



South Bay Salt Pond Restoration Project



To: South Bay Salt Pond Restoration Project Team

From: Center for Collaborative Policy

Re: Outcomes from the December 14, 2007 Stakeholder Forum Meeting

Background: The Stakeholder Forum (Forum) met on Friday, December 14, 2007 from 1:00 to 4:00 p.m. at the NASA Ames Research Center, Moffett Field, in Mountain View. The Forum has been 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: In advance of the meeting, Forum members were provided a meeting agenda, new Phase 1 maps, a list of tagline proposals and 2007 Working Group meeting summaries. At the meeting, Forum members received executive summaries of the Final EIS/EIR and a printout of meeting slides.

Substantive Meeting Outcomes:

1. Welcome, Self-Introductions, and Agenda Review

Steve Ritchie, Executive Project Manager, welcomed Forum members and the audience, led introductions and reviewed the agenda. The meeting agenda included:

- Initial Stewardship Plan update
- Final EIS/EIR and overview of changes
- Overview of Phase 1 activities & schedule
- Shoreline Study integration update
- Project funding update
- Future schedule
- Celebration & tagline prioritization

2. Initial Stewardship Plan Update

Clyde Morris, Manager of the US Fish and Wildlife Service's Don Edwards San Francisco Bay National Wildlife Refuge, and John Krause, Manager of the state Department of Fish and Game's Eden Landing Ecological Reserve, gave an update on Initial Stewardship Plan activities.

USFWS:

Clyde Morris said the Fish and Wildlife Service has:

- **Replaced broken water control structures**

- The contractor who built a water control structure at A7 that failed replaced it with a newly designed structure.
- An old structure at AB1 failed and was replaced with a new culvert allowing control of water levels. Cargill had a lot of knowledge and helped with the project.
- At Pond A9, slow-moving water was causing water quality problems. Creative employees were able to avoid the cost of hiring a dredge; their design with rope and wire saved thousands of dollars and won an award. In addition, a header at the pond cracked and was repaired before the levee was breached.
- At A14, small channels were impeding flow and producing low dissolved oxygen, impairing duck habitat and violating RWQCB conditions. The channel was enlarged with an excavator and the pond now meets water quality standards 80% rather than 0% of the time.

▪ **Monitored ponds weekly**

Each week, salinity, water levels and levee conditions were checked. In one case, it was discovered that a pond's low water quality was caused by an old PG&E distribution pole that had gotten lodged in a water control structure, causing water to pour out.

▪ **Installed riprap to protect levees**

To maintain current levels of flood protection, about 3,500 feet has been added to outboard levees of ponds A2W, AB1, A3N and A3W.

▪ **And raised low levee sections to prevent flooding**

Also to maintain flood protection, two sections of levees were raised, including a Pond AB1 area that protects NASA Ames.

▪ **Wildlife-Dependent Recreation Update**

A group of hunters has volunteered to help maintain hunting improvements. They helped build a wheelchair-accessed blind that is proving to be very popular. Hunting is becoming increasingly popular at the refuge and hunting is averaging about 3 ducks per hunter day.

DFG:

John Krause gave an update on Eden Landing:

- During the summer, seasonal batch ponds allow a salinity increase to benefit specific birds at ponds 2C, 3C, 4C, 5C and 6C. Right now, during the transition time from summer to winter, there hasn't been much rainfall. The 6A system has been flooded so there is a diversity of habitats there.
- There are a lot of ducks out there. Similar to previous years, we are managing a lot of ponds this time of year for habitat. Migration is fairly well underway and it's looking really good for habitat use.

- Because of the lack of rainfall last year, this summer, there was very high salinity, near the maximum, and in some cases, higher than allowable discharge levels. A second year of low rainfall will increase salinity challenges. A new management strategy was to leave some seasonal ponds as buffer ponds, to better manage salinity in the system, and aid in the fall migration.
- Hunting is averaging 3 birds per person, 30-50 people per day. There are new people; people are realizing they can use what they have in the Bay Area and don't have to go to the Central Valley.
- DFG hopes to use NAWCA grant money this winter to gravel roads for winter access, and hopes next summer to replace water control structures to improve management flexibility.
- DFG closed all Eden Landing intakes from the Bay as a precaution, but no oil came this far south. Some birds were observed with oil that they apparently encountered in the north or central Bay. Krause appreciated the assistance of the Fish and Wildlife Service and San Francisco Bay Bird Observatory in monitoring.

Questions:

In response to a question about changes in species mix, Krause said managers are seeing the appropriate species, despite the higher salinity, such as eared grebes in the batch ponds.

