

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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Resolution No. 11-05

Adoption of Bay Plan Amendment 1-10 to amend the following: Bay Plan Map 3, Marsh Plan Maps, Marsh Plan findings and policies for water-related industry and Resolution 16 to delete a portion of the water-related industrial designation at Collinsville, Solano County

Whereas, Government Code Section 66652 states that the “Commission at any time may amend, repeal, and adopt a new form of, all or part of the *San Francisco Bay Plan*” and that “such changes shall be consistent with the findings and declarations of policy” contained in the *McAteer-Petris Act*; and

Whereas, the Commission received and filed an application from the County of Solano to amend the maps found in the *San Francisco Bay Plan* and the *Suisun Marsh Protection Plan* and to amend the findings and policies for water-related industry in the *Suisun Marsh Protection Plan* regarding the water-related industrial designation at Collinsville, Solano County; and

Whereas, the San Francisco Bay Conservation and Development Commission: (1) on January 20, 2011, approved a Descriptive Notice on the proposed Bay Plan amendment and set a public hearing date for April 21, 2011 (2) on January 21, 2011, distributed the Descriptive Notice and notice of the public hearing to all Commissioners, Alternates and all parties interested in the proposed amendment; (3) rescheduled the public hearing to June 2, 2011 with a notice mailed on April 8, 2011; (4) on April 22, 2011, mailed a staff report, preliminary recommendation and environmental assessment for Bay Plan 1-10 to all Commissioners, Alternates and interested parties; (5) on June 2, 2011, held a public hearing to receive public comments on the proposed amendment, preliminary recommendation and environmental assessment and closed the hearing at the conclusion of the public’s comments; (6) on July 1, 2011, distributed the final staff recommendation to Commissioners, Alternates and all parties interested in the proposed amendment; and (7) on July 7, 2011 voted on the staff’s final recommendation that did not change from the staff’s preliminary recommendation; all in accord with the requirements and procedures set out in Government Code Section 66652 and the California Code of Regulations, Sections 11000, 11001, 11002, 11003; and

Whereas, the Commission has considered all written comments received and oral comments presented at the June 2, 2011 public hearing and that staff has responded to those comments; and

Whereas, the 2008 Solano County General Plan modified land use designations throughout the County, including in the vicinity of Collinsville; and

Whereas, this amendment reconciles the inconsistencies between the Commission’s Bay Plan and Marsh Plan and the County’s 2008 General Plan; and

Whereas, there has been a significant change in the regional economy since the Collinsville water-related industrial site was initially designated in 1969. Increasingly, the region’s economy is based on financial services, technology, innovation and an information-based economy and has become less reliant on the manufacturing, heavy industry and the water-related industrial sectors. This transformation has reduced regional demand for waterfront locations for industrial uses; and



Whereas, the Commission and QED Research published a report in 1986 titled, “*An Analysis Of The Economic Demand For Land To Support The Needs Of Water-Related Industries Around San Francisco Bay*”, which found that demand for water-related industrial sites could largely be met with existing sites and that utilization of water terminals was decreasing in some industries due to improvements in other modes of transportation such as ports, railroads and roadways; and

Whereas, the 1986 report found that many of the refineries had purchased land to serve as a buffer between operations and neighboring land uses, which could be used for expansion in the future. Furthermore, the report found that while the Bay Area still possessed a number of unique advantages, such as a world-class natural harbor and access to markets in Northern California, it struggled to remain competitive in the water-related industrial sector with other deep-water-draft locations found along the West Coast and Gulf Coast; and

Whereas, the Collinsville site lacks adequate infrastructure to support water-related industry; and

Whereas, there is sufficient water-related industrial land to meet projected future regional demand for new industrial development and thus this amendment will not increase the likelihood of Bay fill; and

Whereas, this amendment is consistent with the Commission’s statutory and policy requirements; and

