MINUTE ITEM

This Calendar Item No. was approved as Minute Item No. by the California State Lands Commission by a vote of to at its meeting.

### CALENDAR ITEM

89

A 11 02/27/98 W30085 S 7 D. Sanders

CONSIDER ADOPTION OF PROPOSED MITIGATED NEGATIVE DECLARATION AND A PROPOSED MULTI-JURISDICTIONAL PUBLIC/PRIVATE PLAN TO MANAGE AND PROMOTE THE RESOURCES OF THE CARQUINEZ STRAIT

### **BACKGROUND:**

On July 29, 1993, the Commission approved a lease to Crockett Cogeneration, Inc., for a cogeneration power plant project at the C&H Sugar Plant at Crockett, California.

In conjunction with the lease, the Commission and Crockett Cogeneration, Inc., entered into a Memorandum of Agreement (MOA) in which the company agreed, in part, to fund the preparation of a Public Trust Report and Plan for the Carquinez Strait region by a contractor(s) acceptable to the Commission and to form a non-profit Carquinez Strait Preservation Trust (Trust) to encourage cooperation among diverse businesses, public interest groups, and government entities within the region to promote and protect the Public Trust resources of the Carquinez Strait. Exhibit A contains a listing of the Trust's current membership.

The Commission also fostered, through a related Memorandum of Understanding (MOU), a cooperative planning relationship among the various land use agencies in the region. The signatories to the MOU, which constitute the Carquinez Strait MOU Coordinating Council, include: the counties of Contra Costa and Solano, the cities of Benicia, Hercules, Martinez and Vallejo, the East Bay Regional Park District, the Greater Vallejo Recreation District and the Commission.

Two additional groups were formed within the context of the MOU: 1) a Technical Advisory Committee (TAC) composed of representatives of federal, State and local agencies and public interest groups with knowledge of Public Trust resources and interests in the Carquinez Strait region; and 2) a Planning and Advisory Task Force (PATF) whose membership is composed of 1/3 government, 1/3 business/industry and 1/3 community interest representatives within the region. These groups were to assist the Commission in the composition, review and completion of the Public Trust Report and Plan.

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The above cited Public Trust Report was published by the Commission under the auspices of the Carquinez Strait Preservation Trust and the Carquinez Strait MOU Coordinating Council in 1996 as a book entitled <u>Gateway To The Inland Coast</u>, <u>The Story Of The Carquinez Strait</u>. The principal author of the book was Andrew Neil Cohen.

The "Carquinez Strait Resource Plan", as proposed, has been reviewed by the Technical Advisory Committee, reviewed and unanimously approved by the members of the Planning and Advisory Task Force and reviewed and unanimously accepted by the members of the MOU Coordinating Council.

### As provided by the MOU:

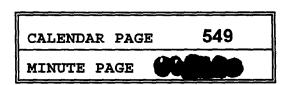
"Upon approval of a majority of the members of the Council, the Plan shall be deemed accepted. Acceptance of the Plan does not constitute approval of the Plan by the member agency whose representative has voted to accept it as a member of the Council. Upon acceptance of the Plan, each representative shall, however, submit the plan to the member agency's governing body to be considered for adoption as an official planning document, such as a general plan amendment, specific plan or master plan."

### As stated therein.

"In addition, the plan integrates environmental impact considerations into the current planning process so that a mitigated Resource Plan is developed for its consideration and adoption by the members of the MOU Coordinating Council."

### PERMIT STREAMLINING ACT DEADLINE:

N/A



### CALENDAR ITEM NO. 89 (CONT'D)

### OTHER PERTINENT INFORMATION:

The Commission served as the Lead Agency under the provisions of the California Environmental Quality Act (CEQA) and pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff has prepared a Proposed Mitigated Negative Declaration identified as CSLC ND 683, State Clearinghouse No. 97092034. Such Proposed Mitigated Negative Declaration was prepared and circulated for public review pursuant to the provisions of the CEQA.

