



January 9, 2001

Jack Rump, Esq.
Chief Council
California State Lands Commission
100 Howe Ave. – Suite 100 South
Sacramento, CA 95825-8202

Re: LEASE RENEWAL OF SUBTIDAL LAND
IN SAN FRANCISCO BAY BY CHEVRON USA

Dear Mr. Rump:

I am writing to you on behalf of the Trails for Richmond Action Committee (TRAC). TRAC is a local grassroots organization dedicated to completing the San Francisco Bay Trail within the City of Richmond. TRAC has been closely following the State Lands Commission's renewal process for the lease of subtidal land in San Francisco Bay to Chevron USA for the purpose of Chevron's continued Long Wharf operations. Due to the long time frame of this lease, an Environmental Impact Analysis has never evaluated the environmental impact of Chevron's operation of the Long Wharf.

TRAC, along with Senator Don Perata, Assemblywoman Dion Aroner, Contra Costa Supervisor John Gioia, Richmond Mayor Rosemary Corbin, the East Bay Regional Park District, the Association of Bay Area Governments, and numerous other environmental and public interest groups are concerned that Chevron's Long Wharf operations on the leased property and on the adjacent upland impede shoreline boating and also prevent safe non-vehicular access to the Bay and shoreline in the vicinity of the Long Wharf and along the Point San Pablo Peninsula north of the Long Wharf. As a mitigation for the public dislocation, and disenfranchisement from public tideland, we are urging that the State Lands Commission require Chevron to provide access for pedestrians and bicycles across Chevron property such that the public can at least reclaim their historic access to the peninsula, to City land in and around Point Molate, and to the adjacent shoreline.

TRAC and the City of Richmond have been engaging in discussions with Chevron and with the State Lands Commission regarding this issue, and we feel that these discussions have been fruitful. Recently however, the issue of whether there is sufficient nexus between the lease renewal and the proposed mitigation has been raised. We believe there is indeed significant nexus as discussed below.

Significance

The Chevron Long Wharf is located directly north of the residential neighborhood of Point Richmond in the City of Richmond, and directly south of the Richmond-San Rafael Bridge. Immediately north of the bridge is the 3 mile-long Point San Pablo Peninsula. Historically, public access to the peninsula was by Western Drive, a road that follows the coastline from Point Richmond, past the Long Wharf operations, and along the western shoreline of the peninsula.

Chevron's Long Wharf operations include the on- and off-loading of petroleum materials from tankers that dock at the wharf. To accommodate the expansion of their operation, the company purchased all upland in the vicinity of the Long Wharf. In addition, during the time frame of the previous lease, Chevron negotiated with the City to vacate the portion of Western Drive in the vicinity of the Long Wharf operations, thereby cutting off non-vehicular access to the peninsula. Unfortunately, the vacation of that segment of historic Western Drive and the ongoing Long Wharf operation severely limits public access to the peninsula. Presently, the ONLY public access to the peninsula is via a single freeway offramp, precluding pedestrian access and severely limiting bicycle access (bicycles presently must use the roadway of Interstate 580).

Why is public access to the peninsula so important? While the eastern portion of the peninsula is occupied by Chevron's refinery operations, the western portion of the peninsula is mostly open space and provides miles of access to Bay shoreline for fishermen and sightseers. Midway along the peninsula is the site of the former Point Molate Naval Fuel Depot and the historic Winehaven campus (a National Register Historic District). This property is in the process of being turned over to the City of Richmond for planned mixed use development, including park and recreational facilities along the shoreline. Near the tip of the peninsula is the Point San Pablo Yacht Harbor, another recreational feature. This yacht harbor also provides the only public access to the offshore East Brother Islands and the East Brother Light Station (also on the National Historic Register). Finally, a major effort is underway to create a regional recreational open space on the western portion of the peninsula. A lack of adequate non-vehicular access from the greater Richmond community to the peninsula would severely hinder the public's full enjoyment of the present and future recreational resources of the peninsula.

