



**To:** South Bay Salt Pond Restoration Project Team

**From:** Center for Collaborative Policy

**Re:** Outcomes from the July 13, 2006 Stakeholder Forum Meeting

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**Background:** The South Bay Salt Pond Restoration Project held a public meeting on Thursday, July 13 from 1:00 pm to 4:00 pm in the Fukaya Meeting Room at the Fremont Public Library in Fremont. These meetings are convened to provide ongoing input to the South Bay Salt Pond Restoration Project Management Team (PM Team) and its technical consultants on the development of the South Bay Salt Pond restoration, flood management, and public access plan.

**Meeting Attendance:** Attachment 1 lists meeting participants.

**Meeting Materials:** Prior to the meeting, Stakeholder Forum members received a meeting agenda and directions, a draft Project governance proposal, a summary of the April 18 Social Science Workshop, an updated Stakeholder Forum roster, and a new Project brochure.

**Substantive Meeting Outcomes:**

***1. Welcome, Introductions, and Agenda Review***

Steve Ritchie, Executive Project Manager, welcomed everyone and provided an overview of the meeting's objectives, and a review of the agenda. The meeting objectives were:

- Discuss preliminary Phase 1 Public access actions;
- Discuss Phase 1 applied studies and performance measures;
- Review and discuss draft proposal for Project governance and implementation;
- Provide updates on the Initial Stewardship Plan activities, Shoreline Study and Funding.

***2. Update on Initial Stewardship Plan***

Clyde Morris, of the U.S. Fish and Wildlife Service, reported that the levee near Stevens Creek has a low spot that overtopped the last two winters. This could impact flood protection for NASA Ames, and that the Refuge is working with the Santa Clara Valley Water District to repair it. Pond A12 along the Alviso Slough levee also has low spots near the Alviso Marina, which will be repaired this summer. Additionally, a big storm took away rock protection two years ago on Ponds AB1, A2W, and A3N, and the Refuge did not have sufficient funds to totally repair it. So the rock riprap repair will need additional work once funds are obtained. Sen. Feinstein introduced a bill recently for an additional \$1 million for flood control that hopefully will cover the cost of the repair.

Morris said that Cargill and the Refuge completed Phase 4 of the ISP by building a new water control structure for Ponds A22 and A23. Phase 3 of the ISP was the breaching of the island ponds and everything is going smoothly—the fish and birds are using the ponds. Efforts to improve water quality, which is part of Phases 1 and 2 of the ISP, are not going as smoothly. There are dissolved oxygen problems in some ponds, and in Pond A7 and AB1 the water control structures have failed. Cargill will help fix AB1's structure this summer and the contractor will fix the A7 structure, then they can circulate water and the quality will improve. The outlet structure for Pond A14 will be enlarged, which will include dredging the channel to improve circulation and improve water quality. Ponds A1 and A2W changed how they are released making them muted tidal now, and so far they are working fine.

Morris said that the Refuge will try to improve some access for hunters to the Pond A5 system. The Navy is doing a project to remove contaminants from the Moffett Field's North Channel next to Pond A3W. This project will also result in improving the A3W levee which helps our plans for the proposed Phase 1 trail behind Moffett Field. They built the road up and also built a turn-out.

Snowy plovers, which are a threatened species, said Morris, have nested in South Fremont and Pond A8 in Alviso and also in the Ravenswood ponds, where they were not nesting four years ago. There are several studies going on to study the impact of mercury on the birds, including an ongoing study by Fish and Wildlife Service and Fish and Game involving putting transmitters on birds and testing soil, birds, and eggs.

John Krause, of the California Department of Fish and Game, said that in the lower portion of Eden Landing, Alameda County is evaluating Pond Systems 2 and 2C for tidal restoration to accommodate flood conveyance. This information will be used in future SPSB phase for ponds between Old Alameda Creek and the Alameda Creek Flood Control Channel.

Krause said that public access for hunting will again be allowed for six days this year. Also, the Bay Trail segment from the Hayward shoreline that runs over Hwy. 92 with a connection into Eden Landing, should go out to bid soon, but likely won't be completed this year due to permitting and funding issues.

