



February 16, 2004--revised

To: South Bay Salt Pond Restoration Project Stakeholder Forum

From: Center for Collaborative Policy

Re: Outcomes from the January 21, 2004 Stakeholder Forum Meeting

Background: The second meeting of the Stakeholder Forum (Forum) was held Wednesday, January 21, 2004 from 12:30 to 3:00 pm at the San Jose/Santa Clara Water Pollution Control Plant located in San Jose, California. This Forum has been convened to provide ongoing input to the South Bay Salt Pond Restoration Project Management Team (PMT) and its technical consultants on the restoration project's objectives and on elements of the restoration plan itself.

For two hours prior to the actual Forum meeting, the Center for Collaborative Policy conducted Collaborative Skills Enhancement Training for all Forum members. The training was well attended and provided participants with an overview of the foundational concepts of collaborative dialogue; an opportunity to practice collaborative problem-solving skills; and a better understanding of interest-based negotiation. The training presentation is available for review at the project website - <http://www.southbayrestoration.org/Events.html>.

Meeting Attendance: Attachment 1 lists meeting participants.

Meeting Materials: In advance of the meeting, Forum members were provided a meeting agenda; draft revised Agreements in Principle; and a Summary of Suggested Changes to Project Guiding Principles and Objectives and Project Management Team Responses and Revisions. At the meeting, copies of assorted slideshows presented were distributed. These presentations are available from the project website.

Substantive Meeting Outcomes:

1. *Welcome, Introductions, and Agenda Review*

Carl Wilcox, California Department of Fish and Game (DFG), welcomed everyone and thanked Forum members for participating in the morning training session.

Mary Selkirk (Center for Collaborative Policy) was introduced as the facilitator of the Forum. She provided an overview of the meeting's objectives:

- Introduce the selected environmental consultant team;
- Confirm consensus on Forum Agreements in Principle;
- Seek consensus on revised Project Guiding Principles and Objectives;

- Provide briefings on the Initial Stewardship Plan and on key scientific constraints; and
- Set-up Work Groups.

2. *Introduction of Environmental Consultant Team*

Amy Hutzel (California Coastal Conservancy) introduced John Schmidt from the Resources Legacy Fund who will be managing the contract for the recently selected environmental consultant team. Hutzel provided an overview of the consultant selection process, which started with wide public distribution of a Request for Services (RFS). The RFS was sent out to over 100 technical firms and posted on a website. Over 70 firms attended a pre-bid conference and 4 proposals were received. The Project Management Team reviewed the proposals with assistance from the Science Team and the Center for Collaborative Policy. The top three firms were interviewed and Phillip Williams and Associates are leading the selected team. Hutzel introduced the following team members:

- Phillip Williams and Associates (hydrology, wetland design, and overall project management)– Michelle Orr
- HT Harvey and Associates (biology) – Ron Duke
- Brown and Caldwell (water resources) – Cynthia Paulson
- EDAW (CEQA/NEPA, regulatory compliance, and public access) – David Blau

An overview of the team’s work plan will be presented at the next Forum meeting.

3. *Review of Revised Forum Agreements in Principle*

Selkirk referred to a handout of the five preliminary Agreements in Principle and three additional principles that were proposed based on discussion at the first Forum meeting. Forum members raised a number of observations and suggested revisions, which included:

After robust discussion on the principles, the Forum decided to adopt the Agreements in Principle with one modification: the words “that includes” were included after the word “restoration” in Principle 1. . In addition, Forum members agreed that Principles #6, 7 and 8 would be further discussed and refined during the “next level” of discussion to further refine and clarify the overall project guiding principles, goals and objectives. The revised Agreements in Principle are presented in Attachment 2.

4. *Revised Project Guiding Principles, Goals and Objectives*

Selkirk referred to a handout describing the suggested changes to the Project’s Guiding Principles and Objectives and the Project Management Team’s (PMT) responses. Selkirk summarized the PMT’s process for reviewing the Forum’s comments and revising the Guiding Principles and objectives. She noted that the PMT is seeking concurrence on the revised principles at this time. Forum members presented the following comments on the revised principles:

- a. There needs to be a shared understanding of what is meant by “adaptive management”. Marge Kolar defined adaptive management as the process of utilizing new information and science to modify management of the restored ponds. Specifically, adaptively managing a project provides opportunities to proceed,

