

COASTAL CONSERVANCY

Staff Recommendation  
March 17, 2011

**SAN FRANCISCO BAY AREA WATER TRAIL BLOCK GRANT #1**

Project No. 07-017-02  
Project Manager: Ann Buell

**RECOMMENDED ACTION:** Consideration and certification of the San Francisco Bay Area Water Trail Plan Final Environmental Impact Report; consideration and adoption of the Enhanced San Francisco Bay Area Water Trail Plan; and consideration and authorization to disburse up to \$1,000,000 to the Association of Bay Area Governments to develop and implement various projects for the San Francisco Bay Area Water Trail.

**LOCATION:** San Francisco Bay, its shoreline, and tributaries within the San Francisco Bay Conservation and Development Commission's jurisdiction (Alameda, Santa Clara, San Mateo, San Francisco, Marin, Sonoma, Solano, Napa, and Contra Costa Counties) (Exhibit 1)

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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**EXHIBITS**

- Exhibit 1: [Project Location Map and Photographs](#)
- Exhibit 2: [San Francisco Bay Area Water Trail Plan Final Environmental Impact Report, including the Mitigation Monitoring and Reporting Program](#)
- Exhibit 3: [Enhanced San Francisco Bay Area Water Trail Plan](#)
- Exhibit 4: [Project Letters and News Articles](#)
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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby:

1. Certifies the *San Francisco Bay Area Water Trail Plan Final Environmental Impact Report* (FEIR), attached to the accompanying staff recommendation as Exhibit 2, and authorizes the Conservancy to implement the *Enhanced San Francisco Bay Area Water Trail Plan* (Enhanced Water Trail Plan), attached to the accompanying staff recommendation as Exhibit 3, consistent with Alternative 3 of the FEIR, as modified by incorporation of all mitigation

measures identified in the FEIR, and adopts the Mitigation Monitoring and Reporting Program (Exhibit 2).

2. Authorizes disbursement of up to \$1,000,000 (one million dollars) to the Association of Bay Area Governments (ABAG) to develop and implement various projects for the San Francisco Bay Area Water Trail, directly or through subgrants, subject to the following conditions:
  - a. Prior to commencement of any work on the project, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a work plan for the project as a whole, including budget and schedule.
  - b. Prior to commencement of work on, disbursement of funds for, or entering into any contract or subgrant agreement for any specific project, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy with respect to that project:
    - i. A work plan, budget and schedule.
    - ii. The names and qualifications of any contractors ABAG intends to retain to complete the project.
    - iii. The proposed agreement with any subgrantee to whom ABAG intends to award grant funds to undertake the project.
    - iv. Documentation that all permits and approvals for the project work have been obtained.
  - c. In developing and implementing projects, ABAG shall ensure compliance with all applicable mitigation and monitoring measures for the project that are identified in the FEIR and in the Mitigation Monitoring and Reporting Program, both attached to the accompanying staff recommendation as Exhibit 2, or in any permits, approvals or additional environmental documentation required for the project.
  - d. For any project subject to the California Environmental Quality Act (CEQA), no Conservancy funds shall be disbursed toward implementation until the Conservancy, through the San Francisco Bay Area Water Trail Project Management Team (“PMT”) (comprised of staff of the Conservancy, San Francisco Bay Conservation and Development Commission, ABAG, and the Department of Boating and Waterways) has determined that the project requires no further environmental documentation beyond the FEIR under CEQA, or if additional environmental documentation is required, that the Conservancy or other appropriate public agency has undertaken the additional documentation required under CEQA and the Conservancy has reviewed that additional documentation.
  - e. ABAG shall ensure that Conservancy funding is acknowledged through the inclusion of the Conservancy logo, in a manner approved by the Conservancy’s Executive Officer, in signs installed at project sites and in all media produced and managed under this grant.
3. Adopts the Enhanced Water Trail Plan, attached as Exhibit 3 to the accompanying staff recommendation.”

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 proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
3. The Conservancy has independently reviewed and considered the information contained in the FEIR pursuant to its responsibilities under CEQA (CEQA Guidelines, 14 California Code of Regulations Section 15090). The FEIR has been completed in compliance with CEQA under the direction and supervision of the Conservancy and reflects the Conservancy’s independent judgment and analysis.
4. The FEIR identifies potentially significant effects from implementation of the Water Trail project in the areas of Recreation; Navigational Safety; Aesthetics; Biological Resources; Cultural Resources; Hydrology and Water Quality; and Transportation, Circulation, and Parking. As modified by incorporation of the mitigation measures identified in the FEIR (Alternative 3), implementation of the Enhanced Water Trail Plan will avoid, reduce, or mitigate all of the possible significant environmental effects of the project on these resource areas, as described in the accompanying staff report and the FEIR.
5. There is no substantial evidence that the implementation of the Enhanced Water Trail Plan, as mitigated, will have a significant effect on the environment.”

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**PROJECT SUMMARY:**

Staff recommends that the Conservancy 1) certify the *San Francisco Bay Area Water Trail Plan Final Environmental Impact Report* (FEIR), and adopt the Mitigation Monitoring and Reporting Program (MMRP); 2) adopt the *Enhanced San Francisco Bay Area Water Trail Plan*, which incorporates the FEIR mitigation measures and which is the environmentally superior alternative under the FEIR; and 3) authorize a grant of \$1,000,000 to ABAG for the purpose of funding and managing a variety of individual projects that will further the development of the San Francisco Bay Area Water Trail.

**Introduction.** The California legislature established the San Francisco Bay Area Water Trail project, hereafter referred to as the “Water Trail,” or “WT,” by enacting the Water Trail Act (Assembly Bill 1296, Hancock; see Appendix A to FEIR) in September 2005 (see “Project History” for more detail). The WT is intended to improve access to the Bay and its shoreline for non-motorized small boat (“NMSB”) users; and to advance the San Francisco Bay Conservation and Development Commission’s (“BCDC”) mandate to foster public access and recreational use of the Bay. The WT Act does not create any new or additional regulatory or enforcement authority for the agencies implementing the WT.

Improved access, as described in the WT Act, includes linking existing and future NMSB access locations around the Bay and providing diverse water-accessible overnight accommodations,

including camping, to the extent feasible. The legislation also states that the WT shall be developed in a manner that will:

- Respect the rights of private property owners,
- Consider navigational safety and homeland security concerns in siting access locations and overnight accommodations,
- Minimize adverse effects on agricultural operations, and
- Protect endangered and threatened species, and species of special concern.

