



To: South Bay Salt Pond Restoration Project Team, Shoreline Study Partners

From: Center for Collaborative Policy

Re: Outcomes from the February 7, 2008 Alviso Working Group Meeting

Background: The South Bay Salt Pond Restoration Project/South San Francisco Bay Shoreline Study held the second meeting of the Alviso Santa Clara County Working Group (Working Group) on Thursday, February 7, 2008 from 1:00 p.m. to 4:00 p.m. at the San Jose/Santa Clara Water Treatment Plant in San Jose. The Working Group was convened to provide ongoing input and advice to the South Bay Salt Pond Restoration Project Management Team (PM Team) and the partners of the South San Francisco Bay Shoreline Study (Shoreline Study) on Phase 1 restoration and public access implementation, as well as flood protection planning.

Meeting Attendance: Attachment 1 lists meeting participants.

Meeting Materials: In advance of the meeting, Working Group members were provided a meeting agenda. At the meeting, the Working Group charter, handouts on Phase 1 actions and applied studies were available, as well as a printout of the meeting slides, a South Bay Salt Pond Restoration Project brochure and FAQ document. Most presentations are available on the SBSP Project website (www.southbayrestoration.org). Attachment 2 is the meeting's flip chart notes.

Substantive Meeting Outcomes:

1. Welcome and Opening Remarks

Clyde Morris, U.S. Fish and Wildlife Service consultant and former manager of the USFWS Don Edwards San Francisco Bay Wildlife Refuge, welcomed everyone, reviewed the agenda and led a round of self-introductions.

2. Work Group Charter

Lead Facilitator Mary Selkirk of the Center for Collaborative Policy reviewed the Working Group charter, which was revised in response to public comments at the last meeting. The group's purpose is twofold, to serve as the eyes, ears and perspective of the Project in the Alviso area and provide feedback now on the on first phase of implementation, and to be the public voice for the South San Francisco Bay Shoreline Study, which is conducting a feasibility study to develop a comprehensive flood improvement project for northern Santa Clara and southern Alameda Counties. The working group is not a decision-making body, but provides vital feedback to the projects.

3. Overview of Project Schedule

Executive Project Manager Steve Ritchie told the group that the completion of the Project's Final EIS/R was published December 28 in the Federal Register. Now project managers are working on a Record of Decision, a formal federal statement of what the Project is going to do. So far, the Project has received six letters in response to the Final EIS/R, which will be posted on the Salt Ponds website within the next two weeks. After permitting, construction on Phase 1 improvements will take place from 2008 through 2010, with the rest of the Salt Ponds Project unfolding over the next 30 years.

In response to a question, Ritchie said managers are in the process now of obtaining permits from the Army Corps, BCDC and RWQCB, and incorporating biological opinions from NMFS and USFWS. It is expected that permitting actions will occur in May.

4. Review of Changes in Final EIS/EIR

Steve Ritchie gave an overview of the Final EIS/EIR. The basic elements, including the project approach, Alternatives B and C and Phase 1 implementation, remain unchanged or received only minor changes.

There were a total of 114 commenters on the Draft EIS/R. Major comment areas include:

- Relationship to the South San Francisco Bay Shoreline Study
- Scope of the EIS/R – commenters urged that the document look at a broader area than the salt ponds
- A Preferred Alternative – commenters stated a preference for one
- Adaptive Management Plan funding – commenters raised concerns about the Project's ability to find financing to sustain the adaptive management process. In response, the final document emphasizes that the Project will have to obtain sufficient funding, and if that doesn't happen, managers will need to stop and take an entirely different approach.
- Aircraft bird strikes at Moffett Field
- Public access and impacts to wildlife
- Wildlife impact significance thresholds
- Flooding
- Sea level rise – in response, managers have added information about climate change and sea level rise to the Project website's front page. Managers believe at this point that the rate of marsh sedimentation should allow the wetlands to keep pace with sea level rise.
- Hunting – hunters asked that that used be maintained
- Invasive Spartina and other invasive species

As for changes in the Final EIS/R, the Army Corps will no longer be a co-lead agency, as the Shoreline Study process has not progressed as quickly as expected and completed studies such as an alternatives analysis, so that it would not be appropriate to include the Shoreline Study in this document. Another change is the addition of an adaptive management staircase diagram for public access, which sets out the process the Project

will follow in assessing impacts to wildlife from public access. As public access is added, it will be studied for its potential effects on wildlife, and its use by the public. If there is no effect and there is additional demand, managers will look at adding more public access. If adverse effects are observed, managers will consider making changes to the public access in an effort to fix or eliminate the problems. Then, managers will work through the adaptive management loop again, until the amount of public access is at the bounds of the EIS/R.

