

COASTAL CONSERVANCY

Staff Recommendation
June 29, 2006

**SAN FRANCISCO BAY AREA WATER TRAIL EDUCATION AND PARTNERSHIP
DEVELOPMENT**

File No. 06-040
Project Manager: Ann Buell

RECOMMENDED ACTION: Authorization to disburse up to \$50,000 to Bay Access, Incorporated to develop an outreach and communications plan and initiate the development of an environmental education and stewardship program in support of the San Francisco Bay Area Water Trail.

LOCATION: All nine San Francisco Bay Area counties (San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin) (Exhibit 1).

PROGRAM CATEGORY: San Francisco Bay Area

EXHIBITS

Exhibit 1: Map of the San Francisco Bay Area

Exhibit 2: Bay Access Water Trail Map for 2003 Prospectus

Exhibit 3: S.F. Bay Area Water Trail Planning Map (2006)

Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to Bay Access, Incorporated to develop an outreach and communications plan and initiate the development of an environmental education and stewardship program in support of the San Francisco Bay Area Water Trail. This authorization is subject to the condition that prior to the disbursement of any Conservancy funds, Bay Access, Incorporated shall submit for review and written approval of the Executive Officer a detailed work program, budget and schedule; and the names and qualifications of any contractors and subcontractors that it intends to employ.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The San Francisco Bay Area Water Trail Education and Partnership Development project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31160-31165 regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The San Francisco Bay Area Water Trail Education and Partnership Development project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Bay Access, Incorporated is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

PROJECT SUMMARY:

Staff requests authorization to disburse up to \$50,000 to Bay Access, Incorporated (Bay Access) to develop an outreach and communications plan and initiate the development of an environmental education and stewardship program in support of the newly conceived and legislatively mandated San Francisco Bay Area Water Trail (Water Trail). The proposed work will complement and expand upon the work of the Bay Conservation and Development Commission, the Conservancy, and the Association of Bay Area Governments, who are working with a steering committee of stakeholders (including Bay Access) to create the San Francisco Bay Area Water Trail Plan by January 2008 (See “Project History”). The proposed project is a priority for Bay Program staff because it will bring additional expertise and members of the public into the planning process, will begin the process of educating Water Trail users about environmental and safety issues, and will help lay the foundation for the implementation of the Water Trail, which the Conservancy will coordinate. Bay Access anticipates completing the project in two years.

The San Francisco Bay Area Water Trail Act, signed into law by Governor Schwarzenegger in September 2005, established the Water Trail as a network of access sites that enables people in non-motorized boats to safely enjoy continuous single and multiple-day trips in San Francisco Bay. Informally, a Water Trail already exists on the Bay. Non-motorized small boat users currently enjoy point-to-point access in some portions of the Bay and have a small number of options for multi-day excursions (See “Site Description”). Implementation of a formal Water Trail after the current planning process is completed is expected to advance navigational safety; avoid or minimize impacts to sensitive wildlife; promote stewardship; achieve greater public education about wildlife protection issues; and increase opportunities for overnight stays at trail heads by improving camping and lodging nearby.

Bay Access, a nonprofit organization dedicated to the creation of the San Francisco Bay Area Water Trail, proposes to develop educational materials such as an interactive website, a newsletter, and a brochure describing the Water Trail concept for use by managing agencies and Water Trail users. These materials will serve to engage and inform the public in anticipation of the implementation of the official trail. Bay Access will work with other members of the Water Trail Plan steering committee to decide upon appropriate content for the educational materials.

Through educational outreach using these materials, Bay Access will develop a constituency for the Water Trail and will partner with environmental education groups and public agencies to develop a stewardship model and prototype signage to be used at test sites.

Bay Access provided Bay Program staff with several case studies of what they feel exemplifies the kind of partnerships they will be able to form or strengthen, and the importance of a stewardship program for all sites. One such case is at Islais Creek in San Francisco (Site #81 on the Bay Access Water Trail Map, Exhibit 2), described by Bay Access as follows:

“Islais Creek Neighborhood Park started as a patch of bare dirt on the bank of Islais Creek on the southern San Francisco waterfront and attracted the type of activity that no one wants in their neighborhood. A partnership between the Port of San Francisco (the owner), the Islais Creek Neighborhood Association (worried neighbors) and the Coastal Conservancy (funding agency) converted this derelict eyesore into a neighborhood park. A local outrigger canoe team was given space to store their canoes in the park in return for creating a presence in the park that would keep undesirable elements away. When the outrigger team moved to a better location, the park began to deteriorate. Bay Access was able to broker a partnership between the Port of San Francisco, the American Canoe Association, which provided a grant for a storage facility and also necessary liability insurance, and a group of local kayakers wishing to form a nonprofit cooperative at the site. Called Kayaks Unlimited, they are provided rent-free space to store kayaks with access to the beach in return for providing a presence and stewardship for the park. This park will become a test case for possible stewardship projects at other sites especially in the blighted post-industrial waterfront areas.”

