

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

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**TO:** Commissioners and Alternates

**FROM:** Will Travis, Executive Director (415/352-3653 [travis@bcdc.ca.gov](mailto:travis@bcdc.ca.gov))  
Timothy Doherty, Coastal Planner (415/352-3667 [timd@bcdc.ca.gov](mailto:timd@bcdc.ca.gov))

**SUBJECT: Final Staff Recommendation on Proposed Bay Plan Amendment 1-10 to Amend the *San Francisco Bay Plan*, the *Suisun Marsh Protection Plan* and Resolution 16 Concerning the Water-Related Industry Priority Use Area at Collinsville, Solano County**  
(For Commission consideration on July 7, 2011)

## Final Staff Recommendation

The staff recommends that the Commission: (1) amend the *San Francisco Bay Plan* (Bay Plan) Map 3 to delete an approximately 2,400-acre portion of the water-related industrial priority use area at Collinsville; (2) amend the *Suisun Marsh Protection Plan* (Marsh Plan) findings and policies for water-related industry and the Marsh Plan maps to reflect the same reduction in size of the priority use area; (3) revise the Resolution 16 boundaries of the water-related industrial priority use area at Collinsville; and (4) find that the amendment will not have any substantial adverse effects on the environment.

## Staff Report

**Plan Amendment Application.** The County of Solano submitted an application to amend the Bay Plan, the Marsh Plan and Resolution 16 to modify the boundaries of a water-related industrial priority use designation at Collinsville, Solano County. This amendment would reconcile inconsistencies between the Commission's and the County's plans. This proposed amendment is the first step of a two-step process to reconcile inconsistencies between the Commission's Bay Plan and the Marsh Plan with the 2008 Solano County General Plan. In the second step of the process, Solano County will update its component of the *Suisun Marsh Local Protection Program* and request Commission certification of the updated component.

**Reason for the Proposed Amendment.** In 2008, the Solano County Board of Supervisors adopted an updated *2008 Solano County General Plan* that changed many land use designations throughout the county, including the land use designation within the approximately 2,600-acre Collinsville water-related industrial area. Approximately, 1,100 acres of the water-related industrial priority use area were changed to Marsh Preservation (MP), approximately 1,200 acres were changed to Limited Agriculture (AL 160), and approximately 40 acres were changed to Residential – Traditional Community (R-TC-4) and Commercial Recreation Limited (CRL). A total of approximately 200 acres, located along the shoreline of the Sacramento River, remains designated in the County General Plan for water-related industrial use. If this proposed amendment is adopted, this approximately 200 acres of land at Collinsville will remain designated for water-related industrial use in the Bay Plan and the Marsh Plan.

**Statutory and Policy Requirements.** Section 66602 of the *McAteer-Petris Act* states, in part, that "certain water-oriented land uses along the bay shoreline are essential to the public welfare of the Bay Area, and that these uses include ports, water-related industries, airports, wildlife refuges, water-oriented recreation and public assembly, desalinization plants, upland dredged material disposal sites and power plants requiring large amounts of water for cooling purposes; that the *San Francisco Bay Plan* should make provisions for adequate and suitable locations for all these uses, thereby minimizing the necessity for future bay fill to create new sites for these uses..."



Making San Francisco Bay Better

Section 66605 (a) of the *McAteer-Petris Act* finds and declares, in part, “ that further filling of the San Francisco Bay should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ports, water-related industry, airports, bridges, wildlife refuges, water-oriented recreating, and public assembly, water intake and discharge lines for desalinization plants and power generating plants requiring large amounts of water for cooling purposes) or minor fill for improving shoreline appearance or public access to the Bay.” Section 66605 (b) states that “fill in the Bay and certain waterways for any purpose should be authorized when no alternative upland location is available for such purpose.”

Section 66611 of the *McAteer-Petris Act* states, in part, that “the Commission, after a public hearing of which adequate descriptive notice is given, shall adopt and file with the Governor and Legislature a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented land uses, as referred to in Section 66602. After such filing the Commission may change such boundaries in the manner provided by Section 66652 for *San Francisco Bay Plan* maps. Such change will become effective only if authorized by an affirmative vote of two-thirds of the Commission’s members.” This proposed amendment would modify the boundaries of the water-related industrial site at Collinsville and, if adopted, will require an update to the boundaries found in Resolution 16 consistent with Section 66611.

