

STAFF REPORT

76

A 23

11/29/17

W 27140

R. Collins

J. Ramos

S 8

J. Lucchesi

UPDATE ON THE COMMISSION'S LAND AND RESOURCE MANAGEMENT ACTIVITIES INVOLVING THE SAN JOAQUIN RIVER

INTRODUCTION AND BACKGROUND:

The 366-mile long San Joaquin River (River) and its tributaries drain a significant portion of the Sierra Nevada Mountains and the southern half of California's Central Valley. The River flows through the San Joaquin Valley, considered to be the most productive agricultural region in the world, before reaching the Sacramento-San Joaquin Delta, Suisun Bay, San Francisco Bay, and finally the Pacific Ocean. The River serves a vital function as a wildlife corridor, but is also an important source of irrigation water, being among the most heavily dammed and diverted of California's rivers.

In its natural state, the River routinely flooded the San Joaquin Valley, with the wetlands created by flooding attracting large flocks of wintering migratory birds. The River also included populations of Chinook salmon and sturgeon. Beginning in the 1860s with more settlement occurring in the region, much of the watershed on the valley floor converted to farmland, towns, and cities, and the abundance of birds and other wildlife gradually disappeared. Following the construction of Friant Dam in 1944 by the United States Bureau of Reclamation (Reclamation), the last salmon run in the River occurred in the late 1940s, when sections of the River ran dry.

San Joaquin River Restoration Program:

With the completion of Friant Dam in 1944, the Madera Canal in 1945, and the Friant-Kern Canal in 1951, River water was diverted to supply over 1 million acres of farmland along the eastern portion of the San Joaquin Valley, to the detriment of natural river flows and the native salmon populations upstream from the San Joaquin's confluence with the Merced River.

In 1988, a coalition of conservation and fishing groups led by the Natural Resources Defense Council filed suit against Reclamation and the Friant Water Users Authority (*Natural Resources Defense Council, et al., v. Kirk Rodgers, et al.*, Civ. No. S-88-1658 LKK/GGH (E.D. Cal.)) seeking to restore water flows to the River and to boost the dwindling salmon populations. After 18 years, the

STAFF REPORT NO. 76 (CONT'D)

parties to the lawsuit (Settling Parties) agreed to a settlement in September 2006. Federal legislation was passed in March 2009 authorizing federal agencies to implement the settlement under the San Joaquin River Restoration Program (Restoration Program). The settlement has two primary goals:

1. **Restoration Goal** – To restore and maintain fish populations in “good condition” in the main stem of the River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish; and
2. **Water Management Goal** – To reduce or avoid adverse water supply impacts to all of the Friant Division long-term contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.

Commission Jurisdiction:

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of natural, navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, access, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court decision. On navigable non-tidal waterways, including lakes and rivers, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court decision. Such boundaries may not be readily apparent from present day site inspections.

STAFF REPORT NO. 76 (CONT'D)

COMMISSION'S LAND AND RESOURCE MANAGEMENT ACTIVITIES:

The San Joaquin River is a navigable waterway subject to the management authority and jurisdiction of the Commission.

San Joaquin River Administrative Mapping:

The Restoration Program's coverage area includes a 149-mile section of the River in Fresno, Madera and Merced Counties, extending from Friant Dam to the confluence with the Merced River.

Reclamation divides this section of the River into five reaches:

- Reach 1 – Friant Dam to Gravelly Ford
- Reach 2 – Gravelly Ford to Mendota Dam
- Reach 3 – Mendota Dam to Sack Dam
- Reach 4 – Sack Dam to the confluence of Bear Creek and the Eastside Bypass
- Reach 5 – Eastside Bypass/Bear Creek confluence to the Merced River confluence

Staff has been conducting field work, preparing compilation maps, and administrative maps in each of the reaches shown on Exhibit A – Status of Administrative Mapping on the San Joaquin River. In 1992, Staff completed and published a set of Administrative Maps of the River for Reach 1A from Friant Dam and State Highway 99. No Record of Survey was filed, but an Administrative Map set was developed and published and distributed to Fresno and Madera Counties.

In April 2008, Reclamation requested the technical and specialized assistance of staff to help identify the location and extent of the State's claims in and to the bed of the River for the Restoration Program. These maps depict the location and extent of sovereign land title interest claims of the State in and to the bed of the River, and are intended to depict the common boundaries between State property interests and those of adjacent property owners at the time maps were prepared.

The Commission has authorized the following actions with respect to these Administrative maps:

- On August 14, 2012, the Commission authorized staff to file the Record of Survey for the San Joaquin River Administrative Map Reach 2B ([Item 53, August 14, 2012](#)), from the Chowchilla Bifurcation Structure to the Mendota Dam.

STAFF REPORT NO. 76 (CONT'D)

- On April 23, 2014, the Commission authorized staff to file the Record of Survey for the San Joaquin River Administrative Map Reach 4B1 ([Item 51, April 23, 2014](#)), from Sand Slough Control Structure to the Mariposa Bypass.
- On August 15, 2014, the Commission authorized staff to file the Record of Survey for the San Joaquin River Administrative Map Reach 4A ([Item 43, August 15, 2014](#)), from Sack Dam to Sand Slough Control Structure.

Prior Commission Lease Authorizations:

Bureau of Reclamation

As a Settling Party, Reclamation has the primary responsibility for implementing the Restoration Program. To assist Reclamation in achieving the Restoration Program's objectives, the Commission has thus far authorized the following leases:

- On April 20, 2017, the Commission authorized Lease No. PRC 9280.9 ([Item 62, April 20, 2017](#)), a General Lease – Public Agency Use for nine parcels of land to be used for the temporary placement of fish collection structures to assist in transporting captured fish around dry segments of the River to release sites downstream.
- Also on April 20, 2017, the Commission authorized Lease No. PRC 9398.9 ([Item 61, April 20, 2017](#)), a General Lease – Public Agency Use for the Mendota Pool Bypass and Reach 2B Improvements Project. Reach 2B spans Fresno and Madera Counties and includes the River and a small portion of Fresno Slough from the Chowchilla Bifurcation Structure to downstream of Mendota Dam. The Reach 2B project includes construction of the Mendota Pool control structure and compact bypass control structure pilot channel, installation of infrastructure for fish monitoring equipment, floodplain and riparian habitat restoration, and removal of invasive non-native species.

San Joaquin River Parkway and Conservation Trust, Inc.