One attendee asked about speed limits on levees. Morris said there isn't a speed limit, but managers would appreciate any information, such as a license plate, or time or place, of a vehicle driving too fast on the levees.

In response to a question about whether people hunt geese, the managers said geese aren't attracted to the salt ponds.

3. Final EIS/EIR and Overview of Changes

Steve Ritchie, Executive Project Manager, said notice of the finalized EIS/EIR will be listed in the Federal Register in the next two weeks.

In describing the changes since the draft EIS/EIR, he said the project approach has not changed at all from a mixture of tidal habitats and managed ponds, gradually moving toward tidal habitats and tidal marsh. The minimum amount of acreage devoted to tidal habitat will be 50%, as in Alternative B, and the maximum will be 90% as in Alternative C. The transition will be managed under the adaptive management staircase that has been talked about, gradually converting ponds and observing what the results are. The final result will probably be somewhere between 50/50 and 90/10.

Alternatives B and C have only minor changes. One of note: at Ponds A22 and A23, a section of trail has gone from yellow to orange, from year-round trail to seasonal trail,

because there are potential impacts to snowy plovers at these remote ponds that need to be worked out. Phase 1 actions have only minor changes. Funding will continue to be the key to implementation.

FEIS/EIR Comments:

There were 114 total commenters, and 315 pages of comments.

Major comment areas included:

1. Relationship to the South San Francisco Bay Shoreline Study – was there a bigger project hiding out there? When the Project began, the Shoreline Study was expected to move forward at the same pace. The Shoreline Study has lagged, so it had developed no alternatives to evaluate. There is no hidden agenda for the Shoreline Study, and there will be future environmental documents for that project when the time comes.
2. Should the scope of the EIS/EIR be expanded to include more of the South Bay? We made it clear the project area is those ponds acquired in 2003.
3. A number of commenters said B or C should be the preferred alternative. Frankly project managers didn't want to pick one over the other approach. Finally, C was chosen because it is where project managers would like to go, because it reflects the historic landscape better.
4. Some commenters noted that the adaptive management plan requires funding, so a "pull the ripcord" provision was added to the report: managers will be trying very hard to get funding, but if funding isn't going to come in, this process will be stopped and a traditional process will be followed of picking a particular project and completing it. Lead Scientist Lynne Trulio found in her research that many people talk about adaptive management, but few do it. There is commitment in this project to do it right, or it won't be done at all.
5. A number of commenters were concerned about aircraft bird strikes. Project managers will make sure that habitat adjacent to airfields will be designed so that it attracts only low-flying birds.
6. Public access impacts to wildlife. The project has heard from both sides on this issue.
7. What constitutes a significant impact to wildlife? More language has been added to clarify this question.
8. Flooding: the final document elaborates more on the basic position that flood protection is one of the major objectives of the project, and that it includes the provision of levees to defend against high tides.
9. Sea level rise impacts: A new international climate change report was released this year and that information was incorporated. But the gist of the issue is that this is a large area of uncertainty and the project will have to attend to it over time. In terms of habitat, if tidal marsh can get started, it should be able to keep up with sea level rise, as it will trap sediments.
10. Hunting: this issue had the single greatest number of commenters, largely from those asking that we make sure that hunting continues to be accommodated. That is our intention.
11. Invasive Spartina and other invasive species.

Responses to these comments are included in Appendix O, organized by commenter.

Changes in Final EIS/EIR:

- Consistent with the Shoreline Study no longer being part of the project, the Corps is no longer a co-lead agency.
- An adaptive management staircase has been added for public access to describe how public access projects will be instituted and evaluated for impacts.
- A map has been added of the authorized expansion boundary for Don Edwards San Francisco Bay National Wildlife Refuge acquisitions, as part of the description of viable areas to explore in the future for expansion.

Lead Scientist Lynne Trulio described the new public access adaptive management staircase. She said the project received many comments about the dynamic between public access and wildlife protection. The Project will also be adaptively managing public access, so a graphic has been developed to illustrate the approach. The minimum amount of public access to be provided are the Phase 1 public access features. For each one, there is a monitoring or an applied study to assess how the public access is or is not affecting wildlife and also to examine how people are using the public access, and whether it is providing what the public wants. If some impacts on species are found, modifications would be added such as buffer zones, seasonal changes, relocations or possible closures. Managers will make sure that the quality of public access laid out in Phase 1 will be provided. If adverse impacts are not being observed, additional trails and public access features will be added, based on how species are responding, as well as what people want. This, once again would be followed by monitoring and study. Whether all of the public access laid out in the EIS/EIR is provided will depend on wildlife impacts and peoples' responses.

