

MINUTE ITEM

16

12/23/86
W 23451
Horn

SACRAMENTO RIVER CARRYING CAPACITY STUDY

Calendar Item 18, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 18.

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CALENDAR ITEM

18

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S 1, 5, 6

12/23/86

W 23451

Horn

ADOPTION OF SACRAMENTO RIVER CARRYING CAPACITY STUDY
IMPLEMENTATION PLAN AND CONSIDERATION OF A ~~COURSE~~ 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 is completed.

The purpose of the study was to assess the marina carrying capacity of the Sacramento River from River Mile (RM) 44.0, 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".

A principal focus of the 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 study area, in balance with competing uses for the river and with resources protection. The study would 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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CURRENT COMMISSION ACTION:

At its meeting on September 25, 1986, the Commission took the following action with regard to the report and the moratorium:

- a) Accepted the River Study Report and directed staff to report back to the Commission at its November meeting with a plan for implementing the reports findings and recommendations.
- b) Maintained in effect the moratorium until completion of the preparation of a river study implementation plan.

At the Commission's direction, staff has prepared an implementation plan and has submitted the plan to local, State and federal officials for review and comment as well as interested and affected parties. A workshop with affected federal, State and local government agencies was held on November 18, 1986. While most of the agencies' concerns were not negative, many of the comments centered on the lack of governmental resources to carry out effectively the recommendations in the report. Staff has modified its recommendations to take into consideration the comments received by the reviewing agencies.

A workshop with the general public and local marina operators and others was held on December 4, 1985. Those persons having comments were generally favorable. As anticipated, those persons associated with resource preservation groups would like the Commission to take a strong position on all environmental issues. Those persons associated with development believe that the Commission should adopt a flexible approach to its decision-making concerning river development proposals.

The consensus is that some controls need to be placed on river development and that the criteria developed by the Commission should provide decision-makers with a better understanding of the environmental effects associated with commercial marina development in the river study area. Staff has considered the public's comments in its preparation of a revised implementation plan.

A copy of the final revised implementation plan recommendations is attached hereto as Exhibit "B". Briefly summarized, the implementation plan examined each of the river study report's recommendations together with staff's recommendation to the Commission. After consultation with public agencies and

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persons affected by the implementation plan staff has revised its recommendations to the Commission. Where the Commission has clear authority to adopt a particular recommendation regarding development on the river staff is recommending that it do so. Many of the report's recommendations are beyond the authority of the Commission to adopt. In these instances, staff recommends that the Commission join with appropriate local, State and federal agencies authorized to further examine the current need for possible funding sources, and timing for carrying out such recommendations.

Staff is recommending that the Commission adopt those findings, determinations and directions set forth in Exhibit "B" as its plan for implementing the Sacramento River Marina Carrying Capacity Study.

ENVIRONMENTAL IMPACT:

Due to the nature of the study and the staff's recommendations regarding the implementation plan staff is recommending that the Commission find that adoption of the river study implementation plan is exempt from the requirements of CEQA as a categorically exempt project. This activity is exempt under Classes 7 and 8 of the State CEQA Guidelines - Actions by regulatory agencies for protection of natural resources and for protection of the environment.

As individual future projects come before the Commission, each will 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 P.R.C. 6370, et seq. Based upon the staff's coordination with the 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 PURSUANT TO 14 CAL. ADM. CODE AS A CATEGORICAL EXEMPT PROJECT, CLASSES 7 AND 8, ACTION TAKEN BY REGULATORY AGENCIES FOR THE PROTECTION OF NATURAL RESOURCES AND FOR PROTECTION OF ENVIRONMENT, 14 CAL. ADM. CODE 15307 AND 15308.

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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 NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. ADOPT THE SACRAMENTO RIVER MARINA CARRYING CAPACITY STUDY IMPLEMENTATION PLAN, ATTACHED HERETO AS EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.
4. DIRECT STAFF TO TAKE ALL STEPS NECESSARY TO CARRY OUT AND GIVE EFFECT TO THE RECOMMENDATIONS IN THE IMPLEMENTATION PLAN INCLUDING THE FURTHER COORDINATION WITH LOCAL, STATE AND FEDERAL AGENCIES; AND TO REPORT BACK PERIODICALLY REGARDING PROGRESS MADE ON CARRYING OUT THE PLAN'S RECOMMENDATION.
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.