The document was widely noticed and made available at several locations within the affected region for review by the public. No adverse comments as to the adequacy of either the Plan or the proposed environmental documentation were received from public agencies or the public during the public review and comment period.

Based upon the Initial Study, the Proposed Mitigated Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment; Title 14, California Code of Regulations, section 15074 (b).

A Mitigated Monitoring Program, prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6), is incorporated within the provisions of the Proposed Plan.

The proposed Plan involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370 et seq.. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the Plan, as proposed, is consistent with the use classifications designated for such lands.

### FIGURE:

Carquinez Strait Resource Plan Area

### **EXHIBITS:**

- A. Carquinez Strait Preservation Trust Membership
- B. "Introduction: What is the Carguinez Strait Resource Plan?"

### CALENDAR ITEM NO. 89 (CONT'D)

### RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

### **CEQA FINDING:**

CERTIFY THAT A PROPOSED MITIGATED NEGATIVE DECLARATION, CSLC ND NO. 683, STATE CLEARINGHOUSE NO. 97092034 WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN:

ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT:

ADOPT THE MITIGATION MONITORING PROGRAM AS INCORPORATED WITHIN THE PROPOSED CARQUINEZ STRAIT RESOURCE PLAN.

### SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATIONS DESIGNATED BY THE COMMISSION FOR THE LANDS PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ..

### **AUTHORIZATION:**

ADOPT THE PROPOSED CARQUINEZ STRAIT RESOURCE PLAN AND RECOMMEND IT TO THE COUNTIES OF CONTRA COSTA AND SOLANO, THE CITIES OF BENICIA, HERCULES, MARTINEZ AND VALLEJO, THE EAST BAY REGIONAL PARK DISTRICT, AND THE GREATER VALLEJO RECREATION DISTRICT FOR CONSIDERATION AND ADOPTION AS AN OFFICIAL PLANNING DOCUMENT SUCH AS A GENERAL PLAN AMENDMENT, SPECIFIC PLAN OR MASTER PLAN AS PROVIDED BY THE "CARQUINEZ STRAIT RESOURCE PLAN, MEMORANDUM OF UNDERSTANDING".

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### **EXHIBIT A**

### **CARQUINEZ STRAIT PRESERVATION TRUST**

### **Government Members**

Honorable Carey Corbaley, Councilmember, City of Benicia
Honorable Gloria Exline, Mayor, City of Vallejo
Robert C. Hight, Executive Officer, California State Lands Commission
Bob Keith, Commissioner, Greater Vallejo Recreation District
Honorable Barbara Kondylis, Supervisor, Solano County
Honorable Mike Menesini, Mayor, City of Martinez
Ted Radke, Director, East Bay Regional Park District
Darnall W. Reynolds, District Division Chief, Caltrans
Honorable Terry Segerberg, Mayor, City of Hercules
Honorable Gayle B. Uilkema, Supervisor, Contra Costa County

### **Corporate Members**

Thomas P. Chowaniec, Plant Manager, General Mills Operations, Inc. John T. Miller, President/CEO, Pacific Generation Company Fred Newhouse, Manager Community Relations and HR, Exxon Company Roy Wickland, President, Wickland Oil Company Jon Wolthius, Vice President-Refinery Manager, C & H Sugar Company Clark S, Wrigley, Director External Relations, TOSCO Refining Company

### **Individual Members**

Jerry Aspland, President, California Maritime Academy
Beth Bartke
Bob Berman, Solano Farmlands and Open Space Foundation
Seth Cockrell, Western Water Ways, Inc.
Myrna Hayes, Chair, Save San Pablo Baylands
Nancy Schaefer, Board Member, Martinez Regional Land Trust
George Schandelmeier, Jr., Crockett Bass Association
Harold Somerset, President Emeritus
Ron Wilson, Crockett Recreation Association

### **Advisors**

Honorable Valerie Brown, Assemblywoman, California State Assembly Honorable George Miller, Congressman, US House of Representatives Honorable Richard Rainey, Senator, California State Senate Honorable Mike Thompson, Senator, California State Senate Honorable Helen Thomson, Assemblywoman, California State Assembly Honorable Tom Torlakson, Assemblyman, California State Assembly Honorable Charles Warren, former Executive Officer, California State Lands Commission

### **EXHIBIT B**

Introduction: What is the Carquinez Strait Resource Plan?