The San Joaquin River Parkway and Conservation Trust Inc. (Trust), a 501(c)3 non-profit, public benefit corporation, was created in 1988 to establish a continuous greenbelt along the 33-mile San Joaquin River Parkway (Parkway) in the rapidly urbanizing Fresno-Madera region. The Parkway stretches from the Millerton Lake State Recreation Area and Friant Dam, downstream to the Skaggs Bridge Park at State Highway 145. The Trust's mission is to preserve and restore River lands having ecological, scenic, or historic significance to educate the public on the need for stewardship, to research issues affecting the River, and to promote educational, recreational, and agricultural uses consistent with the

STAFF REPORT NO. 76 (CONT'D)

protection of the River's resources. In partnership with state and federal agencies and local governments, the Trust has been successful in protecting River landscapes through fee title acquisition, conservation easements, and wildlife habitat restoration. The Trust undertakes projects to provide public access to the River and implement the Parkway's multiple use Lewis S. Eaton Trail. In addition, the Trust provides outdoor education programs for youth and recreational opportunities for the community.

To assist the Trust in accomplishing its mission, the Commission has thus far authorized the following leases:

- On February 22, 2013, the Commission authorized Lease No. PRC 8162.9 ([Item 57, February 22, 2013](#)), a General Lease – Other, for removal of non-native, invasive exotic plants and native plant revegetation between Friant Dam and the confluence of the Merced River. Lease No. PRC 8162.9 helps to implement the Restoration Program, as restored riparian habitat lowers water temperatures, making the River more suitable habitat for salmon.
- On August 27, 2017, the Commission authorized Lease No. PRC 9423.1 ([Item 55, August 27, 2017](#)), a General Lease – Other, for the construction of River access improvements, including a floating boat dock, at the Trust's Owl Hollow property. The Owl Hollow Project is a cooperative project with the San Joaquin River Conservancy to construct park improvements along the River to be used for public outreach, recreation, and education.

San Joaquin River Conservancy

In enacting the San Joaquin River Conservancy Act in 1992, the Legislature found and declared that "...the San Joaquin River, its broad corridors, and its prominent bluffs constitute a unique and important environmental, cultural, scientific, agricultural, educational, recreational, scenic, flood water conveyance, and wildlife resource that should be preserved for the enjoyment of, and appreciation by, present and future generations." (Pub. Res. Code section 32501) The Legislature created the San Joaquin River Conservancy (Conservancy) as a state agency governed by regional and state officials through the Conservancy's Board. The Conservancy was created to develop and manage the San Joaquin River Parkway (Parkway), a planned 22-mile natural and recreational area in the floodplain extending from Friant Dam to Highway 99 (the San Joaquin River Parkway and Conservation Trust also conducts activities along this same stretch of the River). The Conservancy's mission includes acquiring approximately 5,900 acres from willing sellers; developing, operating, and managing those lands for public access and recreation; and protecting,

STAFF REPORT NO. 76 (CONT'D)

enhancing, and restoring riparian and floodplain habitat. The Commission's Executive Officer is a voting member of the Conservancy Board.

To assist the Conservancy in accomplishing its mission, the Commission has thus far authorized the following leases:

- On January 30, 2002, the Commission authorized Lease No. PRC 8520.9 ([Item 25, January 30, 2002](#)), a General Lease – Public Agency Use for a bridge crossing and associated improvements at Ledger Island. The bridge is the only means of public access to Conservancy-owned property on Ledger Island.
- On June 21, 2013, the Commission authorized Lease No. PRC 8520.9 ([Item 54, June 21, 2013](#)), a General Lease – Public Agency Use for replacement and maintenance of a functionally obsolete river channel crossing at Sycamore Island. The crossing is the only means of public access to Sycamore Island.
- On December 18, 2015, the Commission Authorized Lease No. PRC 9302.9 ([Item 95, December 18, 2015](#)), a General Lease – Public Agency Use for the construction of improvements to isolate a gravel pit and create a floodplain habitat area on the River to assist in restoring salmon habitat as part of the Restoration Program.

Potential Future Commission Actions: Restoration Program Reach 4B, Eastside Bypass, and Mariposa Bypass Channel and Structural Improvements Project

Reclamation has prepared an Environmental Impact Statement (EIS) for this Project, which analyzes possible alternatives for meeting Restoration Program requirements for Reach 4B. The EIS has analyzed three alternatives, as follows:

Alternative 1- Main Channel Restoration

Under Alternative 1 (with 3 sub-alternatives), the River would function as the main route for fish and flows. This option would include three possible setback levee options at various alignments, floodplain habitat modifications, removal of obstructions to flow and fish migration, existing infrastructure modifications, and primary and possibly secondary channel restoration. No improvements to the Eastside Bypass or Mariposa Bypass are contemplated under this Alternative.

Alternative 2 – Bypass Restoration

Under Alternative 2 (with 2 sub-alternatives), the Eastside Bypass would function as the main route for fish and flows. This option would include setback levees in

STAFF REPORT NO. 76 (CONT'D)

the Middle Eastside Bypass to allow increased riparian and floodplain habitat, channel grading and modifications to existing infrastructure to allow for fish passage, floodplain habitat modifications, and the introduction of vegetation to promote a riparian corridor within the bypass. Vegetation and sediment removal would occur in the River to allow for minimum required flow rates.

Alternative 3 – Bypass all Pulse Flows

Alternative 3 would restore Reach 4B1 as a low-flow channel, but pulse flows would be directed into the bypass system. This option would include some River levee improvements, and removal of obstructions to flow and fish migration, revegetation activities, and existing infrastructure modifications in both the River and Bypass.

Staff has reviewed the Project EIS and provided comments in letters dated September 11, 2017 and November 1, 2017. Consultation and discussions with Reclamation are ongoing with respect to the appropriate Project Alternative and the Commission's involvement in the environmental review process. Each alternative includes the use of sovereign land for the Project, although an application for such use has not been received from Reclamation. Due to uncertainties over the environmental review under CEQA, the Commission's status as either Lead Agency or Responsible Agency has not been determined. Any consideration for this project by the Commission would occur at a future date.

River West Fresno, Eaton Trail Extension Project

The existing Lewis S. Eaton Trail (Trail) is a Class I bike path that currently ends near the Perrin Avenue undercrossing of SR 41. Through the River West Fresno, Eaton Trail Extension Project (Project), the Conservancy proposes to extend the Trail within the Parkway Master Plan area by constructing a multipurpose trail extension with ancillary recreation support facilities. The Project area is located along the River between State Route 41 and Spano Park, near the intersection of Palm Avenue and Nees Avenue within the City of Fresno.