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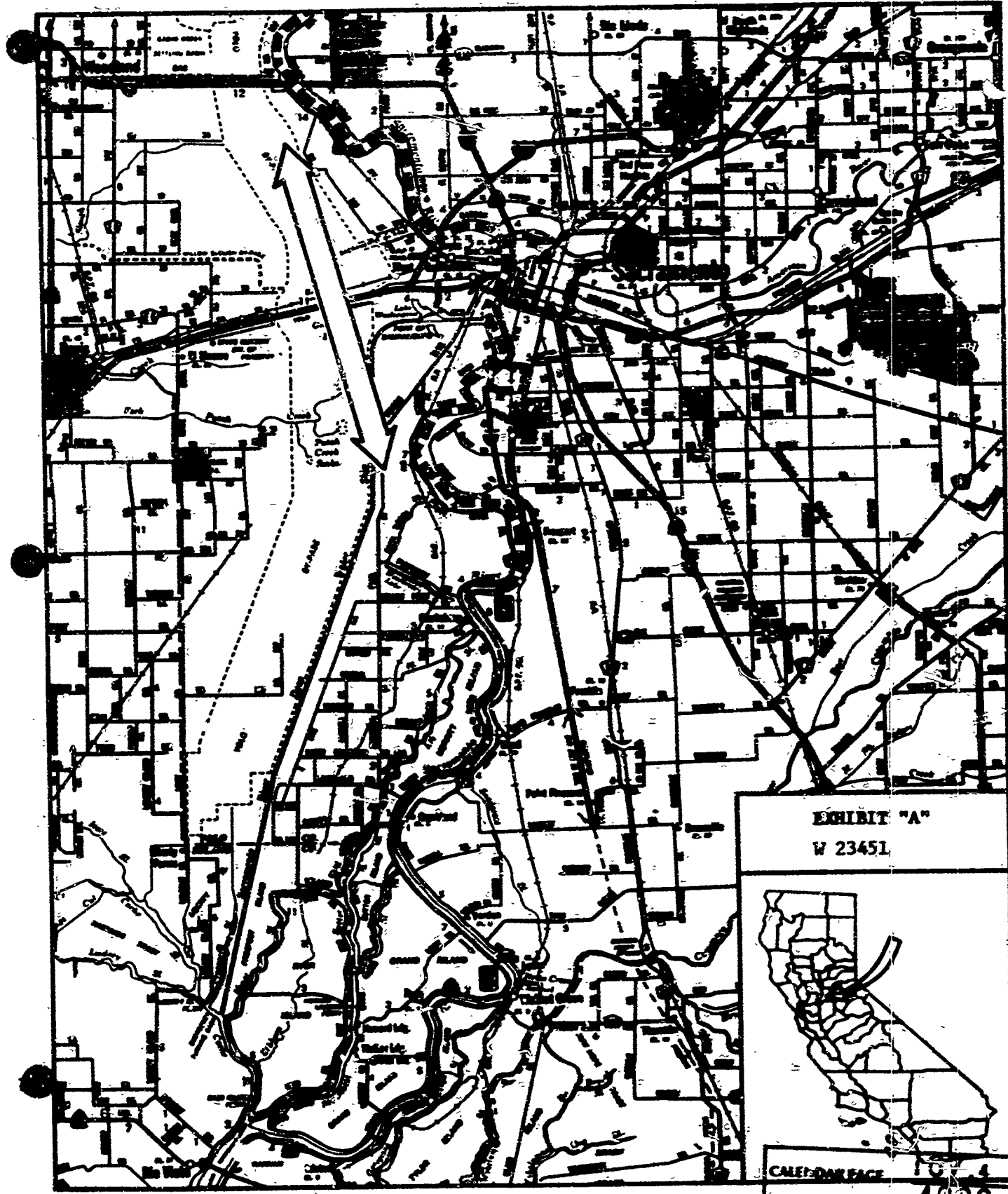
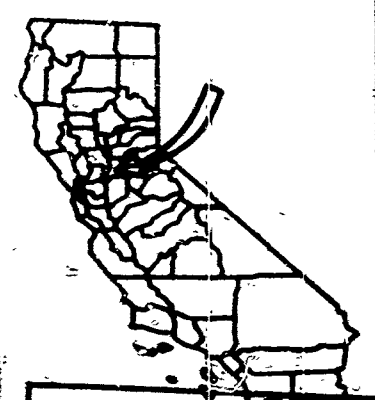