- monitor the outcomes, and adapt/revise the methods and or design if the goals are not being met.
- b. The implementation and funding needs of the project should be emphasized.
 - c. "Landscape level" is somewhat ambiguous and might not be understood by a wide enough audience. Suggest using a more broadly understood term like "regional".
 - d. All mitigation money and proposals need to be reviewed for appropriateness. There is a concern that the salt pond restoration project will turn into a mitigation bank for projects in/around the entire bay area.
 - e. The degree to which the completed restoration project will have to be "managed" needs to be carefully considered. We need to "minimize management" to the greatest extent possible. However, we need to be realistic regarding the level of activity and funding that will be required to manage the constructed project.
 - f. While many agree that reducing management will reduce the operating cost of the wetlands, managed wetlands can provide significant habitat values for many threatened and endangered species.
 - g. Principle #2 – suggest adding "at earliest possible juncture" to concept of engaging the public.
 - h. Principle #6 – focus on South Bay is problematic. Suggested deleting "south bay" and thus expanding the emphasis of the project to include the entire San Francisco Bay. Furthermore, this will be re-written to make it more understandable.
 - i. While it may be difficult to do, we need to at least consider creating objective criteria for measuring success of the restoration project and these criteria could be included in the principles.

Selkirk summarized the discussion and stated that the PMT will review the suggestions made by the Forum and provide a revised version in the near future. In particular, the PMT will review Principle #6 in greater detail and will revise principles #2 and 7 based on comments raised today. The revisions will be discussed at the next Forum meeting.

5. *Update on Initial Stewardship Plan*

Marge Kolar (USFWS) provided a brief slideshow (available from the project website) to describe the status of the Initial Stewardship Plan's Environmental Impact Statement/Report (EIS/EIR) that is available for public review. She also distributed copies of the Notice of Availability for the Draft EIS/EIR. The draft EIS/EIR is available from the project website and public comments are being accepted until March 8 for the EIS and February 5 for the EIR. A public hearing will be held on February 4 at the Visitor Center of the Don Edwards National Wildlife Refuge from 7:00 to 9:00 pm.

Kolar further explained the steps being taken to secure a waste discharge permit from the Regional Water Quality Control Board. Specifically, a public workshop is scheduled for February 25 and then the Regional Board will consider the matter at its March 17 meeting.

Kolar explained in very general terms the process by which saline levels will be reduced in the ponds by circulating water through the various ponds. She also explained that a number of alternative strategies were investigated in the draft EIS/EIR to achieve the reduced salinity levels. The four alternatives are:

- No Project/No Action Alternative
- Alternative 1 - Seasonal Ponds Alternative

- Alternative 2 - Simultaneous March/April Initial Release
- Alternative 3 - Phased Initial Release

The preferred alternative is the Phased Initial Release. A hunting program is not included in this draft EIS/EIR, but a separate process will be undertaken to analyze hunting in the ponds at a later time. In the meantime, DFG will be holding a one-day special hunt in the near future.

Forum members asked Kolar what the Forum might do at this time to support the ISP process. Kolar suggested that Forum members review the draft EIS/EIR and consider providing written comments/support letters. She also suggested that Forum members could attend the public hearing.

6. *What We Know and Don't Know: Key Science Questions and Approaches, Part 2*

Lynne Trulio, Ph.D. (San Jose State University) oversees the work of the Project science team and presented the second portion of a two part slideshow entitled “What We Know and Don't Know: Key Science Questions and Approaches” (available from the project website). Following the presentation, Forum members raised the following questions and observations:

- Where do streams fall into the conceptual models?
- What might an ecological restoration goal be and has the Science Team considered development of upland habitat?
- Would like the Science Team to try to set numeric goals for various species.
- Possible willow creation should be considered for inclusion in the restoration plan.
- Need to consider restoring the full ecosystem and not just bird habitat.
- Is there a process for developing a data collection plan?
- What is the relationship to the ISP draft EIS/EIR?
- Who is on the National Science Panel and what are their biographies? – See Attachment 3 to this memo.

7. *Forum Work Groups*

As an outcome of the interviews conducted with interested parties over the past summer, the Center for Collaborative Policy recommended that Work Groups be established to support the deliberations of the Forum. The Work Groups will engage in detailed, open public discussions of specific elements of the plan development. Suggested Work Group topics include:

- Habitat Restoration
- Public Access and Recreation
- Flood Management
- Long-term Funding
- San Francisco Bay Joint Venture (SFBJV) Public Outreach Working Group

Selkirk asked Forum members to indicate which group they would like to join. Additional public outreach will be undertaken to ensure that each work group has broad participation. The Habitat Restoration and Public Access and Recreation Work Groups will hold their first meetings February 18 at the same location as the Forum meeting.

