

1985

Annual Report 1985

San Francisco Bay Conservation and Development Commission

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T H E T W E N T I E T H Y E A R



ANNUAL REPORT

NINETEEN HUNDRED EIGHTY FIVE

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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Commission meetings, open to the public, are normally held on the first and third Thursday of each month. Contact the Commission office for information on meeting location, time, and agenda.

The Commission's office is located at
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Report and Cover Design:
Yuki Kawaguchi, Cartographer

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STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011

SAN FRANCISCO, CA 94102-6080

PHONE: (415) 557-3686



December 31, 1985

Governor Deukmejian and
Members of the California Legislature:

The Commission is pleased to submit its 1985 annual report of activities under the McAteer-Petris Act, the Suisun Marsh Preservation Act, and the Federal Coastal Zone Management Act.

1985 marked the 20th anniversary of the establishment of the San Francisco Bay Conservation and Development Commission. When the Commission was created in 1965, the Bay was being diked and filled at the rate of 2,300 acres a year and had shrunk from 787 square miles to 548 square miles. Responding to widespread citizen concern, the California Legislature passed the McAteer-Petris Act which established the Commission as the nation's first coastal management agency. Since 1969, the rate of fill has been slowed to about 15 acres per year, and through mitigation the size of the Bay is being increased at the rate of about 70 acres per year. Another major goal of the Commission is to promote public access. Twenty years ago, only about four miles of Bay shoreline were open to the public. This has been increased to over 100 miles today. We are proud of our record in balancing conservation with development. In addition to increases in Bay surface and public access, the Commission has approved four billion dollars of construction on the Bay shoreline over the past twenty years.

During 1985, the Commission issued 15 major and 98 administrative permits that will result in almost \$200,000,000 in construction around the Bay. These projects will provide about 60 acres of new Bay surface and 35 acres of public access improvements along about 6.3 miles of Bay shoreline. In addition, the Commission certified numerous federal projects under the federal Coastal Zone Management Act.

Although most enforcement matters involve minor infractions that can be resolved quickly, the Executive Director and the Commission had to issue nine cease and desist orders this year; 46 formal enforcement investigations were also begun.

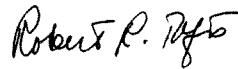
The Commission continued its planning program to address major issues affecting the Bay. During 1985, the Commission: adopted one Bay Plan amendment at the request of the City of Vallejo and another to incorporate public trust findings and policies; began public hearings on other Bay Plan amendments; continued public hearings on its Houseboats and Live-Aboard Boats Study; continued to monitor activities in diked historic baylands; began public hearings on regulations to implement a regionwide permit program; worked closely with the State Coastal Conservancy on its grant program for projects within the Bay; and completed its local government coordination program to improve cooperative efforts in protecting the Bay.

The Commission is grateful for the public interest and participation in its activities, and in particular the valuable contributions of its volunteer Design Review Board, Engineering Criteria Review Board, and Citizens Advisory Committee. The Commission continues to enjoy strong support from the Office of the Attorney General and benefits greatly from the fine work of our dedicated staff. The continued cooperation of permit applicants has also been important to the Commission in meeting its objectives.

Finally, I note with pride that the Commission enjoys strong public support. In a recent study by an international research organization, Bay Area business leaders, public officials, and community leaders ranked the Commission highest among a variety of public agencies in representing the opinion leaders' interests in land use planning. In celebration of the Commission's twentieth anniversary, newspapers from throughout the region applauded the work of the Commission. The San Francisco Examiner said, "In a time of staff-swollen budget-busting sometimes needless bureaucracies, it's reassuring that the BCDC has followed its mandate and served the taxpayers well."

We hope to maintain this public trust as we continue to strive to achieve our primary objective: protecting San Francisco Bay as a great natural resource for the benefit of present and future generations and developing the Bay and its shoreline to their highest potential with a minimum of Bay filling.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert R. Tufts". The signature is written in a cursive, slightly stylized script.

ROBERT R. TUFTS
Chairman

86-5-171

San Francisco Bay Conservation and Development Commission

The 27-member Commission was created by the California Legislature in 1965 in response to broad public concern over the future of San Francisco Bay. The McAteer-Petris Act, the Commission's enabling legislation, required the Commission to prepare "a comprehensive and enforceable plan for the conservation of the water of San Francisco Bay and the development of its shoreline." In 1969, the Commission submitted the completed San Francisco Bay Plan to the Governor and the Legislature. The McAteer-Petris Act was subsequently amended to give the Bay Plan the force of law.

The two objectives of the Bay Plan are: (1) to protect the Bay as a great natural resource for the benefit of present and future generations; and (2) to develop the Bay and its shoreline to their highest potential with a minimum of Bay filling.

The Commission achieves these objectives by:

- Regulating all filling and dredging in San Francisco Bay (which includes San Pablo and Suisun Bays, sloughs and certain creeks and tributaries that are part of the Bay system, salt ponds, and certain other areas that have been diked off from the Bay).
- Regulating new development within the first 100 feet inland from the Bay to ensure that maximum feasible public access to the Bay is provided.
- Minimizing pressures to fill the Bay by ensuring that the limited amount of shoreline property suitable for regional high priority water-oriented uses is reserved for these purposes. These priority use areas which are designated in the Bay Plan include: ports, water-related industry, water-oriented recreation, airports, and wildlife areas.
- Studying all aspects of the Bay to assure that the Bay Plan is amended to reflect current and accurate information.
- Implementing the Suisun Marsh Preservation Act in cooperation with local governments.
- Implementing the federal Coastal Zone Management Act within the San Francisco Bay segment of the California coastal zone.

The Commission's regulatory activities cover four broad, overlapping areas: (1) pre-application assistance to project applicants; (2) application review, analysis, and formal action by the Commission or Executive Director; (3) project monitoring after permits are issued; and (4) enforcement actions to deal with unpermitted work.

Regulatory Activities



San Francisco Bay

(USAF)

Pre-Application Assistance

Project applicants are encouraged to discuss their proposals with the Commission's staff at the earliest possible time. As a result, the staff works extensively with the applicants, local governments, and the public well before permit applications are filed. This pre-application work varies from answering simple inquiries concerning jurisdiction or the proper use of fill to numerous meetings extending over many months with applicants and their architects, engineers, lawyers, and other consultants. At this early stage, project sponsors often find it easier to modify projects to better assure compliance with Commission policies. This early consultation also makes it far less costly and less frustrating for the occasional applicant who finds that it is not possible to have a project approved.

In its review of projects, the Commission and its staff are assisted by two professional boards. The Design Review Board advises the Commission on the appearance, design, and public access of proposed projects. Because the Commission may approve a project only if it provides maximum feasible public access consistent with the project, the advice of the Board is a critical part of the permit application process. To assure that developments on new fill are constructed safely, an Engineering Criteria Review Board reviews all projects that involve fill and problems relating to the safety of fills and/or structures on fills. Members of this Board are specialists in the fields of structural engineering, soils engineering, geology, engineering geology, and architecture. The members of both boards volunteer their time.

Permits

The placement of fill, dredging, or any substantial change in use of the Bay or shoreline requires a Commission permit. A permit can be issued only if the project is consistent with the policies of the San Francisco Bay Plan and the McAteer-Petris Act, or the Suisun Marsh Preservation Act, Suisun Marsh Protection Plan, and the Suisun Marsh Local Protection Programs as they apply. Under law, if the Commission does not act on a permit application within 90 days after a complete application has been filed, the permit is automatically granted. To comply with this provision, the Commission's regulatory process is quite expeditious.

Permits fall into two categories. During 1985, 98 "administrative" permits were issued by the Executive Director for "minor repairs and improvements", as defined in law and the Commission's regulations. All other permits are considered "major" and require a public hearing and action by the Commission.

During 1985, 15 major permits were approved, and one was denied. The major projects approved during 1985 will cost approximately \$200,000,000 to build and will require 30 acres of the Bay to be filled. To mitigate for the adverse environmental effects of the fill, 90 acres of non-tidal area will be opened to tidal action. Thus, there will be a 60 acre net increase in the size of the Bay. In addition, the projects will provide approximately 35 acres of new public access along about 6.3 miles of Bay shoreline.