EXHIBIT "A"
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EXHIBIT "B"

STATE OF CALIFORNIA
STATE LANDS COMMISSION

December 12, 1986

W 23451

RIVER STUDY IMPLEMENTATION PLAN

for

The August, 1986 Final Report - Sacramento River Marina
Carrying Capacity Study developed by Riparian Systems
and Meyer Resources

STAFF RECOMMENDS THAT THE COMMISSION:

FIND THAT THE SACRAMENTO RIVER MARINA CARRYING CAPACITY STUDY DATED AUGUST, 1986 PREPARED BY RIPARIAN SYSTEMS/MEYER RESOURCES PROVIDES LOCAL, STATE AND FEDERAL DECISION MAKERS AND THE MARINA DEVELOPING PUBLIC WITH A FRAMEWORK WITHIN WHICH INFORMED DECISIONS CAN BE MADE CONCERNING THE EFFECTS MARINA DEVELOPMENTS MAY HAVE ON THE SACRAMENTO RIVER AND ENVIRONS.

ALL LOCAL, STATE AND FEDERAL AGENCIES ARE ENCOURAGED TO UTILIZE THE RIVER STUDY REPORT AS AN INFORMATIONAL DOCUMENT WHEN WEIGHING THE CONSEQUENCES OF FUTURE DEVELOPMENT OF MARINA AND OTHER FACILITIES ON THE SACRAMENTO RIVER WITHIN THE STUDY AREA.

MAKE THE FOLLOWING SPECIFIC FINDINGS, DETERMINATIONS AND DIRECTIONS CONCERNING THE RIVER STUDY REPORT:

FORMAT { Numbers - River Study Report Recommendations:
{ Letters - Staff recommendations to the Commission:

- 1.1 Restrict new instream marina development to Reach 4. Apply a 5 mph boating speed limit from the I-80 overpass at (approx.) RM 82.5 downstream to the lower limit of reach 4.

Staff recommends that the Commission:

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- (a) Find that the Sacramento River in the study area contains sensitive ecological, biological and other attributes especially in reaches 1,2,3 & 5. Development of additional new marina facilities in these areas could seriously impact these reaches and degrade the river experience for all users. Development of any new in-stream facilities should be accomplished only after thorough environmental review.
 - (b) 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.
 - (c) Direct its staff to work with other governmental agencies concerning the need for establishing a new 5 mph speed limit for all of reach 4.
- 1.2 Do not allow new marinas in Reach 4 to intrude into the river further than existing marinas.

Recommendation:

- (a) Find that in order to preserve the integrity of the river channel and to maximize multiple use of the river area, new marinas shall encroach into the river as little as possible using current encroachments as a maximum guideline.
- 1.3 Expansion of existing marinas could be a permitted use in all river reaches, subject to meeting other criteria specified in this report (including 1.2 above).

Recommendation:

- (a) Find that expansion of existing marinas may pose less of an environmental and ecological threat than construction of new marina facilities in the river study area.
 - (b) Consider the expansion of existing marinas in all reaches of the river provided such expansion projects meet all the criteria set forth in the river study report.
- 1.4 Do not allow new instream marinas to be constructed directly opposite an existing marina.

Recommendation:

- (a) Find that in order to preserve the integrity of the river channel and to maximize multiple use of the river area, new marinas shall not encroach into the river opposite existing marinas.

1.5 Develop stable funding to ensure continued operation of the accessing lock to the Sacramento Deep Water Ship Channel.

Recommendation:

- (a) Find that it lacks budgeted funds and authority to provide funds for the continued operation of the deepwater channel lock.
- (b) Direct its staff to contact local, state and federal governments concerning the availability of funds to maintain access to the deepwater channel lock.

1.6 Encourage a cooperative speed signing program on the river.

Recommendation:

- (a) Direct its staff to contact local governments regarding the necessity and desirability of developing a speed signing program for the river and to investigate possible funding sources.

1.7 Establish a more effective standard to assess and remove inebriated/irresponsible boaters from the river.

Recommendation:

- (a) Find that the development and imposition of standards for assessing and removing inebriated/irresponsible persons from the river is beyond the authority of the Commission.
- (b) Find that newly enacted laws concerning inebriated persons operating vessels on the river are now in place and attempting to address the inebriated persons issue.
- (c) Direct its staff to work with appropriate local and state agencies concerning the need for additional laws or regulation regarding the removal of inebriated/irresponsible persons from the river.