8. *Salt Pond Tours*

Based on responses provided by Forum members, Selkirk informed the committee of the following two tours:

- Alviso Ponds (USFWS) - Thursday, January 29, 2004 (9:00 am)
Clyde Morris will be leading the tour and asked that attendees meet at the Alviso Marina. Transportation will be provided. The tour will proceed along the levees around the Alviso area.
- Baumberg Ponds (CDFG) - Friday, February 6, 2004
Carl Wilcox will be leading the tour and asked attendees to meet at the end of Eden Landing Road in Hayward at 10:00 am. The tour will view the ponds between Highway 92 and the Alameda Flood Control Channel.

9. *Forum Protocols*

Selkirk stated that in order to keep the conversations of the Forum informed and to prevent having to backtrack on items, the PMT seeks consistent participation from the designated members. However, as this is a volunteer group, the PMT understands that alternates may have to come to some meetings. Selkirk clarified that the Forum Operating Protocols allow alternates, but they may only observe the meeting and may not participate.

A Forum member asked what the process for replacing members who leave their positions and, thus, are no longer able to serve on the Forum is. Selkirk responded that the protocols currently do not include a provision for succession and, thus, they will need to be revised. Selkirk stated that appropriate language would be crafted and shared with the Forum at a future meeting.

10. *Next Forum Meeting*

The next Forum meeting will be held February 18, 2004 at the Hayward Community Hall. Meeting materials and detailed directions to the venue will be sent out as soon as possible.

11. *Stakeholder Forum Tasks*

No.	Task Description	Responsible Individual(s)	Anticipated Completion Date	Status and Issues
1	Prepare and present overview of design consultant's workplan	PMT and consultants	2/18/04	
2	Develop revised Project Goals and Objectives	PMT	2/18/04	
3	Review ISP Draft EIR/S	Interested parties	3/8/04	
4	Update Forum Protocols	CCP	2/18/04	

Note: The Stakeholder Forum Task List will be updated after each Forum meeting.

Attachment 1: Meeting Attendance

Project Management Team

Organization	Representatives
California Coastal Conservancy	Nadine Hitchcock, Amy Hutzel, Tim Corrigan
California Department of Fish & Game	Carl Wilcox, John Krause
U.S. Fish and Wildlife Service	Marge Kolar, Clyde Morris
Center for Collaborative Policy	Mary Selkirk, Austin McNerny, Greg Bourne, Tracy Grubbs, Jennifer Krebs
San Jose State University	Lynne Trulio
Santa Clara Valley Water District	Jim Fiedler
Alameda County Flood Control District	Ralph Johnson
Resources Legacy Fund	John Schmidt

Stakeholder Forum

Organization	Representatives
Alameda County Mosquito Abatement District	John Rusmiser
Audubon, SF Bay Restoration Program	Mike Sellors
Bay Planning Coalition	Ellen Joslin Johnck, Heather Gustafson
California Waterfowl Association	absent
Cargill Salt	Robert C. Douglass
Citizens Committee to Complete Refuge	Arthur Feinstein
City & County of SF-Public Utilities Commission	Jane Lavelle
City of Hayward	Joseph Hilson
City of Palo Alto	Phil Bobel
City of San Jose	Dan Bruinsma, Kirsten Struve
City of Sunnyvale	absent
East Bay Regional Park District	Brad Olson
Eden Shores Community	Peter Dunne
Environmental Justice Coalition for Water	Rochelle Johnson
Federation of Fly Fishers; Flycasters Inc.	Mondy Lariz
George Mayne Elementary	absent
Laine Co. Bait Sales; South Bay Yacht Club	Tom Laine
Mid-Peninsula Regional Open Space Trust	Ana Ruiz
NASA Ames Research Center	Sandra Olliges
Port of Oakland	James McGrath
San Francisco Bay Trail	Janet McBride
Santa Clara Valley Audubon Society	Craig Breon
Santa Clara Valley Water District	Richard P. Santos

Organization	Representatives
Save The Bay	Felicia Borrego
Sierra Club, Loma Prieta Chapter	Melissa Hippard
Silicon Valley Manufacturing Group	Margaret V. Bruce
South Bay Yacht Club	Russell H. Robinson
The Bay Institute	Marc Holmes