For Pond B10, he said, they have not been able to fully implement the ISP but will complete it this year. It will become seasonally dry to accommodate construction of the new water control structure into Mt. Eden Creek and are looking at early October for breaching Mt. Eden and North Creeks, which will restore hundreds of acres of tidal marsh. They are also conducting active restoration efforts with Save the Bay.

Krause said that Pond 10 will operate in beginning in fall or winter according to the ISP. The Pond 6A system, due to low DO, had some challenges as well as snowy plovers nesting there, so they shut the pond down and will go seasonally dry and get DO levels back up when it fills with water again in the fall and winter.

The Pond B2C system continues to have low DO values. They are not sure what cause is, but are trying to figure it out. Cargill will construct a new culvert from Pond 3C from the 2C system and will connect B2C to B5C and begin operation in the fall to provide an alternative circulation pattern.

Krause said that snowy plovers nesting in their ponds as well, and least terns are using them for foraging. Terns, avocets and stilts are being studied at Eden Landing by USGS and Fish and Wildlife Service for impacts from mercury.

There are well closures being coordinated with the Alameda County Water District and construction is planned for this fall.

*Q: Is this the first year you've seen snowy plovers at Eden Landing?*

A: Krause: No, but now we can actively manage the water to improve their habitat.

*Q: What's the status of the Spartina?*

A: Krause: Aerial spraying will be completed again this season. Results from last year's treatment were very good.

### ***3. Summary of Phase 1 Actions and Discussion of Phase 1 Public Access Actions***

Steve Ritchie provided a quick summary of proposed Phase I actions using maps to describe them. He pointed out pond habitats in E12 and E13 in Eden Landing and said that they are broken up into cells of increasing salinity to look at how birds respond to how the ponds are managed. In Eden Landing, they plan to open E8A, E9, and E8X to tidal action, and use an existing small berm to create a marsh pond there.

He said their proposal in Pond SF2 is to have the outer portion converted to tidal action and that the ability to do this may rest on how much earth work is necessary, and then connect it to tidal marsh north of the Dumbarton Bridge eventually.

In Pond A16, they worked through a lot of details to restore to it to tidal action; there were a number of breaches and they also opened up some of the levees in the middle of the pond. They are talking with PG&E about their facilities there to see if any changes need to be made. For Pond A8, PWA is developing alternatives and Pond A16 activities include a lot of different configurations to see how habitat is developed in that area, including the variance in water depths.

They had proposed a viewing access point at Pond A8, but since there is no existing trail there, they have moved the access point to Pond A16.

*Q: In Pond A6, which scientific groups are you talking to in terms of shorebird/tidal marsh balance?*

A: Ritchie: We just identified this literally in the past couple of days. The Science Team, PRBO, H.T. Harvey & Associates, Fish and Game and others are working to solve this.

Donna Plunkett from EDAW then provided a presentation of the Public Access and Recreation Phase 1 actions. She said that EDAW is working with Philip Williams & Associates and rest of the Consulting Team on public access. She showed maps of the program alternatives. She mentioned that Eden Landing is a part of the major Bay Trail Spine corridor, but currently there is no access to this area. They are working to intersperse Phase I actions; for example, historic features with different types of habitat, and are coordinating a staging area in cooperation with the East Bay Regional Parks District to allow parking there and provide a new entry point to access Eden Landing.

They are planning a shoreline access trail on the north levee from the staging area out to the Bay with a viewing station and interpretive display. The trail is slated to be seasonal. Near the staging area will be a kayak and boat launching area, and the trail will also go to Oliver Salt Works historic site and have an interpretive loop trail around Ponds E13 and E14. Plunkett said that hunting access will be by lottery or on a first come-first served basis if there is not much activity.

In Alviso, she said, both Pond A16 and below Pond A3W are proposed for an interpretive component. Since the landscape is large and vast, they are planning to have a viewing portal with a row of symbols showing five or six key messages about the sites. A Project logo will be on the signs so people know they're entering the SBSRP area. They expect docent-led and self-guided tours with storyboard panels containing themes specialized for the exact locations.

She said that Pond A16 is an interesting area for people to watch nesting birds and is a great birding spot overall. It is adjacent to the existing Refuge interpretive center and they plan to have a raised viewing platform that looks out over nesting islands along with a stand-alone interpretive station. They will have another interpretive station at the Drawbridge location.