During the five-year period of 1981 through 1985, the Commission approved 102 applications for major permits, and denied only four. According to data provided by the applicants, these projects will result in about 1.2 billion dollars in construction. Although these projects required 80 acres of new Bay fill, mitigation measures resulted in 464 acres of new Bay surface, or a net gain of approximately 384 acres in the size of the Bay. Conditions for approval of the permits also provided for an increase of 145 acres of new public access.

Major Permits Approved

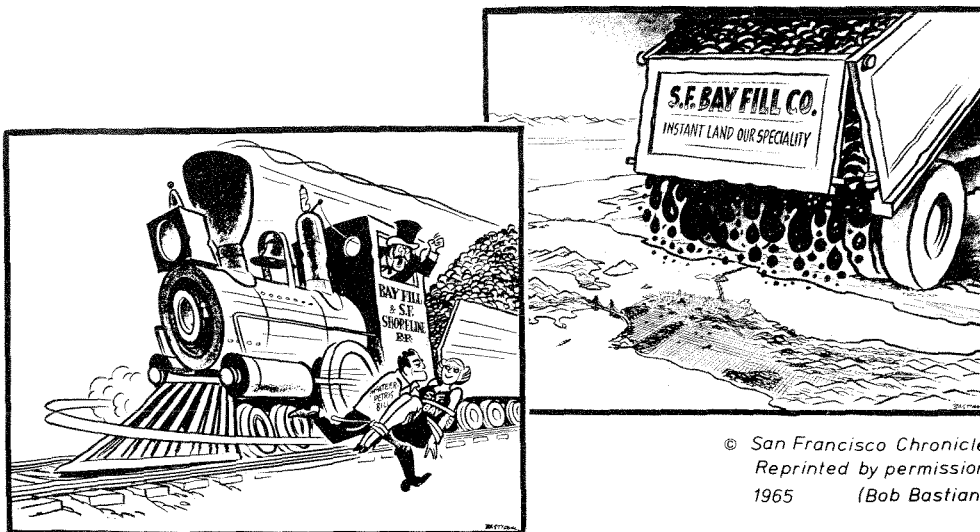
To CONTINENTAL MARITIME AND THE PORT OF SAN FRANCISCO to upgrade and modernize Pier 50 and to moor a 2.6-acre floating dry dock for a four-year period. The project site is located between China Basin and the Central Basin in the City and County of San Francisco. Other improvements will include public access facilities, construction of a pathway to an existing boat launch area, and the removal of abandoned and deteriorated pilings and decking.

To the SAN MATEO COUNTY TRANSIT DISTRICT to build a 26.3-acre bus maintenance and operations facility just north of the San Francisco International Airport in the City of South San Francisco, San Mateo County. The facility will service the district's fleet of buses and provide parking for about 275 buses and 330 automobiles. Six buildings will be constructed and used for bus maintenance, fueling, inspection and related purposes. Approximately 3.3 acres will be used for public access and improved with landscaping, pathways, parcourses, viewing areas, and a mini-park.

To ALAMEDA GATEWAY, LTD. for a mixed use waterfront development at the former Todd Shipyard site between the United States Naval Air Station and the Naval Supply Center, on the South side of the Oakland Estuary, in the City of Alameda, Alameda County. The project site covers approximately 34 acres of land and 16 acres of water. The project includes construction of a 400-berth marina and a breakwater, offices, restaurants, an 80-room hotel, light industrial and retail uses, and public access areas. Approximately 3.3 acres along 3,350 feet of the shoreline and piers will be accessible to the public and will be developed with plazas and other public access amenities.

To FORTMAN BASIN MARINA for improvements to an existing marina located between the Del Monte Plant and the Encinal Terminal, in the City of Alameda, Alameda County. Located at the former Alameda Yacht Harbor, a 475-berth marina constructed in the early 1900's, this project will increase the number of berths and includes construction of three new buildings for retail, office, yacht club, and harbor master use. A 5,175-square-foot mini-park will be added to the walkways, viewing areas, benches, and fishing pier that are part of the existing public access along the shoreline of the harbor.

To the SANTA CLARA VALLEY WATER DISTRICT for the construction of approximately 7,850 linear feet of flood control levees south of the Newby Island Landfill in the City of San Jose, Santa Clara County. Public access will be provided on the new levees.



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1965 (Bob Bastian)

To the PORT OF REDWOOD CITY for the relocation and enlargement of a public boat launch ramp, and construction of a new building and other facilities on the east side of Redwood Creek adjacent to Chesapeake Drive in Redwood City, San Mateo County. In addition to the boat launch ramps, public access improvements will include a floating dock and access pier, restrooms, picnic area, and parking.

To the STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION for the construction of a bicycle/pedestrian path along a one-mile section of the former Northwestern Pacific Railroad Company's right-of-way, adjacent to U. S. Highway 101, at the Richardson Bay Crossing in Marin County. The pathway will provide a linear park along the Bay and will link other paths between Sausalito and Mill Valley.

To the KUMAM CORPORATION AND THE CITY OF BELMONT for the development of a 67.5-acre site along Belmont and O'Neill Sloughs in the City of Belmont, San Mateo County. Approximately 44.5 acres will be developed for ten office, retail and residential buildings, ranging from 3 to 14 stories in height, clustered around a new 2.4-acre lagoon. Outside the Commission's jurisdiction, a 330-room hotel and a 15.4-acre city park will be built. A vehicular bridge and parallel pedestrian bridge will be constructed over O'Neill Slough. Landscaping, 3,480 feet of pathway, and other public access facilities will be provided on approximately six acres of shoreline area.

To the LESLIE SALT COMPANY to rehabilitate and enlarge a salt loading wharf on the east side of Redwood Creek, near the entrance to the Redwood City Yacht Harbor, San Mateo County. The project will also provide 1,400 feet of public access pathway on a nearby levee.

To the STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION AND THE CITY OF BURLINGAME for portions of a new interchange on Highway 101 at Anza Boulevard in the City of Burlingame, San Mateo County. In addition to a 355-foot-long bridge over Sanchez Lagoon, the project includes 7.1 acres of landscaped areas, public access improvements, pedestrian/bicycle lanes, fishing plazas, and a public parking lot.

To SCHOONMAKER POINT MARINA for the construction of a new marina at a 13-acre site located at the foot of Spring Street in the City of Sausalito, Marin County. The project involves the removal of deteriorated piers, construction of 194 berths, renovation of an existing building, and paving for parking and access. Public benefits include 1.9 acres of public access improvements along the shoreline of the site, creation of an 0.9 acre marsh, and dedication to the public of 1.6 acres of open water.

To ENCINAL INDUSTRIES, INC. AND H. P. ANDERSON for an amendment to an existing permit which authorized a new marina and commercial uses along the shore of the Oakland Estuary, near the end of Grant Street, in the City of Alameda, Alameda County. The marina project originally authorized in 1983 was never built. The amendment authorizes construction of 346 berths, construction of a harbor master's building and fuel dock, remodeling of an existing warehouse, construction of commercial development, and development of 61,630 square feet of public access improvements.

To BILL AND TIM MCDONALD for a 6,000-square-foot addition to the Spinnaker Restaurant near Gabrielson Park in Sausalito, Marin County. The project includes the construction of two tidal access mini-parks, a public observation deck, and a shoreline access path.

The Commission's regulations allow most single-family residences to be approved administratively. The following two applications did not meet the requirements for administrative processing, but were nevertheless approved by the Commission:

To MR. AND MRS. W. P. KLIMENKO for the construction of two single-family residences adjacent to the West 14th Street City Park in Benicia, Solano County. The applicants will contribute funds to the City's park dedication fund for public access improvements nearby in lieu of on-site public access.