The proposed Project (the Environmentally Superior Project described in the certified EIR) would extend the existing Trail by constructing a multipurpose trail extension approximately 2.4 miles, from the Perrin Avenue alignment near SR 41 on the east to Spano Park on the west. A parking lot at Perrin Avenue for 50 vehicles with a controlled vehicle entrance would be constructed adjacent to SR 41. A gate and unmanned parking pay station would be included to manage vehicle access. Pedestrian and bicycle access would be provided at four locations: Perrin Avenue, Spano Park, and the West Riverview Drive and Churchill Avenue entrances to the Bluff Trail. An emergency/service gate would provide access to the trail extension for emergency first responders and

STAFF REPORT NO. 76 (CONT'D)

maintenance staff. An Americans with Disabilities Act (ADA)–accessible vault restroom would be included at the Perrin Avenue parking area and near the toe of Spano Park.

In addition to the proposed Project described above, the EIR evaluates six alternatives:

- Alternative 1: Added Parking
- Alternative 2: Bluff Trail Alignment
- Alternative 3: River’s Edge Trail Alignment
- Alternative 4: No Parking
- Alternative 5: Palm and Nees Avenue Access (with sub-alternatives)
- Alternative 6: No Project

Project elements common to each Alternative (other than Alternative 6) include a trail composed of a 12-foot wide paved pedestrian/bicycle path, and a parallel 8-foot wide hard natural surface equestrian path, with native landscaping, picnic areas, tables, benches, public safety and information signs, and wildlife observation areas along the trail at various areas. Project Alternatives identify various trail alignments and public facilities such as ADA-compliant restrooms, and include multiple access points and public parking facilities adjacent to the Project area (See Exhibits B, C, D, E, and F). Portions of the alternative trail alignments travel across land that was formerly used as a landfill and listed by Gov. Code 65962.5 as a Hazardous Waste and Substances Site (Cortese List).

Commission Staff Comments on the Draft EIR:

In comment letters provided to Conservancy staff on April 17, 2017 and October 2, 2017, Commission staff encouraged the inclusion of Alternatives 1 and 5 as providing the following benefits to the Project:

- Uses lands already owned by the state, pursuant to a title settlement agreement previously authorized by the Commission between the state and the then upland property owner Angie Spano (Commission File # AD 418) ([Item C80, August 19, 2003](#)).
- Enhances public access:
 - Includes portions of the proposed access road (Gravel Haul Road) at the end of Nees Avenue within an existing easement held by the Commission, which would safeguard and promote long-term public access to the River.
 - Includes portions of the proposed turnaround on State sovereign land and portions of the proposed parking area and restroom between the high and low-water marks of the river that are subject to the Public Trust easement under the Commission’s jurisdiction,

STAFF REPORT NO. 76 (CONT'D)

which also helps ensure long-term access in comparison to Alternative 5B.

- Provides closer access for all members of the public to the River.
- Provides vehicular access and a separate bike and pedestrian trail that would significantly increase the opportunity for additional members of the public, including nearby disadvantaged communities to access the River.
- Accommodates better access for the public protected by the ADA.
- Provides parking close to the River to support non-motorized watercraft put-in and take-out access to the River, and provides an emergency vehicle turn-around close to the River.
- Provides public access consistent with, and in furtherance of, the California Constitution mandates of Article 1, Section 25 (Right to Fish) and Article X, Section 4 (Access to Navigable Waters).
- Uses the existing Gravel Haul Road, thereby significantly reducing ground disturbance for a new road and support facilities within existing landfill areas, avoiding scenic impacts for new road construction along the bluff face with Alternative 5B, and avoiding non-conformance with the City of Fresno's (City) Bluff Overlay Zone restrictions and resultant need for a variance with the City.
- Increases greater use of the Parkway recreation area, including by increasing the extension of the Eaton Trail, thereby eliminating the necessity for the public (bicycling or walking) to backtrack to exit the Parkway.
- Provides enhanced emergency services (e.g., fire, rescue, police) access to the River and surrounding Parkway property.

Current Project Status:

At its meeting on November 15, 2017, the Conservancy Board certified an Environmental Impact Report (EIR) (State Clearinghouse No. 2014061017) for the Project pursuant to the California Environmental Quality Act (CEQA). However, due to extensive public debate at the meeting over the inclusion of appropriate vehicle access points, the Board deferred Project Alternative selection to the Board's December 13, 2017 meeting. Importantly, the Board narrowed the project choices to the proposed Project, Alternative 1 or Alternative 5B. Both Alternative 1 and Alternative 5B include the proposed Project as a foundational element.

Depending on which Alternative(s) the Conservancy Board ultimately selects, the Project may involve work on State sovereign land. If Project elements are

STAFF REPORT NO. 76 (CONT'D)

selected that include the use of sovereign land, the Commission would act as a responsible agency and would consider the issuance of a lease for those Project elements at a future date.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6301, 32515(b)(12), 32533.

Project Analysis:

Staff has identified the following key Project criteria, consistent with the Commission's mission and vision, and its Public Trust responsibilities:

- Provide equal access for the public, including nearby disadvantaged communities, to the Parkway and River
- Maximize vehicle access to the Parkway for enhanced access to all proposed improvements
- Provide parking close to the River to support river recreation uses, Public Trust interests, river access for disabled persons, and emergency river rescue services
- Utilize existing roads and access easements held by the Commission and minimize potentially significant environmental impacts

Selection of EIR Project Alternatives 1 and 5 (and to a lesser extent sub-alternative 5B) would incorporate the greatest number of the Commission's key Project criteria. The table below provides a comparison for the proposed Project versus Alternatives 1, 5, and 5B (as identified in the certified EIR) and combinations of Alternatives with respect to the Commission's key criteria:

STAFF REPORT NO. 76 (CONT'D)

Comparison of Key Commission Criteria- Proposed Project vs. Alternatives 1, 5, and 5B						
Project Alternative	Equal Access for Disadvantaged Communities	Parkway Vehicle Access and Parking			Parking Close to River (Relative to other Alternatives)	Uses Existing Road/Easements and/or Minimizes Potentially Significant Impacts
		Perrin Ave	W. Riverview Dr.	Palm/Nees Ave		
Proposed Project		✓				
1	✓	✓	✓			✓
5	✓	✓		✓	✓	✓
5B	✓	✓		✓	✓	
1 and 5	✓	✓	✓	✓	✓	✓
1 and 5B	✓	✓	✓	✓	✓	✓

Although the certified EIR identifies the proposed Project as the Environmentally Superior Alternative (Exhibit B), it provides only one new vehicle access road and parking area at the far east end of the Project area, does not achieve equal access to the Parkway for all user groups, and includes only one of the Commission's key criteria.