BCDC conducted a public process to develop the San Francisco Bay Area Water Trail Plan (WT Plan), resulting in a final draft in 2007. The WT Plan includes trailhead development and management strategies, organizational structure and responsibilities, a trailhead designation process, and guidance on trail planning and program development.

The WT Act directs the Conservancy to lead the funding and development of projects implementing the WT Plan (See “Consistency with Enabling Legislation” for more detail). To that end, Conservancy staff and consultants have prepared the FEIR (Exhibit 2), for which the Conservancy is the lead agency, and an Enhanced Water Trail Plan (Exhibit 3) based on the 2007 WT Plan and the results of the environmental review process. Conservancy staff is also requesting authorization to grant funding to ABAG for the purpose of helping to develop and implement the next steps in the WT project.

**Project Description.** The WT project would create a network of landing and launching sites, or “trailheads,” to allow people in non-motorized, small boats (NMSBs) to enjoy the richness of the nine-county San Francisco Bay Area through single and multiple-day trips on the Bay. NMSBs for this project are defined as any type of paddle or rowing vessel (e.g., kayak, dragon boat, rowboat, whale boat, scull, outrigger canoe) or sailboard (windsurf board or kiteboard). The WT is intended to promote safe and responsible use of the Bay, while protecting and increasing appreciation of its environmental and cultural resources through education and strategic access to the Bay. The WT has the potential to enhance Bay Area communities’ connections to the Bay and create new linkages to existing shoreline open space and other regional trails.

NMSB access to the Bay is currently provided on a site-by-site basis by a variety of site owners and operators, both public and private. The competing pressures of increased NMSB use and increased development in the Bay Area point to the benefits that a planned and coordinated approach to NMSB access and use in the Bay could provide. For example, there is no overall effort to ensure that access sites are provided at optimal locations in terms of boater safety, environmental protection, or distance between sites. Facility needs vary, but the *Non-Motorized Boating in California* survey (2009), undertaken by the California Department of Boating and Waterways (Cal Boating), found that of the 15 facility needs assessed, improved access was rated as the highest need for NMSB users in San Francisco Bay, followed by parking. Improved parking security and overnight parking to allow for multi-day trips were key points of concern. Lack of access was the main reason that users avoided areas throughout San Francisco Bay.

Natural deterioration and a lack of funding to pay for repairs may lead to the loss of existing NMSB access locations over time. Without an overarching program, such as the WT, to help find funding to replace or improve deteriorating sites, additional access sites may be lost.

The WT is expected to provide the following benefits or address the following needs:

- Create a coordinated, linked (through maps and planning) set of NMSB access locations allowing for single point, multiple point, and multi-day excursions
- Improve existing boat launch facilities and develop more overnight facilities, including camping, along the shoreline for NMSB users
- Promote placement of enhanced facilities and any new access locations in areas where they would provide the greatest recreational benefit and avoid or minimize significant adverse impacts to wildlife and habitat and/or agricultural operations
- Plan for increased NMSB use associated with regional population growth and changes in population demographics
- Promote safe boating practices for non-motorized small boat users
- Reduce impacts to sensitive wildlife and habitat and other resources through education of boaters
- Distribute and make available high quality information regarding NMSB access facilities through the development of educational and outreach materials, including, without limitation, a website, maps, brochures, and a guidebook
- Foster stewardship of the Bay and of trailhead facilities
- Increase opportunities to recreate close to home and use public transportation rather than private vehicles (through the addition of boat storage facilities, for example)
- Streamline planning and implementation of high priority site enhancements through the programmatic FEIR
- Potentially provide economic benefits to waterfront and water-oriented businesses
- Expand the connections with other regional trail systems (Bay Trail, Ridge Trail) to include the waters of the Bay
- Reduce user conflicts among recreational users of launch sites through planning and facility design
- Develop design guidelines for NMSB facilities that address the shoreline topography of San Francisco Bay and serve NMSB users with mobility limitations
- Provide funding, publicity, and, indirectly, possible economic growth to site owners/managers through a variety of business opportunities related to water-oriented recreation (e.g., boat storage, rental concessions)

***The Water Trail Plan.*** The WT Plan identifies a starting pool of potential WT sites (“Backbone Sites”) located along the shoreline of the nine San Francisco Bay Area counties served by the Conservancy’s Bay Program (Exhibit 1). Per the WT Act, all of the potential, existing launch or landing sites and all future sites must be located within the geographic limits of the jurisdiction of BCDC (see “Site Description,” below, for more details). Of the 112 Backbone Sites identified in the WT Plan for possible designation as part of the WT network, 95 already exist, and 57 of the 95 existing sites are fully functional and meet the “High Opportunity Sites” criteria described below. The other 17 are planned sites. The WT Plan allows for the addition of more sites in the future. See Exhibit 1 for the distribution of the Backbone Sites around the Bay and page 2-24 of the FEIR for a list of sites by county.

These 112 Backbone Sites do not comprise the final WT network. Instead, the network would be gradually established over time as each Backbone Site and other new sites are considered for

designation as a WT trailhead (described below). This starting pool of Backbone Sites includes sites that fulfill two basic criteria:

1. Have launch facilities or planned facilities (e.g., ramp, float, etc.) or launch areas (e.g., a beach) that are used for NMSB access or are planned for this use, and
2. Are open to the public.

A few Backbone Sites are privately owned, and some sites may impose a fee for use of the launching facility, whether private or public.

Conditions that would preclude inclusion in the WT include:

- The site lacks necessary facilities and does not have the space or capacity to ever provide any of these additional amenities, and is unlikely to be an interesting or useful destination site,
- Property ownership or rights are unclear for the site, or
- The site owner or manager does not want the site to be part of the WT.

High Opportunity Sites (“HOS”) are ones where:

- Launch facilities do not require additional improvements beyond signage, and
- No major management issues (necessitating further site assessment, planning, or management changes prior to designation)(e.g., user conflicts, wildlife disturbances, health risks from poor water quality) are expected to be caused by trailhead designation.

Trailhead owners and managers would seek inclusion in the WT network on a voluntary basis.

**Growth in NMSB Use.** While the WT Act is intended to expand and enhance community opportunities to enjoy NMSB outings on San Francisco Bay (especially multiple-day trips) and the benefits of healthful recreation in a natural setting, it is not specifically designed to increase NMSB use as a goal in and of itself. With or without the WT, NMSB use in the Bay Area is expected to grow over time at an estimated rate of 3.84%, based on a Cal Boating 2006 survey published in 2009 (*Non-Motorized Boating in California*). New or newly inspired NMSB users on the Bay would join the estimated 174,000 NMSB users already thought to possibly be using San Francisco Bay, based on 2006 data on ownership of NMSBs in the Bay Region. These NMSBs may be sharing the Bay with a roughly equal number of (mostly) recreational motorized boats (based on registration).