To MR. AND MRS. ARTHUR MORIGUCHI for the construction of a single family residence just north of Paradise Beach County Park, in the town of Tiburon, Marin County. The beach and tidelands directly fronting the property will be restricted to open space uses, and the applicant will contribute funds for park improvements at the nearby park.

Permit Applications Withdrawn

The following matters were submitted to the Commission for consideration, but were withdrawn by the applicants before action was taken.

ZACK'S INC. submitted an application to construct a 300-berth marina in Sausalito, Marin County. The project included dredging 100,000 cubic yards of material, and construction of a 920-foot-long floating breakwater and approximately 64,500 square feet of public access along the entire shoreline of the project site. A public hearing on the project was scheduled, but because of concerns as to whether the applicant possessed sufficient legal interest in the property, the application was withdrawn prior to Commission action.

RAWSON KELHAM submitted an application to construct a clubhouse and bridge across Boynton Slough at the Fat Hen Farm Duck Club in the Suisun Marsh, Solano County. A public hearing on the project was scheduled, but the application was withdrawn because the construction of a needed access road to the property was not included in the application.

REVOLTING DEVELOPMENT COMPANY submitted several applications to fill up to 55 acres of tidal area in White Slough in the City of Vallejo, Solano County. Although the applications were not complete, the applicant requested that a public hearing be scheduled. Because of the inadequacies of the applications and the inconsistency of the project with the McAteer-Petris Act and San Francisco Bay Plan, the staff recommended that no permit be issued. The Commission held a public hearing on the application, but the application was withdrawn before Commission action.

To eliminate delays in its consideration of port projects, in 1984, the Commission issued a permit to the PORT OF REDWOOD CITY which required the Port to submit a master plan for public access prior to submitting any additional applications for development of port facilities. The Port submitted the master plan, but before the Bay Commission could vote on the staff's recommendation that the plan be approved, the Port withdrew the plan.

Permit Applications Denied

The Commission denied the permit application of the PORT OF STOCKTON, RICH ISLAND DUCK CLUB, and CROWLEY MARITIME CORPORATION to deposit spoils from the U. S. Army Corps of Engineers' dredging of a portion the Baldwin Ship Channel. (A complete description of this matter is included under "Federal Consistency.")

Administrative and Emergency Permits

The Executive Director is authorized to issue permits for minor repairs and improvements, and to address emergencies. The Executive Director issued 97 administrative permits and one emergency permit in 1985. Following are some examples of the administrative permits issued.

To the RICHMOND REDEVELOPMENT AGENCY for the removal of a deteriorated wood railroad trestle covering approximately 1/3-acre of Bay surface along the Ford Channel in the City of Richmond, Contra Costa County.

To the ST. FRANCIS YACHT CLUB in San Francisco for work on an existing club facility. The Club will also provide half the funding for a landscaped walkway and public seating areas along the adjacent seawall.

To PACIFIC BELL of California to lay two optic communication cables along the bottom of Carquinez Strait from Dillon Point in Solano County to Crockett in Contra Costa County.

To the SANTA FE LAND IMPROVEMENT COMPANY to clean up an existing 37-acre site contaminated by lead from the disposal of battery casings in the 1960's at Point Isabel in the City of Richmond, Contra Costa County.

To the CALIFORNIA DEPARTMENT OF FISH AND GAME for dredging and other work necessary to enhance the quality of wetlands in the Petaluma River area in Marin County.

To HORNBLOWER YACHTS, INC. for a floating steel dock to moor two Bay tour boats adjacent to Pier 31 in San Francisco.

To EAST BROTHER LIGHT STATION for the installation of a water line and telephone cable to East Brother Island near Point Richmond, Contra Costa County.

To the CITY OF SAN MATEO for the replacement of a deteriorated culvert and service road crossing O'Neill Slough, in the City of Belmont, San Mateo County.

To the CITY OF OAKLAND for the construction of a 2.8-acre public park along 1,950 feet of the East Bay Regional Park District's San Leandro Bay Shoreline Trail, in the City of Oakland, Alameda County.

To the MARRIOTT CORPORATION for the construction of a public pedestrian bridge from the Marriott Hotel site over El Portal Creek at the Burlingame/Millbrae city limit line, San Mateo County.



Dike Breaking, Hayward Regional Shoreline

(John Harding)

To the CITY OF BERKELEY to make park improvements fully accessible to the disabled and for other ongoing work to park facilities at the Berkeley Marina in Alameda County.

To the CALIFORNIA DEPARTMENT OF TRANSPORTATION for the construction of an additional toll booth and bypass lane at the San Mateo-Hayward Bridge, Alameda County.

To SOUTHERN PACIFIC TRANSPORTATION COMPANY to protect and stabilize the existing railroad track bed along the shoreline of Carquinez Strait from Pinole to Martinez, Contra Costa County.

To the EAST BAY REGIONAL PARK DISTRICT to return an 8-acre diked wetland to tidal action, and to repair and improve existing public access at the Martinez Regional Shoreline Park, Contra Costa County.

To WESTERN PACIFIC RAILROAD for the removal of two ferry slips on opposite sides of the Bay. Approximately four acres of fill will be removed from the Bay at the Sugar Dock and South Slip at the Port of Oakland, and another acre from the ferry slip at the foot of 25th Street in the Port of San Francisco.

The Executive Director issued one emergency permit in 1985, to the ESTERO MUNICIPAL IMPROVEMENT DISTRICT for the placement of shore protection material along a levee in Foster City, San Mateo County. High tides and wave action had eroded the levee and immediate action was necessary to protect the levee and bicycle path.

Suisun Marsh Development Permits

The Suisun Marsh Preservation Act of 1977 enacted into law most of the recommendations of the Suisun Marsh Protection Plan completed by the Commission during 1976. The Act required local governments and special districts within the marsh to prepare and the Commission to certify a local protection program consistent with the Protection Plan and the Preservation Act. To protect the wetlands, riparian habitats, and agricultural lands within the marsh, the Commission, Solano County, and cities regulate development in the marsh through a marsh development permit system. The Commission issues permits within the "primary management area," which includes the wetlands within the marsh; local governments issue permits within the "secondary management area," which consists mainly of agricultural land that is part of the marsh ecological system. Both types of permits must be consistent with the local protection program.

Marsh development permits issued by local governments in the secondary management area can be appealed to the Commission. In 1985, only one permit was appealed due, in part, to the close coordination between applicants, local governments, and the Commission.

The Solano County permit to AEROTURBINE ENERGY CORPORATION for a wind turbine energy project in the Potrero Hills, was appealed on December 30, 1985. Commission action will take place in 1986.

The following permits were issued for work in the Suisun Marsh in 1985:

To the ACME FILL CORPORATION for various work to enhance approximately 58 acres of managed wetlands near Goldhill Road.

To RONALD W. WHITFIELD for the construction of a single-family residence and enclosures for retired performing animals on Lopes Road.

To HERSHEY OIL CORPORATION, CHEVRON U.S.A., INC., and to CGG LAND SEISMIC to perform separate geophysical surveys of potential natural gas deposits in the Marsh. Hershey will drill approximately 11,200 holes within which explosives will be detonated to generate seismic data. Approximately 880 holes will be drilled by Chevron, and 300 holes drilled by CGG. Amphibious vehicles will be used to transport equipment to the drill sites to minimize damage to vegetation.

To TULE VISTA LIVESTOCK COMPANY to reactivate a 6-acre portion of an existing gravel quarry near Montezuma Slough. The permit requires the protection of the marsh habitat and water quality, and complete reclamation of the disturbed lands.

To NAHAMA-WEAGANT ENERGY COMPANY to drill two exploratory natural gas wells near the community of Deverton. The entire site will be restored to its existing condition at project completion.

To RONALD AND PATRICIA BRACY to establish a poultry operation on approximately 40 acres located near Bridgeport Road.

To H. T. HILLIARD AND COMPANY to abandon a non producing natural gas well and to drill a new exploratory well near Kirby Hill.