Another change is the addition of a figure displaying the acquisition area of the Don Edwards San Francisco Bay National Wildlife Refuge. Within this boundary, established in 1990, the Refuge is authorized to acquire parcels from willing sellers. This was added to the EIS/R to make clear how the refuge was developed and the current state of affairs within the boundary. Clyde Morris said that when Congress authorized the Refuge to be expanded, it identified those acres with the most potential of meeting the Refuge's purpose. Unfortunately, he said, some of these acres are already developed, so those areas wouldn't be added.

Other changes in the EIS/R include additional language stating that any PG&E facility modifications needed would be incorporated into the Project, with the question of who would fund those modifications unaddressed. In addition, on advice of legal counsel, the document has identified a preferred alternative, Alternative C, the closest to the historic landscape. In reality, Project managers believe both B and C would meet the project objectives and will be utilizing adaptive management to progress. Lastly, the project will incorporate invasive Spartina best practices, including forestalling opening ponds to tidal action for at least two years if Spartina is nearby to allow time for the invasive species to be eradicated.

Questions:

One questioner asked if there will be baseline information on wildlife before the public access is added. Ritchie said yes, but it will depend on specific circumstances.

Another questioner asked if the public access staircase covers the entire Refuge. Clyde Morris said it covers the Salt Pond Project area of 15,500 acres.

5. USFWS Compatibility Determination

Clyde Morris discussed the Refuge's process for determining that planned public uses are compatible with the Refuge's mission, which gives top priority to wildlife. This compatibility determination process is beginning now. Factors to be considered include impacts to biological and other resources, consistency with the Refuge purpose and mission, the potential for conflicts among the uses, the availability of funding and resources, public safety, and the quality of the experience. Managers will perform a written analysis. A draft of the analysis will be placed on the website for public input. Among the preliminary Phase 1 compatible uses being considered at Alviso are wildlife observation and photography, environmental education and interpretation, hiking, bicycling and jogging at pond A16 and the Sunnyvale Bay Trail. Under this preliminary list, there would be no allowable public uses at pond A6. Waterfowl hunting at ponds A5,

A7 and A8 has already been evaluated including a public review of the compatibility determination and was approved several years ago. It will continue on these ponds.

Questions:

In response to a question, Morris said that trapping is not one of the allowable uses.

Another questioner asked how the Refuge would deal with funding. Morris said there is the possibility of charging some fees, perhaps for hunting. The Compatibility Determination will examine funding sufficiency, and may set conditions, such as closing certain public access features in response to funding shortfalls.

6. Phase 1 in Alviso

Clyde Morris and Steve Ritchie, with the aid of PowerPoint slides and handouts, presented the latest designs of Phase 1 actions and applied studies in Alviso.

Applied Studies

Phase 1 applied studies will be conducted to address the following research questions:

- **Pond A16:** Can bird use be increased?
- **Pond A8:** Will reestablishing tidal action increase or decrease methylmercury, which is toxic to wildlife and people? A second study will test theories to improve flood protection for people in the South Bay
- **Pond A6:** A study will look at ways to deal with the 24,000 nesting seagulls present at this pond because of food availability at the Newby Island dump.

Pond A6 Restoration Actions:

Figure 2-15

The pond, known as the Knapp parcel or the duck's head pond, will be opened to tidal action, and managers hope to draw tidal habitat-dependent species such as clapper rails. Ditch blocks will be used to force water into historic channels. In regard to flood control, floodwaters won't be confined, so this would increase flood capacity. Because of invasive *Spartina* in the area, it will be at least two years before this project is constructed to allow time for eradication efforts.