Whereas, the San Francisco Bay Conservation and Development Commission has evaluated the environmental impact of amending the *San Francisco Bay Plan Map 3, Suisun Marsh Protection Plan Natural Factors Map, Suisun Marsh Protection Plan Map, Suisun Marsh Protection Plan Boundaries of the Suisun Marsh Map, Suisun Marsh Protection Plan findings and policies for water-related industry and Resolution 16*, under the Commission’s functional equivalency regulations authorized by Public Code Section 21080.5, and finds that all avoidable significant adverse environmental impacts as result of the amendment are reduced to a less than significant level and that, therefore the amendment to *San Francisco Bay Plan Map 3, Suisun Marsh Protection Plan maps, Suisun Marsh Protection Plan findings and policies for water-related industry and Resolution 16* will have no significant environmental impact; and

Whereas, the amendment to the *San Francisco Bay Plan Map 3, Suisun Marsh Protection Plan maps, Suisun Marsh Protection Plan findings and policies for water-related industry and Resolution 16* enacted by this resolution is intended to be a revision in the Commission’s coastal management program for the San Francisco Bay segment of the California coastal zone as approved by the U.S Department of Commerce under the federal Coastal Zone Management Act of 1972, as amended; and

Now, Therefore, Be it Resolved That, the San Francisco Bay Conservation and Development Commission authorizes the Executive Director to make minor, non substantive editorial changes to this Resolution, in particular to comply with the determinations of the Office of Administrative Law in its review of the Resolution under the California Administrative Procedures Act; and

Be it Further Resolved That, the San Francisco Bay Conservation and Development Commission hereby adopts Bay Plan Amendment 1-10 which amends the *Suisun Marsh Protection Plan findings and policies for water-related industry* with the underlined language added and the language ~~struck through~~ as deleted, as follows:

The *San Francisco Bay Plan* (1969) designated priority areas for use by water-related industries around the Bay. ~~Four~~ Two of the sites are located adjacent to the Suisun Marsh, and have high potential for water-related industrial use. ~~Other areas are unlikely to provide good locations for water-related industry and also have significant environmental values related to the Suisun Marsh.~~

Findings

1. Water-related industry ~~and ports~~ is of great value to the regional economy of the San Francisco Bay Area. Although the future demand for new water-related industries is not expected to be great, the supply of deep-draft sites suitable for water-related industry use in the Bay Area is limited. The *San Francisco Bay Plan* reserves two deep-draft water-related industry ~~and port~~ priority use areas adjacent to the Suisun Marsh. Most of the Benicia site, which is located on the southwestern edge of the Marsh, is already developed. The Collinsville site on the southeastern side of the Marsh ~~is the largest vacant site with~~ has deep-water access ~~within the Bay Area and therefore is~~ may be important in the future development of water-related industry ~~and port~~ uses.
2. ~~Water related industrial sites in the Bay Area with shallow draft access are not as scarce as deep draft sites. In addition, the demand for shallow draft sites is presently low, although technological advances could increase demand in the future. Industrial demand for the Bay Plan shallow draft water related industry sites adjacent to the Suisun Marsh the Suisun site to the southeast of Suisun City and a site in the southwest Potrero Hills would probably be limited to firms extracting natural resources in the immediate area. There is no indication that such industries will locate in the Suisun Marsh area in the foreseeable future.~~
3. ~~The Suisun site has several natural constraints that restrict its suitability for industrial development. The site presents foundation problems due to its location on Bay mud, and it lies within the 100 year flood plain. In addition the Suisun site is relatively remote from major shipping channels and has poor land access with no railroad or major highway. On the other hand, the site has high Marsh related environmental values because it is composed of lowland grassland and seasonal marsh, both of which are extremely valuable habitats for Marsh wildlife.~~
4. ~~Most of the Potrero Hills site is physically suitable for industrial development. However, like the Suisun site, the Potrero Hills site is fairly remote from major shipping channels, and land access to land portions of the site is restricted because most of the shoreline consists of tidal marsh. Industrial development in this area would disturb and displace habitats important to Marsh related wildlife and would also detract from the value of the Potrero Hills as a visual feature of the Suisun Marsh.~~
- 5.2. ~~The eastern upland portion of the Collinsville site above the 10-foot contour line is physically suitable for industrial development. The western low-lying half portion of the site below the 10-foot contour line would present foundation problems for development (due to its location on Bay mud), is within the 100-year flood plain, and includes large areas of seasonal marsh that are subject to annual inundation. In addition, this low-lying area comprises two habitats that are critical to Marsh wildlife—lowland grassland and seasonal marsh. The area is also a historic marsh and has potential for restoration by returning it to tidal action. However, the southern portion of the low-lying area is adjacent to the deepwater shoreline and might be needed in the future to provide access to industrial facilities that may be located on the upland portion of the Collinsville site.~~
6. ~~The Collinsville site extends approximately eight miles from the Sacramento River north to Little Honker Bay. However, because the cost of transporting materials from a dock to an industrial plant increases with the distance of the plant inland from the shoreline, it is unlikely that water-related Industry would locate farther than four miles from the deep-draft shoreline access along the Sacramento River.~~