Under the federal Coastal Zone Management Act, the federal government has approved the Commission's coastal management program for San Francisco Bay, which is based on policies of the McAteer-Petris Act, the Bay Plan, and the Suisun Marsh Preservation Act. This approval gives the Commission authority over federal projects that would not otherwise be subject to California law because federal activities within or directly affecting the San Francisco Bay segment of the California coastal zone must be consistent with the Commission's coastal management program. Pursuant to these "federal consistency" provisions, during 1985 the Commission concurred with the sponsoring federal agency that the following two major projects will be consistent with the Commission's program:

Federal Consistency

The UNITED STATES COAST GUARD project to demolish a 1/2-acre deteriorated wharf, construct a new 1-1/4-acre wharf, dredge, and provide public access improvements at Coast Guard Island, in the City of Alameda, Alameda County.

The UNITED STATES NAVY project to provide home port facilities for four Navy vessels at Treasure Island in the City and County of San Francisco. The project includes demolishing deteriorated piers, constructing new piers, and dredging.

The Commission did not concur with the UNITED STATES ARMY CORPS OF ENGINEERS' consistency determination for dredging a portion of the Baldwin Ship Channel because a related permit could not be issued to the Port of Stockton, Rich Island Duck Club, and Crowley Maritime Corporation for the spoils disposal. The overall project, which was co-sponsored by the Port of Stockton and the Corps, involved dredging approximately one million cubic yards of material from an 11-mile-long segment of the John F. Baldwin Ship Channel and depositing the dredged material at a 100-acre site at the Rich Island Duck Club in the Suisun Marsh, a 75-acre parcel owned by Crowley, and a 19-acre site at Concord Naval Weapons Station.

The Commission could not concur with the consistency determination nor approve the permit application, because the project sponsors could not guarantee that they would fulfill their plans to remove the dredged material from the managed wetlands at the duck club in the Suisun Marsh or from the Crowley site which is reserved in the Bay Plan for water-related industry. The Commission stipulated that if these guarantees are provided, the Executive Director can approve the permit application and concur with the Corps' federal consistency determination.

As is the case with administrative permits, the Commission's regulations allow the Executive Director to act on certain federal consistency determinations administratively. The Executive Director found the following projects to be consistent with the Commission's coastal management program in 1985:

The NATIONAL MARINE FISHERIES SERVICE project to remove a pier at the Southwest Fisheries Center, in the City of Tiburon, Marin County.

The MARE ISLAND NAVAL SHIPYARD project to remove four World War II vintage buildings in the City of Vallejo, Solano County.

The UNITED STATES ARMY CORPS OF ENGINEERS project to dredge approximately 440,000 cubic yards of sediment from a flood control channel near the College of Marin in Corte Madera, Marin County.

The UNITED STATES COAST GUARD project to replace a pier at East Brother Island, in the City of Richmond, Contra Costa County.

The UNITED STATES NAVY for four separate projects: (1) maintenance dredging of approximately 110,000 cubic yards of sediment at the Concord Naval Weapons Station, Contra Costa County; (2) similar maintenance dredging in Guadalupe Slough in the Cities of San Jose and Alviso, Santa Clara County; (3) replacing and upgrading power cables that supply power from the Treasure Island Naval Station to the Coast Guard Facilities on Yerba Buena Island, in the City and County of San Francisco; and (4) condemning three parcels of land totalling approximately 11 acres at the Port of Oakland's Middle Harbor adjacent to the U. S. Naval Supply Center, Alameda County.

The UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE project to construct a float to facilitate handicapped access to Alcatraz Island, in the City and County of San Francisco.

The UNITED STATES DEPARTMENT OF TRANSPORTATION, MARITIME ADMINISTRATION project to dredge approximately 88,000 cubic yards of sediment at the Suisun Bay Reserve Fleet (the "mothball fleet") on the north shore of Suisun Bay, Solano County.



Port of Oakland

(Richard Conrat)

Enforcement

The staff investigates reports of unauthorized fill and construction within the Commission's jurisdiction and reviews all projects authorized by Commission permits to assure compliance with the terms and conditions of the permits.

During 1985, the staff initiated 44 enforcement investigations and continued its investigation into 59 previously initiated cases. Since the Commission's enforcement program began, approximately 75 percent of the cases have been resolved satisfactorily through voluntary compliance or by amending the permit.

Although most enforcement matters involve minor and inadvertent infractions which can be resolved quickly and cooperatively, some cases require formal enforcement actions. The Executive Director can issue temporary cease and desist orders to stop unauthorized activities. The Commission can issue permanent cease and desist orders and can require corrective measures.

In 1985, the Commission issued the following cease and desist orders:

To the PORT OF OAKLAND and SCOTT'S SEAFOOD GRILL AND BAR in Jack London Square, Alameda County. This order, which followed an Executive Director's order issued in late 1984, required the parties either to restore a public access area that had been converted to private use or to secure Commission authorization for public access at another nearby location. Both parties agreed to the order, a permit amendment has been issued, and alternative public access has been provided.

To the PIOMBO CORPORATION, BAY INVESTMENT COMPANY, and ELCAM COMPANY to amend a Commission cease and desist order issued in 1983. The terms of the original order required the three parties to provide public access around Belle Aire Island in South San Francisco, San Mateo County. Subsequently, the Commission issued a permit to another party for development on a portion of the site, so the order was amended to require public access improvements on only the remaining undeveloped portion of the site.

To the CITY OF FOSTER CITY to permanently halt unauthorized filling in a tidal area on the north side of Foster City, San Mateo County. The Commission order, which followed an Executive Director's order issued in 1984, required the City to remove all fill placed in tidal areas and to apply for a permit to place fill in the adjacent shoreline band. The City agreed to the order, removed the fill from the tidal areas, and submitted an application for the shoreline band work.

To WILLIAM BALFREY to resolve a problem caused by the unauthorized construction of a lumber rack on a site in the City of Oakland, Alameda County. The order required Mr. Balfrey to apply for an amendment to his existing permit and provide improved public access along the shoreline. Mr. Balfrey agreed to the issuance of the order, the permit was amended, and improved public access was provided as required.

To the BENICIA FISH COMPANY for failure to install public access improvements required in a previous Commission permit. The Company agreed to the order and the improvements will be installed shortly.

To R.W.L. INVESTMENTS and DI SALVO TRUCKING COMPANY for failure to install public access improvements required in an earlier Commission permit. The Commission issued a cease and desist order on this project in 1974 to require the parties to obtain a permit for ongoing shoreline band work. Subsequently, a permit was issued, but the public access requirements were not completed. Another permit amendment was issued to allow the required public access to be provided at a different location. The improvements will be installed shortly.

In 1985, the Executive Director issued two cease and desist orders:

To JOHN VAN HORNE and EARL FARNSWORTH to stop the unauthorized dumping of material into tidal areas in Marin County along Gallinas Creek and onto the shoreline adjacent to the creek. All work has stopped on the site pending resolution of the matter, which is expected in 1986.

To MICHAEL CORBETT to stop construction of an addition to a house on piles over the waters of the Oakland Estuary in the City of Oakland, Alameda County. The property is owned by the federal government and Mr. Corbett does not have any legal interest in the property. Mr. Corbett halted work while seeking a lease and applying for a Commission permit.



Port of Oakland

(VANO)

Planning

To assure that the San Francisco Bay Plan is up-to-date and based on current information and projections, comprehensive regional planning studies are conducted by staff and consultants. The resulting information used in the Commission's regulatory work and as the basis of revised policies in the Bay Plan. The Commission adopts a biennial planning work program. In 1985, the Commission studied the following matters:

Houseboat and Live-aboard Boat Study

The Commission began its study of houseboat and live-aboard boat use in response to inquiries about houseboat marinas and berthing houseboats in recreational boat marinas. To clarify its position as to whether boats used as residences as well as for navigation are consistent with the Bay Plan policies, in 1983 the Commission initiated a comprehensive study which involved: (1) a systematic review of houseboat and live-aboard boat use in San Francisco Bay; (2) review of the consistency of such use with the Bay Plan policies, the provisions of the McAteer-Petris Act and the public trust; and (3) the development of recommendations for Bay Plan amendments and regulations.