She emphasized that the Bay Trail spine complex will be a keystone aspect of Project, linking Sunnyvale's Water Treatment Plant to Mountain View's Shoreline Park. They have identified interim improvements because the trail will become a flood control levee eventually, allowing for multi-uses with managed ponds and tidal marsh.

At Ravenswood, she said, locations Pond SF2 and at Bayfront Park, in cooperation with City of Menlo Park, already has an existing levee that can be rehabilitated and reopened, adding in two viewing platforms of both managed ponds and open Bay. These will be located inland away from highway noise. A second viewing platform in Bayfront Park will be built, looking out over Greco Island and Pond SF2 with interpretive signs.

*Q: The SF2 pond is a new approach as a managed pond--is there a loop trail around the pond?*

A: Plunkett: It will be out and back. There may be new levee built so the existing levee will come out eventually then there could be a loop trail.

*Q: There's no access on the southern side?*

A: Plunkett: Not in Phase 1, we are exploring that for the program level.

*Q: The trail goes around two-thirds of the pond, why can't it be extended to hook back up to the levee?*

A: Morris: This is long narrow pond, we will have some disturbance, but don't want it all the way around for the birds.

*Q: What's sensitive there?*

A: Morris: Disturbance for shorebirds and waterfowl is not well known, so we are designing a study for Pond A16 to look at disturbance issues, and if that shows no negative response, then we can open that area. But we need to get better knowledge first.

*Q: A future study might say there is no impact to wildlife, then how do you go back and add that to the environmental review process?*

A: Plunkett: In Alternative B, we have a couple of different options; we are only looking at Phase 1 right now. We are discussing partnering with CalTrans in that area to do public access.

*Q: This will be part of EIS/EIR review?*

A: Ritchie: Yes.

*Q: Is there infrastructure on there?*

A: Ritchie: The Hetch Hetchy aqueduct is there—they have a big piece of land.

*Forum member comment: The idea of viewing platforms is great, it really adds to the total experience. I hope we can have better access in the Eden Landing area to the shoreline.*

*Q: Have you got into detail of the surface and width of trails and considered the needs of the disabled community?*

A: Plunkett: Yes, we are planning that and would like to talk to you more about that. There will be no paved trails because most of the levees are in great condition, and ADA compliance does not require paving. Some parts, though, will need regrading and compacting.

*Q: You are going to look at high intense use with lots of amenities. Are you taking the global picture of impact with some areas with lots of access and some not so much? I'm hoping that you analyzed exercise users vs. the educational/interpretive experience.*

A: Plunkett: Mostly Phase 1 actions will receive the most visitors and have a lot of interpretive opportunities.

*Q: I hope you would discuss what it means to have a high impact high benefit trail rather than just a trail and the costs associated with that.*

A: Plunkett: Overall, the goal is that all of these will be high quality experiences. There are areas never seen before pretty much clustered all around the infrastructure.

A: Ritchie: Phase 1 actions are focused towards that, such as close to the Alviso Marina.

*Q: How is hunting going to be coordinated with the other activities?*

A: Morris: The trail goes between Steven's Creek and Sunnyvale's Water Treatment Plant where we have blinds right now, so we need to determine a safe distance.

*Q: How about Eden Landing?*

A: Krause: That would be the same situation.

A: Morris: We will reevaluate the current hunting program with a public input process.

*Q: Bayfront Park has been under development pressure and I'm wondering if you're experienced any problems?*

A: Ritchie: We met with Menlo Park when the golf course was proposed and talked it through and now the golf course issue has gone away;

#### ***4. Science Symposium Highlights***

Lead Scientist, Lynne Trulio, said that the Science Symposium was held on June 6 at San Jose State University as an all-day event with 18 speakers, 35 posters, and about 150 people attending. Key topics included those on watershed processes, sediment dynamics, biotics, and water quality. She said the Symposium documented the array of high quality research going on relative to this Project. The first data of island ponds research and Newark Pond study were presented and there was also good information on mercury and birds research. She said that the posters showed the array of remote sensing techniques available, which is going to be an important part of monitoring for the Project. She mentioned that there are also a number of documents on the website, including a two-year summary of Science Team activities.

#### ***5. Briefing and Discussion of Phase 1 Applied Studies and Performance Measures***

Trulio then discussed how the Project's science program activities are moving the Adaptive Management Plan forward as part of the EIR/EIS by helping disseminate current information available and by interpreting the work the Science Team has done over past two years.