Section 66652 of the *McAteer-Petris Act* states, in part, that “the Commission at any time may amend, or repeal and adopt a new form of, all or any part of the *San Francisco Bay Plan* but such changes shall be consistent with the findings and declarations of policy contained in this title (Amendment or Repeal and Adoption of New Plan, Notice and Hearing). Such changes shall be made by resolution of the commission adopted after public hearing on proposed change, of which adequate descriptive notice shall be given. If the proposed change pertains to a policy or standard contained in the Bay Plan, or defines a water-oriented use referred to in Section 66602 or 66605, the resolution adopting the change shall not be voted upon less than 90 days following notice of hearing on the proposed change and shall require the affirmative vote of two-thirds of the Commission members.” The proposed amendment is being processed consistent with the requirements of Section 66652 of the *McAteer-Petris Act* and the Commission’s regulations.

The Bay Plan states, in part, that substantial public benefits are provided by certain shoreline land uses such as ports, water-oriented industries, parks and beaches and airports. Within these priority use areas, which are defined in Resolution 16, the Commission has concluded that some Bay filling may be justified for purposes that provide substantial public benefits if these same benefits could not be achieved equally well without filling. As stated in the Bay Plan, one of these uses includes “developing adequate land for industries that require access to shipping channels for transportation of raw materials or manufactured products.” Furthermore, one of the Bay Plan’s Major Plan Proposals states that the Commission should “develop and preserve land for water-related industries.” The proposed amendment would preserve approximately 200 acres of water-related industrial land in Collinsville along the Sacramento River, which has access to shipping channels for transportation of raw materials or manufactured products and is, therefore, consistent with the Commission’s Bay Plan.

Section 29003 of the *Suisun Marsh Preservation Act* (Marsh Act), finds and declares that, “in order to preserve the integrity and assure continued wildlife use of the Suisun Marsh, including the preservation of its waterfowl-carrying capacity and retention of the diversity of its flora and fauna, there is a need for all of the following: (a) Provisions for establishment and maintenance of adequate water quality; (b) Improvement of present water management practices, including drainage and other water control facilities within the Suisun Marsh; (c) Establishment of criteria for the production of valuable waterfowl food plants; (d) Provisions for future supplemental water supplies and related facilities to assure that adequate water quality will be achieved within the wetland areas; (e) Development and implementation of plans and policies to protect the marsh from degradation by excessive human use; (f) Definition and establishment of a buffer area consisting of upland areas that have high wildlife values themselves and also contribute to the integrity and continued wildlife use of the wetlands within the marsh.”

The Marsh Plan contains findings and policies for water-related industry. The water-related industry policies of the Marsh Plan state that the Collinsville site is an important deep water site and that the eastern portion, above the 10-foot contour line, presents no significant physical constraints for development of the site, while the western portion below the 10-foot contour line does present constraints for development and consists of critical Marsh habitat. Most importantly, the Marsh Plan states that the area that fronts the deep water channel has very high value for water-related industry. The Marsh Plan also states that industrial areas should not be located directly adjacent to the Marsh and that a buffer area should be provided to reduce adverse environmental impacts on the Marsh.

**Site Conditions.** The Collinsville water-related industrial site is located on the eastern side of the Suisun Marsh within the Secondary Management Area. The area is bound by Montezuma Slough to the west, Collinsville Road to the east, the Sacramento River to the south and Dinkelspiel Road to the north. The largely undeveloped site is primarily composed of upland grasslands, lowland grasslands, seasonal marsh and agricultural lands. The western portion of the site, along Montezuma Slough, is low-lying, prone to seasonal flooding and is situated on Bay mud. The easterly portion of the site, above the 10-foot contour, is more suitable for development. The Montezuma Wetlands LLC operates a dredged material re-handling project along the shoreline adjacent to the Sacramento River and the Collinsville Inlet.

When the Commission originally adopted the Bay Plan in 1969, the Collinsville site was designated as a water-related industry priority use area because it appeared at the time that industrial production, including water-related industry, would continue to grow at a pace that would require substantial shoreline land for new facilities. A Commission report entitled, *Waterfront Industry Around San Francisco Bay*, found that water-oriented industry was an important component of the regional economy, that the region had great potential for water-oriented industrial development and that technological advances would increase industrial demand for shoreline land (Muncy, 1968).

