

COASTAL CONSERVANCY

Staff Recommendation

October 3, 2013

SAN FRANCISCO BAY AREA WATER TRAIL BLOCK GRANT #1 AUGMENTATION

Project No. 17-017-02

Project Manager: Ann Buell

RECOMMENDED ACTION: Authorization to disburse up to \$750,000 to the Association of Bay Area Governments to augment an existing grant to develop and implement various projects for the San Francisco Bay Area Water Trail in the nine-county San Francisco Bay Area.

LOCATION: San Francisco Bay, its shoreline, and tributaries, primarily 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

EXHIBITS

- Exhibit 1: [Project Location Map and Photographs](#)
 - Exhibit 2: [March 17, 2011 Staff Recommendation for San Francisco Bay Area Water Trail Block Grant #1 \[Exhibits not included\]](#)
 - Exhibit 3: [Water Trail Outreach Material and Publicity](#)
 - Exhibit 4: [ABAG Executive Board Resolution Endorsing the San Francisco Bay Area Water Trail](#)
 - Exhibit 5: [Project Letters](#)
-

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 authorizes disbursement of up to \$750,000 (seven hundred and fifty thousand dollars) to the Association of Bay Area Governments (“ABAG”) to augment an existing grant to develop and implement various projects for the San Francisco Bay Area Water Trail, directly or through sub-grants, subject to the following conditions:

1. 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 revised work program for the project as a whole, including a budget and schedule.
2. Prior to commencement of work on, disbursement of funds for, or entering into any contract or sub-grant agreement for any specific project, ABAG shall submit for the review and written approval of the Executive Officer of the Conservancy with respect to that project:
 - a. A work program, including a budget and schedule.
 - b. The names and qualifications of any contractors ABAG intends to retain to complete the project.
 - c. The proposed agreement with any sub-grantee to whom ABAG intends to award grant funds to undertake the project.
 - d. Documentation that all permits, approvals, and any other conditions precedent to the commencement of work for the project work have been obtained or met.
3. In developing and implementing projects, ABAG shall ensure compliance with all applicable mitigation and monitoring measures for the project that are identified in the *San Francisco Bay Area Water Trail Plan Final Environmental Impact Report* (“WT FEIR,” 2011) and in the Mitigation Monitoring and Reporting Program, both of which were exhibits to the accompanying March 17, 2011 staff recommendation (Exhibit 2), or in any permits, approvals or additional environmental documentation required for the project.
4. ABAG shall require each sub-grantee to develop and implement a sub-grant project consistent with all applicable laws regarding access for persons with disabilities.
5. 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 (comprised of staff of the Conservancy, San Francisco Bay Conservation and Development Commission, ABAG, and the Division of Boating and Waterways of the Department of Parks and Recreation), has determined that the project requires no further environmental documentation beyond the WT 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.
6. 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.”

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 authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding resource and recreational goals in the San Francisco Bay Area.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize a \$750,000 grant to ABAG for continued help with development and implementation of various projects for the San Francisco Bay Area Water Trail project, hereafter referred to as the “Water Trail,” or “WT.” This authorization will build upon the success of the initial \$1,000,000 Conservancy authorization (see “Project History”) to ABAG in March 2011 (Exhibit 2), and will allow continuation of the Water Trail grant program.

The California legislature established the Water Trail project by enacting the San Francisco Bay Area Water Trail Act (Assembly Bill 1296, Hancock, the “Water Trail Act”) in September 2005 (see “Project History” for more detail). The Water Trail is intended to improve access to the Bay and its shoreline for non-motorized small boat (“NMSB”) users around the nine-county Bay Area. NMSBs for this project are defined as any type of paddle or rowing vessel (e.g., kayak, canoe, stand up paddleboard, 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 by users of these watercraft, at a variety of sites, while also protecting and increasing appreciation of the environmental and cultural resources of the Bay through education and strategic access (Exhibit 1).

The WT Act directs the Conservancy to lead the funding and development of projects implementing the *San Francisco Bay Area Enhanced Water Trail Plan* (WT Plan) (See “Consistency with Enabling Legislation”), developed primarily by the San Francisco Bay Conservation and Development Commission (“BCDC”). It does not create any new or additional regulatory or enforcement authority for the agencies implementing the WT.

Led by Conservancy staff, the Water Trail is beginning its ninth year of collaboration among the members of the San Francisco Bay Area Water Trail Project Management Team (“PMT”) (comprised of staff of the Conservancy, San Francisco Bay Conservation and Development Commission (“BCDC”), ABAG, and the Division of Boating and Waterways (“Cal Boating”) of the Department of Parks and Recreation (“DPR”)), the 13-member Advisory Committee¹, and other stakeholders from the boating public, environmental community, and other important regional entities, such as the Water Emergency Transit Authority, and Harbor Safety Committee.