73. The Collinsville site is only a part of an extensive shoreline area fronting on deep water that extends from Collinsville to Rio Vista. This area, with approximately 12.5 ~~linear~~ miles of deep water frontage, represents an important part of the total Bay Area inventory of water-related industrial sites. Solano County has prepared the Collinsville-Montezuma Hills Area Plan and Program for this area.

Policies

- ~~1. Future demand for the shallow draft water related industrial sites in the Suisun Marsh area is questionable. In addition, the Suisun and Potrero Hills sites present several physical constraints for industrial development and have considerable value as aesthetic and wildlife resources in the Suisun Marsh area. It is both unnecessary and undesirable to continue to designate these sites for industrial use and they should not be reserved for this purpose.~~
- ~~2. The Collinsville site is an important vacant deep water site for water related industry within BCDC's jurisdiction. However, areas farther than four miles from the deep draft shorelines on the Sacramento River are unlikely to be used for water related industry. Therefore, these areas should not be reserved for this use.~~
- ~~3.1. The eastern upland portion of the Collinsville site, above the 10-foot contour line, presents no significant physical constraints for development and should be reserved for water-related industry and port use.~~
- ~~4.2. The western low-lying portion of the Collinsville site, below the 10-foot contour line, does present physical constraints for development and consists of critical Marsh-related wildlife habitats. Nevertheless, the portion of this area that fronts on deep water should be reserved for water-related industry use. The western boundary of the area to be reserved for water related industry and port use should follow the 10 foot contour line south until it intersects the railroad right of way. The boundary should then follow the right of way south to the bench mark at Montezuma, and then run from the bench mark to a point on the shoreline 3,200 feet west of Bench Mark 3 located east of the Collinsville inlet. This provides 1,000 feet of undeveloped shoreline between the mouth of Montezuma Slough and any industrial or port activity.~~
3. Reservation of the eastern portion of the Collinsville site for water-related industry and port use notwithstanding, wetland restoration or enhancement of the area below the 10-foot contour line may occur provided that the restoration or enhancement program is carried out in a manner that will not preclude use of the deep water shoreline and area above the 10-foot contour line for water-related industry and port use. Specifically, any wetland restoration or enhancement project should be designed so as not to restrict possible future development and operation of marine terminals and marine terminal berths on the deep water shoreline, and the movement of waterborne cargo, materials and products from the shoreline terminal to the upland portions of the site.
4. A program to prevent accidental spills of toxic and hazardous materials entering Montezuma Slough should be developed by industries constructing marine terminal facilities at Collinsville. Prior to the use of such facilities, equipment required to carry out the prevention program should be installed at the appropriate location at or adjacent to the mouth of Montezuma Slough.
5. The remaining areas of lowland grassland and seasonal marsh in the Collinsville site should be preserved and, whenever possible, enhanced or restored for their intrinsic value as Marsh-related wildlife habitat and to act as a buffer between the Suisun Marsh and industrial and port activities. There are several land uses that could occur in this area. The existing agricultural use-cattle grazing-could be continued. Portions of the area should also be restored to wetland status, either as tidal marsh or managed wetlands. Dredged materials may be used in any wetland enhancement or restoration program when such activity will be conducted without adverse environmental impacts on the Marsh.