Alternative 1 (Exhibit C) includes two new vehicle access roads and parking areas within the Parkway. Alternative 1 provides parking close to the River compared to existing conditions, but does not provide parking as close to the River as Alternative 5, and on its own, does not maximize inclusion of the Commission's key criteria.

Alternative 5 (Exhibit D) uses an existing road at the far west end of the Project area (thereby minimizing road construction impacts) for vehicle access to a new parking area and turnaround close to the River, and includes a new access road and parking area at the far east end of the Project area. On its own, Alternative 5 includes each of the Commission's key criteria, but does leave out one of the three potential vehicle access and parking locations, which is included in Alternative 1.

Alternative 5B (Exhibit E) includes a new access road and parking lot area at the far west end of the Project area (which includes potentially significant impacts for construction), and a new access road and parking lot at the far east end of the Project area. On its own, Alternative 5B does not maximize inclusion of the Commission's key criteria.

STAFF REPORT NO. 76 (CONT'D)

As represented in the above table and attached Exhibits, implementing elements of Project Alternative 1 in combination with elements of Alternative 5 would achieve each of the Commission's key criteria. Collectively, Alternatives 1 and 5 would provide vehicle access to the Parkway through the Palm and Nees Avenue intersection, at West Riverview Drive, and off Perrin Avenue, with proposed parking lot areas at the terminus of all three access roads. A combination of these two alternatives also provides closer access to the Parkway for the disadvantaged community to the south of the Parkway (Exhibit F).

Alternative 5 makes use of an existing gravel road from the Palm and Nees Avenue intersection, providing vehicle access close to the River, with a portion of the road near the River encumbered by an existing access easement held by the State ([Item 80, August 19, 2003](#)). Commission staff understands however, that a portion of the access road would need to be acquired by a public agency, or encumbered with an access easement to implement Alternative 5. Use of the existing road substantially minimizes impacts for road and parking lot construction within adjacent contaminated landfill sites at the west end of the Project area, in comparison to Alternative 5B.

Public Trust and State's Best Interests Analysis:

As noted above, the overall Project goals of increasing and connecting public recreational activities along the River are Public Trust goals. The Project as supported by Commission staff is geared towards serving the public, with the River as the focal point to maximize the public's use and enjoyment of the River. The Project provides facilities to waterfront visitors, including access roads and trails, parking, and restrooms. By providing increased access and improving the connectivity of the Parkway along the River, the Project as supported by staff will improve and increase water-related recreation such as fishing and boating as well as overall public access to the River. The Project components would not interfere with access to Public Trust resources. Rather, the Project would enhance such access.

As discussed above, these beneficial impacts to Public Trust resources would be maximized through a combination of Alternatives 1 and 5. This combination would provide parking close to the River and make it easier for members of the public to launch small, recreational watercraft. The combination would also add an easier access point for a nearby disadvantaged community, ensuring that enjoyment of the River is truly public and not effectively restricted to more affluent populations.

Alternative 5B contains its own set of implementation challenges relating to the significant protraction, complexity, cost and uncertainties of obtaining the required property interests of the former landfill site and conducting any clean up

STAFF REPORT NO. 76 (CONT'D)

associated with the use of the property as a former landfill. Alternative 5B would also require the Conservancy to bifurcate Spano Park, currently the only riverfront park in Fresno, in order to construct a new road which will include significant grading to traverse the existing bluff face. Staff is concerned that these challenges may make this alternative infeasible resulting in a failure to provide equitable access in a meaningful timeframe.

Alternative 1 takes advantage of existing roads, requires less construction and does not require acquiring additional property to implement. There is greater certainty associated with the feasibility of implementing Alternative 1 than Alternative 5B, which will result in more timely, meaningful and greater access to the River.

Environmental Justice:

California law (see Gov. Code § 65040.12) defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” This definition is consistent with the Public Trust Doctrine principle that the management of trust lands and resources is for the benefit of all people.

The EIR includes a discussion of the Project’s impact on environmental justice communities to provide information about the social and economic conditions surrounding the Project. The EIR used the California Environmental Protection Agency’s California Communities Environmental Health Screening Tool or “CalEnvironScreen” to determine if there were any environmental justice communities within a mile of the Project site. The analysis identified Census Tracts 6019004404 and 6039001000 as communities within that range that qualify as “disadvantaged communities” under state law. The EIR states:

“The proposed trail extension would provide access to an outdoor natural recreational area along the River for residents of the nearby disadvantaged communities, and more broadly for residents of Fresno and Madera counties. Activities such as recreation and exercise are fundamental to a healthy life. Beneficial use of the existing multiuse trail promotes greater productivity, less disease, and a brighter future.”¹

The EIR also noted additional benefits the Project could have for disadvantaged communities including social benefits of connecting otherwise separated communities and economic benefits of attracting businesses to the area.

¹ EIR Page 4-19.

STAFF REPORT NO. 76 (CONT'D)

While the proposed Project would benefit individuals living in Census Tract 6039001000, the EIR notes that individuals living in the other local disadvantaged community, Census Tract 6019004404 and residents in the City of Fresno generally would only be able to access the parkway by traveling “north along SR 41 to Children’s Boulevard, then south along the SR 41 East Frontage Road, also known as Blackstone Avenue, a 180-degree reverse in direction” resulting in an 8.3 vehicle miles travelled increase.²”

Both Alternatives 1 and 5 provide increased access options, which better serve disadvantaged communities, including Census Tract 6019004404 and the City of Fresno generally.

The proposed Project does provide regional and statewide benefits of enhanced access to Public Trust resources, but members of some disadvantaged communities will have disproportionate difficulty accessing these benefits, unless the additional access roads contemplated in Alternatives 1 and 5 are added.

Commission Staff Recommendation:

In summary, support for Alternatives 1 and 5 promotes the greatest level of access to the Parkway, provides support facilities for River access, enhances Public Trust consistent uses such as boating, fishing, birdwatching, and other water-related recreational activities, and is consistent with the Commission’s Environmental Justice Policy. However, as noted above, the Conservancy Board has narrowed the project options it will consider on December 13th to the proposed Project, Alternative 1 and Alternative 5B. None of these three options are perfect; there are policy trade-offs with each. Staff believes that the greater amount of certainty in implementing Alternative 1 in a reasonable timeframe makes Alternative 1 the best option to support and provide River access. Staff therefore recommends the Commission acknowledge and further authorize the Executive Officer’s support, in her capacity as a voting member of the San Joaquin River Conservancy Board, of Alternative 1 in the certified EIR for the San Joaquin River Conservancy River West Fresno, Eaton Trail Extension Project. Staff will continue to work with the Conservancy, the City of Fresno and other stakeholders to pursue opportunities to develop access at Palm and Nees, consistent with the elements of Alternative 5 for the reasons described above.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.3 of the Commission’s Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the state’s inland and coastal waterways.