Nexus

Chevron's lease of subtidal land directly enables, and is absolutely essential for Chevron's Long Wharf operations. Chevron also uses the adjacent upland as part of the Long Wharf operations. Presently the public is completely excluded from the vicinity of all Long Wharf operations, on the water and on the land. Long Wharf operations have created, and will continue to create serious negative effects on boat, vehicular and pedestrian traffic, and consequently on the public's access and enjoyment of nearby recreational land. In particular, the following points are directly related to the lease and provide a nexus for the mitigation proposed below:

- As a result of Chevron's operations, the public is explicitly excluded from the water over the leased property. The 4200-foot long causeway and 3400 foot long pier that traverses the leased land is posted "No Trespassing". Therefore, all publicly operated water craft, particularly sailboats and self-powered craft, which travel north and south along the coast, are forced to divert into a major Bay shipping channel in order to avoid

the leased property. Since Chevron's ships embark and disembark from the Bayside of the Wharf, privately operated watercraft are forced to maneuver around the large tankers and attendant tugboats during their docking operations. This creates an inconvenient and dangerous situation for the public.

- Chevron's use of the leased property is completely integrated with Chevron's operations on their adjacent upland property. To augment their Long Wharf operations, Chevron annexed a portion of Western Drive, isolating the Point San Pablo peninsula from non-vehicular access. Presently, the public is denied all access across Chevron property. Consequently, there is no longer any hiking access, and no safe and enjoyable bicycling access, to the Point San Pablo Peninsula.

In short, the lease of public land to Chevron enables Chevron to ship and receive petroleum materials by way of its Long Wharf operations. These operations involve leased subtidal land and the adjacent upland in an integrated fashion, and Chevron excludes all public traverse – onshore and offshore - of the land that is used for Long Wharf operations. This establishes the nexus between the leased land and the adjacent upland. Clearly, there is sufficient nexus between the leased tideland and the adjacent upland to permit consideration of public access across the upland as mitigation for the exclusion of the public from the leased land.

Mitigation

It does not appear that the public can be given reasonable water access across the leased subtidal land. Furthermore, Chevron's Long Wharf operations are noisy and detract from the otherwise quiet and scenic enjoyment of the Bay by the public, and by residents of the nearby neighborhood. As mitigation for this lack of access, and for the additional negative public impact that flows directly from the renewal of this lease, we propose as follows:

That State Lands require Chevron to provide reasonable non-vehicular public access across their upland property adjacent to, and operationally linked to the leased public land, such that public hiking and biking access will be provided between the Point San Pablo Peninsula and the greater Richmond community.

Conclusion

Chevron requires the Long Wharf to operate its refinery, because the refinery depends on the crude oil, which is delivered through the Long Wharf. Therefore, the renewal of this lease is very important for Chevron. Long Wharf operations involve not only the leased land itself, but also the adjacent upland. The boating and fishing public has been denied access to the Bay over the leased property. Furthermore, as a direct result of the integrated Long Wharf operations enabled by the lease, the public has also been denied reasonable access across the adjacent upland, leading to the Point San Pablo Peninsula. Finally, Long Wharf operations create a significant negative impact on the public's enjoyment and quality of life. A clear nexus exists between these impacts and the proposed mitigation of reasonable public access across the adjacent upland, thereby providing the desired non-vehicular access to the Point San Pablo Peninsula.

Other considerations, including Chevron's concerns for public safety and the security of their operations, will determine the specific route of the proposed mitigation. However, the suggestion that any such mitigation lacks nexus, would be an

unfair distortion of the law, and would not serve the public interest.

Thank you for your consideration of this issue. If I can be of further assistance or if you would like a tour of the area, please contact me at (510) 215-7847 or dsdol@pacbell.net. If I am unavailable, please contact Bruce Beyaert, the Chair of TRAC, at (510) 235-2835 or beyaert@earthlink.net.

Yours truly,

David Dolberg, Esq.
TRAC Task Force Chair – Pt. San Pablo

cc: Bill Lockyer, California Attorney General
Alan Hager, California Deputy Attorney General
Rosemary Corbin, Mayor City of Richmond
Donald Perata, California State Senator
Dion Aroner, California Assemblywoman
John Gioia, Contra Costa County Supervisor