The importance and complexity of cooperation and collaboration among the entities listed above and with site owners/managers of the more than 100 potential Water Trail sites, plus their governing bodies and elected officials, is hard to overstate. The site owners/managers include cities (24), private marinas (8), counties (6), private businesses (4), special districts (4), state

¹ The Advisory Committee includes representatives for: *accessibility for persons with disabilities; Bay Access, Inc.; CA Association of Harbor Masters & Port Captains; CA Department of Fish and Wildlife; CA Department of Parks and Recreation (“DPR”); county or local parks; East Bay Regional Park District; the hospitality industry; outfitter/tour guide businesses; National Park Service; U.S. Coast Guard; U.S. Fish and Wildlife Service; and non-governmental wildlife and habitat protection organizations).*

agencies (2), ports (2), federal agencies (2), a homeowner's association, and the Treasure Island Development Authority.

ABAG holds a unique and valued position among the PMT members in this regard, as its mission is to strengthen cooperation and coordination among the nine counties and 101 cities and towns of the San Francisco Bay region. Over the past two years, thanks to the prior Conservancy authorization, ABAG staff has developed critical outreach and education media for the Water Trail: WT logo and identification sign (Exhibit 1), website (www.sfbaywatertrail.org), Facebook page, brochure, GIS-based maps, survey, sign program (almost complete), event display board, and poster (Exhibit 3).

These media helped ABAG staff communicate the importance of the Water Trail to ABAG's 37-member Regional Planning Committee (RPC) (comprised of regional elected officials, planning staff, non-profit organizations, and other stakeholders) earlier this year. The very positive response of the RPC led to ABAG's Executive Board Resolution No. 02-13 (adopted March 21, 2013) encouraging all shoreline jurisdictions to adopt local resolutions of support and integrate Water Trail policies into local plans to realize the vision of the Water Trail (Exhibit 4). As one example, Santa Clara County Supervisor Dave Cortese's support, with concomitant support from Santa Clara County Parks and Recreation, led to conditional site designation of Alviso Marina County Park at the June 28, 2013 WT implementation meeting.

ABAG staff is now following up on the Executive Board's endorsement with outreach to elected officials and site owners and managers in all nine Bay Area Counties to integrate the WT into local and regional planning documents and budgets.

The proposed augmentation will also allow ABAG to continue management of the new WT grant program, launched in early March, 2013. The initial grant round response highlighted the challenges of responsible site enhancement along the shoreline of the Bay, as site managers comply with environmental laws and regulations, consider sea level rise and climate change, address the Americans with Disabilities Act (ADA) 2010 Standards for recreational boating facilities, and consider tides, wind, and currents. Only capital outlay projects are eligible, so ABAG and Conservancy staff are both assisting site owners and managers with the planning that must proceed the capital improvements, helping them to become eligible for designation into the WT and for a WT capital outlay grant.

As of August, 2013, ABAG and Conservancy staff had received inquiries and requests for funding totaling more than \$1,145,000, greatly exceeding funds made available through the March 2011 authorization to ABAG. The funding inquiries have come from site owners and managers all around the Bay Area, in Palo Alto, South San Francisco, Berkeley, Oakland, Alameda, Richmond, San Rafael, Petaluma, Pittsburg, and unincorporated Sonoma County. Project objectives include improved accessibility (especially for parking lots, paths of travel, restrooms, drinking fountains, railings, gangways, and beach surfaces), boat storage, and low-float docks.

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 five 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 staff, and Conservancy 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) - the Water Trail Act - signed 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, including the general public. Conservancy staff worked closely with BCDC and the steering committee throughout this planning phase.

Conservancy staff then took the lead on compliance with the California Environmental Quality Act (CEQA), developing with the assistance of consultants and project partners at BCDC, Cal

Boating, and ABAG, the *San Francisco Bay Area Water Trail Plan Final Environmental Impact Report* (WT FEIR). At the Conservancy’s March 17, 2011 meeting, the Conservancy certified the WT FEIR, adopted the Mitigation, Monitoring and Reporting Program for the WT FEIR, adopted the *Enhanced San Francisco Bay Area Water Trail Plan (Enhanced WT Plan)*, and authorized a \$1,000,000 grant to ABAG to develop and implement various projects for the Water Trail. The 2011 authorization to ABAG contemplated a subsequent augmentation, based on successful management of the first grant.