Interested Public

Last Name	First Name	Organization Affiliation(s)
Closson	Michael	Acterra
Delfino	Frank and Janice	Citizens Committee to Complete Refuge
Fiala	Steve	East Bay Regional Park District
Jonas	Ralph	ACFC
Lucas	Libby	
McLaughlin	Eileen	Wildlife Stewards
Ringer	Alice	Watershed Management Initiative
Rivera- Murphy	Lourdes	PACT
Schmidt	John	RLF
Schuler	Ray	NASA

Attachment 2: Final Agreements in Principle

Stakeholder Forum Agreements in Principle

- We have an historic opportunity to restore and enhance a vibrant San Francisco Bay through development of a broadly supported plan for South Bay ecosystem restoration that includes flood management, and wildlife-compatible public access and recreation.
- We commit to gaining a thorough, shared understanding of the potential opportunities and limitations of a restored South Bay that includes habitat, improved flood management, and improved public access.
- We will seek consensus solutions that address all perspectives, issues, and needs in providing input to the Project Management Team as the restoration plan is developed.
- We will support and contribute to broad public outreach, involvement, and education during the planning effort.
- We will assist the Project Management Team in identifying sustained funding for the continued planning and implementation of the preferred long-term restoration plan for the South Bay.

Attachment 3: National Science Panel Biographies

CHAIR

Dr. Denise Reed is a Professor in the Department of Geology and Geophysics at the University of New Orleans. Her research interests include coastal marsh response to sea-level rise, the contributions sediments and organic material to marsh soil development, and how these are affected by human alterations to marsh hydrology. She has worked in coastal marshes in northwest Europe, southern Chile and the Atlantic, Pacific and Gulf coasts of the US. She has been involved in restoration planning both in Louisiana and in California, and in scientifically evaluating the results of marsh restoration projects. Denise has served on numerous boards and panels concerning the effects of human alterations on coastal environments and efforts to restore them.

MEMBERS

Dr. R. Michael Erwin is a wildlife biologist with the US Geological Survey's Patuxent Wildlife Research Center, Laurel MD and Research Professor in Environmental Sciences at the University of Virginia, Charlottesville VA. His research interests and expertise are in the areas of waterbird ecology and conservation, coastal wetland ecology, management, and restoration, and biological conservation. He currently is involved in projects that address the effects of sea-level rise along the Atlantic Coast on marsh changes and waterbird habitats, the impacts of marsh management methods on the floral and faunal changes at selected Atlantic coastal National Wildlife Refuges, and is assessing how waterbirds respond to the restoration of a large 1,100 acre "Beneficial Use of Dredged Material" site, Poplar Island in Chesapeake Bay. Dr. Erwin is a Fellow of the American Ornithologists Union, past President of the Waterbird Society, and former editor of its journal, *Waterbirds*.

Dr. Jorg Imberger is a Professor of Environmental Engineering at the University of Western Australia, where he is the Chair of the Center for Water Research. His research interests include: the motion of stratified fluid in the context of environmental fluid dynamics, specifically the study of the motion and mixing of water in estuaries, reservoirs and lakes, and coastal seas. Turbulent buoyant jets, sewage outfalls, surface hot water discharges and natural and forced convection in the environment are further interests. The interaction of biological systems and the fluid motion and mixing is also a primary focus. Dr. Imberger is a Fellow with the Australian Academy of Technological Sciences and Engineering Institution of Engineers, the Australian Academy of Science, the Water Academy, and the Academy of Science, Argentina. He is the chair of the Western Australian Estuarine Research Foundation. He has published 4 books, 17 book contributions, 126 journal papers, 76 conference papers, and 110 report publications, and takes part in water resource projects throughout the world.

Dr. Samuel N. Luoma is a Senior Research Hydrologist with the US Geological Survey. Since 2000 he has served as the first Lead Scientist for the California Bay-Delta Authority's CALFED Bay-Delta program, an innovative, \$8billionUS, program that covers environmental restoration over 40% of California's watershed, and management issues for 60% of California's water supply. Luoma's research interests are in the bioavailability and effects of pollutants in aquatic environments and developing better ways to merge environmental science and policy. He is an author on more than 160 peer-reviewed publications. He wrote the textbook, *Introduction to*

Environmental Issues, in 1984; is an editorial advisor for *Marine Ecology Progress Series* and was editor of *Marine Environmental Research* from 1995 – 2002. He is a Fellow in the American Association for the Advancement of Science and has received several awards for his work in environmental toxicology and water management. He also serves nationally and internationally as an expert or advisor on technical issues including the role of scientists in managing water issues, science and sustainable development, sediment quality criteria, mining issues, irrigation drainage issues, metals hazards, and environmental monitoring.