Questions:

In response to questions, Morris said that *Spartina* is salt water dependent, and spraying is done in the summer. After the spraying season, it is not known if spraying is successful until spring.

One questioner asked if nesting islands will be in place and functioning before the levees are breached, and how gull impacts will be monitored once the levees are breached. Morris said the islands will probably be in place before breaching. Studies are being conducted this year on gulls at this pond, and the applied study on gulls will attempt to determine where they go. Salt Ponds biologist Cheryl Strong can provide much more detail if there are specific questions.

A questioner asked what endangered species could be impacted by spraying. Morris said managers are concerned about the salt marsh harvest mouse and California clapper rail. Spraying can impact these species when they are nesting. If managers are planning to spray an area, they do counts beforehand.

In response to a question, Morris said that postponing the breaching of A6 won't affect any of the other Phase 1 actions.

Input:

- One attendee urged the Project to open pond A6 into ponds A5 and A7, saying that there should be downhill access to the Bay so the water flows out. He believes that under the current design, there will be no way to remove the water, and this could cause the mercury to drop out in the ponds. If the water keeps moving, the sediment will remain suspended and take the mercury out. Morris said there are a lot of theories about what will happen at pond A8. Engineers project that the water will be flowing out under the currently proposed design. The speaker may turn out to be correct. The Phase 1 actions and studies are designed to test the theories and determine the facts.
- One attendee said that the ditch in A6 should be dug to the bottom of the channel in Alviso Slough.

Pond A8 Restoration Actions:

Figure 2-16a & b

The pond is now separated from A5 and A7 by a fairly low levee. Now, there are intake culverts into A5 and A7. Pond A8 has no connection to the Bay and is managed as a seasonal pond. It gets a lot of water in the rainy season. There is a large nesting population of avocets, stilts, terns and snowy plovers. If there is a lot of rain, it has to be pumped out to create nesting islands. It's a very successful pond, but there is legacy mercury contamination there and in Alviso and Guadalupe sloughs from the days of mining. Many Alviso residents would like the pond to become tidal to aid in flood protection, but there is the concern about mercury. Scientists do not understand the process in which it becomes bioavailable. Applied studies will look at that question, and whether an increase in tidal water up Alviso Slough to the pond will scour the slough and thereby increase its flood capacity. Studies will also look at whether the scouring makes methylmercury bioavailable or negatively impacts the levees.

The project will construct a 40-foot-wide notch in the levee on Alviso Slough, which will be initially opened to 5 feet [PM Team clarification] to transform the pond into muted tidal habitat. If this is successful, the notch can be opened incrementally, up to 40 feet. If it appears there could be health effects on wildlife or people, the notch will be closed. Incoming water would flow into ponds A5 and A7, making them deeper. Because this is the only place in the Santa Clara Valley where there are nesting snowy plovers, managers are duplicating the pond's current conditions at nearby A12 to attract the birds there. At A5 and A7, water will only flow in. The only outflow will be through A8 to focus the flow on scouring Alviso Slough. During winter, the notch will be closed so the ponds are available for flood relief. The National Marine Fisheries Service is concerned that

endangered steelhead could be entrained in A8, so a test will be performed with hatchery fish to see if that occurs.

Morris said SCVWD is considering a proposal to remove vegetation to enhance flood protection. District Director Rich Santos said there is a public hearing March 10 on the EIR for the proposal, which would remove non-native vegetation and tule and sediment to a depth of 4 feet as well as dredge and widen the channel from the Gold Street Bridge to the marina. It would return the channel to its 1980s conditions. Morris said the A8 action will result in higher salinity upstream, although it is doubtful it would affect salinity sufficiently to kill off the tule. It should be complementary to the SCVWD project.

Questions:

In response to a question on how the incoming water to the pond is removed, Morris said it is removed at low tide or pumped out if necessary.

A questioner asked if increasing the salinity in the slough could allow Spartina to move upstream. Morris and Ritchie said yes, but impacts will be limited because the A8 project will be seasonal and experimental.