Implementation of the WT may result in some growth in NMSB use above this growth already predicted by Cal Boating. This growth is unpredictable and expected to be small relative to population-induced growth, but it is nonetheless at the center of the environmental analysis conducted under CEQA (see “Compliance with CEQA,” below). During the trailhead designation process, potential impacts associated with the designation of specific sites will be reviewed as appropriate under CEQA.

**Trailhead Designation Process and How the Water Trail will be Managed.** The trailhead designation process is expected to be similar for all sites, but will be simpler for sites that pose no potential significant environmental effects. After a site owner/manager expresses interest in joining the WT, WT staff (from the Conservancy or ABAG, if grant funding is authorized) will work with the owner/manager to create a Site Description and the Project Management Team

(led by Conservancy staff and including BCDC, ABAG, and Cal Boating) and an advisory committee will use an environmental checklist based on the WT FEIR to see if the site is truly an HOS and only needs signage under the WT FEIR. If so, the PMT will recommend conditional designation and after a sign that meets the needs of the site and is consistent with the Enhanced WT Plan is created and installed, the site will be officially designated as a WT Site by the PMT. Decisions to designate sites will be made at public meetings and all stakeholders will be welcome to participate in the meeting, although the PMT will make the final decision on designation.

If, after the development of a site description the PMT and advisory committee find, through use of the environmental checklist, that designation of the site may result in significant environmental effects, a more detailed Trailhead Plan will be developed and appropriate mitigation measures from the WT FEIR (or a CEQA document tiered off of the WT FEIR, or another existing certified FEIR or Mitigated Negative Declaration for the site in question) will be identified before the site is designated. In any case, when the environmental checklist for the site indicates that designation of the site involves new significant environmental effects or effects substantially greater in magnitude than previously considered by the FEIR or requires feasible mitigation measures not already identified in the FEIR, Conservancy staff will undertake required additional CEQA environmental documentation, and, as needed, provide it to the Conservancy to make findings before designation may occur.

**Role of ABAG in Implementation of the WT.** ABAG is a regional planning agency for the nine counties and 101 cities and towns of the San Francisco Bay region. All of these jurisdictions are voluntary members of ABAG, which represents the population of the entire region. ABAG's mission is to strengthen cooperation and coordination among local governments. In doing so, ABAG addresses social, environmental, and economic issues that transcend local borders.

ABAG successfully administers two projects that are consistent with the goals of the Bay Program of the Conservancy: the San Francisco Bay Trail project and the San Francisco Estuary Partnership. The Bay Trail, in particular, has received substantial financial support from the Bay Program over the past decade in the form of block grants. ABAG has managed these grants very successfully and its Bay Trail staff has worked with site owners and managers from municipalities around the entire Bay to implement more than 300 miles of the 500-mile goal for the Bay Trail.

Based on this track record of success, ABAG's participation in the development of the Water Trail since 2005, and the similarities between the Bay Trail and the Water Trail, upon certification of the FEIR and adoption of the Enhanced Water Trail Plan, Conservancy staff strongly recommends the Conservancy's board authorize a \$1 million block grant to ABAG for a two-year period to begin site-specific WT implementation. Among other tasks, ABAG will finish the development of the education, outreach, and stewardship program; develop the Water Trail logo, maps, guidebook and website; work with specific site owners and managers to ready sites for official designation into the Water Trail network; and manage site-specific grants for enhancement activities. ABAG has already visited and photographed most of the more than 70 WT Backbone Sites that are within 1,000 feet of existing segments of the Bay Trail to plan for the placement of future WT signs. This work was performed under a \$20,000 Conservancy grant in 2008.

**Site Description:** The WT Plan primary project area is within BCDC's jurisdictional area in the nine-county San Francisco Bay Area:

- The open water, marshes and mudflats of greater San Francisco Bay, including Suisun, San Pablo, Honker, Richardson, San Rafael, San Leandro and Grizzly Bays and the Carquinez Strait
- The first 100 feet inland from the shoreline (defined as being located at 5 feet above mean sea level) around San Francisco Bay
- The portion of the Suisun Marsh-including levees, waterways, marshes and grasslands-below the ten-foot contour line
- Portions of most creeks, rivers, sloughs and other tributaries that flow into San Francisco Bay, and
- Salt ponds, duck hunting preserves, game refuges and other managed wetlands that have been diked off from San Francisco Bay

Potential WT trailheads are located in a variety of settings, ranging from highly developed, to less developed, to natural areas. Highly developed areas include commercial, industrial, or residential complexes. There are two major airports (San Francisco and Oakland) and several smaller ones along the shore of the Bay (including those in Hayward, San Carlos, Novato, Napa, and Palo Alto). Major ports include Oakland, San Francisco, Richmond, Petaluma, Benicia, and Redwood City. Major refineries and heavy industrial complexes include those on the shorelines of the Carquinez Strait, southeastern portions of San Pablo Bay, and South San Francisco Bay. There are also multiple wastewater treatment plants that discharge treated effluent to the Bay. Development near the Bay's edge also includes clusters of commercial buildings and urban, suburban, and semi-rural residences in many locations.

Less developed and relatively more natural areas around the Bay include national wildlife refuges; local, regional, state, and federal parks, reserves, wildlife areas, and recreation areas; former landfill sites; portions of former military bases undergoing conversion to non-military uses; private undeveloped lands; and agricultural lands (primarily in the North Bay). In addition, salt pond complexes around the perimeter of South San Francisco Bay and Redwood City and along the Napa River are mostly undeveloped and provide important habitat for birds. See Exhibit 1.

### **Project History:**

The WT project was initiated through the efforts of Bay Access, Incorporated, a non-profit organization formed for the sole purpose of creating a water trail for San Francisco Bay. Bay Access approached then-assembly member Loni Hancock, BCDC, and Conservancy senior staff with the idea for the water-oriented, regional trail, which would improve access to Bay Area open space and natural areas for recreational and educational purposes, consistent with purposes of the San Francisco Bay Area Conservancy program, and complementary to prior Conservancy support for the Bay Trail and other projects intended to improve access to the shoreline of the Bay. These early meetings resulted in Assembly Bill 1296 (Hancock), known as the San Francisco Bay Area Water Trail Act (Water Trail Act). The Water Trail Act was approved by Governor Schwarzenegger in September 2005 and integrated into the enabling legislation of the Conservancy in Sections 31162(a), and 31163(d)(1) through (6) of Division 21 of the California Public Resources Code (see "Consistency with Conservancy's Enabling Legislation" and "Consistency with San Francisco Bay Plan," below).