Upon certification of the WT FEIR, Conservancy staff initiated regular public meetings through which potential WT sites could be designated by the PMT with Advisory Committee (AC) consensus-based support. The WT Education, Outreach, and Stewardship plan was embraced by the PMT and AC in the first two public implementation meetings, paving the way for increased WT outreach activities to be led by the Water Trail Planner, working under the \$1,000,000 authorized grant to ABAG.

Outreach and education accomplishments in the last two years are impressive, as evidenced by a Water Trail logo, website (www.sfbaywatertrail.org), brochure, survey, GIS-based maps, nearly complete sign program, public event display board, poster, talks to government agencies and recreation groups, and positive publicity about the Water Trail (Exhibit 3). Through volunteer help, managed by the Water Trail Planner, data collection for the Water Trail database is nearly complete, and a Water Trail cleanup day has been coordinated with the City of Oakland as part of the statewide Coastal Cleanup Day on September 21, 2013. The Water Trail Planner has also successfully provided oversight to the Mitigation, Monitoring and Reporting Program for the WT, and initiated the Water Trail grant program, launched in early March 2013 (see “Project Summary”).

PROJECT FINANCING

Coastal Conservancy	\$750,000
Prior Conservancy Authorization	\$1,000,000
Other Project Collaborators	<u>\$750,000</u>
Project Total	\$2,500,000

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).

There will be other sources of funding available for Water Trail site improvements over the next two years, but the amount of funding and the timing of funding disbursement can only be estimated. The dollar amount provided in the table above is very conservative. Expected

sources of funds are the Cosco Busan Oil Spill Settlement Funds, DPR Division of Boating and Waterways, East Bay Regional Park District (EBRPD), and individual site owners and managers.

Cosco Busan: It is a virtual certainty that a variety of waterfront sites will be improved over the next few years through Cosco Busan Oil Spill Settlement Funds, whose grant recipients in the category of lost recreational use were announced in January 2013 and include: Berkeley South Sailing Cove Restroom Project (\$600,000), Coyote Point Promenade Western Shoreline (\$400,000), Kiteboard/Windsurf Recreational Area Improvement in Foster City (\$60,000), Angel Island State Park Boating & Recreational Improvements (six projects) (\$294,945), Environmental Traveling Companions (ETC) Sea Kayak Program: Accessible SF Bay Recreation (\$100,000), and Bayfront Park Recreational Bay Access Pier Rehabilitation (\$26,500).

DPR Division of Boating and Waterways: The anticipated state-funded (special funds) grant program for non-motorized boat launching facilities will average approximately \$750,000 per year for the entire state. San Francisco Bay Area site owners may compete with other entities around California. The fiscal year 2013/2014 grant program announcement is expected in late summer/early fall of 2013.

EBRPD Measure WW funds: \$5.9 million identified for EBRPD sites along the Water Trail.

Site owners and managers from the nine counties around San Francisco Bay are also expected to contribute funding to enhancement projects at their waterfront sites, such as the addition of low float docks and improved parking areas, paths of travel, gangways, docks, restrooms, and any improvements that are specific to compliance with the ADA 2010 standards. The City of Palo Alto, as an example, will be spending at least \$40,000 of its own funds (a 100% match) on the Palo Alto Baylands Sail Station, a Water Trail site that was conditionally designated in June, 2012.

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, this project will (a) improve public access to and around the bay through completion and operation of the Water Trail; (c) assist in the implementation of the San Francisco Bay Plan (see below); and (d) assist in the enhancement of existing or new landing and launching facilities, including through improved accessibility for persons with disabilities.

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, 4) provides the benefits of continuing current momentum for establishment of the Water Trail and enhancement of shoreline public access on a regional scale, 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 Cosco Busan Oil Spill Settlement Funds, DPR's Division of Boating and Waterways grant program, East Bay Regional Park District (Measure WW), and site owners. (See "Project Financing," above).

Consistent with Section 31163(d)(1), the Conservancy is leading the funding and development of projects implementing the *Enhanced San Francisco Bay Area Water Trail Plan*, adopted by the Conservancy in March 2011; (2) awarding grants that further implementation of the *Enhanced WT Plan*; and (3 and 4) helping to coordinate partnerships with multiple regional state and local agencies in consultation with resource protection agencies and other appropriate commissions and authorities. As also directed by Section 31163(d)(5), the Conservancy included implementation of the *Enhanced WT Plan* in the Conservancy's 2013-2018 Strategic Plan.

CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 12, Objective H** of the Conservancy's 2013-2018 Strategic Plan, the ongoing planning related to implementation of the Water Trail is strengthening its links to the Bay Trail.