A questioner asked if managers are providing apples-to-apples habitat for snowy plovers in replacing A8 with A12, and whether there is an applied study for the plovers. Morris said actually much more habitat is being created in ponds SF2 and A16. Strong said A12 and A8 will be monitored for plovers.

In response to a question, Morris said that pond A8 would still be flooded if snowy plovers don't begin nesting at pond A12. The Project has created a lot of new snowy plover nesting areas over the last three years through its habitat-oriented management strategies at various ponds.

A questioner asked if gulls are preying on snowy plovers faster than they can multiply. Salt Ponds Biologist Cheryl Strong said probably not, and there is no direct evidence of gulls eating snowy plovers at this point. Managers are trying to separate the gull and plover nesting habitats.

In response to a question about endangered species at pond A8, Morris said there is only one listed species, the snowy plover, which is threatened, not endangered, and moved into the pond as a result of USFWS management changes.

A questioner asked how long the snowy plovers at A8 have been studied, and what their survival rates are. Morris and Strong said they have been studied since they began nesting on the island three years ago. There have been a steady number of 10 nests on the pond; birds are not banded, so biologists don't know how many chicks survive to maturity. There are a couple hundred avocet nests and a USGS study indicates that 15-20% make it to adulthood. The Project will try to make the new scientific information that is coming together available to everybody.

Input:

- One attendee recommended that a second weir be placed on the other side of A8. Morris said managers do not anticipate doing that, and the proposal would need to go through environmental review, during the next EIS/R, before it could be implemented.
- Another attendee said it would be helpful to have a deliberate step-by-step process in regards to the snowy plover habitat, to have a couple years of experience with snowy plover use of pond A12 before the modifications to pond A8. Morris and Strong said there will be at least one year before A8 modifications, and more habitat is also being created in the Ravenswood area.
- A request was relayed about the A8 and SCVWD projects, asking that the A8 project go forward first, because the tules will grow back. Construction of A8 would begin in 2009. Morris suggested that request be made to the SCVWD, which is responsible for the slough project.

Pond A16 Restoration Actions:**Figure 2-17**

A water control structure will be installed to connect ponds A16 and A17 and bring in water. Differently shaped nesting islands will be built in A16 to increase density of species such as avocets, stilts, and Forster's terns and make up for pond habitat lost at A6.

Pond A16 Public Access Actions:

The trail between A16 and New Chicago Marsh will be enhanced to be ADA-accessible and a viewing platform and interpretive exhibit will be built. A second interpretive exhibit will be added on the east side of the pond. Scientists will be designing an experiment to close certain portions of the trail at certain times, so that managers can study how the presence of the trail affects where birds choose to nest. There will always be at least one side of the pond with trail access. The conceptual design for the platform would size it to be large enough to host school groups. It would contain benches, railing space for walkers and wheelchair users to use spotting scopes, and a grated "window" in the floor to view the water below.

Questions:

One questioner asked whether the current four islands, built by Cargill to block wind, are working. Morris and Ritchie said they are, and the project will increase that number to 53 islands of various shapes and sizes.

In response to a question, Morris said that records are kept on bird survival.

One attendee noted that discharge into Artesian Slough will be higher density (salinity) than 5-6%. Morris said managers will intake at A17 and put in fish screens to protect endangered fish and release it through A16 into Artesian Slough.

Input:

- Audience members asked that there be an opportunity for public input in the A16 public access design process. Morris and Strong said they will make sure that happens.
- One attendee said she preferred a few eyebrow-shaped islands rather than lots of little clumps. Morris said managers will choose what scientists recommend, as they've given very specific instructions about how the different islands should be configured, including different densities, in order to test bird use.