After the legislation was passed, BCDC led the development of the WT Plan with a steering committee comprised of public agencies, non-profit organizations, and other stakeholders, and

the participation of the general public. Conservancy staff worked closely with BCDC and the steering committee throughout this planning phase. The Conservancy has also provided funding support for the project from the beginning of the planning phase in late 2005 up to the present time, totaling approximately \$389,624.

The sources of funding have varied, but they include both bond funding and the Environmental License Plate fund for the following purposes: map development by GreenInfo Network for the steering committee meetings (\$1,007); steering committee meeting facilitation by the Center for Collaborative Policy (CCP) (\$20,548); development of a website featuring progress of the WT project by Bay Access (\$7,445); development of the draft Education, Outreach, and Stewardship Program for the WT by CCP (\$17,520); sign program development by the Bay Trail staff of ABAG (\$20,000) in conjunction with a similar Conservancy grant for Bay Trail sign development; creation of a relational database by URS Corporation to manage WT program data and aid the trailhead designation process (\$26,854); initial development of the WT EIR by Grassetto Environmental Consulting (\$200,000); completion of the development of the WT EIR by GAIA Consulting, Inc. (\$83,250); research by URS on greenhouse gas emissions attributable to implementation of the WT (\$8,000); and additional research and document retrieval for the biology section of the EIR by HT Harvey & Associates (\$5,000).

During this same time period, the East Bay Regional Park District (EBRPD) included \$5.9 million for the development of WT-related projects at shoreline locations it owns or manages between Fremont and the Sacramento Delta in the project list for Measure WW, a \$500 million bond extension measure approved by the voters of Alameda and Contra Costa Counties in November, 2008.

Newspapers, newsletters, and magazines have been reporting on the Water Trail since 2005. Sample articles are included in Exhibit 4 to this staff recommendation. Bay Nature Magazine has expressed interest in writing an article on the Water Trail in 2011.

## PROJECT FINANCING

<b>Coastal Conservancy</b>	\$1,000,000
Department of Boating and Waterways (estimate)	1,000,000
Other Project Collaborators (estimate)(site owners/mgrs)	<u>539,000</u>
<b>Total Project Costs</b>	<b>\$2,539,000</b>

The anticipated source of Conservancy funds is the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006” (Proposition 84.) These funds are available for San Francisco Bay Area Conservancy Program projects under Public Resources Code, Division 21, Chapter 4.5, that promote access to and enjoyment of coastal resources, and are thus appropriate for funding implementation of the Water Trail. Proposition 84 funds may be used for broad-based planning “necessary for the successful design, selection, and implementation of the projects” authorized under Prop 84, as well as for implementation of projects, such as the Water Trail, that are specifically authorized by Chapter 4.5 of Division 21. (See “Consistency with Conservancy’s Enabling Legislation” section, below).

Cal Boating estimates their contributions to be approximately \$500,000 per year for WT enhancement projects, depending upon good, candidate projects being ready for implementation within this two-year time frame. Site owners and managers from the nine counties around San

San Francisco Bay area are expected to contribute funding to enhancement projects at their sites as well. Based on the amount of funds the Conservancy estimates it may spend on WT projects per year (as explained in Appendix G to the FEIR in relation to GHG emissions, based on the Conservancy's 2007 *Strategic Plan*), with an estimate of four enhancement projects completed in this period and assuming a 2:1 leverage of Conservancy funds, staff estimates that collectively, potential WT site owners/managers from around the Bay may contribute \$539,000 to enhancement projects. This number could be much larger or smaller, depending on project readiness and local government budgets.

ABAG is expected to provide valuable in-kind services, such as public outreach expertise for this region, relational database development and management, map creation and modification, and website development and management. Further in-kind services will be provided by the Project Management Team (PMT) members for the Water Trail throughout the life of the project. The advisory committee to the PMT will dedicate expertise at regular, ongoing meetings on a volunteer basis. In addition to grant funding listed above, Cal Boating brings to the project the technical expertise of staff engineers and boating facilities experts, which it will be able to provide to site owners and managers of WT projects that are consistent with Cal Boating criteria. Funds (of federal origin) from Cal Boating's Recreational Boating Safety program will be especially valuable to the project and ABAG.

Conservancy staff anticipates future block grants to ABAG for WT implementation and has preliminarily budgeted another \$1 million of Proposition 84 funds for this purpose. Conservancy staff would seek board authorization for future block grants, which will be dependent upon progress made under this initial block grant.

#### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165, regarding San Francisco Bay Area projects.

Consistent with Section 31162(a), this project will improve public access to and around the bay through completion and operation of the Water Trail, which coincides in many locations with the Bay Trail system, is consistent with locally and regionally adopted master plans and general plans, will preserve and enhance existing facilities, and help provide the public with other related facilities, such as staging areas and campgrounds. Consistent with Section 31163(c), this project is 1) supported by regional plans, as reflected in the updated East Bay Regional Park District (EBRPD) Master Plan Map, adopted in 2007, and the San Francisco Bay Plan (see below), 2) is multijurisdictional, serving the nine counties of the Bay Area, 3) can be implemented in a timely way once the FEIR is certified, 4) provides the benefits of regional planning and education focused on safe boating and respect for wildlife, habitat, and cultural features where such regional planning currently does not exist, and 5) includes in-kind contributions from other entities for the current grant authorization request. Other leveraged funds are expected to be applied toward the Water Trail during and beyond this grant period, from Cal Boating, EBRPD (Measure WW), and site owners.

Consistent with Section 31163(d)(1) and 31163(d)(5), the Conservancy is leading the funding and development of projects implementing the Water Trail Plan through completion of the *San Francisco Bay Area Water Trail Plan Final Environmental Impact Report*, if certified by the Conservancy board; the adoption of the *Enhanced San Francisco Bay Area Water Trail Plan*, if

authorized by the Conservancy board; and the requested grant funding to ABAG for project implementation, if authorized by the Conservancy board. As also directed by Section 31163(d)(5), Conservancy staff included the Water Trail in the Conservancy's 2007 Strategic Plan.

**CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 11, Objective 11J** of the Conservancy's 2007 Strategic Plan, the proposed FEIR certification, Enhanced Water Trail Plan adoption, and grant funding request will allow continued planning and collaboration for appropriate boater education and outreach on safety, navigation and wildlife issues; and appropriate site design and enhancement.