Following the publication of a 1976 report by Gruen, Gruen and Associates, the *Suisun Marsh Protection Plan Supplement* recommended that the Commission delete the westerly portion of the Collinsville water-related industrial site adjacent to the Montezuma Slough and the northern portion of the site due to its distance from the deep water channel. In 1978, the Commission modified the boundaries of the site based on the requirements of the *Suisun Marsh Preservation Act* and added a small area to the site in the vicinity of the Collinsville inlet. Following the 1978 amendment, the Collinsville designation covered approximately 2,600 acres and the boundaries of the designated area have remained unchanged. However, in 1986, the Commission designated the Collinsville site as a port priority use area and in 1995 the Commission amended the Bay Plan and Marsh Plan findings and policies to allow for wetland restoration and enhancement in the water-related industrial site as long as it did not preclude the development of the site for water-related industrial uses. The 1995 amendment facilitated issuance of BCDC Permit No. 14-98 which authorized the Montezuma Wetlands dredged material re-handling facility and wetland restoration project. Most recently, the Commission removed the port priority use designation from Collinsville in 2002.

**Statewide and Regional Economic Trends and Conditions.** Wise development of the Bay and its shoreline are critical to the region's economy. In 2010, the Bay region's seven million residents generated \$373 billion in goods and services and its economy ranked 25<sup>th</sup> in the world (Bay Area Economic Institute, 2010). The Bay Area is one of the most globally connected regions in the country and, as one of the top ten trade portals in the nation, it relies heavily on its shoreline land uses, such as its ports and airports to remain globally competitive. However, the region's dynamic economy and specifically the water-related industrial sector have changed considerably since the Commission initially designated the site at Collinsville. In 2011, the region's economic strengths are based on financial services, technology, innovation and an information-based economy. Increasingly, the regional economy is becoming less reliant on the manufacturing, heavy industry and the water-related industrial sectors. This shift away from a heavy industrial/manufacturing economy has reduced regional demand for waterfront locations that possess navigable deep water to receive and process raw materials. Much of this change can be attributed to the globalization of the economy.

The Commission's report, *An Analysis Of The Economic Demand For Land To Support The Needs Of Water-Related Industries Around San Francisco Bay* (QED Research and BCDC, 1986), 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. The 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. The report also 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. Several of the disadvantages noted in the 1986 report, including the relative regional costs of land, labor, utilities and the regulatory/political environment still shape the water-related industrial sector today.

The region's water-related industries, which are comprised of petroleum refineries, petrochemical facilities and food processing facilities, represent a small component of the Bay Area's manufacturing sector, which is largely dominated by computer and electronic manufacturing. In general, the manufacturing sector has struggled to remain competitive with lower cost areas. The region's high cost of living, which is nearly 50 percent higher than the national average, places upward pressure on wages. The State's effective corporate tax rate (7.4 percent) is higher than the U.S. average (5.3 percent) as well as that of states with comparable metropolitan regions and the cost of electricity is the highest in the nation. These factors serve as obstacles to remaining competitive in an increasingly globalized economy. Furthermore, the manufacturing sector is likely to face continued job erosion in the future as the economy becomes more dependent on a service based economy (Bay Area Economic Institute et al 2005).

**Local Conditions.** As previously noted, the Collinsville site has long been recognized as one of the last undeveloped deep water sites in the region. However, a number of site specific factors have led to the County's recent decision to change the land use designation. These factors include a lack of infrastructure to support industrial uses, a lack of county funding for development of the site, a lack of local or regional demand for industrial uses, a change in land use and ownership patterns and community input during the 2008 General Plan update process.

Currently, there is a lack of infrastructure at the site to support large-scale water-related industrial facilities. The existing transportation infrastructure, such as rail, roadways and piers/wharves, are inadequate to support large-scale industrial activity. The site also lacks developed water and utility infrastructure that are crucial for the development of industrial facilities. In addition, the County was unable to form a redevelopment district, and, thus does not have a viable funding mechanism to support further site improvements.

A number of the previous land owners in the Collinsville vicinity, including large industrial corporations and utilities, such as Dow Chemical, Pacific Gas and Electric and ARCO, chose not to pursue developing industrial uses at Collinsville. Currently, the primary owner within the water-related industrial priority use area is the Montezuma Wetlands LLC, which operates a dredged material re-handling facility.