Morris sought input from the audience on the design of the platform. The following comments were provided:

Design Input:

- Use a glass floor rather than grating for the platform floor "window" so it doesn't collect trash
- One attendee preferred wood
- The original 1974 plan had multiple stories – this new design probably has less impact on birds
- One attendee preferred a permanent and low-maintenance material that looks like wood, such as Trex, because of the expense of replacing wood.
- One attendee preferred a rustic look, that under "wildlife first" would be the most neutral for critters
- An overhead shade would protect people on hot days
- One attendee mentioned a bird blind wall or feature, which does not necessarily need to be covered

Moffett Field section of the Bay Trail

A 2.5-mile section of the Bay Trail will be opened from Sunnyvale along Moffett Field to the Stevens Creek Nature Study Area and Shoreline at Mountain View Park. It will be opened in May or June of this year. This will be a year-round gravel trail with interpretive panels, benches and trail signs. The trail will later be moved once a new flood control levee is built. There will be hunting in nearby blinds during the hunting season. The area draws tens of thousands of ducks that trail users haven't previously been able to see.

Input:

- One attendee noted that the water trail may be planned for this area and the amount of tidal flushing could be dangerous. It would be helpful to communicate with BCDC about this.

7. South San Francisco Bay Shoreline Study Update

Brenda Buxton of the State Coastal Conservancy and Beth Dyer of the Santa Clara Valley Water District gave a status report on the Shoreline Study, a congressionally authorized Army Corps feasibility study that is 50% federally funded and 50% locally funded by the Conservancy and the Water District. Buxton reviewed the project schedule, assuming optimal funding. Study partners expect midyear to complete a floodplain map that would show under existing conditions where water would go in a 50-year and 100-year flood. In fall 2008, the Study would complete a damage assessment

and look at preliminary solutions. By 2010, solutions would be formulated and the Study would look more closely at costs. In 2011 the EIS/R would be completed and a report submitted to the Corps's Washington, DC office. Buxton said the study is a Corps-approved process and planning is going slower than local sponsors would like. It is hoped that construction can begin before all the planning work is complete, if local agencies can fund it upfront. Potential projects that might be looked into include a levee around Moffett Field and the town of Alviso.

Buxton said the Study has not received optimal funding to date, so work has progressed only on key projects. Dyer said the Conservancy and SCVWD are lobbying for money for fiscal year 09, which begins in October, asking for \$2.8 million for the Study. The WRDA bill passed in November placed a 3-year time limit on the Study. They are also lobbying for other monies, including \$1 million for the USFWS for Salt Ponds levee maintenance and \$5.15 million for Salt Ponds Phase 1 actions. In 2008, the Study received \$785,000, much less than the amount needed to keep the project on schedule. Any attendees interested in participating in the lobbying effort can contact Dyer. Director Santos said District representatives can hand-carry letters when they go to Washington, DC on April 17.

Steve Ritchie said he met the previous Friday with staff of Senator Dianne Feinstein and Representative Mike Honda. Senator Feinstein's staff is clearly interested in the Project.

Questions:

One questioner asked if current analysis taking place on the adequacy of levees will be incorporated into the Study. Dyer said there is work going on now in regards to levee recertification and she doesn't have an answer at this point about how that will interface with the Study.

Another questioner asked if mapping would take sea level rise into account. Buxton said not for the existing conditions analysis, but for the analysis of future conditions.

In response to a question, the presenters said that the study is looking at both tidal flooding and areas of tidal and creek or river flooding.

A questioner asked how tall the levees would be. Steve Ritchie said a range will be provided by Shoreline Study modeling, and could be higher than 18 feet. There will be public meetings once the ranges are determined to allow for public input.

Questioners asked about a Salt Pond Project map of potential early implementation projects, which showed no projects in Palo Alto and in Alviso. Buxton said Palo Alto is outside the Salt Pond Project boundaries, and so there was less work done on that area; one of the purposes of the Shoreline Study is to look at that area in more detail and address the concerns. Dyer said in Alviso, there is not meant to be a gap, but it's not entirely clear now exactly how flood protection would work there, and how it would link up with existing flood protection on the Guadalupe. The design of an early implementation project would determine location, height and other specifics.

A questioner asked if the railroad issue in Alviso has been addressed. Dyer said that is one of the big challenges in designing flood protection. There has been an initial meeting with Capitol Corridor and ACE commuter train representatives, and there still needs to be a meeting with Union Pacific.

