

# San Francisco Bay Conservation and Development Commission

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**TO:** Commissioners and Alternates

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**SUBJECT: Staff Report and Recommendation on a Contract with the Contra Costa County Flood Control and Water Conservation District for Amending the *San Francisco Bay Plan***  
(For Commission consideration on January 16, 2020)

## Recommendation Summary

The staff recommends that the Commission authorize the Executive Director to execute a contract with the Contra Costa County Flood Control and Water Conservation District (“District”) to provide the Commission with up to \$8,400 for costs to process proposed amendments to the *San Francisco Bay Plan* (Bay Plan) in coordination with the District’s planned Lower Walnut Creek Restoration Project (Project). The staff also recommends that the Commission authorize the Executive Director to amend the contract, as long as the amendment does not involve substantial changes to the scope of the contract.

## Staff Report

**Background.** Bay Plan maps are an integral part of the Bay Plan, and show how to apply Bay Plan policies to specific areas. The maps also identify shoreline priority use areas (PUAs), which reserve shoreline areas for water-oriented uses to minimize the need to fill the Bay in the future for such uses. In 1969, the subject site adjacent to Pacheco Creek, a tributary to Walnut Creek, on the southern shore of the Carquinez Strait/Suisun Bay, was designated as part of the North Contra Costa PUA for water-related industry due to the site’s attributes, such as proximity to a deep-water channel, easy access to intermodal transportation by land or rail, and the presence of pipelines in the surrounding area. This PUA is currently shown on *Bay Plan* maps 2 and 3.

The District proposes to restore and enhance 172 acres of tidal wetlands, adjacent lowland grasslands and seasonal wetlands, and uplands at the subject site adjacent to Pacheco Creek to improve habitat quality, diversity, and connectivity and to provide more sustainable flood protection, avoiding the need for significant dredging.

Bay Plan Water-Related Industry Policy 1 states “Sites designated for both water-related industry and port uses in the Bay Plan should be reserved for those industries and port uses that require navigable, deep water for receiving materials or shipping products by water in order to gain a significant transportation cost advantage.” Thus, wetland restoration within the subject site would be inconsistent with Bay Plan Water-Related Industry policies. The District has requested that the Commission consider a Bay Plan amendment to remove the designation.



The Commission initiated Bay Plan Amendment (BPA) 5-19 to consider deletion of the priority use designation on November 21, 2019. A Descriptive Notice was posted on November 22, 2019. The public hearing for BPA 5-19 is scheduled for January 16, 2019.

**Recommendation.** The Commission's regulations require that when a party other than the Commission or the Executive Director proposes an amendment to the Commission's planning documents, that party must pay for the Commission's costs of processing the application. Accordingly, the staff recommends that the Commission authorize the Executive Director to (1) execute a contract with the District under which the District will provide up to \$8,400 to the Commission for staff's to process the proposed amendments to the Bay Plan, and (2) amend the contract so long as the amendment does not involve substantial changes in scope.