Another case study is at Higgins Dock on Corte Madera Creek in Marin County (Site #11 on the Bay Access Water Trail Map, Exhibit 2)

“Higgins Dock on Corte Madera Creek has been for 30 years the only public water access for the people of Corte Madera. In 2005 it was determined by the town that the dock was deteriorated and, citing liability concerns, they had it removed. Local citizens petitioned the town council to re-instate the dock and a feasibility/planning process was undertaken and is in progress. Because of the Water Trail legislation and because Higgins Dock is one of the sites identified by Bay Access for the Water Trail, the town manager invited Bay Access to participate on the Planning Task Force. In addition to providing an end-user’s prospective, Bay Access was able to identify a potential additional funding source for the dock. Hopefully the current dialogue between town planners, engineers, local residents, consultants and Bay Access will result in a new public dock that will benefit citizens of the town and surrounding area for the next 30 years. One fringe benefit is that the Town of Corte Madera has an excellent consulting ADA [Americans with Disabilities Act] architect with experience in dock design that may be utilized for the Water Trail planning process at BCDC.

Higgins Dock is close to an environmentally sensitive marsh and because the dock had been used by the local high school for environmental studies, this site would be one we would consider for prototype signage and stewardship to educate both students and others about the use of small boats near sensitive habitat.”

The Bay Access board includes professionals from the fields of environmental planning, recreational program management, law, finance, development, and community organizing. The partnerships that they have already developed with boating groups and environmental education groups and nonprofits and the experience they have gained at several sites around San Francisco Bay have put them in a good position to embark on this proposed project. Their success in creating the San Francisco Bay Area Water Trail Act attests to their vision, perseverance, and commitment to the project.

Site Description: Which landing and launching sites will ultimately become part of the official Water Trail is not yet known, but the sites will be within the nine San Francisco Bay Area counties and navigable waters and tributaries under tidal influence that are part of or feed into San Francisco Bay. Two maps depicting potential site locations have been developed to date. Bay Access produced a map of 86 sites meeting certain criteria (currently used or planned; allows public access; includes on-site parking; relatively easy approach to the water for hand-carried boats; located within a reasonable paddle to another site) as part of their *Prospectus for the San Francisco Bay Area Water Trail* published in 2003 (Exhibit 2). BCDC developed a GIS-based map this year of 138 public, private, and planned sites for non-motorized small boats for discussion purposes at the current Water Trail planning meetings that BCDC is leading (Exhibit 3). An official Water Trail map depicting sites that will be part of a managed system will not be published until the legislature accepts the Water Trail Plan in 2008.

Project History: Assembly Bill 1296, establishing the San Francisco Bay Area Water Trail (Water Trail), was signed into law in September 2005. Authored by Assemblywoman Loni Hancock with help from Bay Access and others, the Water Trail legislation directs the San Francisco Bay Conservation and Development Commission (BCDC) to work in cooperation with the Coastal Conservancy, Association of Bay Area Governments (ABAG), and other entities to develop a plan for the Water Trail by January 2008. The legislation directs the Conservancy to not only help create the Water Trail Plan through active collaboration and coordination, but also to be the lead agency in the development and funding of projects implementing the Water Trail once the Plan is accepted by the legislature (see Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31162(a), 31163(d)(1), 31163(d)(2), and 31163(d)(3); also see “Consistency with Conservancy’s Enabling Legislation” below).

The board members of Bay Access worked collaboratively with others for more than four years to develop the concept of the Water Trail and the legislation that became AB 1296. They exist as a nonprofit solely to promote the Water Trail and facilities to support it, and are well suited to undertake this outreach and stewardship development work because of their long-term commitment to the project, the knowledge base of their board and membership, and the experience they have gained over the past four years as they created the Water Trail concept and made the Water Trail project a reality. Almost all of this previous work was done on a voluntary basis, with no paid staff to date.