1.8 Encourage a cooperative review of enforcement and safety capabilities on the river.

Recommendation:

- (a) Direct its staff to work with local and state agencies regarding enforcement and safety issues of the river.
- 2.1 Prohibit water/jet skiing in reach 4.
- 2.2 Prohibit water/jet skiing between RM 45 and 50 during fishing seasons.
- 2.3 Consider prohibition of water/jet skiing opposite all study area instream marinas.
- 2.4 Consider prohibition of water/jet skiing in areas adjacent to private docks (primarily RM 62-68) during the off-peak season (September-May).
- 2.5 Post other areas for water/jet skiing, with private dock development proceeding at owner's risk.

Recommendation:

- (a) Find that prohibition of any generally accepted trust use should only be accomplished after extensive study and consultation with other governmental agencies including the Office of the State Attorney General.
- (b) Find that "time, place, and manner" regulation of various types of trust uses is within the prerogative of various local, state and federal agencies including the State Lands Commission.
- (c) Direct its staff to work with appropriate agencies of government to study the need for and, if necessary, prepare and adopt "rules of the road" for water/jet skiers that would apply to the various reaches of the river in the study area.
- 2.6 Do not encourage further development of launch ramps between Miller Park and Elkhorn (I-5 Bridge).

Recommendation:

- (a) Find that the further development of launch ramps can have serious deleterious effects on the ability of the river to carry boats and additional development, and that such development should be accomplished only after thorough environmental review.

- (b) Limit the construction of new ramp facilities within reach 4 and reach 5 (up to Elkhorn).
- 2.7 Sign all marinas and launch ramps, regarding boater responsibilities and their effect on the river environment.
- 2.8 Post speed signs at fishing hot spots during fishing season.
- 2.9 Post warning signs where there are extensive private docks along the river. re. transitting craft keeping to center of the channel and passing port to port.

Recommendation:

- (a) Find that signing activities are generally the concern of local agencies.
 - (b) Direct its staff to work with local agencies to develop a signing program that provides protection and instruction to all river users, and where appropriate, require State lessees to sign premises as a condition of its State lease.
- 2.10 Allow no marina development on the Sacramento side of the river to intrude into the waters in front of the American River Parkway.

Recommendation:

- (a) The American River Parkway is a fragile and sensitive urban environment that should be preserved and maintained. Encroachment of marina facilities in front of the Parkway could have a detrimental effect on the Parkway and should not be permitted.
- 2.11 Adopt noise regulations for the river study area.
- 2.12 Prohibit dry stacks and unmuffled boats in the study area.

Recommendation:

- (a) Find that adoption of noise regulations is more properly a function of local government.
 - (b) Direct its staff to explore with the locally effected agencies the need for additional noise regulations and how such new or existing regulations may apply to dry stack or unmuffled boats.
- 3.1 Other things being equal, the Commission should give priority to marinas that propose, or are expanding toward a

diverse array of enterprise centers. (We do not consider condominiums, office buildings or residential developments to be enterprise centers).

Recommendation:

- (a) Find that, if marinas that propose or are expanding toward a diverse array of enterprise centers can fully meet the review criteria set forth in the river study report and CEQA, priority shall be given to such marinas. In this regard, enterprise centers shall include water related uses commonly associated with marinas and shall not include upland residential and office space use.
- 4.1 The SLC should participate with local governments to develop a joint urban linear riverfront access policy, and a Sacramento Corridor plan.
- 4.2 Alternatively, the Commission encourage the 3 local planning agencies (4 with the new city of West Sacramento) to jointly develop a Sacramento River Corridor element of their General Plans.

Recommendation:

- (a) Direct its staff to explore with local governments the need for and desirability of developing a regional river access plan or modifications to existing elements of general plans for public access.
- 5.1 To the extent possible, combine avoidance and restorative strategies to ensure no net loss of riparian habitat within each marina development/expansion site.
- 5.2 Where recommendation 5.1 above is not fully effective, the marina developer should use acquisition and planting techniques to ensure restoration of productively equivalent riparian habitat elsewhere in the same river reach.
- 5.3 Where 5.1 and 5.2 above are not fully effective, the marina developer should extend strategy 5.2 to the full study area.
- 5.4 Replacement through acquisition or restoration of riparian habitat outside the study area is not recommended, because it does not respond to the loss of local habitat productivity. Strong emphasis should be placed on exhausting possibilities under strategy 5.1, before strategies 5.2 and 5.3 are considered.

