA,
19 the State EIR Guidelines, and the Local Guidelines for consideration,
20 certification, and use of the Final EIR by lead and responsible agencies in
21 connection with the approval and subsequent implementation of the Amended
22 Specific Plan.

23 **NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the
24 City of Suisun City as follows:

25 SECTION 1. The City Council hereby finds and certifies that the
26 Final EIR has been completed in compliance with CEQA and State
27 EIR Guidelines; that the Final EIR adequately addresses the
28 environmental issues of the Amended Specific Plan; and that the
City Council has reviewed and considered the information
contained in the Final EIR prior to approving the Amended Specific
Plan.

SECTION 2. The City Council hereby identifies the significant
effects and adopts the mitigation measures set forth in detail in the
above certified Final EIR, in compliance with Sections 15091,
15092, and 15093 of the State CEQA Guidelines and Section
21081.6 of CEQA.

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SECTION 3. The City Council hereby incorporates into the Final EIR certain Amendments to the Responses to Comments proposed by the State Lands Commission, as modified and recommended by the letter from Howard Ellman to the City Council dated July 9, 1991, contained in its entirety in the attached Exhibit "A".

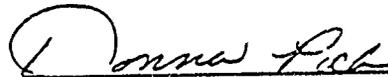
SECTION 4. The City Council hereby makes the specific findings stated in the attached Exhibit "B", in compliance with Sections 15091, 15092, and 15093 of the State CEQA Guidelines and Section 21081.6 of CEQA.

CERTIFICATION:

I, Donna Pock, Deputy City Clerk of the City of Suisun City and ex-officio clerk of the City Council of said City, do hereby certify that the above and foregoing Resolution was regularly passed and adopted at a special meeting of said City Council held, Monday, the 15th day of July, 1991, by the following vote:

AYES: Dodini, Sargent, Day, Rundlett, Spering
NOES: None
ABSENT: None
ABSTAIN: None

WITNESS my hand and the seal of the said City this 16th day of July, 1991.


DONNA POCK,
DEPUTY CITY CLERK

(agency.ctycounc.reserisp-als)

1991.10
1260

EXHIBIT A

ELLMAN, BURKE, HOFFMAN & JOHNSON

A PROFESSIONAL CORPORATION

ONE ECKER BUILDING SUITE 200

SAN FRANCISCO, CALIFORNIA 94105

TELECOPIER (415) 495-7527

TELEPHONE (415) 777-2727

July 9, 1991

Mayor And Members
City Council
City Of Suisun City
701 Civic Center Blvd.
Suisun City, California 94585

Att'n: Mr. Camran Nojoomi, Executive Director Of
Redevelopment Agency.

Re: Comments Of State Lands Commission To
Specific Plan EIR.

Dear Honorable Mayor and Members:

You have before you for consideration at your meeting of July 15 the final EIR prepared in connection with the Amendments to the Specific Plan For The Historic Downtown And Waterfront ("Specific Plan"). I have been retained by the Redevelopment Agency to assist it in finalizing the EIR process in compliance with law.

As you know, the draft EIR was the subject of extensive critical comments by the State Lands Commission. The Commission's comments and the responses are included in the document that you are scheduled to consider on July 15.

Prior to finalizing the responses, your Staff sent a draft to the State Lands Commission and followed up with a meeting with Commission staff members in Sacramento.

SEARCHED 177:11
1201

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Page 2

Although such contact is not required by the California Environmental Quality Act (or the Guidelines promulgated under it), your Staff concluded that such a meeting might serve to remove areas of potential disagreement and help establish a constructive atmosphere so that the project can be implemented in the most efficient manner.

The City's consultants drafted the final responses that are included in the document before you based upon the concerns of the Commission staff as stated at the meeting described above. As a courtesy, the consultants sent a copy of the responses to the Commission staff. A copy of the communication to the Commission staff attempting to respond to their concerns is attached.

After the proposed final EIR had been sent out, the City's consultants received the written comments from the Commission that are also attached. You can follow the flow of communication with the Commission staff by reading the attachments as a fair reflection of the concerns your Staff was attempting to address and the Commission's position on those matters. With one minor exception, I believe that the Commission's remaining concerns deal purely with matters of form and can be adopted or rejected by you without significant effect, one way or the other. I suggest that you consider them, however, as possible amendments to the final EIR or as explanations of your intent when you are

July 9, 1991
Page 3

considering the matter on July 15.

My specific responses to the points raised by the Commission are as follows (dealing with the point raised in each paragraph of the Commission's letter in the same order):

1. All discussion of adverse impacts in EIRs deals with "potential" impacts. Thus, it should not be necessary to add the word "potential" in order to convey the necessary meaning. It does not hurt to do so, however.

2. The Commission's proposed language simply paraphrases the language of Response 13 and does not change the meaning -- with one exception. The Commission seeks to characterize your EIR as a "program" EIR for all purposes. It may be a program EIR in some cases and not in others, depending upon whether or not the facts or circumstances under which it is to be used require a supplement. Thus, to call it a "program" EIR in all cases prejudices the basic issue. If you wish, you can adopt the Commission's language, delete the word "program."