In 1983, the Commission began public hearings on a staff report that recommended changes to the Bay Plan houseboat policies and the addition of new findings and policies concerning live-aboard boats. The hearings were attended by a considerable number of people, many of whom requested that the Commission allow additional time for public comment. In response, the Commission extended the comment period until March 1984, and the staff revised its report.

The Commission began a new series of public hearings in July 1985 upon release of the revised report. In November, a committee of the Commission was appointed to investigate and further analyze the issues. The Committee reached nearly unanimous agreement on houseboat and live-aboard boat definitions, findings, and policies. The Commission consideration of this matter will continue in 1986.

Fill Controls

In 1984, the staff began a comprehensive review of the Commission's authority to control Bay fill. The three specific areas addressed in the staff report were: (1) an analysis of recent legislation and court decisions affecting the Commission's fill control authority with emphasis on the public trust; (2) a review of the adequacy of the Bay Plan policies on Bay fill for commercial recreation purposes; and (3) an analysis of the requirement of mitigation for Bay fill. The staff received substantial assistance in preparing the report from the Office of the Attorney General.



China Camp

After a series of public hearings in late 1984, the Commission concluded that the Bay Plan should be amended to reflect the information in the report. Two public hearings on the proposed Bay Plan amendments were held in 1985. In March the Commission (1) amended the the Bay Plan public trust policy by adding language to reflect recent court rulings on the nature and extent of the public trust in relation to the Commission's authority to control Bay fill; and (2) added the Commission's existing mitigation policy to the Plan to give further guidance to permit applicants and interested parties on the Commission's Bay fill mitigation requirements.

Energy

As required by law, the Commission participated in the California Energy Commission's review of a proposed electrical power co-generation plant at the C and H Sugar Company's refinery in Crockett, Contra Costa County. In addition, the Commission commented on Combustion Engineering Inc.'s application to the Energy Commission for the Bay Area recovery facility project, an 80-megawatt power plant to be fueled by incinerated municipal refuse proposed on Westpoint Slough in San Mateo County. The Commission also participated in Solano County's wind turbine siting plan study, and commented on Aeroturbine, Inc.'s proposal to construct a wind-turbine farm in the Potrero Hills, Solano County, within the secondary management area of the Suisun Marsh.

Public Access Design Guidelines

In September, the Commission published its "Public Access Design Guidelines" booklet to provide assistance to permit applicants, developers, and design professionals in designing and building attractive and usable public access to the Bay as part of their projects. The Guidelines reflect past permit decisions, the Commission's interpretation of Bay Plan policies, and recommendations of the Design Review Board on project designs. Although the Guidelines are advisory, by incorporating them into the design of public amenities in their projects, applicants are assured that they are properly addressing the Commission's public access requirements.

Local Government Coordination

In 1985, the Commission undertook a coordination program with 62 local agencies, including counties, cities, and special districts that have jurisdiction over portions of San Francisco Bay. The staff met with representatives of local agencies and discussed issues of common concern. As a result of the program, the Commission and the local agencies have a greater appreciation and understanding of the issues confronting the Bay and how to best address them jointly.



(Ron Partridge)

Regionwide Permits

In 1984, the Commission investigated the possibility of issuing permits on a regionwide basis for certain kinds of minor work. In 1985, the Commission began a program to streamline the Commission's review of projects that result in little significant adverse impact on the Bay and on public access, and are otherwise consistent with the Commission's policies.

During 1985, the staff prepared drafts of new, shortened application forms, summaries of the proposed regionwide permits, and other informational materials. The Commission also held public hearings on amendments to its regulations with the goal of achieving expedited review of minor projects in 1986.

State Coastal Conservancy Coordination

In 1981, the Commission initiated a comprehensive program to work with the State Coastal Conservancy on public access, wetland enhancement, agricultural preservation, and urban waterfront restoration projects. During 1985, the Commission reviewed several projects to ensure their consistency with the San Francisco Bay Plan and other Commission policies. Under this program, the Commission reviewed and approved the Conservancy's plans for agricultural land preservation in Sonoma and Marin Counties, a grant to the City of Pinole for public access improvements along its waterfront, a grant to the East Bay Regional Park District for the Carquinez Shoreline Park, and an enhancement plan for the Conservancy's pilot North Bay mitigation bank site in San Pablo Bay.

Suisun Marsh Plan Amendment

In February 1985, the Commission certified an amendment to the Suisun Resource Conservation District's Protection Plan for the Suisun Marsh. The amendment includes new, more specific management plans for 155 of the privately-owned and managed duck clubs in the marsh. The plans include information on the elevations of the club ponds and the water intake and outlet structures, and outline actions that will increase the productivity of the marsh.

Bay Plan Amendments

To keep the Bay Plan up-to-date, the Commission continually reviews the Plan's findings, policies, and map designations, and often reviews specific policies and map designations at the request of local governments. An amendment can be adopted only after a public hearing and only with the approval of two-thirds of the entire Commission.

At the request of the CITY OF VALLEJO, the Commission deleted park priority use designations for two areas on Vallejo's Mare Island Strait shoreline and one inland area along its Carquinez Strait shoreline. The amendment was requested in order to bring the Bay Plan and Vallejo's current plans for these shoreline areas into conformity. The Commission also deleted park priority use designation for another area of Vallejo's shoreline, on the recommendation of the Commission's staff.

At the request of the CITY OF FOSTER CITY, the Commission began considering the proposed deletion of park priority use designation for two parcels of land on Foster City's Belmont Slough shoreline.

At the request of the EXECUTIVE DIRECTOR, the Commission began consideration of the proposed deletion of park priority use designation for two contiguous parcels of land along Tiburon's Richardson Bay shoreline.

Monitoring Diked Historic Baylands

At the Commission's direction, since October 1982, the staff has monitored and commented on projects proposed in diked historic baylands, which are outside the Commission's jurisdiction. In its annual report to the Commission on the status of the diked historic baylands, the staff summarized its comments on projects proposed in the diked historic baylands and the status of permit applications pending with the Corps of Engineers for projects proposed in the diked historic baylands.

Alcatraz Disposal Site

The United States Army Corps of Engineers prohibited the dumping of dredge spoils at its Alcatraz Island disposal site for ten days in July, 1985 so that the Corps could take samples to determine why spoils were not being dispersed. About 10,000,000 cubic yards of material are disposed annually at the site which, if not disbursed, could eventually become a hazard to navigation.

Problems at the Alcatraz disposal site first occurred in early 1982, allegedly because of the unauthorized disposal of concrete and the dumping of a large quantity of consolidated sediment in one small portion of the site. Although precautions had been taken to dispose of dredge materials in a slurry, material began accumulating again in 1985 when spoils from the Baldwin Ship Channel were dumped at the site. The "mounding" problem since that time has been persistent and is being monitored with concern.

If Alcatraz is not available, alternative areas for disposal will be requested. Upland disposal sites of adequate size and elevation are extremely scarce. Disposal of spoils on low-lying wetland sites can have significant negative effects on the marshes and mudflats of the Bay. In-Bay disposal of large quantities of material could have significant negative effects on the Bay's fish and wildlife resources. Therefore, the Commission will continue to monitor the condition of the Alcatraz disposal site.

California Coastal Management Program

In 1985, the U. S. Department of Commerce approved the following changes to the Commission's federally-approved coastal management program for the San Francisco Bay segment of California's coastal zone:

Bay Plan Amendment 2-84, which adopted the Richardson Bay Special Area Plan to apply the regional policies of the San Francisco Bay Plan in greater detail to Richardson Bay in southern Marin County.

Bay Plan Amendment 3-84, which deleted from the Bay Plan and Bay Area Seaport Plan the marine terminal designation for Todd Shipyard, in the City and County of Alameda.

Bay Plan Amendment 4-84, which incorporated into the Bay Plan the updated version of the San Francisco Waterfront Special Area Plan.