² EIR Page 4-21.

STAFF REPORT NO. 76 (CONT'D)

2. Acknowledging and further authorizing the Executive Officer's support of Alternative 1 of the certified EIR is not a project as defined by CEQA because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Status of Administrative Mapping on the San Joaquin River
- B. Proposed Project
- C. Alternative 1
- D. Alternative 5
- E. Alternative 5B
- F. Disadvantaged Community Location

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the Commission's authorization of the Executive Officer's support for Alternative 1 in the certified EIR is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

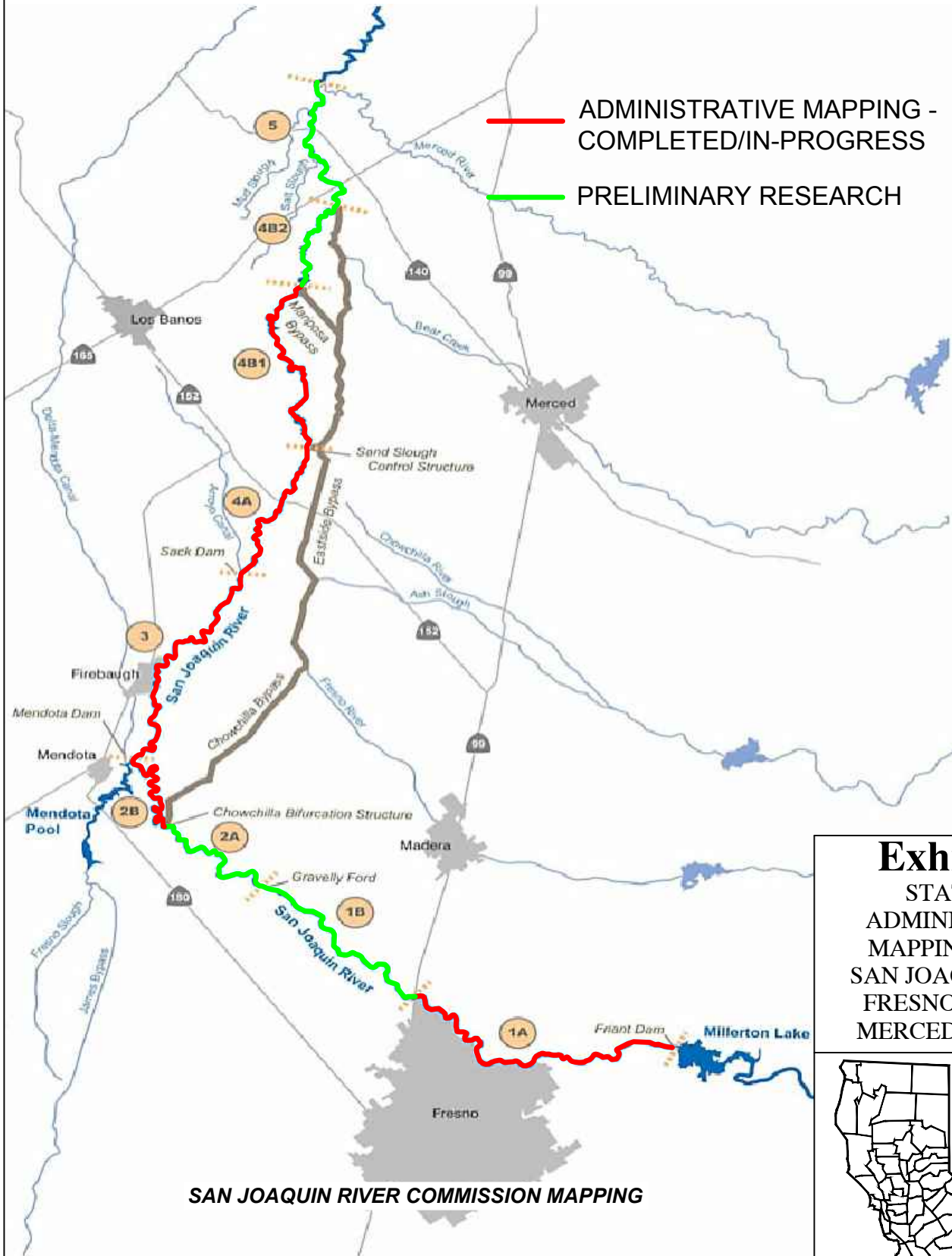
Find that support for Alternative 1 in the certified EIR is consistent with the common law Public Trust Doctrine, enhances the Public Trust needs at this location, and is in the best interests of the State.

AUTHORIZATION:

Acknowledge and further authorize the Executive Officer in her capacity as a voting member of the San Joaquin River Conservancy Board to support Alternative 1 in the certified EIR for the San Joaquin River Conservancy River West Fresno, Eaton Trail Extension Project.