### **EXHIBIT B**

Introduction: What is the Carquinez Strait Resource Plan?

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### I. Introduction: What is the Carquinez Strait Resource Plan

### HISTORY

In January 1993, an application was submitted by the C&H Sugar Company and Energy National (Crockett Cogeneration) to the State Lands Commission for a lease of sovereign tide and submerged lands on which to construct a cogeneration facility. The facility was proposed to supply steam to C&H for refining sugar and to supply electricity to PG&E.

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In May 1993, the State Lands Commission (SLC) completed an extensive review of the Crockett Cogeneration proposal and determined that the project would have significant effects on the scenic resources of the region. A Memorandum of Agreement (MOA), entered into on July 29, 1993, between Crockett Cogeneration and the State Lands Commission (SLC) provides for a mitigation program which includes:

- 1. AN INTERGOVERNMENTAL INITIATIVE WITH LOCAL AGENCIES CITIES, COUNTIES, LOCAL AND REGIONAL PARK DISTRICTS TO DEVELOP A COMPREHENSIVE RESOURCE PLAN (PLAN) FOR THE CARQUINEZ STRAIT (STRAIT); TO COORDINATE AND INTEGRATE RECREATION, PUBLIC ACCESS AND PUBLIC TRUST RESOURCE MANAGEMENT.
- 2. THE CREATION OF A CARQUINEZ STRAIT PRESERVATION TRUST AS A NON-PROFIT CORPORATION WITH GOVERNMENTAL, BUSINESS AND PUBLIC INTEREST GROUP MEMBERS TO SEEK FUNDING FOR IMPLEMENTING EXISTING AND FUTURE RECREATION AND RESTORATION PROJECTS ANTICIPATED BY THE PLAN.
- 3. THE STATUS AND TRENDS REPORT (REPORT) TO IDENTIFY THE HISTORY, COMMERCE AND NATURAL RESOURCES OF THE STRAIT.

Carquinez Strait Resource Plan

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The first step, the formalization of an intergovernmental initiative, was accomplished on April 15, 1994, at an omnibus meeting at the historic Benicia State Capitol building in Benicia, when the counties of Contactor Costa and Solano, the cities of Vallejo, Benicia, Martinez, Hercules, the Greater Vallejo Recreation District, the East Bay Regional Park District and the State Lands Commission adopted the Carquinez Strait Resources. Plan Memorandum of Understanding (MOU) which includes a Statement of Findings, a Statement of Purpose and a framework for the preparation of a Carquinez Strait Resource Plan. The MOU agreement also establishes a Carquinez Strait Resources Coordinating Council (MOU Coordinating Council) and the Carquinez Strait Management Committee to coordinate the preparation of the Plan consistent with the goals and objectives of the MOU and the MOA between Crockett Cogeneration and the SLC (of July 29, 1993). In providing for the development of a Carquinez Strait Resource Plan the parties agree, among other purposes:

"To collaborate on a voluntary and consensual basis with and among themselves and to coordinate their actions as necessary and reasonable to the maximum feasible extent, so that the Plan will address regional conservation, recreation, economic vitality and other issues as comprehensively and effectively as possible."

The Planning Advisory Task Force (PATF), in August 1994, and the Technical Advisory Committee (TAC), in May 1994, were organized to assist the SLC prepare the Report and the Plan. While the April meeting served as the initial meeting of the MOU Coordinating Council, the first TAC meeting was held in June 1994, and the first Planning Advisory Task Force Meeting was held in September 1994. (See Figure 2.2, Planning Program Organization Chart.)