An amendment to the United States Army Corps of Engineers Regional Permit to allow the Corps to more quickly approve activities that are within the jurisdictions of the Bay Commission and the Suisun Resource Conservation District.

The Commission supported three series of publications during 1985 as part of its program of informing and involving a greater number of government officials, interested groups, and individuals in issues affecting San Francisco Bay:

Bay Tidings

The Commission's staff continued publishing a quarterly newsletter, "Bay Tidings," which summarizes the Commission's actions and activities, and discusses projects and issues relevant to San Francisco Bay. The newsletter is sent to over 700 people.

Bay Area Monitor

The Commission continued to provide funding to the League of Women Voters of the Bay Area for its bi-monthly newsletter, "Bay Area Monitor". Coverage, which was formerly limited to transportation issues, has now been expanded to include regional land use, air quality, and water quality issues. The Monitor is mailed to over 5,000 people in the Bay Area.

WaterfrontAge

The Commission partially underwrote the State Coastal Conservancy's Fall 1985 edition of the magazine, "WaterfrontAge," which focused on the Commission's work during the twenty years of its existence.



China Island Salt Ponds

(Richard Conrat)

The Commission reviewed and took positions on several bills affecting the Bay or the Commission's policies:

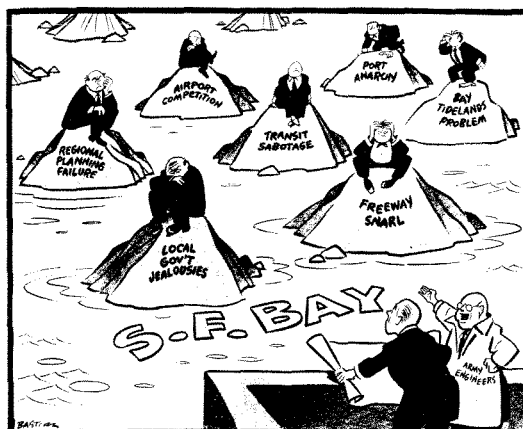
SB 318 and AB 538. The Commission studied the issues surrounding the San Luis Drain, which is a federal project designed to remove irrigation wastewater from the agricultural lands along the west side of the San Joaquin Valley and transport this drainage water to the western Delta. These bills would prohibit the discharge of San Luis Drain wastewaters into San Francisco Bay, San Pablo Bay, Suisun Bay, Carquinez Strait, and the Delta unless certain requirements are met. The Commission supports these bills because they would protect the Bay and its valuable fish and wildlife resources from degradation by seriously polluted drainage discharges.

SJR 15 and HR 2121. These bills were introduced this year in Congress to reauthorize the federal Coastal Zone Management Act. Under this federal law, California has received financial assistance to carry out the State-mandated coastal management program for San Francisco Bay. In addition to supporting these reauthorization bills, the Commission supported SJR 15 in the California Legislature, which would indicate the State's support for passage of a reauthorization bill.

SJR 23. The United States Coast Guard's Vessel Traffic Service is a vessel monitoring system covering San Francisco Bay, its ocean approaches and the Delta up to the Ports of Sacramento and Stockton. The federal government is considering a reduction in funding and turning the VTS over to the private sector. The Commission supported SJR 23, which asks Congress and the President to continue the program as a necessary public service protecting the Bay by reducing vessel accidents and damaging spills.

HR 1295 and S. 1039. These Congressional bills would prevent the Environmental Protection Agency from issuing permits for the incineration of hazardous wastes at sea, such as the test site in the Pacific Ocean off San Francisco Bay, until in-depth studies are completed on the generation, treatment, and disposal of hazardous wastes and the environmental impacts of ocean incineration. The Commission supported these bills.

HR 8. This amendment to the Clean Water Act reauthorization bill was introduced in late 1985 to initiate an Environmental Protection Agency program for San Francisco Bay. This program would develop a comprehensive management plan to reduce pollutants in the Bay and to coordinate federal, state, and local studies and efforts to improve the water quality of the Bay. The Commission supports this bill which would also authorize the appropriation of 12 million dollars over the next four years.



"Speaking of bridges that need building . . ."

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1965 (Bob Bastian)

In 1984 the Commission adopted simplified and reorganized regulations as part of the Governor's regulatory review program. In late 1984, the state Office of Administrative Law (OAL), which oversees the implementation of the California Administrative Procedures Act, notified the Commission that the revised regulations were not acceptable to OAL. During 1985, the Commission's staff completed its review of the objections raised by OAL, formulated responses to the OAL comments, and made further revisions to the regulations to deal with OAL's concerns. In 1986 the Commission will consider the revised revisions and if the Commission adopts the revisions, they will again be submitted to OAL for its review.

Regulations

As part of a Legislatively-mandated pilot program, the staff also calculated the economic impacts that may result from the implementation of the regulations adopted by the Commission in 1984 to require permits for certain types of subdivisions within the Commission's jurisdiction. This information is being used to determine if such analysis should routinely be incorporated into the State's process for the adoption of new regulations.

Although the Commission prefers to resolve disputes administratively, sometimes litigation is unavoidable. During 1985, the Commission was involved in the following lawsuits:

Litigation

People ex rel. SFBCDC v. City of Vallejo

The Commission brought suit against the City of Vallejo because the Commission found that the City's Final Environmental Impact Report on the Cullinan Ranch project does not meet the requirements of the California Environmental Quality Act. The Commission must rely on this environmental document when it considers a permit application for this project, which involves the construction of 4500 housing units, 70 acres of commercial and retail uses, two marinas and individual private docks to moor about 1,650 boats, the breaching of the levees around portions of the project to create the marina basin, and the dredging of Dutchman's slough.

People ex rel. SFBCDC v. City of Emeryville

The Commission has two lawsuits pending against the City of Emeryville.

The first suit involves a 1970 permit that the Commission issued to the City for the construction of the Emeryville marina complex. In 1975, it was discovered that the City had placed approximately 4.5 acres of fill in excess of that authorized by the permit. At the City's request, the Commission amended the permit to authorize the additional fill and to require the City to prepare a public benefits plan to offset the additional fill for the Commission's approval. The plan required the City to complete the public benefit projects by December 31, 1983. When the City did not complete the required projects in a timely manner, the Commission filed suit against the City. The litigation is currently pending, and the parties are discussing possible settlement of the litigation.

In the second lawsuit, the Commission issued a permit to the City to authorize the construction of a new city hall. When the City did not complete a public access walkway as the permit required, the Commission issued a cease and desist order and subsequently filed suit against the City. The litigation is currently pending.

State ex rel. SFBCDC v. Gianulias.

In 1980, the Commission sued to enjoin George Gianulias from placing fill on his property in the White Slough area of Vallejo without a Commission permit. Subsequently, the trial court upheld the Commission's jurisdiction, imposed a \$12,000 penalty, and found Mr. Gianulias in contempt for violating a court order prohibiting the illegal filling. Mr. Gianulias and intervenors City of Vallejo and the Vallejo Sanitation and Flood Control District have appealed the trial court decision.

In 1985, the Commission again sued Mr. Gianulias and the court held him in contempt a second time for violating the court's order. On the appeal, Mr. Gianulias, the City, and the District have filed their opening briefs, and the State will soon file its responding brief.

Benicia Industries v. SFBCDC

In December 1982, the Commission issued two permits to Benicia Industries to authorize two existing automobile processing and storage yards on the shore of Suisun Bay in the City of Benicia. The permits contained conditions that require Benicia Industries to provide: (1) public access along a levee that separates the yards from the Bay; (2) mitigation for filling approximately five acres of wetlands; and (3) the permanent dedication as open space of the tidal portions of Benicia Industries' property to create a permanent shoreline.

Benicia Industries filed suit against the Commission to challenge these conditions. The trial court upheld the conditions that pertain to public access and mitigation but determined that the open space condition was illegal. Benicia Industries appealed the court's decision on mitigation but agreed to comply with the public access conditions. The Commission cross-appealed the court's decision on the open space condition. The appeal is now pending.