Other changes in the Final EIS/EIR:

- If necessary, changes to PG&E facilities were incorporated into the Project, to make sure these projects are identified. Funding source is not identified.
- As mentioned, Alternative C was identified as the preferred alternative for legal reasons. The document, however, emphasizes the aim of gathering knowledge rather than aiming for 90% tidal marsh restoration.
- Invasive Spartina best practices have been included. The most significant is that areas with Spartina would not be breached to tidal action. As an example, at A6, the duck head pond, the Project will wait for two seasons before breaching to allow time for Invasive Spartina to be controlled.

Questions/Comments:

In response to questions about snowy plovers, managers said the plovers' natural nesting ground is beaches, but there has been so much disturbance on the beaches that nesting hasn't been successful and populations have declined. About 10% of the Pacific Coast population is nesting successfully on the South Bay Salt Ponds. They were not brought there by managers, but began nesting on their own. Hatch survival is very good and on the upgrade.

One Forum Member said a flood protection project should have been done 20 years ago to protect Alviso and the sewage plant, and that a levee has to be built before anything can be done to that system. It was brought up 20 years ago at the office of Marge Kolar, Mendel Stewart's predecessor at FWS. Why hasn't anybody looked into that? In response, Mendel Stewart, Manager of the U.S. Fish and Wildlife Service's San Francisco Bay National Wildlife Refuge Complex, said FWS is maintaining the levees as well as Cargill did, and said he would go out to the site with the Forum Member to see it. Steve Ritchie said the Project can't take any more actions after Phase 1 until there have been serious flood control improvements. The Shoreline Study is the process through which that would occur, and Salt Pond Project managers believe the Shoreline Study is moving too slowly.

One Forum Member thanked managers for the public access staircase, saying it will serve as a model.

One attendee asked if the California High-Speed Rail Authority south route is reflected in the document. Ritchie said it is in Chapter 4, on cumulative impacts, and he suspects there might be a joint project to build the levee to address Alviso-area flooding. In response to a question, managers clarified that the 50/50 split does not include the Cargill salt-making ponds that are owned by the Refuge. The Refuge can manage those ponds for habitat as long as the management does not interfere with Cargill's right to make salt.

Forum Member Carol Severin of the East Bay Regional Park District said she is pleased that her District and the Project are working together on this.

Forum Member Jim McGrath echo the comments on the public access staircase diagram and asked if the significance thresholds are subject to modification. In response, Ritchie said yes. An example would be the snowy plover, where new information about flushing distances for the species is something that the Project is beginning to look at.

Ritchie thanked everybody present for making the final EIS/EIR a good document.

4. Overview of Phase 1 Activities & Schedule

Steve Ritchie summarized the Phase 1 restoration and public access activities for the Project's three areas, Eden Landing, Alviso and Ravenswood. He said, in some cases, the engineering detail is now being developed and there will be more detailed information about the action at the Working Group meetings in January and February.

Eden Landing

Some of the planned actions are projects of the Eden Landing Ecological Reserve, such as projects at the island ponds and the 2006-08 Bay Trail additions.

- Ponds E8-9 will be the main tidal restoration, and, at 630 acres, will be substantial. It is currently being designed. The goal is to start construction in 2009-10; timing will depend on finishing the design and whether Invasive Spartina is a problem.

- Ponds E12-13, 230 acres of shorebird habitat, will have increased salinity as part of a study to determine what species prefer the higher salinity.
- Public access, aside from the Eden Landing Ecological Reserve Bay Trail project in 2008, will provide a roadway, a pedestrian/vehicular bridge and a kayak launch at Mount Eden Creek. There will be an all-weather trail to a viewing area at the old salt works. The trail will continue south to a breach. There will also be a seasonal trail around ponds.

Alviso

- At the duck head pond, A6, there will be 360 acres of tidal habitat restoration. As mentioned, that will be delayed until probably 2010 because of Invasive Spartina.
- At Pond A8, there will be 570 acres of muted tidal restoration. A notch, a concrete reinforced hole in the levee, would be the beginning of tidal habitat, to identify how much Alviso Slough will be scoured, and to monitor mercury that is in the sediments from the historic Guadalupe mine.
- At Pond A16, there will be 240 acres of enhanced shorebird habitat. Also here there will be a 400 square-foot viewing platform raised 3-4 feet from the ground. Invasive Spartina will also delay this project which had initially been expected to start in 2008.
- A 2.5 mile segment of the Bay Trail will connect Sunnyvale to Stevens Creek. Bay Trail, Cargill and NASA Ames representatives worked very hard to make this happen.