NO SCALE

SITE



SAN JOAQUIN RIVER COMMISSION MAPPING

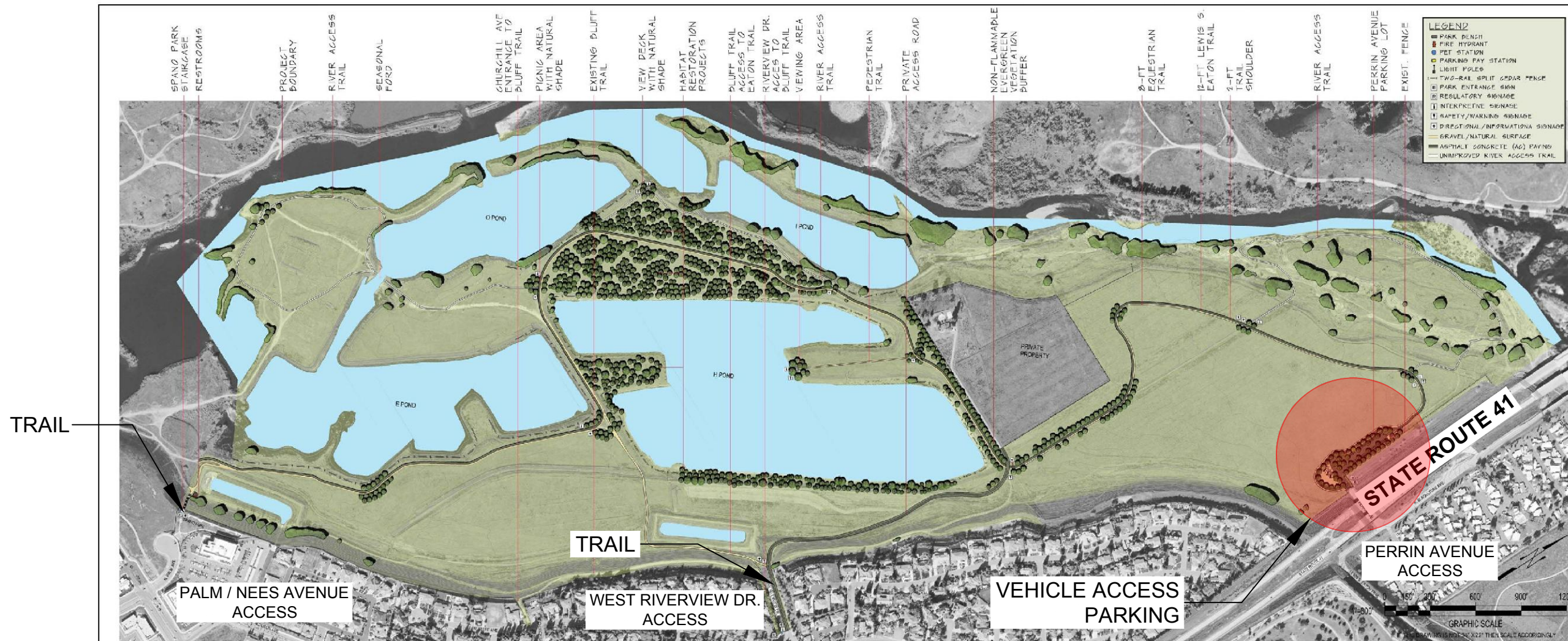
Exhibit A

STATUS OF ADMINISTRATIVE MAPPING ON THE SAN JOAQUIN RIVER FRESNO/MADERA/MERCED COUNTIES



NO SCALE

SITE



TRAIL

TRAIL

STATE ROUTE 41

PERRIN AVENUE ACCESS

VEHICLE ACCESS PARKING

WEST RIVERVIEW DR. ACCESS

PALM / NEES AVENUE ACCESS



SINGLE-VAULT RESTROOM @ PICNIC AREA



PET STATION



INTERPRETIVE SIGN



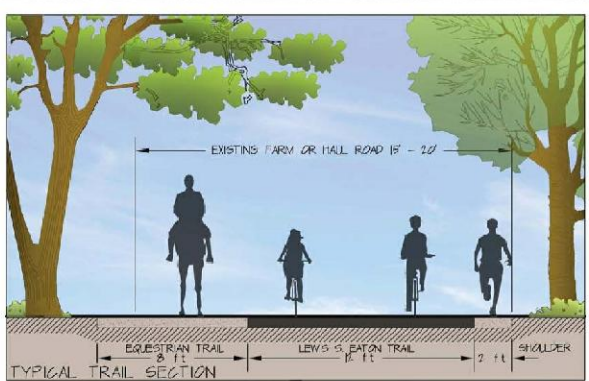
EXAMPLE PARKING LOT VIEW



TWO-RAIL SPLIT CEDAR FENCING



DOUBLE-VAULT RESTROOM AT PERRIN PARKING LOT



PROPOSED PROJECT

RIVER WEST FRESNO, LEWIS S. EATON TRAIL EXTENSION PROJECT



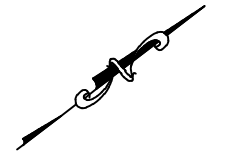
Exhibit B

EATON TRAIL PROPOSED PROJECT SAN JOAQUIN RIVER FRESNO/MADERA COUNTIES

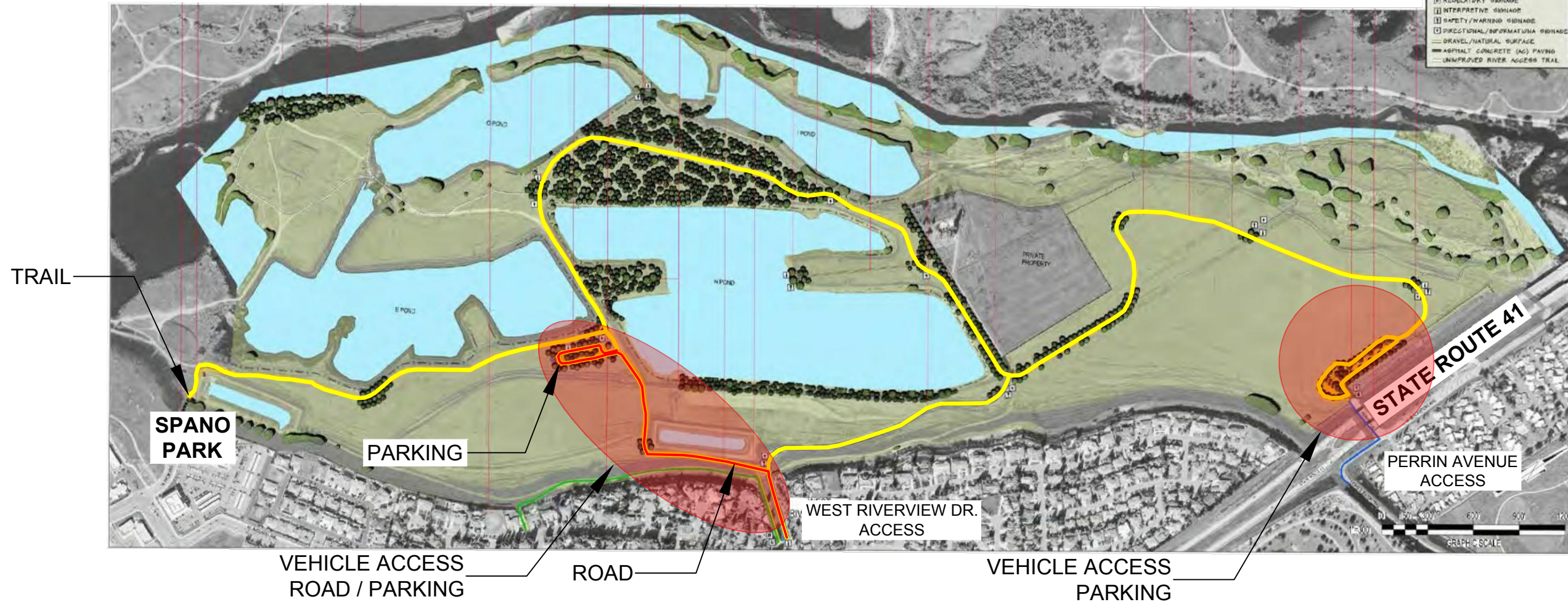


NO SCALE

SITE



LEGEND	
	PARK BENCH
	FIRE HYDRANT
	PEF STATION
	PARKING PAY STATION
	LIGHT POLES
	TWO-RAIL SPLIT CEDAR FENCE
	PARK ENTRANCE SIGN
	REGULATORY SIGNAGE
	INTERPRETIVE SIGNAGE
	SAFETY/WARNING SIGNAGE
	DIRECTIONAL/INFORMATIONAL SIGNAGE
	GRAVEL/NATURAL SURFACE
	ASPHALT/CONCRETE/ASP PAVING
	UNIMPROVED RIVER ACCESS TRAIL