The Carquinez Strait Preservation Trust was also incorporated in April 1994, and a Board of Directors was installed at the same landmark meeting in Benicia. The purpose of the Trust is to further the recognition of the Carquinez Strait as an important state and national resource and recreation area. Its specific goals are to study and provide the public with information on the recreational, scenic, habitat, water-related commerce and other public trust resources and uses of the Strait, and to prepare plans and raise funds for the protection, restoration and enhancement of such resources and uses, including the design and construction of public access and recreational facilities.

The Report was redesigned as a book titled Gathery to the Inland Coast • The Story of the Carquinez Straight and published in the fall of 1996. The first portion of the book describes the regional heritage of the Straight in terms of the historical development of facilities and uses and the relationship of such facilities and uses to the Strait and its shoreline. The second section describes the resources and current uses of the region, including the current status of the aquatic and shoreline resources, commerce and navigation, fisheries and wildlife, environmental preservation and respection. The report also provides a description of the regions institutions and its historic chronology.

The development of the Plan was initiated with the approval of the planning Work Plan by the MOU Coordinating Council in April 1994. The first PAC meeting occurred in June 1994, and the first Planning Advisory Trails Force (PATF) meeting in September 1994. After six TAC meetings and eight PATF meetings, the Draft Preliminary Flui Memorandom, February 6, 1996, consisting of a status report and summary of the goals, objectives and planning recommendations formulated during the planning process was submitted to the MINI Coordinating Council for its review and consideration.

At its meeting of February 21, 1996, the MOU Coordinating Council unanimously adopted the Preliminary Plan, subject to several pedicy recommendations. The Council then referred the Preliminary Plan together with its comments to the Carquinez Strait Preservation Trust for its review and comment at its meeting of March 1996. This document, the Profit Carquinez Strait Resource Plan, is the preliminary product of the aforementioned process.

Andrew New Column, on tichnalf of the Carquines Strait Preservation Trust Gateway to the Inland Coast The Story of the Carquinez Strait,

### **PURPOSE**

The purpose of the Plan is to coordinate existing and potential federal, state and local programs, policies and plans for the enhancement of the quality of life of those who live, work and visit the Strait. The integrates existing plans, programs, and policies that affect the Public Trust resources and uses within the Strait, including, but not limited to, navigation, shipping, commerce, recreation, public access, education, scientific study, open space, aquatic and wildlife habitat and scenic values.

The planning program direction focuses on four elements of common policy concerns and interest:

- 1. OUTDOOR RECREATION, PUBLIC ACCESS, VISITOR SERVING FACILITIES AND TOURISM TO PROMOTE THE REGION AS A DESTINATION;
- 2. PROTECTION, RESTORATION AND ENHANCEMENT OF NATURAL, SCENIC, HISTORIC AND CULTURAL RESOURCES;
- 3. A MITIGATION OR PLAN IMPLEMENTATION STRATEGY THAT WILL BENEFIT AND ENHANCE THE NATURAL AND COMMERCIAL RESOURCES OF THE AREA; AND
- 4. THE INTEGRATION, INTO THE PLANNING PROCESS, OF MEANS TO IMPLEMENT THE PROPOSED PLAN.

In addition, the plan integrates environmental impact considerations into the current planning process so that a mitigated Resource Plan is developed for its consideration and adoption by the members of the MOU Coordinating Council.

### INTERGOVERNMENTAL SCOPE OF THE PLAN

The Plan provides fundamental goals, objectives and policies developed through the work of the participating members of the TAC, PATF, and MOU Coordinating Council. The policy framework originates from the Findings and Purposes of the MOU made and entered into by the City of Vallejo, the City of Benicia, the City of Martinez, the City of Hercules, the County of Solano, the County of Contra Costa, the Greater Vallejo Recreation District, the East Bay Regional Park District, and the State Lands Commission to cooperatively plan for and implement a Resources Plan for the Planning Area.

If the goals and recommendations of the Plan are to be implemented, the MOU Council and Carquinez Strait Preservation Trust must provide the leadership to maintain the Plan as a "living document." As such, the Plan will need to be updated to adapt to changing conditions, opportunities and constraints while maintaining its value to the MOU signatories.