Consistent with **Goal 11, Objective 11K** of the Conservancy's 2007 Strategic Plan, the proposed FEIR certification, Enhanced Water Trail Plan adoption, and grant funding request will make the construction or enhancement of launch sites for the Water Trail possible, by virtue of having completed requirements under CEQA, having adopted the Enhanced Water Trail Plan, and having funded and established the framework to accomplish site-specific projects.

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

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, 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:** Support for the project is expressed in letters attached to the accompanying staff recommendation as Exhibit 4. Some of the comment letters on the Draft Revised EIR (in the Response to Comment document) were also supportive in a variety of ways (e.g., Save San Francisco Bay Association, City of Hercules, National Park Service).
4. **Location:** San Francisco Bay and the shoreline and some tributary streams of Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara, Marin, Napa, Solano, and Sonoma Counties.
5. **Need:** The project cannot be implemented without Conservancy certification of the FEIR, adoption of the Enhanced Water Trail Plan, and funding.
6. **Greater-than-local interest:** The Water Trail project will create a regional network of public landing and launching sites for non-motorized small boats. Nine Bay Area Counties are included in the project, which will serve visitors from outside of the Bay Area as well.
7. **Sea level rise vulnerability:** At least 50 percent of WT trailheads are expected to be located within waterfront parks. The BCDC Climate Change Report has concluded that 14 percent of these parks will be vulnerable to sea level rise (SLR) by mid-century. The degree of vulnerability of the WT sites within these parks and elsewhere will vary depending on the

design of actual launch facilities (in some cases, launches are beaches). By 2100, 18% of waterfront parks are predicted by BCDC to be vulnerable to SLR. When new WT facilities are built they can be designed to cope with SLR changes by designing docks and piers that can be raised or moved inland, as appropriate to the specific situation. Even now, gangways and docks are sometimes removed from shoreline locations during the winter months to guard against damage from storms. Associated parking, camping, concessions, restroom, or other facilities at WT sites are already typically located away from the water's edge for a variety of reasons, thus decreasing their vulnerability to SLR.

### **Additional Criteria**

8. **Urgency:** The educational program to be implemented along with Water Trail site designation is expected to reduce inadvertent impacts of non-motorized small boat users on sensitive habitat and wildlife along with boating incidents that could otherwise be prevented through education and awareness.
9. **Resolution of more than one issue:** The Water Trail project resolves multiple issues: it improves recreational access to a regional open space area; it improves regional planning with regard to recreational use of a regionally and nationally significant natural area; and it expands and coordinates existing education, outreach, and stewardship efforts to reduce a variety of potential impacts related to non-motorized boating around San Francisco Bay.
10. **Leverage:** See the "Project Financing" section above.
11. **Conflict resolution:** There are currently occasional conflicts between non-motorized small boat users and other high priority uses of shoreline areas. The regional and collaborative nature of the Water Trail project is expected to help resolve such issues when they arise.
12. **Innovation:** Although innovation is not an expected element of this project, there is a need for innovative launch design in areas of the Bay with challenging natural conditions, such as along the San Francisco waterfront in the area of the Ferry Building.
13. **Readiness:** Roles and responsibilities for project implementation have been discussed and agreed upon, both with ABAG and the many other project collaborators. ABAG is ready to engage in the project immediately and other key cooperators are ready to participate in the designation process.
14. **Realization of prior Conservancy goals:** See "Project History" above.
16. **Cooperation:** The Water Trail project has benefited from broad-based cooperation since the beginning of the planning process in 2005. All trailhead designation decisions will be made at public meetings after input from the public, nonprofit groups, and landowners in addition to the Project Management Team comprised of public agency staff.
17. **Vulnerability from climate change impacts other than sea level rise:** The Water Trail project concerns itself with access to the Bay, where increased wind velocity and storm frequency and intensity may affect the safety of non-motorized small boat users on the Bay and/or intensify the need for environmentally sensitive boating behavior. The education program inherent in this project will help to address this vulnerability. The siting of trailheads and design of facilities will be determined with this vulnerability in mind.

18. **Minimization of greenhouse gas emissions:** The WT FEIR CEQA analysis identified two possible sources of GHG emissions from: 1) SCC-funded WT construction activities and ongoing operation of WT sites; and 2) operation emissions of additional vehicle trips to and from WT sites in response to SCC-funded WT-related media and outreach, and trailhead facility improvements. The expected emissions rate attributable to the WT project was calculated to be 119 metric tons of CO<sub>2</sub>e/year when potential increases and reductions were summed. Over the next 20 years of implementation of the WT, this represents 0.0002% of the annual emissions in the Bay Area. See “Compliance with CEQA” for details. Despite these low numbers, minimization of GHG emissions remains a project goal and will be achieved through the implementation of a suite of strategies related to “GHG Best Management Practices for Construction, Trailhead Operation, and WT Program” (Strategy 28 from the Enhanced Water Trail Plan). In addition to construction Best Management Practices, these strategies include providing secure and convenient bike parking, on-site boat storage, positioning of new WT sites near public transportation, incentives to encourage use of alternatively-fueled vehicles, incentives for carpooling, and others.

**CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

This project is wholly consistent with the *San Francisco Bay Plan (Bay Plan)* adopted by the San Francisco Bay Conservation and Development Commission (BCDC) in 1969, as amended, and reprinted in 2008.

The most pertinent sections are found in the “Recreation” and “Public Access” sections of “Part IV, Development of the Bay and Shoreline: Findings and Policies” and “Part VI, Bay Plan Maps.” The WT plan carries out the following policies.

**Excerpts from Policies Concerning Recreation On and Around the Bay:**

**Policies:**

- 1) Diverse and accessible water-oriented recreational facilities, such as marinas, launch ramps, beaches, and fishing piers, should be provided to meet the needs of a growing and diversifying population, and should be well distributed around the Bay and improved to accommodate a broad range of water-oriented recreational activities for people of all races, cultures, ages and income levels. Periodic assessments of water-oriented recreational needs that forecast demand into the future and reflect changing recreational preferences should be made to ensure that sufficient, appropriate water-oriented recreational facilities are provided around the Bay. Because there is no practical estimate of the acreage needed on the shoreline of the Bay, waterfront parks should be provided wherever possible.
- 3) Recreational facilities, such as waterfront parks, trails, marinas, live-aboard boats, non-motorized small boat access, fishing piers, launching lanes, and beaches, should be encouraged and allowed by the Commission, provided they are located, improved and managed consistent with the following standards:
  - a. **General.** Recreational facilities should:
    - (1) Be well distributed around the shores of the Bay to the extent consistent with the more specific criteria below. Any concentrations of facilities should be as close to major population centers as is feasible;