ALTERNATIVE 1

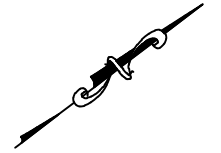
Exhibit C

EATON TRAIL
 ALTERNATIVE 1
 SAN JOAQUIN RIVER
 FRESNO/MADERA
 COUNTIES

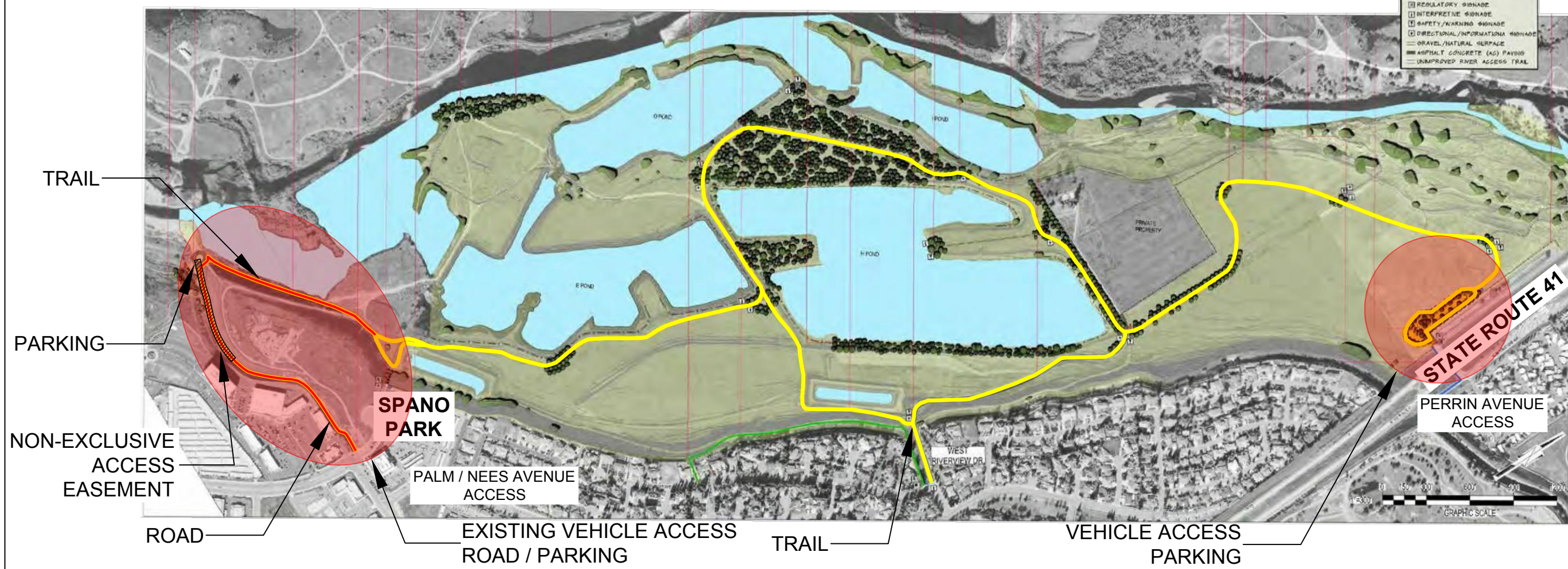


NO SCALE

SITE



LEGEND	
[Symbol]	PARK BENCH
[Symbol]	FIRE HYDRANT
[Symbol]	PET STATION
[Symbol]	PARKING PAY STATION
[Symbol]	LIGHT POLES
[Symbol]	TWO-RAIL SPLIT CEDAR FENCE
[Symbol]	PARK ENTRANCE SIGN
[Symbol]	REGULATORY SIGNAGE
[Symbol]	INTERPRETIVE SIGNAGE
[Symbol]	SAFETY/WARNING SIGNAGE
[Symbol]	DIRECTIONAL/INFORMATION SIGNAGE
[Symbol]	GRAVEL/NATURAL SURFACE
[Symbol]	ASPHALT CONCRETE (AC) PAVING
[Symbol]	UNIMPROVED RIVER ACCESS TRAIL



ALTERNATIVE 5

Exhibit D

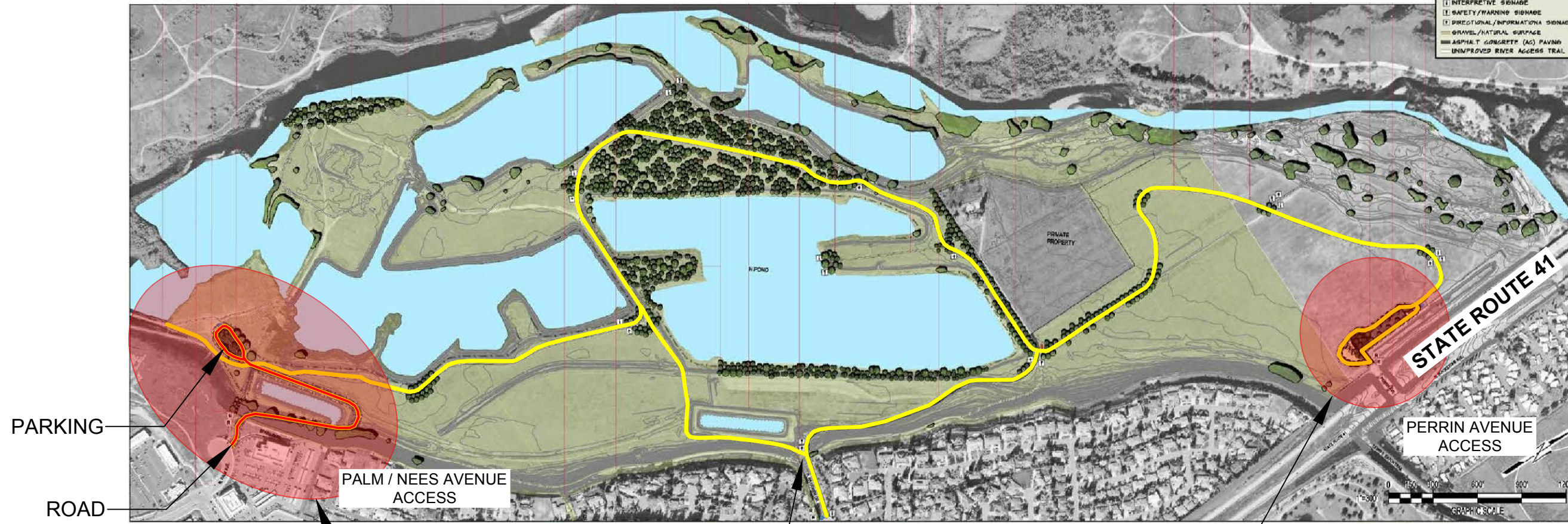
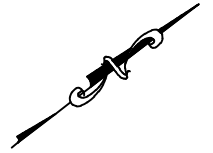
EATON TRAIL
 ALTERNATIVE 5
 SAN JOAQUIN RIVER
 FRESNO/MADERA
 COUNTIES