She said that the Science Team is ensuring data is available and helping the Project Management Team direct researchers in how to analyze the data. To support this effort, the Science Team is working with the Consulting Team to integrate products into the EIR/EIS process.

Trulio said that the Consulting Team is analyzing three alternatives for the EIR/EIS, but it cannot be determined what the Project will look like in 50 years because of so many uncertainties. Adaptive management will determine how far we can go in restoring tidal salt marsh and restoration targets require monitoring and applied studies. She said the Science Team worked very hard on applied studies and have a set of questions linked to the Project's eight key uncertainties, which can be linked to specific management actions or more on a regional level. For formal hypotheses testing, she explained that the Science Team has developed a table with the key uncertainties and 20 applied studies. Applied studies questions will appear in the Adaptive Management Plan (AMP) and many will be part of the Phase 1 actions in order to move into Phase 2. There are a number of studies dealing with birds and mercury to address in Phase 1 and it seems likely in Phase 2 that there will be more tidal marsh restoration. That is also where they will try to answer some of the sediment dynamics questions.

The Science Team is also working with the Consulting Team, Trulio added, to develop restoration targets, which are quantitative expressions of project objectives, and then monitoring will be used to assess the restoration targets. The AMP includes a table of monitoring and restoration targets for each of the project objectives. There are also monitoring parameters and management triggers to check if things are going off course.

Trulio concluded that they will have a few workshops coming up in the next few months and the revised Adaptive Management Plan in October.

*Q: In the public access component in a study that Bay Trail just did, I felt there was no experimental control. I suggest you look at Eden Landing where there hasn't been trail access. Then put a trail in and see what the impacts are.*

A: Trulio: With my study (at another location), the controls were good controls—there were very few people out there. Even in places fenced off, we found a couple of people, but not high traffic. Yes, we need a before and after study.

*Q: The snowy plovers numbers would be driven by the draft recovery plan. What is the current nesting numbers? How far do we have to go?*

A: Krause: We have a baseline to go on, about 100 pairs.

*Q: I don't see anything to accommodate sea level rise.*

A: Trulio: That analysis is part of the Consultant Team analysis for 50-year projections.

*Q: Some restoration actions have adjacent habitats. Will you look at cumulative impacts in those areas as well?*

A: Ritchie: We may note that, but don't know how much impact on populations we'll get into.

#### **6. Status Report on the Shoreline Study**

Beth Dyer, of the Santa Clara Valley Water District, described the Shoreline Study as an investigation to determine federal interest in tidal and fluvial flood damage protection, habitat restoration, public access and other purposes. The difference is that this study is at the project level and the SPSB Project is primarily at the programmatic level.

She said that some areas in Project area are at or below sea level, so they have tried to capture potential impacts, for example a 1% high tide. The preliminary damage is estimated at \$500 million or higher when analysis is done. Ripple effects could include 8' high flooding, infrastructure could be shut down, and there would be significant lost productivity. The Shoreline Study is to evaluate these impacts and quantify them. For habitat and public recreation there will also be a cost/benefit analysis.

Dyer said that a lot of comments were submitted during and after the public scoping meeting, and that they have been meeting with cities on an on-going basis since March to establish an understanding of cities' concerns. She said that the feasibility analysis has begun with PWA doing some of the technical analysis and that a detailed plan will be available at the end of 2009.

She said that some members of the Project Management Team traveled to Washington, DC recently to encourage interagency participation on a federal level and received confirmation that these agencies are willing to work together. However, with FEMA, they still working to bring them to the table and to engage on a regular basis. As a result of some discussions, Sen. Feinstein proposed an additional \$1 million in the U.S. Army Corps budget for next year for the Shoreline Study.

*Q: Can you provide clarity on the analysis that's ongoing?*

A: Dyer: It deals with habitat, social-economic analysis, establishing a baseline, and is a little different than CEQA--it's more economically focused. On the habitat and public access side it is not a straight economic analysis. We're looking at where are we going to be if there's no project vs. if there is a project.

*Q: Will there be an opportunity to see at a mid-point before it's done?*

A: Ritchie: Yes, here in this Forum.



*Q: Is it different than the earlier Shoreline study?*

A: Dyer: That study was only looking at flood projection and using a different methodology.