- ~~6.~~ ~~The feasibility of establishing a special purpose district in the Collinsville Rio Vista area to provide utilities and services to industries in that area and to function as a port authority should be investigated.~~
- ~~7.~~ The Benicia industry site plays an important role in the regional economy and most of the site is already developed. It should continue to be reserved for water-related industry.
- ~~8.~~ All future industrial development adjacent to the Suisun Marsh within areas reserved for water-related industry should conform to the following planning guidelines:
 - (a) Industrial activities should not have the potential to cause significant adverse impacts on the Suisun Marsh. In particular, water quality should be maintained by ensuring that no hazardous or toxic materials could be introduced into the Marsh sloughs and by prohibiting activities that could alter the temperature salinity or turbidity of the water. Construction of necessary access routes across wetlands should result in the minimum possible disturbance to the ecosystems and wildlife. Pipelines should be installed using the procedures described in the Plan Policies on Utilities, Facilities, and Transportation. Conveyor belts and railroads should be constructed on trestles, except in situations such as along the western boundary of the Collinsville water-related industry area, where a railroad may be constructed on fill in order to provide a dike separating industrial facilities from wetlands.
 - (b) The construction and development of any industrial facilities adjacent to and upstream from the Suisun Marsh should comply with the Plan Policies on Water Supply and Quality and all applicable State and Federal water and air quality standards.
 - (c) Industrial facilities should not be located directly adjacent to the Suisun Marsh. A buffer area should be provided to reduce adverse environmental impacts on the Marsh.
 - (d) Development of industrial sites should not result in the construction of physical barriers such as freeways fences or exposed pipelines that impede the movement of wildlife. In addition, construction of very tall structures with which ~~birds-wildlife~~ are prone to collide, especially during migrations and in bad weather, should be avoided. Industrial facilities adjacent to wildlife areas that deter the landing of ~~waterfowl-wildlife~~ should also be avoided. However, the type, size, and location of structures that could be hazardous cannot now be predicted in advance. Therefore, decisions should be made on a case by case basis to ensure that structures in the vicinity of the Marsh are located and constructed to avoid, to the maximum extent feasible, interference with the flight or migration patterns of ~~waterfowl and other water associated birds~~ wildlife.
 - (e) Industry sites should be developed to allow the most efficient use of the shoreline. For example, in the Collinsville site, wharves constructed along the shoreline in the area reserved for water-related industry, in addition to any petroleum dock which may be needed, should be shared to the maximum extent feasible by industries locating in the water-related industry area.
 - (f) Storage of raw materials, fuel, or products should not be permitted at the shoreline on a permanent or long-term basis. The waterfront is too scarce and valuable to accommodate uses, such as storage, that could be located farther inland.

- (g) Industrial facilities should be located and designed to avoid visual intrusion on the Suisun Marsh. Where sloping land is to be used for industrial development, it should be terraced, rather than leveled, and soil erosion and storm water run-off should be controlled. Buildings should not be highly visible against the skyline, should have a low profile, be well designed and unobtrusive in appearance, and use colors and materials compatible with the surrounding landscapes. Appropriate landscaping should be used to reduce the impact of industrial structures on views from the Suisun Marsh.
- (h) The industrial waterfront is attractive and interesting to many people and public access to the shoreline should be provided wherever feasible, unless it will result in interference with industrial activities or hazards to the public. Public access to exceptional natural features within industrial areas should also be provided wherever feasible.

Be it Further Resolved That, the San Francisco Bay Conservation and Development Commission hereby adopts Bay Plan Amendment 1-10 which amends Bay Plan Map 3, Bay Plan Map 3 notes and policies and Marsh Plan Maps as shown on the attached Figures 1-6 with proposed deletions in language, shown in red strikethrough, and proposed additions shown in green; and

Be it Further Resolved That, the San Francisco Bay Conservation and Development Commission hereby adopts Bay Plan Amendment 1-10 which amends Resolution 16 with the underlined language added and the language ~~struckthrough~~ as deleted, as follows:

West Boundary: ~~A point 3,200 feet west of Bench Mark 3, which is located on the east side of the mouth of the Collinsville inlet.~~ Western edge of Solano County Assessor Parcel 90-120-270

East Boundary: ~~100 feet east of the east side of Marshall Cut.~~ Northeast corner of Collinsville Inlet, near Collinsville Road.

We certify that this amendment was adopted at the Commission meeting held July 7, 2011 at San Francisco, California.

Executed on this _____ day of _____ 2011 at San Francisco, California

SEAN R. RANDOLPH
Chairman

Executed on this _____ day of _____ 2011 at San Francisco, California

WILL TRAVIS
Executive Director