One attendee asked how interested individuals can provide input on levee design. Dyer said, as the Study goes forward, this Alviso group will be the mechanism for channeling public input on the levees.

Comments:

One attendee said she believed the tidal prism is much larger than that described in the EIS/R, and the document described average annual discharge at one creek as 70 cfs when it is closer to 1700 cfs. Buxton and Dyer responded that the Corps will be doing its own modeling, and will use EIS/R material as far as it is useful, and collect additional information to refine data.

8. Funding Opportunities

Steve Ritchie said there are substantial resources that have been brought to bear for Phase 1 activities in Alviso. Project supporters will need to keep pushing to make sure there are adequate funds to complete the process. Among the funds for Phase 1 actions, there are funds from the USFWS and Conservancy for A16 work, and Ducks Unlimited is using a NAWCA grant to complete the design of A6 and implementation of A16. The SCVWD has obtained a grant for A8. The USGS will be providing a lead scientist to support the adaptive management plan.

9. SBSPP Project Schedule

Steve Ritchie reviewed the upcoming South Bay Salt Ponds schedule. The Project went before the BCDC Design Review Board in December and will be considered at a second meeting on March 11. BCDC and Water Board hearings are expected in April or May. Compatibility Determinations and the Record of Decision are also expected to occur at that time. Designs for Phase 1 actions are expected to be completed in May, with construction starting in the summer. The Bay Trail and SF2 projects will occur first. Construction will probably begin on A8 and A16 in 2009, and A6 in 2010.

10. Next Steps

Ritchie said, as there are more detailed Phase 1 designs, they will be made publicly available so people can provide input. Later this year, there should be another meeting of the Alviso Working Group, which would include Shoreline Study material looking at the extent of flooding under present conditions.

Santa Clara Valley Water District Director Richard Santos, a member of the South Bay Salt Pond Project's Stakeholder Forum, presented a plaque and a rain gauge to Clyde Morris in appreciation and thanks for his more than 30 years of service with the US Fish and Wildlife Service, most recently at the Refuge and with the Salt Pond Project.

The meeting was then adjourned.

Attachment 1:**Alviso/Santa Clara WG February 7, 2008 Meeting Attendance**

Name	Organization/Affiliation
Betty Brown	AWTF
Lorna Cranz (sp?)	AWTF
Beth Dyer	SCVWD
Jim Ervin	City of San Jose
Arthur Feinstein	CCCR
Jim Foran	SCCOSA
Martin Gothberg	Applied Materials
Ross Heitkamp	Friends of Stevens Creek Trail
Carin High	CCCR
Kristy McCumby Hyland	City of Sunnyvale
Tom Laine	
Therese Lee (sp?)	
Libby Lucas	CNPS-SC Valley OHAP
Sean Michael	SCVWD-EAC
Bob Power	SCVAS
Caitlin Robinson	SF Bay Bird Observatory
Dick Santos	SCVWD
Andy Schmidt	San Francisco Bay Brand Inc.
Chris Schwarz	Congressman Mike Honda
Denise Stephens	Alviso
Katie Tague	Senator Ellen Corbett
Joshua Tallis	
Noor Tietze	SCCVCD
Joe Teresi	City of Palo Alto
Kirk Willard	Lockheed Martin
Kevin Woodhouse	City of Mountain View
Nayer Zahiri	SCCVCD

Attachment 2: Flip Chart Notes

Alviso Ponds/Santa Clara County Working Group

The following are public comments captured at the Working Group's February 7, 2008 meeting.

Pond A8 Comments:

If A8 overtops, discharges at A5 & A7

Rel. to Alviso Slough restoration:

Suggestion to SCVWD: do SBSP first

Goal of slough to be like in '80s

↑

A8 scour should help Alviso Slough restoration: complementary

Would like to see phased study of plover use of A12

Suggestion: Add intake @ elbow on A8/Alviso Slough

Pond A16 Restoration

Glass instead of grate

Weather-resistant material:

Prefer wood

Prefer permanent/low maint.

Multiple stories?

Low more effective

Wildlife first: neutral

Sun/rain shade

Bird blind

↑ wave break islands? No – scientists rec.