State ex rel. SFBCDC v. Lehman, et al

In late 1983, the United States Navy condemned 11 acres in three parcels of property owned by the Port of Oakland, which the Navy previously leased from the Port for parking. The Bay Plan designates the property as a port priority use area and one of the parcels as a near-term port development site under the Seaport Plan.

Because the Navy refused to submit a consistency determination under the federal Coastal Zone Management Act as part of the condemnation proceedings, the Commission filed suit. After extensive negotiations among the Navy, the Port, and the Commission staff, the Navy has agreed to reconfigure the property it is condemning to avoid any interference with the Port's plan to develop the near-term site. The Navy also submitted a consistency determination. The Commission and the Port have agreed to settle the litigation on this basis, and the Navy is in the process of obtaining all necessary approvals to execute the settlement.

Baldwin v. County of Marin, et al

In 1980, the Commission issued a permit to the Marin County Flood Control and Sanitation District for the construction of a storm water retention pond and a small pump station in the Santa Venetia area of Marin County. A mitigation condition to the permit required the District to widen two existing gaps that separated the Bay from a tidal marsh area. In January 1983, high tides and storms combined to drive water over the top of an inner levee that separated the tidal marsh from a residential area.

Many of the homeowners and an insurance company filed suit against the County and the State; the County and the State cross-complained against each other. After extensive analysis, the Commission and the plaintiffs agreed to settle the plaintiffs' claims against the State. Subsequently, the plaintiffs and the County also settled the remaining claims while trial was in progress.

State of California v. F. E. Crites, Inc.
and
Trost v. SFBCDC

In 1974, the Commission and the San Francisco Bay Regional Water Quality Control Board filed suit against F. E. Crites, Inc., for operating a sand reclamation facility near the City of Pittsburg along the shoreline of Suisun Bay without the necessary permits. In 1976, the parties in the suit agreed to a judgment that imposed a \$500,000 penalty on Crites and enjoined any further activity without all necessary permits. The judgment also required the parties to develop an approach for satisfying the judgment.

In 1980, the parties agreed that full satisfaction of the judgement could be achieved by allowing Crites to operate a sand reclamation facility in exchange for the transfer of 80 acres of marshland to the State, the removal of an existing dike, the reclamation of 15 acres of former marshland, and the provision of public access along a dike that separates the sand reclamation facility from the existing and proposed reclaimed marshland. However, a bankruptcy prevented this agreement from being carried out.

In 1985, the Commission, the Regional Board, and the State Lands Commission negotiated a settlement with the State-appointed receiver of the property, which has resulted in the receiver conveying approximately 80 acres of tidal marsh to the State for administration by the Department of Fish and Game and agreeing that when the rest of the property is sold, approximately 15 additional acres of tidal marsh will be restored and substantial public access will be provided.

A companion lawsuit relates to Ronald Trost's purchase of the adjacent McAvoy Yacht Harbor, which had been owned by Crites, from the State-appointed receiver. Mr. Trost filed suit because the Commission would not allow an exemption, which had been issued to Mr. Crites to allow completion of the yacht harbor project, to be transferred to Mr. Trost. The suit is pending, although it is currently in abeyance at Mr. Trost's request.

Morrison v. SFBCDC

In October 1984, the Commission denied a permit application filed by William Morrison for the construction of a single-family residence on Bay fill in Tiburon because the project would be inconsistent with a number of Bay Plan and McAteer-Petris Act policies. In February 1985, Mr. Morrison filed suit against the Commission to invalidate the permit denial. In July, the trial court concluded that the Commission had acted properly when it denied Mr. Morrison's application. Mr. Morrison did not appeal the decision.

United States v. Riverside Bayview Homes

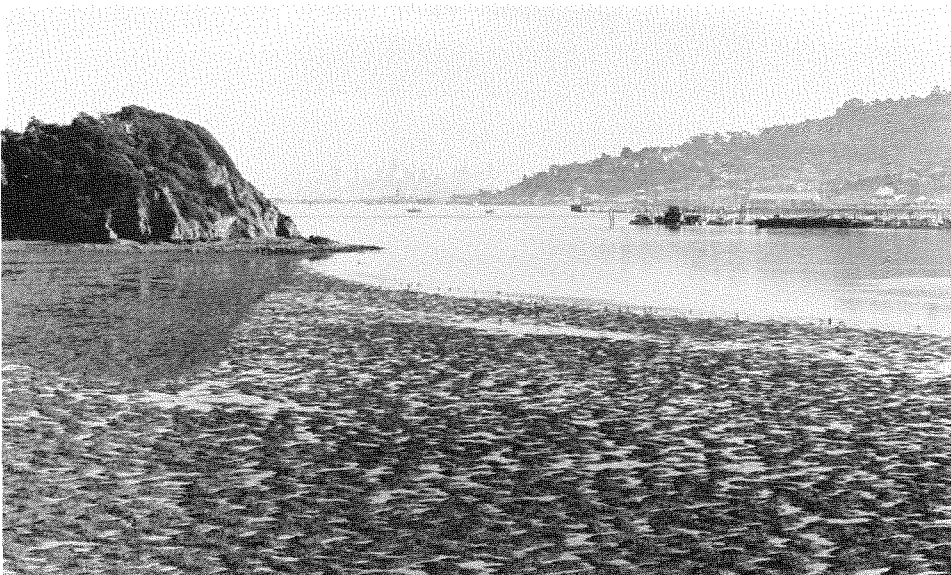
In this case, a developer in Michigan filed a law suit against the U.S. Army Corps of Engineers for asserting jurisdiction over the developer's property under Section 404 of the Clean Water Act. The district court upheld the Corps' jurisdiction because the property is a wetland as defined in Corps' regulations. However, the Sixth Circuit Court of Appeals reversed that decision. The Corps appealed the decision to the U. S. Supreme Court, and the Commission joined by filing an amicus curiae brief because of the importance of the Corps' wetlands jurisdiction in protecting diked historic baylands. In a unanimous opinion, the Supreme Court held that the Corps' regulations which define wetlands are consistent with the Clean Water Act and that the Corps properly exercised jurisdiction in this case.

Acme Fill Corporation v. SFB CDC

In 1983, the Acme Fill Corporation submitted a permit application to the U. S. Army Corps of Engineers for a 97-acre expansion of Acme's existing sanitary landfill site near the City of Martinez in Contra Costa County. The site of the proposed expansion is located outside the Commission's permit jurisdiction but within an area that is reserved in the Bay Plan for water-related industry. Under the federal Coastal Zone Management Act, Acme submitted a consistency certification to the Commission. The Commission objected to Acme's consistency certification because the proposed expansion would prevent the site from being used for water-related industry. Acme appealed the Commission's objection to the U. S. Secretary of Commerce and initiated litigation in Contra Costa County Superior Court to overturn the Commission's action. While both matters were pending, the Corps issued a permit to Acme.

After the Corps issued the permit, Acme temporarily dropped its pending appeal and litigation. The Commission pursued various administrative remedies and appeals within the Corps of Engineers, but when these efforts failed in early 1985, the Commission filed suit against the Corps and Acme in federal court.

In April 1985, Acme reactivated its state court litigation, and in June 1985, the trial court held that the Commission had exceeded its jurisdiction when it had objected to Acme's consistency certification. Thereafter, all parties agreed to stay any further proceedings on the federal litigation while the Commission appeals the state court action. The appeal is pending.