Questions:

In response to a question about parking, Ritchie listed all of the areas where the Project had found available parking. The areas are listed in a table in the final EIS/EIR. Project managers will keep an eye on the issue and address it if needed.

In response to a question about wheelchair access, Ritchie said the intent is to make all trails ADA accessible in the long run. In the case of the 2.5 mile segment, now, a gate is being unlocked to allow access to a gravel trail. Morris said when the permanent portion of that segment is erected on a nearby levee, it will be ADA accessible.

Ravenswood

- The second change to Phase 1 actions is at Pond SF2, where now only slightly more than one half of the pond will be enhanced for shorebird habitat, rather than the entire pond. The other half, near University Avenue, is now planned for snowy plover habitat. This change will also reduce the potential for algal growth. The shorebird habitat will include nesting islands in 6 inches of bay water.
- A 1.4-mile trail will be built around SF2 to two viewing platform areas. This is the single most accessible pond in the entire project area. This project will definitely start in 2008. The trail will be ADA accessible.
- Discussions are underway with Menlo Park to create a viewing area in Bayfront Park. This will need to go through the city's design review process.

Questions/Comments:

In response to a question about why ponds A12, 13 and 15 are planned to be maintained as salt ponds, Clyde Morris said it is easier to bring bay water in and circulate it through other ponds that are closer to Alviso Slough.

One Forum Member voiced appreciation for the year-round blue-water trail, saying that there is a good balance of habitat and enough public access so that people can see the area.

5. Shoreline Study Integration Update

Steve Ritchie reported that the Shoreline Study process is undertaking a quantification of flood risk, scheduled to be complete by November 2008. That will give the Salt Pond Project a much clearer basis to act on. The second step will be to develop alternatives, which would be completed by June 2010. The final feasibility report is expected in 2011, and the chief's report to the OMB in August 2011.

The Water Resources Development Act (WRDA) of 2007 has specific provisions affecting the Shoreline Study. It calls for a report due to Congress in three years, in 2010. It will be important for Project managers to keep pushing themselves and the Corps to complete that in time.

In addition, WRDA contains provisions allowing money being spent now to contribute to a federal cost share. The state funded \$72 million of the acquisition costs, the federal government \$8 million, and \$20 million came from private sources. So it's important in the long run that we get the benefit of the money we are putting in. There is also language that seems to indicate that credit would be granted for work done early. This might provide an opportunity to do work early that might otherwise have to wait for the Corps, and get credit for it.

6. Project Funding Update

Ritchie outlined several funding options for the Project. Federal appropriations unfortunately seem to be stalemated in Congress. At the state level, there are bond funds available through the State Coastal Conservancy and the Wildlife Conservation Board. The Project has applied for Fish and Wildlife Service and Coastal Impact Assistance Program grants. In addition, local agencies such as the Santa Clara Valley Water District and the Alameda County Flood Control District have contributed funds. Ritchie introduced Felicia Madsen, Deputy Director for Policy at Save The Bay, to discuss her organization's regional funding ideas.

Madsen presented the group's August 2007 report, "Greening the Bay: Financing Wetland Restoration in San Francisco Bay," which analyzed how much it would cost to fund restoration of lands that have already been acquired. It seems it is possible to find money to acquire land, but it is much tougher to fund planning, implementation, monitoring and maintenance. The report recognizes that we might need a more coordinated approach in planning restoration. Managers are doing a great job of planning their individual projects, but there isn't Bay-wide coordination.

The Baylands Ecosystem Habitat Goals Report said 100,000 acres would be necessary to support wetlands habitat in the Bay. Since that report was published in 1999, a great deal of land has been acquired. Of the 100,000 acres, 44,000 have been restored; 32,000 have been acquired, but not yet restored; and 22,000 have not been identified or purchased. Save The Bay looked at the 13 restoration projects of significant size within BCDC's jurisdiction and identified how much money it would cost to restore the lands. They estimate the cost would be \$1.43 billion. Although this is a first start, the group is confident this figure is in the ballpark.

The report identified the following challenges to finding that money:

- \$1.43 billion is a lot, although it is for a 30-50 year timeframe
- The state and federal governments are not paying their fair share
- There is no steady funding to depend on, but mostly one-time bond proceeds
- Coordination of projects and funding has been inadequate
- Stakeholders are divided and are not advocating with one voice

Save The Bay wanted to assess local support for funding, under the theory that if there is some local funding, elected officials will be more open to appropriating money. The group polled Bay Area residents in 2006. The result: 88% total support for wetlands restoration. And 83% of respondents said they would be willing to pay \$10 a year in taxes or fees for Bay wetlands restoration. If told it would cost \$2 billion over 50 years, 81% indicated support. Save The Bay's pollsters said this would mean the public would probably support some modest sum.