PROJECT FINANCING:

Coastal Conservancy	\$50,000
Bay Access, Incorporated (cash and in-kind)	<u>40,800</u>
Total Project Cost	\$90,800

The expected source of Conservancy funds is the fiscal year 2005-2006 appropriation from the California Beach and Coastal Enhancement Account, California Environmental License Plate Fund. The Environmental License Plate Fund account may be used for the purposes of coastal natural resource and enhancement projects, as well as other projects consistent with Division 21 of the Public Resources Code (Vehicle Code Section 5067(c)(1)(B)). As discussed in detail below, the project is consistent with Chapter 4.5 of Division 21 as it serves to assist in the development and implementation of the Water Trail.

The matching funds from Bay Access shown above include \$28,800 of in-kind service anticipated over the two-year period of the grant. Previous in-kind service dedicated to the development of the concept and legislation for the Water Trail amounted to at least \$200,000, with \$60,000 of that amount coming from the donated time of the National Park Service's Rivers, Trails, and Conservation Assistance Program and the remainder from Bay Access board members. If community members' time were included in this estimate, the total in-kind service already donated would be even higher.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Section 31160-31165, to address resource and recreation goals in the San Francisco Bay Area. In particular, the Conservancy may award grants to improve public access to, within, and around the bay and without having a significant adverse impact on environmentally sensitive areas and wildlife, including wetlands and other wildlife habitats, through completion and operation of bay, coast, water, and ridge trail systems (Section 31162(a)); to assist in the implementation of the adopted plans of local governments and special districts (Section 31162(c)); and promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes (Section 31162(d)). The initial development of the Water Trail under the proposed project will serve to forward each of these objectives in a manner that promotes access and recreation while protecting natural resources.

This project is appropriate for prioritization under the selection criteria set forth in Section 31163(c) in that (1) it is supported by adopted local or regional plans, such as the San Francisco Bay Plan, as amended (see "Consistency with San Francisco Bay Plan"); (2) it includes multi-jurisdictional participation from federal and state agencies, such as the U.S. Fish and Wildlife Service and California Department of Boating and Waterways; regional commissions, districts and councils, such as the Bay Conservation and Development Commission, East Bay Regional Park District, and Association of Bay Area Governments; and serves a regional constituency around all of San Francisco Bay and beyond; (3) can be implemented in a timely way because Bay Access is committed to this project and seeing the Water Trail become a reality as quickly as is possible; and (4) includes matching funds as described under "Project Financing" above.

Conservancy authorization to fund this proposed project would also be consistent with Sections 31163(d)(1), 31163 (d)(2), and 31163(d)(3), which direct the Conservancy to be the lead agency

in the funding and development of projects implementing the San Francisco Bay Area Water Trail Plan, including the awarding of grants that are generally consistent with and advance the preparation or implementation of the plan, and which help coordinate a collaborative partnership with others in the preparation of the plan.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 11, Objective A** of the Conservancy's Strategic Plan, the proposed project will help to provide recreational facilities such as staging areas, docks and piers, campgrounds, and parking lots, as appropriate, as part of the implementation of the San Francisco Bay Area Water Trail.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** This project has the support of legislators such as Loni Hancock and Sheila Kuehl, National Park Service, BCDC, California Department of Boating and Waterways, San Francisco Bay Trail Project (ABAG), Port of San Francisco, East Bay Regional Park District, Save the Bay, non-motorized boating groups and businesses (Bay Area Sea Kayakers, Western Sea Kayakers, San Francisco Board Sailing Association, City Kayak) and others (Exhibit 4).
4. **Location:** The nine San Francisco Bay Area counties, within the jurisdiction of the Bay Conservation and Development Commission, and within the jurisdiction of the San Francisco Bay Area Conservancy Program (see "Site Description").
5. **Need:** Bay Access has a dedicated and highly skilled volunteer work force, but does not have the funds needed to carry out the proposed project.
6. **Greater-than-local interest:** The San Francisco Bay Area Water Trail is a regional project serving the nine-county Bay Area.

Additional Criteria

7. **Urgency:** It is important to build public awareness of the Water Trail now rather than only after the Water Trail Plan is complete in January 2008 so that the future trail is incorporated into the planning process for any proposed development or redevelopment along the shoreline.

8. **Resolution of more than one issue:** Stewardship of Water Trail sites will create a sense of ownership for the sites while also providing volunteer maintenance help where no funds are available to manage sites.
9. **Leverage:** See the “Project Financing” section above.
10. **Conflict resolution:** Educational materials will promote both safe use of the Water Trail and appropriate boating etiquette to avoid negative impacts to wildlife and water quality.
11. **Realization of prior Conservancy goals:** “See “Project History” and “Consistency with Conservancy’s Enabling Legislation” above.
12. **Cooperation:** The planning process for the development of the Water Trail Plan is a highly cooperative effort, both as directed by legislation and as evidenced by the active participation of a broad range of public and private agencies and organizations, as discussed under “Support of the Public” above. The proposed project will include and expand upon this already broad array of stakeholders

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

This project is consistent with the *San Francisco Bay Plan (Bay Plan)* adopted by the San Francisco Bay Conservation and Development Commission (BCDC) in 1969, as amended. The most pertinent sections are found in “Part IV, Development of the Bay and Shoreline: Findings and Policies” (specifically “Recreation”) and “Part VI, Bay Plan Maps.” Excerpts from the Recreation Findings and Policies are presented below.