Richardson Bay

(Ron Partridge)

THE COMMISSION

The San Francisco Bay Conservation and Development Commission is composed of 27 members who represent federal, state, and local governments, and the general public. The Commission members and their alternates (shown in parentheses) during 1985 were:

PUBLIC REPRESENTATIVES

Appointed by the Governor:

Robert R. Tufts, Chairman
San Francisco
(David A. Thompson)

John C. Dustin, Vice Chairman
Redwood City
(Richard C. Wilde)

Donald C. DeLutis
San Francisco
(Margarita A. Marshall)

Pier A. Gherini, Jr.
San Francisco
(John B. Stuppin)

Angelo J. Siracusa
Mill Valley
(Vacant)

Appointed by the Speaker of the Assembly:

Earl P. Mills
San Francisco
(David Jenkins)

Appointed by the Senate Rules Committee:

Elizabeth Osborn
Larkspur
(James Pacht)

FEDERAL REPRESENTATIVES

Jay K. Soper
U. S. Army Corps of Engineers
(Calvin Fong)

Judith E. Ayres
Environmental Protection Agency
(John C. Wise)

STATE REPRESENTATIVES

Marion E. Otsea
Regional Water Quality Control Board
(Fred Klatte)

Michael D. McCollum
Resources Agency
(Mark Timmerman*)
(Salle Jantz)

C. David Willis
Department of Finance
(Chon Gutierrez*)
(Jennifer Richardson)

Claire T. Dedrick
State Lands Commission
(Diane R. Jones)

Burch Bachtold
Business and Transportation Agency
(William J. Dowd*)
(John Vostrez)

LOCAL REPRESENTATIVES

Appointed by the County Boards of Supervisors:

Supervisor John T. George
Alameda County
(William H. Fraley)

Supervisor Nancy Fahden
Contra Costa County
(Anthony A. Dehaesus)

Supervisor Albert Aramburu
Marin County
(Supervisor Harold C. Brown, Jr.)

Supervisor Jay Goetting
Napa County
(Supervisor Mel Varrelman*)
(Supervisor Robert E. White)

Supervisor Carol Ruth Silver
San Francisco County
(Lily Cuneo)

Supervisor Dianne McKenna
Santa Clara County
(Supervisor Rod Diridon*)
(Supervisor Thomas L. Legan)

Supervisor Anna Eshoo
San Mateo County
(Councilmember Roberta Teglia)

Supervisor Richard Brann
Solano County
(Supervisor Osby Davis)

Supervisor Janet Nicholas
Sonoma County
(Donald Head*)
(Supervisor Helen Rudee)

Appointed by the Association of Bay Area Governments:

Councilmember Arthur Lepore
City of Millbrae
(Supervisor Doris Ward)

Councilmember Robert Bury
City of Redwood City
(Councilmember Emily M. Renzel)

Councilmember Frank H. Ogawa
City of Oakland
(Councilmember Valance Gill)

Councilmember Barbara Kondylis
City of Vallejo
(Councilmember Carol Peltz)

REPRESENTATIVES OF THE LEGISLATURE

Senator Dan McCorquodale

Assemblyman Dominic Cortese

*Commission Members or Alternates who resigned in 1985

During 1985, the Commission was represented on other
regional and local organizations by:

Commissioner Earl P. Mills
Metropolitan Transportation Commission

Vice Chairman John C. Dustin
Regional Airport Planning Commission
(Commissioner Angelo J. Siracusa)

Chairman Robert R. Tufts
Seaport Planning Advisory Committee
(Commissioner Angelo J. Siracusa)

Vice Chairman John C. Dustin
Association of Bay Area Governments,
Regional Planning Committee

DESIGN REVIEW BOARD

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Design Professionals, Inc., San Jose

Eldon Beck, Landscape Architect
Eldon Beck Associates, Mill Valley

Eric Elsesser, Structural Engineer
Forell/Elsesser Engineers, Inc., San Francisco

John Kriken, Architect
Skidmore, Owings, and Merrill, San Francisco

Allan E. Gatzke, Land Planner
Roma Design Group, San Francisco

Cynthia Ripley, Architect/Urban Designer
Ripley Associates, San Francisco

Hideo Sasaki, Site Planner
Berkeley

Steve C. Thompson, Architect
Gensler and Associates Architects, San Francisco

Mai Arbegast, Landscape Architect*
Berkeley

Kenneth Simmons, Architect*
Community Design Collaborative, Oakland

*Board Members who resigned in 1985

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U. S. Geological Survey, Menlo Park

Joseph P. Nicoletti, Vice Chairman
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John A. Blume and Associates, San Francisco

Professor Tor L. Brekke, Engineering Geologist
University of California, Berkeley

Donald Harms, Architect
Sagar, McCarthy and Kampf, San Francisco

Eugene A. Miller, Soils Engineer
Harlan, Miller, Tait Associates, San Francisco

Alan L. O'Neill, Engineering Geologist
Lafayette

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University of California, Berkeley

Professor James M. Duncan, Soil Engineer*
University of California, Berkeley

Dr. Richard H. Jahns, Geologist*
Stanford University, Stanford

Dr. Egor P. Popov, Structural Engineer*
University of California, Berkeley

Dr. T. Leslie Youd, Soils Engineer*
U. S. Geological Survey, Menlo Park

*Board Members who resigned in 1985

CITIZENS ADVISORY COMMITTEE

The legislatively mandated volunteer Citizens Advisory Committee assists and advises the Commission in carrying out its responsibilities. The 20-member Committee is representative of a broad cross-section of interests concerned with the future of San Francisco Bay and its shoreline.

Dr. Michael Herz, Chairman
Oceanic Society, San Francisco

Robert D. Brown, Jr.
U. S. Geological Survey, Menlo Park

Elva Edger
League of Women Voters, Tiburon

Sylvia Gregory
San Bruno

Esther Gulick
Save San Francisco
Bay Association, Berkeley

Walter A. Abernathy
Port of Oakland, Oakland

Marcella Jacobson
Hillsborough

Ellen Johnck
Bay Planning Coalition, San Francisco

Roger Johnson
San Francisco Bay National Wildlife
Refuge, Newark

Michael N. Josselyn
Tiburon Center for Environmental Studies
Tiburon

Shiraz Kaderali
Pacific Gas and Electric Company
San Francisco

Michael Marston
Keyser Marston Associates, Inc.
San Francisco

William Newton
Landscape Architect, Berkeley

Raul L. Regalado
San Jose Airport

Burton Rockwell
American Institute of Architects
San Francisco

Barbara Salzman
Marin Audubon Society, Larkspur

Dwight Steele
Attorney, Walnut Creek

Timothy J. Sullivan
University of California, Berkeley

Alan Woodhill
Leslie Salt Company, Newark

Richard Trudeau
East Bay Regional Park District, Oakland

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William Travis
Deputy Director

Frank F. Broadhead*
Deputy Director

Russell A. Abramson
Assistant Executive Director
for Administrative Services

Steven A. McAdam
Assistant Executive Director
for Governmental Affairs

Regulation

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Robert B. Hickman
Chief of Enforcement

Robert J. Batha
Permit Analyst

Cynthia J. Gonzales
Enforcement/Permit Secretary

Joan Lundstrom
Enforcement/Permit Analyst

Myrna F. McCullough
Senior Permit Secretary

Robert S. Merrill
Permit Analyst

Randa Phillips
Enforcement/Permit Analyst

Linda M. Pirola
Permit Analyst

Stuart Siegel
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Technical

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Graduate Student Assistant

Tan D. Chang*
Bay Design Analyst

Margit Hind
Bay Design Analyst

Norris H. Millikin
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Jonathan T. Smith
Staff Counsel

Planning

Jeffry S. Blanchfield
Chief Planner

Steven Goldbeck
Environmental Intern

Philip E. Kern
Senior Planner

Linda Turriciano
Senior Planning Secretary

Administration Services

Montano P. Dionisio
Management Services Technician

Graciela Gomez
Administrative Secretary

Sharon T. Louie
Administrative Assistant

Bernadine Soares*
Office Assistant

Stephanie L. Tucker*
Executive Secretary

Cheryl Zander*
Office Assistant

*Staff members who resigned in 1985

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Linus Masouredis
Deputy Attorney General

Joseph Rusconi
Deputy Attorney General

Nancy Wainwright
Deputy Attorney General

Consultants

Bissell and Karn
Civil Engineering

Dr. H. Thomas Harvey
Marine Biology

Yuki Kawaguchi
Cartography

Paul Schiller
Court Reporter

Philip Williams Associates
Hydrology