The demand for water-related industrial land is limited and future growth in the industry is unlikely to surpass the existing supply of designated land, even with the proposed deletion of approximately 2,400 acres at Collinsville. Furthermore, the Commission has received no recent proposals for new development, redevelopment or expansion of water-related industrial facilities in the region and it is assumed that land areas surrounding shoreline industrial facilities are sufficient to meet the future demands of the sector. Finally, the existing supply of designated land appears to be sufficient to avoid the need to fill the Bay to meet future demand.

**Conclusion.** Based on the foregoing analysis, the staff has concluded that the proposed amendment: (1) is consistent with Section 66602 of the *McAteer-Petris Act* because it retains approximately 200 acres for water-related industry use at the Collinsville site, which is located at an “adequate and suitable location” for water-related industrial use and, therefore, minimizes the need for Bay filling to meet the demands of the water-related industrial sector; (2) is consistent with Section 66605(a) of the *McAteer-Petris Act* because the amendment will not increase the likelihood of Bay fill at this site or at other locations around the Bay for water-related industrial uses; (3) is consistent with Section 29003 of the *Suisun Marsh Preservation Act* because it increases the acreage of land designated for marsh and agricultural use in the Secondary Management Area which will protect the marsh from degradation by excessive human use and retains the upland buffer area; (4) is consistent with the Marsh Plan because it will retain areas that are above the 10-foot contour line as well as the shoreline area with deepwater access; and will increase the buffer area between the Primary Management areas of the Marsh and the water-related industrial use area.

Therefore, the staff has concluded that the reduction in the priority use area and modest language changes to the Marsh Plan proposed in this amendment are consistent with the *McAteer-Petris Act*, the *Suisun Marsh Preservation Act*, and the Marsh Plan goals. The amendment is needed to render the Bay Plan and Marsh Plan consistent with the County’s changes to the Collinsville water-related industrial priority use area.

**Final Staff Recommendation**

The staff recommends that the Commission amend the Bay Plan, Marsh Plan and Resolution 16 as follows:

- (1) Amend the Bay Plan Map 3 to delete an approximately 2,400-acre portion of the water-related industrial priority use area at Collinsville;
- (2) Amend the Marsh Plan findings and policies for water-related industry and the Marsh Plan maps to reflect the reduction in size of the priority use area;
- (3) Revise the Resolution 16 boundaries of the water-related industrial priority use at Collinsville; and
- (4) Find that the amendment will not have any substantial adverse effects on the environment.

**Proposed Specific Changes to the Marsh Plan**

The staff recommends that the Marsh Plan findings and policies for water-related industry be changed as follows:

<b>Suisun Marsh Protection Plan Water-Related Industry</b>	
<b>Introduction</b>	<b>Staff Analysis</b>
<p><b>Add underlined language and delete struck-through language as follows:</b> The San Francisco Bay Plan (1969) designated priority areas for use by water-related industries around the Bay. <u>Four</u> <del>Two</del> of the sites are located adjacent to the Suisun Marsh, and have high potential for water-related industrial use. <del>Other areas are unlikely to provide good locations for water-related industry and also have significant environmental values related to the Suisun Marsh.</del></p>	<p>The introduction has been updated to reflect the Commission’s deletion of the areas designated for shallow draft industrial use in 1978.</p>

<b>Suisun Marsh Protection Plan Water-Related Industry</b>	
<b>Findings</b>	<b>Staff Analysis</b>
<p><b>Add underlined language and delete struck-through language as follows:</b></p> <p>1. Water-related industry <del>and ports are</del> <u>is</u> 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 <del>and port</del> 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 <del>is the largest vacant site with</del> <u>has</u> deep-water access <del>within the Bay Area</del> and <del>therefore is</del> <u>may be</u> important in the future development of water-related industry <del>and port</del> uses.</p>	<p>The finding has been updated to reflect the removal of the port priority use area designation which the Commission deleted in 2002. The finding has also been updated by removing language that no longer accurately characterizes the site.</p>
<p><b>Delete struck-through language as follows:</b></p> <p>2. <del>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.</del></p>	<p>The finding has been deleted to reflect the Commission's deletion of the areas designated for shallow draft industrial use in 1978.</p>
<p><b>Delete struck-through language as follows:</b></p> <p>3. <del>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.</del></p>	<p>The finding has been deleted to reflect the Commission's deletion of the areas designated for shallow draft industrial use in 1978.</p>