Once the Carquinez Strait Resource Plan is considered and adopted by the MOU Council, the Plan is intended to be adopted individually by the participating jurisdictions. Section 9 of the MOU states:

"Upon approval of a majority of the members of the Council, the Plan shall be deemed accepted. Acceptance of the Plan does not constitute approval of the Plan by the member agency whose representative has voted to accept it as a member of the Council. Upon acceptance of the Plan, each representative shall, however, submit the plan to the member agency's governing body to be considered for adoption as an official planning document, such as a general plan amendment, specific plan or master plan."

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### PUBLIC PARTICIPATION IN THE PLANNING PROCESS

The Plan could not have been prepared if not for the efforts of those public officials, agency staff members, business and community representatives who gave of their time to participate in the many meetings which were necessary to forge a common understanding and sense of purpose for the Plan. This task force approach to the planning process was fully integrated with the five phases of the planning program.

The process is designed to facilitate membership and public input, consensus building, and mutual cooperation and to establish a foundation for ongoing planning, program development and implementation. The following workshops of the PATF served as milestones for the development of the Plan and were usually preceded by one or more meetings of or discussions with the TAC. At all stages, the MOU Coordinating Council and Carquinez Strait Preservation Trust were kept abreast of the planning process at all their quarterly meetings. The series of PATF workshops addressed the following:

### Workshop #1:

### Task Force Input Issues and Options Phase

The purpose of the first meeting of the PATF, held on September 21, 1994, in Crockett, was to orient the Task Force to the planning program, to identify the role of the PATF in the process and to identify planning issues and opportunities in the Carquinez Strait Planning Area. Among items discussed were the planning process and planning program elements, and the role of the PATF. Task Force members were asked to identify the assets, opportunities, activities, issues and constraints within the Carquinez Strait Planning Area. They also were asked to fill out a Carquinez Strait Planning Area Survey (a summary of the survey is included in Appendix B).

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Workshop #2:

Task Force Input Issues and Options Phase

The second workshop, held on March 8, 1994, in Crockett, presented the results of the questionnaire prepared at the first workshop. The discussion dealt with recreation opportunities, conceptual resource and recreation land uses and the issues associated with determining a planning area boundary. Diagrams of the planning process and planning elements were presented along with goals stated in the MOU.

Boat Trips (See next page)

Workshop #3:

Task Force Goals Formulation and Alternatives Phase

This workshop, held on April 5, 1995, in Benicia, continued the discussion of conceptual resource and recreation land uses from workshop #2. An inventory of environmental and recreational goals and policies from each of the local jurisdiction's General Plans was presented. Subareas were identified along with schematic concept plans and options. Planning gaps and opportunities were identified in each of the subareas for future discussion.

### Workshop #4:

Task Force Goals Formulation and Alternatives Phase

This workshop was held on April 26, 1995, in Crockett. The purpose was to discuss the evolving policy framework and to identify new planning objectives. Maps of the subareas were presented to review planning recommendations and features identified in the previous meeting. A draft of preliminary goal and objective statements was presented and discussed as it related to specific objectives and policies of the local general plans.

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An all day workshop held on Saturday, December 3, 1994, combined memberships of the MOU Coordinating Council, the Carquinez Strait Preservation Trust, the PATF and the TAC. The group met at the Vallejog Ferry Terminal and was taken on a tour of the Carquinez Strait on a ferry donated for the occasion by the Red & White Tour Company. On board, exhibits of the preliminary plan map and other waterfront plans going on in the area were explained.

### Workshop #5:

### Task Force Preliminary Plan Phase

The subject of this workshop, held on August 23, 1995, in Vallejo, was a presentation of a detailed preliminary plan program for the five subareas, including a preliminary plan map for the Carquinez Strait Resource Plan. A slide presentation depicting scenes throughout the subareas, as well as photo boards summarizing the key visual characteristics of each subarea was also presented.

### Workshop #6:

### Task Force Preliminary Plan Phase

Held on September 2, 1995, in Vallejo, this workshop continued the discussion of the preliminary goals, objectives and policies from the prior workshop and continued a review of new policies. The planning area boundary discussion was also continued.