### ***7. Review and Discussion of Draft Governance Proposal***

Amy Hutzel, of the California State Coastal Conservancy, said that the PMT is looking at the long-term governance of the Project with adaptive management playing a critical role, prior to implementing the plan in 2008. There was a governance retreat held on May 2 with the PMT, regulatory agency representatives and others, including speakers talking about other large-scale projects in California. Key questions included: Who will manage implementation of the project? How are science and adaptive management implemented over the long-term? What is the best way to involve the public in decision-making, and what role will regulatory agencies have?

She said that as a result of the governance retreat, the Conservancy is proposing to continue managing the project at implementation. However, funding is a concern and without passage of Proposition 84, the Conservancy's level of effort would be a challenge. Hutzel said they are currently using funding from Props 40 and 50 for this and other projects over the last several years. She said they will work with the landowners, water districts, and with other partners, to possibly construct certain parts of the project.

Hutzel pointed out that the Conservancy's proposal is a first draft and that they need to get feedback from the stakeholders, Science Team, the regulatory agencies, and from the heads of Fish and Wildlife Service and Fish and Game. Another important task, she said, involves overseeing the Adaptive Management Plan, convening decision-making and advisory groups in a streamlined organizational structure, assisting with funding and conducting public outreach, ensuring that the implementation, applied studies, monitoring and reporting fulfills the assurances made in the EIS/EIR and permits, and communicating progress on the implementation to the public.

The Conservancy will also do the contracting necessary to prepare plans and specs and identify suitable organizations to manage each Phase 1 construction effort, as well as determine who will construct future phases.

Hutzel went through a potential organizational chart and then went over funding and outreach needs: identifying funding sources and pooling funding. She mentioned applying for funding as a group, and working to develop a stable funding source. Also, she addressed engaging the public in the Project by establishing local stakeholder groups, possibly involved in implementation and monitoring.

*Forum member comment: I'm supportive of this, we've got to force fit groups, and without the Conservancy in central role, I think those of us on the Bay Trail would be struggling with the Fish and Wildlife Service and Fish and Game. Local government*

*councils of some sort might be a way to get local governance behind the project. I don't think you want to be static forever.*

Steve Ritchie asked that Forum members submit written comments on the draft to him and Amy by August 4. He said there is a regulatory group meeting on August 15 and the comments would also help the PM Team have a fuller discussion at the next Stakeholder Forum meeting in order to talk about governance and the AMP in more specifics.

*Q: I was pleased on the overall organizational plan. This process has been exemplary. But I was surprised not to see the public in any of the boxes and AM Team has 4 or 5 Forum members, but who will choose? Some might feel disenfranchised. I would urge to maintain a process similar to this one because everyone is being heard. People need a chance to continue to have a say, particularly on sensitive issues.*

A: Hutzel: Between the AM Team and an annual review, we can look at how to have a wider representation.

A: Ritchie: Please provide written comments, such as looking for recommendations on how to do that.

A: Hutzel: The organizational structure didn't include a local government forum, but that doesn't mean we won't continue to meet with the local governments.

*Q: Key themes that are important are collaboration and building public ownership. The value of this is getting the closest to the ground support we can and how to build more on the ground participation. Think about continuing those themes.*

## **8. Funding Update**

Steve Ritchie said that the bond measures on November ballot, Prop 1E and Prop 84, are particularly relevant to the South Bay and they can be found on the Secretary of State's website. He said that for a project like the SBSRP, state bonds are the most likely sources of state funds.

He said that on the federal side for the '07 budgets, FWS had \$1 million added for the Refuge for this area, which includes increased expenses for the levees, as a one-time act introduced by Sen. Feinstein. For USGS, it would add \$900,000 for monitoring investigations in the SBSP area. In the Corps budget, a proposed \$1 million added through Sen. Feinstein, will be in conference committees now and hopefully result in a budget by October 1.

*Q: Are we still short \$1 million on the Army Corps budget?*

A: Ritchie: It's one of the things we're working with the Corps on. We have a program laid out to get through the Alviso study area and then how we can get through that and start to get out component projects. We're trying to think about if we don't get our

desired funding level, how we can get things going on the ground. In another month we should have something ready on that.

*Comment: Morris: The Refuge entered into a MOU with the Corps for Bair Island and have a template we can use for this project.*

A: Ritchie: I'd be interested in seeing that.