Consistent with **Goal 12, Objective J** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will help to increase the number of designated Water Trail sites through outreach to site owners, local elected officials, and the public.

Consistent with **Goal 12, Objective K**, of the Conservancy's 2013-2018 Strategic Plan, the proposed project will continue the recently launched grant program for site enhancements, available only to designated sites.

Consistent with **Goal 12, Objective L** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will expand opportunities for barrier-free access to natural areas through the grant program for site enhancement 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 November 10, 2011, 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:** The Water Trail project is supported by legislators, site owners, non-profit organizations, and boat clubs. Letters of support are provided in Exhibit 5.
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:** Without the proposed Conservancy funding and the assistance of ABAG in implementing the project, the implementation of the Water Trail would be significantly

delayed. Non-motorized small boat use is a rapidly growing activity in the Bay Area. The Water Trail project is intended to promote safe and responsible use of the Bay by these users.

6. **Greater-than-local interest:** The Water Trail program is creating a regional network of public landing and launching sites for non-motorized small boats, and has already launched an informative website (www.sfbaywatertrail.org) and brochure that inform residents and visitors about the opportunities for access to the Bay in all nine Bay Area counties.
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 Water Trail program has generated enthusiasm and support around the Bay over the past two and a half years, raising awareness of safety and environmental issues, accessibility needs, and the many opportunities for recreation on the water. Site owners and managers are in need of grant funding to make improvements, and the Water Trail program needs to keep up the momentum it has gained.
9. **Resolution of more than one issue:** See "Urgency," above.
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. Water Trail program staff participate in public meetings and working groups to help resolve such issues as part of the regional planning perspective that staff can provide.
12. **Innovation:** There is potential for innovation with regard to making the Water Trail program as accessible to persons with disabilities as possible.
13. **Readiness:** ABAG is already very engaged in the project; this authorization would allow current project work, including the grant program, to continue without interruption.
14. **Realization of prior Conservancy goals:** See "Project History" above.
15. **Cooperation:** The Water Trail project is led by the Conservancy in cooperation with staff from ABAG, BCDC, and Cal Boating (all of whom comprise the Project Management Team), and the 13-member Advisory Committee, plus site owners and non-profit groups and boating clubs around the Bay.

16. **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 Water Trail brochure, website content, siting of trailheads, and design enhancements for facilities are determined with this vulnerability in mind.
17. **Minimization of greenhouse gas emissions:** The Water Trail project encourages the use of public transportation when possible, and Water Trail grants require that project design and construction methods include measures to avoid or minimize greenhouse gas emissions to the extent feasible and consistent with the project objectives.

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 Water Trail program carries out the following policies.

Excerpts from Recreation Policies:

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. (p. 61)
- 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 (pp. 61-63):
 - 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 (p.64):
 - 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. (p.65)

Excerpts from Access Policies:

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. (p.68)
- 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. (p.68)

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. (p.93)

COMPLIANCE WITH CEQA:

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 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 the San Francisco Bay Area Water Trail Plan Final Environmental Impact Report (WT FEIR), certified by the Conservancy on March 17, 2011. Staff also prepared a Mitigation, Monitoring and Reporting Program (MMRP) for this project, which was adopted through Conservancy resolution on March 17, 2011. Under the existing Conservancy grant agreement with ABAG (see “Project History,” above), ABAG staff is helping to ensure compliance with the MMRP, and will continue to do so under the proposed augmentation. (See March 17, 2011 staff recommendation, attached as Exhibit 2, and the WT FEIR, and MMRP, available at: <http://scc.ca.gov/2010/07/30/san-francisco-bay-area-water-trail/>), for more detail.) Conservancy staff prepared and filed a Notice of Determination on March 28, 2011 (SCH #2007112080).

The WT FEIR analyzed the environmental effects of the Water Trail as a comprehensive program. The proposed augmentation of the grant to ABAG continues with the very same activities that were detailed and analyzed in the WT FEIR. Accordingly, no additional findings or determinations under CEQA are required.

As discussed in the March 17, 2011 staff recommendation (Exhibit 2), all future activities under the WT Program, including future sub-grants for site-specific implementation projects, once those activities are identified, will be analyzed through a checklist process to determine if the effects of that activity have been adequately analyzed under the WT FEIR. If so, no further environmental documentation under CEQA will be required. If there are additional significant effects or more severe effects not previously considered under the WT FEIR, the Conservancy will undertake additional, appropriate environmental documentation and approvals with findings, as needed, under CEQA prior to the funding of the sub-grant.