NO SCALE

SITE

LEGEND	
	PARK BENCH OR PICNIC TABLE
	FIRE HYDRANT
	PET STATION
	PARKING PAY STATION
	LIGHT POLES
	TWO-SIDE SPLIT CEDAR FENCE
	PARK ENTRANCE SIGN
	REGULATORY SIGNAGE
	INTERPRETIVE SIGNAGE
	SAFETY/WARNING SIGNAGE
	DIRECTIONAL/INFORMATIONAL SIGNAGE
	GRAVEL/NATURAL SURFACE
	ASPHALT/CONCRETE (AC) PAVING
	UNIMPROVED RIVER ACCESS TRAIL



PARKING

ROAD

PALM / NEES AVENUE ACCESS

VEHICLE ACCESS ROAD / PARKING

TRAIL

VEHICLE ACCESS PARKING

STATE ROUTE 41

PERRIN AVENUE ACCESS



ALTERNATIVE 5B

Exhibit E

EATON TRAIL
 ALTERNATIVE 5B
 SAN JOAQUIN RIVER
 FRESNO/MADERA
 COUNTIES



NO SCALE

SITE

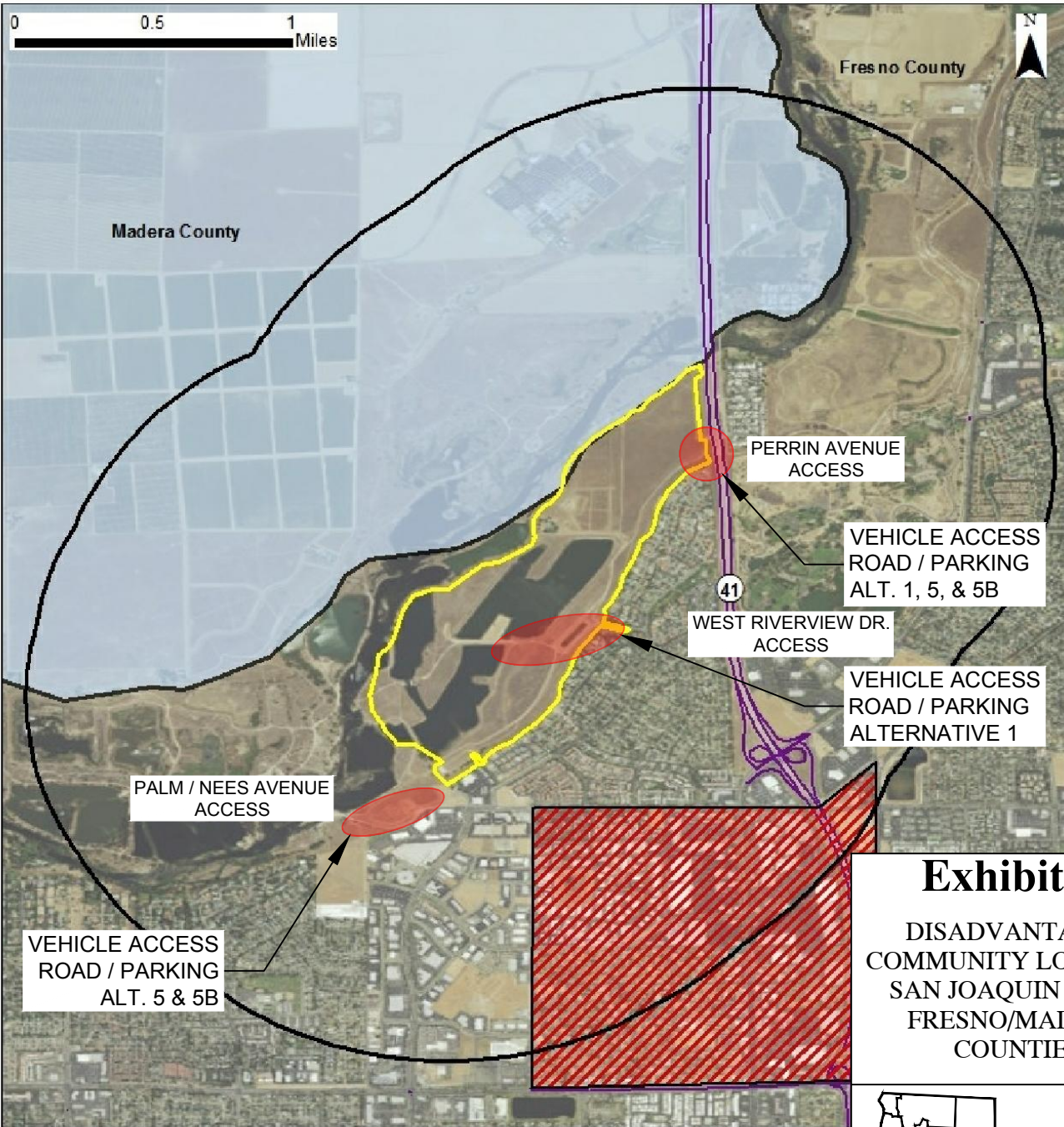


Exhibit F

DISADVANTAGED
COMMUNITY LOCATION
SAN JOAQUIN RIVER
FRESNO/MADERA
COUNTIES



1360 E Spruce Ave
Fresno, Ca
93720

Location of Census Tracts 601904404 and
603901000

- Project Study Area
- Census Tract 601904404
- 1 mile radius
- Census Tract 603901000

Data obtained from CalEnvironScreen 2.0 Office of
Environmental Health Hazard Assessment

DISADVANTAGED COMMUNITY LOCATION