<b>Suisun Marsh Protection Plan Water-Related Industry</b>	
<b>Findings</b>	<b>Staff Analysis</b>
<p><b>Delete struck-through language as follows:</b></p> <p>4. <del>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.</del></p>	<p>The finding has been deleted to reflect the Commission's deletion of the areas designated for shallow draft industrial use in 1978.</p>
<p><b>Add underlined language and delete struck-through language as follows:</b></p> <p><u>5-2.</u> <del>The eastern</del> upland portion of the Collinsville site above the 10-foot contour line is physically suitable for industrial development. The <del>western</del> low-lying <del>half</del> 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.</p>	<p>The finding has been updated by removing language that refers to "eastern" and "western" portions of the site which are no longer necessary to describe the site.</p> <p>The finding was renumbered from 5 to 2.</p>
<p><b>Delete struck-through language as follows:</b></p> <p>6. <del>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.</del></p>	<p>The finding has been deleted to reflect a 1978 amendment which deleted areas that extended approximately eight miles from the Sacramento River.</p>

<b>Suisun Marsh Protection Plan Water-Related Industry</b>	
<b>Findings</b>	<b>Staff Analysis</b>
<p><b>Delete struck-through language as follows:</b></p> <p><del>73.</del> 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 <del>lineal</del> 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.</p>	<p>The finding was changed to remove the word "linear" which is not needed to characterize the site.</p> <p>The policy was renumbered from 7 to 3.</p>
<p><b>Delete struck-through language as follows:</b></p> <p><del>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.</del></p>	<p>The policy has been deleted to reflect the Commission's deletion of the areas designated for shallow draft industrial use in 1978.</p>
<p><b>Delete struck-through language as follows:</b></p> <p><del>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.</del></p>	<p>The policy has been deleted to reflect the Commission's deletion of the areas designated for shallow draft industrial use in 1978.</p>
<p><b>Add underlined language and delete struck-through language as follows:</b></p> <p><del>3-1.</del> <u>1.</u> The <del>eastern</del> <u>upland</u> 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 <del>and port</del> use.</p>	<p>The policy has been updated to remove language that refers to the "eastern" portion of the site and language that refers to the port designation which was removed in 2002.</p> <p>The policy was renumbered from 3 to 1.</p>

<b>Suisun Marsh Protection Plan Water-Related Industry</b>	
<b>Policies</b>	<b>Staff Analysis</b>
<p><b>Add underlined language and delete struck-through language as follows:</b></p> <p><del>4.2.</del> The <del>western</del> 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. <del>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.</del></p>	<p>The policy has been updated to remove the references to the “western” portion of the site, the previously deleted port designation and to reflect the proposed revision to the boundaries of the site.</p> <p>The policy was renumbered from 4 to 2.</p>
<p><b>Add underlined language and delete struck-through language as follows:</b></p> <p><u>3.</u> Reservation of the <del>eastern portion of the</del> <u>Collinsville</u> site for water-related industry <del>and port</del> 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 <del>and port</del> 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.</p>	<p>The policy has been updated to remove the references to the “eastern” portion of the site and the port designation.</p> <p>The policy was removed from policy 4 (above) and renumbered as new policy 3.</p>

<b>Suisun Marsh Protection Plan Water-Related Industry</b>	
<b>Policies</b>	<b>Staff Analysis</b>
<p>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.</p>	<p>The policy was removed from policy 4 (above) and established as new policy 4.</p>
<p>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.</p>	<p>No change is proposed for policy 5.</p>
<p><b>Delete struck-through language as follows:</b></p> <p><del>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.</del></p>	<p>The policy has been removed as the County was unable to form a redevelopment district or special purpose district and thus does not have a viable funding mechanism to support site improvements.</p>
<p><b>Delete struck-through language as follows:</b></p> <p><del>7</del>6. 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.</p>	<p>The policy was renumbered from 7 to 6.</p>

<b>Suisun Marsh Protection Plan Water-Related Industry</b>	
<b>Policies</b>	<b>Staff Analysis</b>
<p>87. All future industrial development adjacent to the Suisun Marsh within areas reserved for water-related industry should conform to the following planning guidelines:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>The policy has been updated by using the word "wildlife" consistently throughout section 7 d. The policy was renumbered from 8 to 7.</p>

Suisun Marsh Protection Plan Water-Related Industry	
Policies	Staff Analysis
<p>(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 <del>birds</del> <u>wildlife</u> 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 <del>waterfowl-wildlife</del> 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 <u>flight or migration</u> patterns of <del>waterfowl</del> <u>and other water-associated birds wildlife</u>.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	