- (2) Not pre-empt land or water area needed for other priority uses, but efforts should be made to integrate recreation into such facilities to the extent that they are compatible;
- (3) Be feasible from an engineering viewpoint; and
- (4) Be consistent with the public access policies that address wildlife compatibility and disturbance. In addition:
- (5) Different types of compatible public and commercial recreation facilities should be clustered to the extent feasible to permit joint use of ancillary facilities and provide a greater range of choices for users;
- (6) Sites, features or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational uses should be preserved and, where appropriate, enhanced for those uses, consistent with natural and cultural resource preservation;
- (7) Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public or from public streets or trails....

b. **Marinas.** (1) Marinas should be allowed at any suitable site on the Bay... (2) Fill should be permitted for marina facilities that must be in or over the Bay... (4) In addition, marinas should include public amenities, such as viewing areas, restrooms, public mooring docks or floats and moorages for transient recreational boaters, non-motorized small boat launching facilities, public parking; substantial physical and visual access; and maintenance for all facilities.

e. **Non-Motorized Small Boats.**

- (1) Where practicable, access facilities for non-motorized small boats should be incorporated into waterfront parks, marinas, launching ramps and beaches, especially near popular waterfront destinations.
- (2) Access points should be located, improved and managed to avoid significant adverse affects on wildlife and their habitats, should not interfere with commercial navigation, or security and exclusion zones or pose a danger to recreational boaters from commercial shipping operations, and should provide for diverse, water-accessible overnight accommodations, including camping, where acceptable to park operators.
- (3) Sufficient, convenient parking that accommodates expected use should be provided at sites improved for launching non-motorized small boats. Where feasible, overnight parking should be provided.
- (4) Site improvements, such as landing and launching facilities, restrooms, rigging areas, equipment storage and concessions, and educational programs that address navigational safety, security, and wildlife compatibility and disturbance should be provided, consistent with use of the site.
- (5) Facilities for boating organizations that provide training and stewardship, operate concessions, provide storage or boathouses should be allowed in recreational facilities where appropriate.
- (6) Design standards for non-motorized small boat launching access should be developed to guide the improvement of these facilities. Launching facilities should be accessible and designed to ensure that boaters can easily launch their

watercraft. Facilities should be durable to minimize maintenance and replacement cost.

- 4) To assure optimum use of the Bay for recreation, the following facilities should be encouraged in waterfront parks and wildlife refuges:
  - a. **In waterfront parks.**
    - (1) Where possible, parks should provide some camping facilities accessible only by boat and docking and picnic facilities for boaters.
    - (3) Where shoreline open space includes areas used for hunting waterbirds, public areas for launching non-motorized small boats should be provided so long as they do not result in overuse of the hunting area.
    - (4) Public launching facilities for a variety of boats and other water-oriented recreational craft, such as kayaks, canoes and sailboards, should be provided in waterfront parks where feasible.
- 8) Signs and other information regarding shipping lanes, ferry routes, U.S. Coast Guard rules for navigation, such as U.S. Coast Guard Rule 9, weather, tide, current and wind hazards, the location of habitat and wildlife areas that should be avoided, and safety guidelines for smaller recreational craft, should be provided at marinas, boat ramps, launch areas, personal watercraft and recreational vessel rental establishments and other recreational watercraft use areas.

**Excerpts from Policies Concerning Public Access to the Bay:**

***Policies:***

- 3) Public access to some natural areas should be provided to permit study and enjoyment of these areas. However, some wildlife are sensitive to human intrusion. For this reason, projects in such areas should be carefully evaluated in consultation with appropriate agencies to determine the appropriate location and type of access to be provided.
- 4) Public access should be sited, designed and managed to prevent significant adverse effects on wildlife. To the extent necessary to understand the potential effects of public access on wildlife, information on the species and habitats of a proposed project site should be provided, and the likely human use of the access area analyzed. In determining the potential for significant adverse effects (such as impacts on endangered species, impacts on breeding and foraging areas, or fragmentation of wildlife corridors), site specific information provided by the project applicant, the best available scientific evidence, and expert advice should be used. In addition, the determination of significant adverse effects may also be considered within a regional context. Siting, design and management strategies should be employed to avoid or minimize adverse effects on wildlife, informed by the advisory principles in the Public Access Design Guidelines. If significant adverse effects cannot be avoided or reduced to a level below significance through siting, design and management strategies, then *in lieu* public access should be provided, consistent with the project and providing public access benefits equivalent to those that would have been achieved from on-site access. Where appropriate, effects of public access on wildlife should be monitored over time to determine whether revisions of management strategies are needed.

**Bay Plan Maps 1 – 7:**

Bay Plan Maps 1-7, as amended in 2006, contain added language recognizing the Water Trail and calling for small boat landing facilities at more than 25 specific sites.

**COMPLIANCE WITH CEQA:**

**Introduction**

As a California public agency and as the legislated lead under the Water Trail Act for the implementation of the San Francisco Bay Area Water Trail (WT) project, the Conservancy is also the lead agency under the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*, hereafter CEQA) to consider the potential environmental effects of implementing this project. Accordingly, Conservancy staff prepared, through the consulting firm GAIA Consulting, Inc (with assistance from other firms and individuals), the FEIR.

The WT FEIR analyzes the implementation of the WT Plan (the “proposed project”), which was developed by BCDC through an inclusive public process, as described in more detail under “Project Summary,” above. As required by the WT Act, the Plan was submitted to the legislature by January 1, 2008; no comments were received.

Conservancy staff initiated thereafter the analysis of the potential environmental effects of implementing the Plan, determining first, through consultation with regional, federal land-holding and land-managing agencies, that a joint state-federal environmental analysis and document would not be necessary (Environmental Impact Report/Environmental Impact Statement, or EIR/EIS), despite the location of some potential WT sites on federally owned or managed lands.

Staff determined that a *programmatic* EIR should be prepared, as directed by CEQA Guidelines (Guidelines) Section 15168. Use of a programmatic EIR presents a multitude of advantages to lead and responsible agencies under CEQA. Benefits enumerated in Section 15168 (b) include:

- (1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
- (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
- (3) Avoid duplicative reconsideration of basic policy considerations,
- (4) Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and
- (5) Allow reduction in paperwork.