3. The proposed addition to the second paragraph of Response 15 is appropriate, albeit unnecessary in my judgement.

4. The proposed changes to Response 16 restate concepts stated elsewhere. Once again, the proposed addition may serve to clarify the response but is not

1991.13
1263

July 9, 1991
Page 4

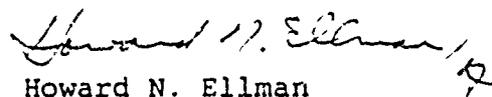
necessary.

5. The proposed addition to Response 18 states in more detail a concept that the responses already contain. It also states an obligation that the City has as a matter of law. Addition of the proposed language may add meaning and understanding for some readers by providing a specific example of how a subsequent issue may be addressed, i.e., the issue of final wetlands mapping.

If you decide to certify the final EIR, it is my view that the comments contained in the Commission's draft letter do not raise issues of sufficient import to affect the legal adequacy of your action. To avoid any question, however, you could certify the EIR with a resolution directing incorporation of the Commission's language (modified as suggested herein) as part of the responses. As a third alternative, you could order that this letter and the attachments be made part of the responses as explanatory material.

If any of this is not clear, I will be happy to attempt to answer your questions.

Very truly yours,


Howard N. Ellman

HNE/slf

Enclosure

177.14
1264

STATE LANDS COMMISSION

LEO T. McCARTHY, Lieutenant Governor
BRAY DAVIS, Controller
THOMAS W. HAYES, Director of Finance

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer
(916) 322-4105
FAX (916) 322-3568

- RETURN ORIGINAL
- TOSS



TELECOPIER MESSAGE

DATE:

7-9-91

PLEASE DELIVER
ASAP TO:

Howard Ellman

FROM:

Dwight Sanders / Diane Jones

NUMBER OF PAGES (INCLUDING COVER):

4

SPECIAL
INSTRUCTIONS:

Attached is revised suggested
language re Final EIR -
Duquoin City

D R A F T

July 5, 1991

Mr. Booker Holten
EIP
150 Spear Street
Suite 1500
San Francisco, California 94105

Re: Suisun Redevelopment Agency:
Responses to Comments

Dear Booker:

I recommend the following changes to the Responses to Comments based on our conference with representatives of the State Lands Commission yesterday.

1. At the end of the first paragraph of Response No. 13, add:

"The Agency would also be required to consider additional data concerning potential the adverse impacts of the proposed action."

2. At the end of the second paragraph of Response No. 13, add:

"If the initial study disclosed significant adverse impacts that had which have not previously been analyzed or additional details concerning impacts that would allow for a substantially more refined analysis and/or consideration of additional feasible mitigation if the level of information in the program EIR is not sufficient to fully describe potential environmental impacts or to

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MINUTE PAGE	1288

develop mitigation measures, a supplemental environmental impact report that focuses on these issues would be required or sufficient information would be obtained to support a mitigated project negative declaration. Additional information will be required for impacts related to soil contamination as well as potential loss of wetlands and plant species of concern. The State Lands Commission and other interested parties and agencies would have an opportunity to raise these issues and request preparation of a focused supplemental environmental impact report when conditions warranted such action."

3. At the end of the second paragraph to Response No. 15, add the following:

"Please refer to Response to Comment No. 13 for additional description of supplemental analysis that may be required."

4. Strike the word "fully" in the fourth line of Response No. 16. At the end of that response, add:

"Response to Comment No. 13 describes the process that the Agency will follow in considering future actions to implement the Specific Plan. Wherever those actions disclose additional potential impacts or where additional information is required, further environmental documentation may be required, including focused supplemental environmental impact reports in appropriate cases."

5. At the end of the second paragraph of Response No. 18, add:

"The wetlands maps will be refined as required to satisfy the affected public agencies (including the U.S. Fish & Wildlife Service and Corps of Engineers, where appropriate). As Response to Comment No. 13 describes, these refinements may result in disclosure of additional information that will require preparation of focused supplements to the EIR to consider impacts of the proposed action that have not previously been analyzed and/or additional mitigation measures suggested by the more refined information."

If you have any questions or wish to discuss any aspect of the foregoing in greater detail, please let me know.

1203

ELLMAN, BURKE, HOFFMAN & JOHNSON

A PROFESSIONAL CORPORATION
ONE ECKER BUILDING, SUITE 200
SAN FRANCISCO, CALIFORNIA 94105
TELECOPIER (415) 498-7587
TELEPHONE (415) 777-2727

June 28, 1991

VIA FACSIMILE: 243-0373

Mr. Booker Holten
EIP
150 Spear Street
Suite 1500
San Francisco, California 94105

Re: Suisun Redevelopment Agency:
Responses To Comments

Dear Booker:

I recommend the following changes to the Responses to Comments based on our conference with representatives of the State Lands Commission yesterday.

1. At the end of the first paragraph of Response No. 13, add:

"The Agency would also be required to consider additional data concerning the adverse impacts of the proposed action."

2. At the end of the second paragraph of Response No. 13, add:

"If the initial study disclosed significant adverse impacts that had not previously been analyzed or additional details concerning impacts that would allow for a substantially more refined analysis and/or consideration of additional feasible mitigation

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 29 1991	
FBI - SAN FRANCISCO	