

San Francisco Bay Conservation and Development Commission

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Public Notice

July 10, 2020

NOTICE OF PROPOSED PROGRAM CHANGES TO THE SAN FRANCISCO BAY SEGMENT OF THE CALIFORNIA COASTAL MANAGEMENT PROGRAM

San Francisco Bay Plan Amendment No. 5-19

Reducing the Water-Related Industry Priority Use Area along Pacheco Creek, east of Martinez

Pursuant to the Coastal Zone Management Act regulations, 15 C.F.R. § 923.81(e), the San Francisco Bay Conservation and Development Commission (the Commission) has submitted to the Office for Coastal Management (OCM) of the National Oceanic and Atmospheric Administration (NOAA) proposed program changes to the federally-approved coastal management program for the San Francisco Bay segment of the California coastal zone. The Commission is requesting concurrence of OCM for amendments to the San Francisco Bay Plan (Bay Plan), adopted by the Commission, pursuant to California Government Code Section 66652, as Bay Plan Amendment No. 5-19, to reduce the Water-Related Industry Priority Use Area along Pacheco Creek, east of Martinez, by 172 acres.

Specifically, on April 16, 2020, the Commission amended the Bay Plan as follows:

- 1) Amended the Bay Plan Map 2 by removing a 172 acre site along Pacheco Creek to the east of Martinez, from the North Contra Costa Water-Related Industry Priority Use Area designation.
- 2) Amended the Bay Plan Map 3 by removing the corner of a project site shown to the west of Pacheco Creek from the North Contra Costa Water-Related Industry Priority Use Area designation.

The California Office of Administrative Law approved the amendments pursuant to California Government Code Section 11354.1 and filed the amendments with the California Secretary of State on June 16, 2020. Thus, Bay Plan Amendment No. 5-19 is effective for state permitting purposes.

The amendments include map changes as detailed within the program change submission document available on the NOAA website:

<https://coast.noaa.gov/czmprogramchange/#/public/home> and the Commission's website: <https://bcdca.gov/BPA/BPA.html>.

The amendment will reduce the geographic scope of the San Francisco Bay Plan's Water-Related Industry policies, which are existing enforceable policies of the Commission's coastal management program applicable to the Water-Related Industry Priority Use Area at Pacheco Creek to the east of Martinez. The incorporation of the amended Bay Plan maps as part of the Commission's coastal management program will allow the Contra Costa County to proceed with a proposed restoration plan for the site, pursuant to state permitting and federal consistency review processes as provided by 16 U.S.C. Section 1456 and 15 C.F.R. Part 930 Subparts C and D.

The NOAA OCM is reviewing the Commission's request for concurrence. Comments regarding the incorporation of the proposed program changes to the San Francisco Bay segment of the California Coastal Management Program should be submitted directly to NOAA OCM via the NOAA website listed above or by mail. Please send any written comments to:

Joelle Gore, Chief
Stewardship Division
Office of Coastal Management
National Oceanic and Atmospheric Administration
1305 East-West Highway, SSMC4 N/OCM6
Silver Spring, MD 20910

Comments will be accepted by OCM for three weeks (21 days) following the date of publication of this notice on **July 10, 2020**.