- 5.5 Experts from the California Department of Fish and Game and the U.S. Fish and Wildlife Service should be consulted with respect to equivalent riparian habitat productivity.

Recommendation:

- (a) Find that riparian habitat in the study area is an important natural resource that should be preserved and restored.
- (b) Find that the strategy outlined in recommendations 5.1 through 5.5 provides a basis for protecting this resource and should be adopted by all permitting agencies having lawful authority over development in the river study area.
- 6.1 The California Department of Fish and Game and the U.S. Fish and Wildlife Service should be closely consulted with respect to avoidance and protection of threatened species and their habitats.
- 6.2 Where riparian habitats or threatened species may be significantly impacted by a proposed marina development, an EIR should be prepared.

Recommendation:

- (a) Find that the Commission, as lead or responsible/trustee agency under CEQA, reviews all river impacting projects for their direct and indirect effects on the river environs.
- (b) Find that where it has lawful authority over riparian habitat that all avoidance and restorative measures shall be precisely identified prior to final approval and issuance of a lease for the project by the Commission and that implementation of such mitigation shall occur concurrently with construction of the project.
- 7.1 The Commission should require adequate and operational pumpout stations and holding tank facilities at all marinas, as a condition of development, expansion or lease renewal. Boat hookups should be placed on the in-channel side of marinas, and in all instances should be accessible to boaters.

Recommendation:

- (a) Find that pumpout facilities can substantially reduce the flow of sewage into the river.
- (b) Direct its staff to coordinate with local and state agencies.

concerning the effect of recently enacted legislation concerning the issue of pumpout facilities for marinas.

- (c) Require, if necessary, as a condition of a lease, the incorporation of pumpout facilities on all new marinas; and all existing marinas as provided in the lease or as a condition of renewal or amendment.

7.2 The need for similar facilities at launching ramps should be closely monitored, and if a need is confirmed, similar requirements instituted there.

Recommendation:

- (a) Find that launch ramp facilities may contribute to waste accumulation in the river study area.
- (b) Direct staff to consult with local agencies concerning the need to establish pumpout and similar requirements for launch ramps.

7.3 All marinas should be required to place litter disposal bins on their docks, at locations convenient to boaters.

Recommendation:

- (a) Find that solid waste materials contribute significantly to the degradation of the river.
 - (b) Require, where necessary, the placement of disposal bins on marina premises, as a condition of its lease.
- 7.4 The Commission should encourage local jurisdictions to conduct a joint assessment of the adequacy of public washrooms in the study area, and to provide for any facility needs that are identified.

Recommendation:

- (a) Direct its staff to work with local agencies to determine the adequacy of existing washroom facilities in the study area.
- 7.5 The Commission should consider standards for mooring, waste holding and shore umbilicals for all liveboard vessels during their ongoing staff study of residential use of tidal and submerged lands.

Recommendation:

(a) Find that residential use of tide and submerged lands is a use generally inconsistent with the public trust under which title to the lands is held.

8.1 The Commission should request an immediate determination from appropriate state authority as to whether use of paints containing tributyltin-oxide is hazardous.

8.2 An expert workshop should be considered to focus available knowledge on the tributyltin toxicity problem.

8.3 An interim advisory notice concerning the possible consequences of use of paints containing tributyltin-oxide should be issued and posted at all marinas.

8.4 An approved "best wood preservative" list should be developed and distributed to marina owners and boaters.

8.5 Boat maintenance facilities should be monitored for their handling of hull paint residues.

8.6 Engine and hull washing detergents should be certified as safe for use on the Sacramento River.

8.7 Control measures and safe disposal standards should be established for boat maintenance and haulout facilities.

8.8 Off stream marina sites should be engineered to provide adequate water circulation, and maintenance dredge spoil should be monitored for toxins.

Recommendation:

(a) Acknowledge that both the State Water Resources Control Board and the US. Environmental Protection Agency are currently finishing studies on tributyltin-oxide. According to available information tributyltin is known to be highly toxic and is classified as a toxic waste.