*Q: On Phase 1 projects, there are no timelines?*

A: Ritchie: The intent of Phase 1 is to have things we can start in 2008. We are currently working with regulatory agencies and funding agencies on just the capital cost, which is probably \$25 million for Phase 1. Then we can implement that. From the ROD in August 2007 to the end of 2009, we will make sure we can line up right pieces. At the next Forum meeting we can talk more specifics on schedule.

*Q: As far as the Spartina study, are you still coordinating with SCVWD and completing the pilot study vegetation removal project?*

A: Ritchie: We are completing contracts with SFEI.

*Q: You discussed funding for future, but what's the current funding?*

A: Ritchie: The planning Project funding has come from the Resources Legacy Fund, and in addition to Prop. 40 funding, there have been other little supplemental bits of funding. Once that stream, particularly the science, run out over next 18 months, a substitute stream needs to be in place.

## **9. Next Steps**

Steve Ritchie said that the next Stakeholder Forum meeting will be on September 27 (now changed to October 4), the Draft EIS/EIR will be ready in January with the Final done in July 2007. He mentioned a few other key dates including the revised Monitoring and Restoration Targets on July 28, the EIS/EIR Phase 1 Description and Impact Analysis on August 4, the Revised Draft Adaptive Management Plan on October 20, and the Administrative Draft EIS/EIR on October 26.

A Forum member said that the Bay Planning Coalition is hosting a public meeting on continuing studies on methyl mercury and looking at the control of methylization of mercury. It is on July 26 at the Port of Oakland at 1 pm.

Tracy Grubbs said that additional Project outreach includes planning another tour to the Eden Landing site before the next meeting in August or September and to let her know if weekends or weekdays are better.

The meeting was then adjourned.

**Attachment 1: November 17, 2005 Meeting Attendance**

<b>Name</b>	<b>Organization/Affiliation</b>
Maria Adas	Eden Shores Community
Sharim Asiong	Sen. Feinstein's Office
Patrycja Bossek	Bay Trail
Dan Bruinsma	City of San Jose
Brenda Buxton	California State Coastal Conservancy
Joan Cardellino	California State Coastal Conservancy
Deborah Clark	Center for Collaborative Policy
Frank Delfino	Citizens Committee to Complete the Refuge
Janice Delfino	Citizens Committee to Complete the Refuge
Robert Douglas	Cargill Salt
Luther Dow	Pacific Gas & Electric
Don Eisenberg	EOA, Inc.
Arthur Feinstein	Citizens Committee to Complete the Refuge
Jim Foran	Santa Clara Co. Open Space Authority
Tom Ford	SFBB
Elisa Gill	ACPWA
Tracy Grubbs	Center for Collaborative Policy
John Gurley	Audubon California
Beth Huning	San Francisco Bay Joint Venture
Amy Hutzler	California State Coastal Conservancy
Ellen Johnck	Bay Planning Coalition
Kran Kilpatrick	NASA
John Krause	California Dept. of Fish and Game
Marilyn Latta	Save the Bay
Jane Lavelle	San Francisco Public Utilities Commission
Libby Lucas	California Native Plant Society
Jack Lueder	Silicon Bicycle Coalition
Jim McGrath	Port of Oakland
Eileen McLaughlin	Wildlife Stewards
Clyde Morris	U.S Fish and Wildlife Service
Samantha Murray	Golden Gate Audubon Society
Michelle Myers	Alameda County Water District
Sandy Olliges	NASA Ames
Donna Plunkett	EDAW
Bob Power	Santa Clara Valley Audubon Society
Steve Ritchie	Executive Project Manager
Russ Robinson	Recreational Boaters of California
Diane Ross-Leach	Pacific Gas & Electric
John Rusmisel	ACMAD
Mark Sanders	West Point Marina
Richard Santos	Santa Clara Valley Water District
Mary Selkirk	Center for Collaborative Policy
Carol Severin	HASPA
Kirsten Struve	City of San Jose
Frank Teng	Silicon Valley Leadership Group
Laura Thompson	ABAG Bay Trail
George Trevino	Alviso Water Task Force
Lynne Trulio	San Jose State University
Regina Wheeler	City of Menlo Park
Kevin Woodhouse	City of Mountain View