Dr. Jerry Schubel joined the Aquarium of the Pacific as President and CEO in June 2002. He is President and CEO emeritus of the New England Aquarium where he served from 1994 to 2001. He is currently Visiting Professor and Director of the Alternative Futures Forum, Washington College in Chestertown, Maryland. An accomplished and respected administrator and scientist, Dr. Schubel was Dean and Director of the State University of New York at Stony Brook's Marine Sciences Research Center from 1974 to November 1994. The Center is a world-renowned coastal oceanographic institution. For three years in the mid-1980s, Dr. Schubel served as Provost at the University and created a number of research institutes focusing on a variety of issues including regional policy studies, the mathematical sciences, the humanities, and social analysis. Prior to 1994, Dr. Schubel was an adjunct professor, research scientist and Associate Director of The Johns Hopkins University's Chesapeake Bay Institute. Dr. Schubel has written extensively for both academic and scientific journals as well as for general audiences. He has published approximately 200 scientific papers and is the author or editor of several books including *The Life and Death of the Chesapeake Bay*. An accomplished photographer, Schubel's work illustrates *The Living Chesapeake*, a book he also wrote. Dr. Schubel is the Vice Chair and Chair Elect of the National Sea Grant Review Panel and serves on the Census of Marine Life U.S. National Committee and the National Science Foundation Education and Human Resources Advisory Committee. Dr. Schubel holds a Bachelor of Science degree from Alma College, Alma, Michigan; a Masters degree from Harvard University; and a Ph.D. in oceanography from The Johns Hopkins University in Baltimore, Maryland. He received an honorary doctorate from the Massachusetts Maritime Academy in 1998.

Charles A. ("Si") Simenstad, Research Associate Professor at the University of Washington's School of Aquatic and Fishery Sciences (SAFS), is an estuarine and coastal marine ecologist and Coordinator of the *Wetland Ecosystem Team* (WET). Si has conducted research on estuarine and coastal marine ecosystems throughout Puget Sound, the Washington coast, and Alaska for over thirty years. Much of this research has focused on the functional role of estuarine and coastal habitats to support juvenile Pacific salmon and other fish and wildlife, and the associated ecological interactions that are responsible for enhancing their production and life history diversity. His research concerns primarily natural (e.g., basic) ecosystem-, community- and habitat-level interactions, with emphasis on predator-prey relationships, the sources, organization and flow of organic matter through food webs, and landscape-scale interaction between estuarine physicochemical and ecological processes. Recent research has integrated ecosystem dynamics with applied issues such as restoration and rehabilitation of estuarine and coastal wetland ecosystems, and ecological approaches to evaluating the success of coastal wetland restoration at ecosystem and landscape scales. He holds a B.S. (1969) and M.S. (1971) from the School of Fisheries at the University of Washington.

Dr. John Teal's professional career began in the early 1950's with his Harvard Ph.D. thesis on the trophic relationships in a tiny cold spring in Massachusetts. He then studied salt marshes at University of Georgia Marine Institute at Sapelo Island as Asst. Prof. After four years, he went

to Dalhousie University in Halifax at the new oceanography establishment in eastern Canada. He joined Woods Hole Oceanographic Institution in 1961 and has been Scientist Emeritus since 1995. In addition to research on coastal wetlands he has worked on: effects of hydrostatic pressure on deep sea animals, physiology of large, warm blooded fishes, bird migration over the oceans, oil pollution, wastewater treatment, and restoration ecology. He now consults on constructed wetlands for wastewater treatment, marsh restoration in fresh, brackish and salt wetlands and cleanup of polluted wetlands and waters. He has been involved since 1993 in a salt marsh restoration project in Delaware Bay that encompasses 32 square miles. He has served on National Academy committees, editorial boards of scientific journals, published in both the scientific and popular literature, and served on local committees. Always interested in the willingness and/or unwillingness of professional scientists to take part in public policy decisions, he has served on the board of the Conservation Law Foundation of New England since 1978 and been vice chair since 1980. He was president of the Society of Wetland Scientists in 1998-9.