### Proposed Specific Changes to the Bay Plan Map 3 and Marsh Plan Maps

The staff recommends that the Commission revise the Bay Plan map notes, policies and water-related industrial priority use area designation found on Bay Plan Map 3 as fully described in Exhibits 1, 2 and 3. In general, the proposed text changes to the Bay Plan map notes and policies would more accurately characterize the rail facilities, reflect the proposed reduction in the water-related industrial designation and remove the port priority use area designation consistent with the Commission's 2002 amendment to the Collinsville water-related industrial priority use area.

The staff also recommends that the Commission revise the three maps in the Suisun Marsh Protection Plan; Suisun Marsh Natural Factors Map, Suisun Marsh Protection Plan Map, Boundaries of the Suisun Marsh, (Exhibits 4, 5 and 6). While the attached maps reflect the proposed changes to the water-related industrial priority use area at Collinsville, the maps also integrate new data that more accurately depicts the Commission's jurisdiction and its wildlife priority use areas. Specifically, the proposed changes would be as follows:

**Exhibit 4 - Suisun Marsh Natural Factors Map:** Update the Suisun Marsh Natural Factors Map to reflect the removal of a portion of the Lawler Ranch from the Commission's jurisdiction consistent with Section 29101.5 of the Marsh Act. Finally, the proposed map has been corrected to reflect the Commission's jurisdiction which is bounded to the north by Highway 12.

**Exhibit 5 - Suisun Marsh Protection Plan Map:** Make a number of changes to the Suisun Marsh Protection Plan Map, including deleting approximately 2,400 acres of the water-related industrial area at Collinsville as shown on Exhibit 5, and updating the Suisun Marsh Protection Plan Map to more accurately depict the Commission's wildlife priority use areas. The current map depicts only the Grizzly Island and Joice Island Units. The proposed map has been updated to reflect all of the Commission's designated wildlife priority use areas and the Rush Ranch National Estuarine Research Reserve site. In addition, the proposed map has been corrected to reflect the removal of a portion of the Lawler Ranch from the Commission's jurisdiction consistent with Section 29101.5 of the Marsh Act. Finally, the proposed map has been corrected to reflect the Commission's jurisdiction which is bounded to the north by Highway 12.

**Exhibit 6- Boundaries of the Suisun Marsh:** Delete approximately 2,400 acres of the water-related industrial area at Collinsville as shown on Exhibit 4.

### Proposed Specific Changes to Resolution 16

The staff recommends that the Commission amend its Resolution 16, which defines the boundaries of the Commission's priority use areas, by revising the boundaries of the Collinsville water-related industrial priority use area designation as described below and as depicted in Exhibit 1.

**(Add underlined text and delete struck-through text)**

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

### Response to Comments

No comments have been received on the Environmental Assessment pertaining to the proposed Bay Plan amendment. The only comments on the proposed amendment were received at the June 2, 2011 public hearing. The staff response to public comments is included in Table 1.

<b>Table 1: Comments from the June 2, 2011 Public Hearing</b>	
<b>Public Comment</b>	<b>Staff Response</b>
<p><b>Michael Yankovich, Solano County</b></p> <p>1. Mr. Yankovich stated that the County has updated its General Plan and recommended that Commission adopt amendment 1-10 to bring consistency between the General Plan and BCDC plans.</p>	<p>1. Comment noted.</p>
<p><b>Robert Hall, Property Owner</b></p> <p>1. Mr. Hall owns property along the east side of the Collinsville Inlet in Solano County. His property is within the areas designated by the 2008 General Plan as Commercial-Recreation Limited. He intends to create recreational facilities and has been working with County staff and appreciates the assistance the County has provided. He requested assurance that he can continue with his planned project.</p>	<p>1. Mr. Hall's property is within the Suisun Marsh Secondary Management Area and it is outside of the proposed water-related industrial priority use. Therefore, there is no impact upon his property from this amendment.</p>
<p><b>Jim Levine, Property Owner</b></p> <p>1. Mr. Levine stated that he owns property within the existing and proposed water-related industrial use area. He approved of the amendment and mentioned future plans to operate a renewable energy project on his property.</p>	<p>1. This amendment does not affect the ability to develop renewable energy facilities on the property.</p>

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