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Workshop #7: Task Force Preliminary Plan Phase

This workshop, held on October 11, 1995, in Martinez, continued to refine the text of the Draft Preliminary Plan Memorandum, including specific wording of goals, objectives and policies. The preliminary plans program, preliminary plan map and planning area boundary was discussed in detail. At the conclusion of the meeting, an affirmative vote was taken to approve the preliminary plan memorandum, subject to the revisions and notes taken, to be forwarded to the MOU Coordinating Council for consideration.

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### THE NEED FOR A VISION

The distinguishing features and unique characteristics of the Carquinez Strait Area which are recognized in the Findings section of the Memorandum of Understanding (July 29, 1993) have been considered in the manufacture. the Findings section of the Memorandum of Understanding (July 29, 1993), have been expanded during the work of the PATF in the many statements which reflect the values and care the participants share for this geographically vital and distinct region. The regional map of the Carquinez Strait is shown in Figure 1.1.

What has emerged in the work of the Task Force is a vision of how the Plan can assist local jurisdictions in coordinating policies and actions affecting the region. The Plan can be especially promising in helping to fund local projects of regional significance, as well as new projects which can be important both regionally and locally. These concepts and policies are presented in the Implementation section.

Most importantly, the Task Force membership also provided a collective sense of place. This outlook focused the attention of the Plan on the community and the environmental values, sense of worth and regional heritage Task Force members saw as important. It became clear that these values distinguished the Carquinez Strait region and clarified the need for a regional vision as the basis of the Plan.

In the words of the Task Force members, several themes emerged as to the region's assets and opportunities. The uniqueness of the setting was expressed in terms of "The dramatic meeting of land and water forms" and "the combination and diversity of micro-environments and the terrain." Most members felt that the dramatic topography, such as the height of the land over the water of the Strait, is unique. Also, the proximity of the communities and the high hills close to the water and the potential for water-based activities are big assets.

Those that live in the region observed that, "the variety of land uses including industrial, residential and open space in close proximity and in a rather geographically small area is interesting", but that the region has other attributes, "the small town community scale, lower density of development, and that the area is not as heavily populated." Some see these attributes as especially appealing to increased tourism of the area: "The powerful views, experienced because of the height of the land above the water is an important opportunity that could draw people to the area." One member commented that on existing San Francisco to Sacramento boat tours, the Strait is considered the most popular scenic stretch.

Essentially, the adoption of the Carquinez Strait Resource Plan, which incorporates the values and aspirations of the participants in the planning process, is the initial step in a continuing vision that has as its primary focus, the Carquinez Strait region.

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### ORGANIZATION OF THE DOCUMENT

The Carquinez Strait Resources Plan includes the following elements:

- Chapter 1, Introduction explains the history, purpose and intergovernmental Scope of the Plan as as describes the planning process. It explains what the Carquinez Strait Resource Plan is.
- Chapter 2, Planning Intent and Policy Framework provides the core goals, objectives and policies which guide Plan decision making. It also provides a context in which to understand the Carquinez Strait region, the planning area boundary, the Public Trust Doctrine, role of the State Lands Commission and the role of local jurisdictions as they are organized for planning.
- Chapter 3, Resource Plan Program describes the major regional elements of the Plan which are intended to focus the efforts of the participating jurisdictions in the early phases of the planning program. The subarea plan recommendations are also provided as a broad agenda for programs throughout the planning area.
- Chapter 4, The Implementation Program presents the implementation strategy, objectives and policies; considerations for phasing of projects, local planning actions, funding sources and techniques.
- Chapter 5, Potential Environmental Impacts of the Resource Plan describes the general environmental setting within the planning area and the possible issues of significance raised by adoption and implementation of the Carquinez Strait Resource Plan.
- Chapter 6, Appendices provides background documentation to the Plan, the Initial Study Checklist and the Proposed Mitigated Negative Declaration.

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### **FIGURE**

### Carquinez Strait Resource Plan Area

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