(b) Direct its staff to work with appropriate agencies to develop procedures and/or regulations governing the use of tributyltin and hull washing detergents.

(c) Find that it may have little jurisdiction over the development of off-stream marinas. However, to the extent that such marinas impact the river environment, the

Commission fully supports the recommendations concerning off-stream marinas.

- 9.1 Highest quality automatic shut-offs on all fueling hoses, and EPA approved fuel storage tanks should be a minimum requirement for any new boat fueling facilities.

Recommendation:

- (a) Require, as appropriate, the use of highest quality or state of the art fueling hoses in new marinas, as a condition of its lease.
- (b) Support, where it does not have direct authority, the use of EPA approved storage tanks on all new marinas.

- 10.1 Consider installation of grated transverse drains across launching ramps to collect bilge discharges and convey them to a dump or buried tank for eventual safe disposal.

- 10.2 New ancillary areas should consider porous pavement designs, grading to direct drainage away from the river and periodic mechanical sweeps of parking areas.

Recommendations:

- (a) Find that most launch ramps facilities are located beyond the jurisdiction of the Commission.
- (b) Support efforts of local governments regarding these requirements when found necessary through the environmental process.
- (c) Require, where appropriate, as a condition of its state lease, the inclusion of porous pavement designs, grading to collect drainage away from the river and periodic mechanical sweeps of parking areas.

- 11.1 Levee integrity must be an overriding factor during any marina development, on or off-stream.

Recommendation:

- (a) Acknowledge the importance of levees during marina development and also the role of the State Reclamation Board with regard to maintaining and preserving levee safety and integrity.

- 11.2 Procedures for ~~maintaining~~ both levee safety and ecological productivity along the river bank are available from the

State Reclamation Board, the California Department of Fish and Game and the California Department of Water Resources and should be utilized during marina development.

Recommendation:

- (a) Acknowledge that it already utilizes the procedures available from the Reclamation Board and the Department of Water Resources and the Department of Fish and Game in its examination of marina projects in the river study area.

11.3 Non-essential vessel travel should be prohibited in the study area during high water periods when levee safety is threatened.

Recommendation:

- (a) Find that prohibition of vessel traffic in the river may be beyond the prerogative of any governmental agency except in the case of extreme emergency.
- (b) Direct its staff to explore the legal issues concerning the recommendation to prohibit non-essential vessel traffic in the river during periods of high water when levee safety is threatened and to work with effected agencies regarding the necessity and desirability of adopting such recommendation.

11.4 The Commission should consider convening an inter-agency task force on multiple use management of levees in the study area.

Recommendation:

- (a) Direct its staff to monitor the need for further study regarding the issue of multiple use management of the levees.

11.5 Conduct a study of erosive factors on the East bank of the river between RM 63 and RM 76.

Recommendation:

- (a) Direct its staff to monitor the need for further study regarding erosion on berms and levees in the study area.

12.1 Tie-up facilities may be permitted on all river reaches as long as they don't extend more than 60-70 feet into the river.

Recommendation:

- (a) Find that tie-up facilities (lineal docking or other type moorage facilities not intended for permanent use by a slip user) may be permitted in all reaches of the river provided they do not unreasonably interfere with maintenance of the navigable channel and maximum multiple use of the river.

12.2 Tie-up facilities must meet all ecological and water quality criteria advanced in this report.

Recommendation:

- (a) Determine that tie-up facilities shall meet all the review criteria set forth in the river study report.

12.3 New facilities should not be allowed to expand to marina status after initial designation as tie-up facilities.

Recommendation:

- (a) Determine 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.

13.1 Off-stream marinas may be considered in all reaches of the river.

13.2 Off-stream marinas should meet all ecological and water quality criteria advanced in this report.

Recommendation:

- (a) Determine that, to the extent that off-stream marinas are located on lands within the jurisdiction of the Commission, the Commission shall, as a trustee or responsible agency under CEQA, carefully examine the environmental effects of all off-stream marina projects so as to provide maximum protection to nearby tide and submerged lands.

14.1 Historic and archaeological concerns should be met on a project specific basis through the EIR/EIS process and with site investigations.

Recommendation:

- (a) Acknowledge that the Commission already meets archaeological and historic concerns on project specific bases through the CEQA/NEPA review process and with site investigations.