The development and use of a programmatic EIR can be efficient for the long term management of a large program such as the WT and with “a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required” (Guidelines Section 15168 (c)(5)). The agency in charge of CEQA compliance is expected to use a written checklist or similar device to document the evaluation of the site. Such an environmental checklist has been prepared for the WT FEIR (Appendix E) and will be used by WT staff, thus eliminating the need in many cases for staff to return to the Conservancy for approval of additional environmental documentation for specific sites. The analysis of site-specific WT program activities that do not fall within the scope of what was analyzed in this FEIR may build upon this

FEIR (“tiering,” or starting where this FEIR ends), and thus avoid duplicative analysis efforts and unnecessary financial expenditures and delays.

A Notice of Preparation (“NOP”) for this EIR was issued for agency and public review on November 15, 2007. The NOP included an Initial Study (Appendix B to the FEIR) that summarized the proposed scope of environmental analyses to be included in the EIR. A public scoping meeting on the proposed EIR was held in San Francisco on November 28, 2007. A wide range of comments were made at the meeting and are included in Appendix C to the FEIR.

An initial Draft EIR (DEIR) was subsequently released for agency and public review on June 12, 2008. A Notice of Availability (NOA) was widely distributed to announce the availability of the document, the 47-day review period, and the location and time for a public hearing on the DEIR. A Notice of Completion (NOC) was also sent to the State Clearinghouse. Copies of the DEIR were made available at one main library in each of the nine Bay Area Counties in addition to the documents being available for review at the Conservancy offices in Oakland. The public hearing on the DEIR was held on July 9, 2008 in San Francisco as advertised. By the end of the public comment period, a total of 24 comment letters were received by Conservancy staff.

Based on the comments made at the July 9 public meeting and in the comment letters, Conservancy staff, in consultation with the PMT for the project, decided to revise substantially and then recirculate the DEIR. Extensive revisions were subsequently made and a Draft Revised EIR (DREIR) was prepared.

The DREIR was released for agency and public review on August 3, 2010. An NOA was widely distributed to announce the availability of the document, the 50-day review period, and the location and time for a public hearing on the DREIR. An NOC was also sent to the State Clearinghouse. Copies of the DREIR were made available at one main library in each of the nine Bay Area Counties in addition to the documents being available for review at the Conservancy offices in Oakland. The public hearing on the DREIR was held on August 24, 2010 in San Francisco as advertised.

A total of 28 comment letters/e-mails or oral comments at the hearing (recorded and transcribed) were received by Conservancy staff during the review period. Those comments and the Conservancy’s response to those comments are incorporated into the FEIR attached to this staff recommendation as Exhibit 2. Public agencies were provided with copies of Conservancy responses to their comments by March 7, 2011, as required by Guidelines Section 21092.5. Most comments received individual responses, but those that were very similar were addressed in one or several of the eight Master Comment Responses. Changes made to the DREIR in response to comments are shown in the Response to Comment section of the FEIR in strike-out and underline modes. In general, negative comments tended to revolve around the adequacy, appropriateness, or feasibility of the CEQA analysis and/or mitigation measures. Some comments expressed a concern that the trailhead designation process would be burdensome to site owners/managers. Other comments provided additional details about species discussed in the biological resources section, updates about specific sites, or expressions of interest to be included in the WT.

The FEIR consists of two volumes: 1) the *San Francisco Bay Area Water Trail Plan Final Environmental Impact Report*, which includes an Introduction, the Response to Comments, the Comments themselves, and the Mitigation Monitoring and Reporting Program; and 2) the *San*

*Francisco Bay Area Water Trail Plan Draft Revised EIR (DREIR)*, which includes the CEQA-required information and analysis in six chapters, an executive summary, and Appendices A-H.

**Significant Effects Reduced To Less Than Significant Levels By Mitigation**

The FEIR provides a detailed analysis of potential environmental impacts and proposed mitigation measures to address the possible impacts associated with implementation of the WT Plan. The analysis of potential impacts related to WT-induced incremental growth was conducted within the context of baseline boating and environmental conditions of the San Francisco Bay Area and includes the potential for as-of-yet unidentified sites to be considered for designation in the future. As noted under “Project Summary,” above, implementation of the WT Plan is not expected to significantly increase the number of NMSB users within the geographic scope of the project above and beyond the growth predicted by Cal Boating (*Non-Motorized Boating in California, 2009*), which was based on population growth and interest in non-motorized boating in California and the San Francisco Bay Region in recent years.

The FEIR identified possible significant effects of the project in the areas of recreation; navigational safety; aesthetics; biological resources; cultural resources; hydrology and water quality; and transportation, circulation and parking. Mitigation measures identified in the DREIR would reduce all of these impacts to a less than significant level. A brief outline of potential significant effects and mitigation measures is provided in “Table E-1. Summary of Potential Impacts and Associated Mitigation” of the Preliminary Environmental Effects Checklist for Trailhead Designation Process in Appendix E of the DREIR (Exhibit 2). A detailed and complete discussion of all potential effects is found in Chapter 3 of the DREIR (Environmental Setting, Impacts, and Mitigation Measures). Because this is a programmatic EIR, the mitigation measures identified in the FEIR may or may not be needed at any particular site considered for designation as a WT site. The determination of what measures will be needed will be made during the trailhead designation process, which is a required process for site owners interested in adding their site to the WT, but which would occur only for those sites whose owners/managers would like to voluntarily join the WT.

Possible significant effects would be reduced to less than significant levels by a variety of mitigation measures to be applied in a variety of manners and at varying points of time during or after the designation process. All designated sites will be reviewed on at least an annual basis by WT project staff to confirm that they continue to meet the criteria for designation as trailheads. Monitoring related to mitigation measures will be handled on a site-specific basis. An overview for the impact areas of recreation; navigational safety; biological resources; and transportation, circulation, and parking is provided below to illustrate potential impacts (especially those receiving the most attention from the public and other agencies) and the means by which those impacts will be reduced to a less than significant level.

Recreation – Increased use of launch sites by NMSBs, at least in some locations, could interfere with other recreational uses of those sites. The mitigations identified include a web-based comment form through which user conflicts could be reported. This web-based comment form may be used by anyone for any comments and will be established and maintained by the WT program. The comment form may help to reveal site use conflicts for particular sites. If warranted for an individual, designated WT site that is experiencing user conflicts related to its status as an official WT trailhead, recreational use evaluations or adaptive management would be employed to reduce significant effects to a less than significant level.

**Navigational Safety** – If implementation of the WT increases the presence of NMSBs in areas with existing or future vessel traffic, whether recreational or commercial in nature, there could be an increased risk of incidents between NMSB users and other vessels. Mitigation measures include boating safety and education programs, signage, dissemination of various forms of informative media, and appropriate site design. The safety and education programs will be applied on a program-wide basis by the WT. Sign content will be tailored to particular issues of a specific site, as will the evaluation of site design as regards navigational safety issues.