Findings and Policies Concerning Recreation On and Around the Bay (Bay Plan, 1969, as amended)

Finding a) “...increased interest in the Bay has resulted in development of additional parks, marinas, and other forms of water-oriented recreation. But the full recreational potential of the Bay has by no means been reached.”

Finding b) “Many more recreational facilities will be needed.”

Finding c) “Planning for park uses along the Bay and shoreline should anticipate needs as far into the future as possible.”

Policy 1) “As the population of the Bay region increases, more people will use their leisure time in water-oriented recreation activities. Water-oriented recreation facilities such as marinas, launch ramps, beaches, and fishing piers should be provided to meet those needs.”

Policy 2) “The Commission should also allow additional marinas, boat-launching lanes, and fishing piers elsewhere on the Bay, provided they would not...destroy valuable marshes or mudflats, and would not harm identified valuable fish and wildlife resources.”

On April 18, 2006, BCDC distributed for public comment a major amendment to the *Bay Plan* Recreation Findings and Policies and Maps 1-7. The San Francisco Bay Area Water Trail is acknowledged throughout with a special recognition of the importance of launch sites for non-motorized small boats. Important sections are summarized or quoted below.

Findings—Newly proposed Finding “f” recognizes that non-motorized small boat activity is increasing in popularity and requires facilities, and newly proposed Finding

“g” recognizes the establishment of the San Francisco Bay Area Water Trail and the need for facilities to implement it.

Other re-lettered and amended findings focus on the need to reconcile recreation with habitat and wildlife conservation. New findings “r,” “s,” and “t” state:

“Wildlife refuges, wildlife areas and ecological reserves have significant recreation potential that is limited by the requirements of their primary mission of providing safe haven for fish, other aquatic organisms and wildlife. Compatible recreation activities that protect wildlife can educate the public, foster support for wildlife protection and potentially expand opportunities for wildlife compatible recreational activities.” (“r”)

“Waterfront parks can serve as important gateways to wildlife refuges, wildlife areas and ecological reserves by providing staging and education opportunities and serving as buffers between these lands and developed areas.” (“s”)

“Education, interpretation and volunteerism can be provided for in water-oriented recreation facilities and wildlife refuges, wildlife areas and ecological reserves.” (“t”)

Policies—Language has been added in several places that encourages development of facilities for non-motorized small boats in marinas, at launch ramps, and in waterfront parks. Relevant proposed language includes:

Non-Motorized Small Boats

- “Access points should be located, improved and managed to avoid significant adverse impacts on wildlife, and should provide for diverse water-accessible overnight accommodations, including camping.”
- Also, “where feasible, overnight parking should be provided” and “Site improvements, such as landing and launching facilities, restrooms, rigging areas, equipment storage and concessions, and programs such as education that address navigational safety, security, and wildlife compatibility and disturbance should be provided...”

In Waterfront Parks

“In waterfront parks that serve as gateways to wildlife refuges, provide interpretive materials and programs that inform visitors about the wildlife and habitat values present in the park and wildlife refuges. Instructional materials should include information about the potential for adverse impacts on wildlife, plant and habitat resources from certain activities.”

Maps—Bay Plan Maps #1-7 each contain added language recognizing the Water Trail. In addition, language is added calling for small boat landing facilities at more than 25 specific sites.

COMPLIANCE WITH CEQA: Under California Code of Regulations Title 14, Section 15262, feasibility and planning activities are statutorily exempt from California Environmental Quality Act (CEQA) review. Developing an outreach and communications plan and initiating the development of an environmental stewardship program in support of the San Francisco Bay Area Water Trail are planning activities that are intended to broaden participation in the development of the Water Trail Plan, and garner support for the implementation of the Water Trail in the future. On completion, the plan for communication will provide guidelines for the Water Trail planning. The stewardship program will serve as a model for consideration and future planning. Neither will have a legally binding effect on future actions. Finally, as also required by Section 15262, environmental factors will be key considerations in the development of the communications plan and stewardship program.