**Biological Resources** – CEQA analysis identified the potential for NMSBs to unwittingly transport non-native invasive plants on boats, clothing, or equipment; for wetland habitat or special status plant species to be impacted due to construction activities or trampling by NMSB users; or disturbance of a variety of bird or mammal species, western pond turtles, or harbor seals. Mitigation measures at a program level include educational materials (including signs) and programs, with information related to boat and gear washing, adherence to buffer distances from wildlife, and avoidance of circumstances under which NMSB users could cause harm to wildlife, such as landing in wetland areas or closely approaching harbor seal haul-out sites. Specific buffer distances, seasons of particular wildlife sensitivities (such as harbor seal pupping), need for docents, and other specific mitigation measures will be determined and applied for specific sites as appropriate.

**Transportation, Circulation, and Parking** – If development of site facilities, expanded parking, or the publicity generated by the WT program attracts many more non-motorized small boat users in vehicles to any particular site, traffic congestion could result. This particular potentially significant impact is an example of an impact that is not addressed on a program level by the WT, but rather only at a site-specific level when a particular site is being considered for designation, facility improvement, or parking expansion.

WT program “enforcement” will consist of annual site reviews and other oversight by ABAG (if funding is granted to ABAG to help implement this project). In a “worst case scenario” a WT trailhead would be “undesigned” if issues cannot be resolved and a site is not able to meet or maintain the criteria for trailhead status. The WT program has no regulatory authority.

Undesigned sites will not receive (or will cease to receive) the benefits of the WT program, such as inclusion on the website, in the guidebook, brochures, and maps if conditions to designation are not met. Further, sites that are not part of a regionally significant program, such as the WT, will possibly not be eligible for Conservancy funding.

The proposed project would not result in any significant irreversible effects. The proposed project’s contribution to cumulative impacts and growth inducement also would be less than significant.

### **Consideration of Project Alternatives**

CEQA requires that a reasonable range of feasible alternatives to the proposed project be described and considered within an EIR. The alternatives considered should represent scenarios that could feasibly attain most of the basic objectives of the project, and would avoid or substantially lessen any of the significant environmental effects of the project. The purpose of this process is to provide decision-makers and the public with a discussion of viable options and to document that other potential options that could avoid or substantially lessen one or more of the proposed project’s significant environmental effects were considered (CEQA Guidelines,

§15126.6).

Conservancy staff considered seven alternatives to the proposed project. Three alternatives were extensively evaluated, while four other possible alternatives were rejected either because they 1) did not meet the legislatively mandated goals of the WT (Partial Water Trail Alternative), 2) were not feasible because the WT does not have regulatory authority (Site Closure Alternative), 3) would not result in reduced or eliminated impacts (No Major New Facilities Alternative), or 4) would be impossible to achieve at this time (Carbon-Neutral Alternative).

The three alternatives that were extensively evaluated were No Project (Alternative 1), High Opportunity Sites Only (Alternative 2), and Enhanced Water Trail Plan (Alternative 3). As discussed in detail in the FEIR, Alternative 3 would be the most likely to meet project goals and objectives, consistent with the WT Act, with the least impact on and most benefits to the environment. This is the environmentally superior alternative.

Under Alternative 1, the No Project Alternative, no new infrastructure, signage, education, outreach, or other WT activities would be implemented by the WT program. NMSB use would increase as the general population increases and launch sites would be built or enhanced on an *ad hoc* basis without the benefits or regional planning of the WT. In sum, the benefits offered by the WT would not be realized.

Under Alternative 2, only a subset of the potential WT sites identified in the WT Plan (about half) would become part of the WT – the High Opportunity Sites (HOS). Because these sites are limited in number, and are expected to meet WT designation criteria without any changes or additional mitigation and only need signage (thus no construction or expansion), this alternative appears at first to avoid or lessen potential project impacts while still achieving a generally widespread distribution of sites around the Bay. This reasoning is based on the assumption that fewer WT sites would equate to less growth in NMSB use and possibly fewer launch and landings sites, and thus lower potential for impacts, if impacts are caused by growth. The effect of restricting site designation to this subset would, however, not achieve a net lowering of project impacts because the number of NMSB users will increase with population growth, and use of all other existing sites and future sites would continue as under the No Project alternative, without the benefits of the education, facility design assistance, or regional planning that WT sites will receive.

The Enhanced Water Trail Plan Alternative (Alternative 3) is designed to enhance the existing WT Plan to further reduce potential impacts associated with implementation of the Plan, even beyond the mitigation measures identified for the proposed project and the strategies within the Plan. Under this alternative, the WT Plan would be modified to incorporate four additional strategies: Strategy 25, Comprehensive Education Program; Strategy 26, Navigational Safety; Strategy 27, Boatwashing Facilities; and Strategy 28, GHG Best Management Practices for Construction and Trailhead Operation. All mitigation measures identified in Chapter 3 that require revisions to existing strategies (mitigation measures Rec-M4A (Strategy 14), Bio M5 through Bio M8 (Strategies 17, 18, 19, and 21) and TPC-M2 (Strategy 8)) would also be incorporated into the Enhanced Water Trail Plan. Under this Alternative, the WT Plan would contain the same number of Backbone Sites, use the same process for trailhead designation, and also include Strategies 1 through 24 to avoid or help reduce potential impacts of WT Plan implementation. The proposed language for the new strategies is provided in Appendix H to the FEIR (Exhibit 2, Appendix H of the DREIR). All mitigation measures that would be implemented for the Proposed Project would also be implemented for this Alternative.

Mitigation Monitoring and Reporting Program

Under CEQA, whenever measures are required and adopted in order to mitigate or avoid the significant effects on the environment of an approved project, the agency must also prepare and adopt a Mitigation Monitoring and Reporting Program (MMRP) designed to ensure compliance with the required mitigation during project implementation (CEQA Section 21081.6). Staff has prepared an MMRP for this project, attached as Exhibit 2 to this staff recommendation. ABAG would help ensure compliance with the program. The proposed Conservancy resolution for this project serves to adopt the MMRP.

Based on the foregoing and on the extensive analysis contained in the FEIR, staff recommends that the Conservancy adopt the proposed CEQA findings. The findings conclude that the Conservancy has undertaken an independent review of the environmental effects of the WT Plan as required by CEQA, and that the WT Plan, if adopted in the form of the Enhanced Water Trail Plan and if mitigated as indicated in the FEIR, will not result in significant environmental effects.

Finally, upon Conservancy certification of the FEIR and approval of the proposed project, Conservancy staff will prepare and file a Notice of Determination.