Conclusions from the poll:

- Bay Area voters don't think the Bay is clean and healthy.
- They are supportive of the overall benefits of wetlands
- They see the Bay as a whole and are not more supportive of local projects

Out of this, Save The Bay developed three recommendations:

1. The boldest: Establish a regional special district to oversee Bay wetland restoration funding. There is not one entity with the ability to tax residents. The Bay Area program of the State Coastal Conservancy has a mandate, but not the assessment ability. Save The Bay has been working on how that program might be used as a basis for this district.
2. Target state and local revenue bonds and other public sources for Bay restoration
3. Full funding for the San Francisco Bay National Wildlife Refuge complex

Madsen her organization has gotten direction from Senator Feinstein, Congressman Stark and others to think big.

Forum and audience members gave Madsen a round of applause.

Steve Ritchie asked Stakeholder Forum members if this is something they would like the Project to pursue. Forum members gave a thumbs-up.

Questions/Comments:

One Stakeholder Forum Member called the presentation fantastic, and suggested that the trend in funding is to look at integrated projects. One can make the case to the public that wetlands restoration has multiple benefits – it aids not only critters, but flood protection, water quality and other factors. People come to the table for flood control.

Another urged Madsen to include public access as part of the pro-restoration coalition.

Forum Member Tom Laine reported that he works three days a week shrimping in the South Bay and his observation is that it is coming back slowly, and has to some extent returned to the type of habitat seen 45 years before. For the first time since he was 12 years old, he is seeing Dungeness crab at the tower. There is more halibut and bass now than before. There needs to be a larger area than the three ponds getting salt water. There is too much fresh water in the South Bay from the cities. That will continue to increase with development.

Another Forum Member thanked Save The Bay and all the agencies, saying it is great to hear of the recommendation for a special district – that's what has saved the foothills and open space in some parts of the Bay Area.

Another commenter said funding for restoration will be very much a quality-of-life issue.

7. Future Schedule

Steve Ritchie said the Record of Decision is expected in spring 2008. Then, the Project will seek the permits it needs to begin the restoration. The three regional Working Groups will meet in January and February, and the topic of the meetings will be the details of the Phase 1 actions. The next Stakeholder Forum meeting is planned for late 2008.

Ritchie and forum members acknowledged the hard work of everybody present at the meeting to get to this point.

8. Celebration & Tagline Prioritization

Facilitator Austin McInerny from the Center for Collaborative Policy reported that the competition held on the website to come up with a tagline for the South Bay Salt Pond Project had drawn 300 entries. These were narrowed down to nine top contenders. Forum and audience members were asked to vote for their top choices. Each person was given three colored dots to place on one or more favored taglines displayed on the wall. The Project Management Team will use this input to choose a Project tagline. Results are:

**The South Bay Salt Pond Restoration Project
Tagline Competition
Results from Forum Meeting (12/14/07)**

Sorted by Forum Member Votes

Tagline	Votes (Forum)	Votes (Others)	Comments
Restoring The Wild Heart of the South Bay	11	17	Remove “the south”
A Place for You, a Place for Nature	7	12	
Bringing back the Bay	6	16	Say “Bring” back the bay
Healing the Heart of the Bay	6	4	
Wetlands of the West	3	7	
Restoring Nature, Restoring Hope	3	3	
Creating an urban oasis	2	3	
Connecting people and the Bay	2	6	
Bay, Birds and Beauty	1	1	

Sorted by Public Member Votes

Tagline	Votes (Forum)	Votes (Others)	Comments
Restoring The Wild Heart of the South Bay	11	17	Remove “the south”
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A Place for You, a Place for Nature	7	12	
Wetlands of the West	3	7	
Connecting people and the Bay	2	6	
Healing the Heart of the Bay	6	4	
Restoring Nature, Restoring Hope	3	3	
Creating an urban oasis	2	3	
Bay, Birds and Beauty	1	1	

McInerny invited meeting attendees to a reception in honor of the completion of the Final EIS/EIR, and to honor Clyde Morris, who is retiring as Manager of the Don Edwards San

Francisco Bay National Wildlife Refuge. Attendees applauded Morris, and Cargill, which provided the refreshments.

The meeting was adjourned.

Attachment 1: January 12, 2006 Meeting Attendance

Name	Organization/Affiliation
Maria Adas	Eden Shores Community
Chris Alderete	NASA
Jeff Amaral	USDA
Sharim Asiong	Sen. Feinstein's Office
Dana Bolles	NASA Government and External Relations
Rachel Bonnefil	Acta Environmental Inc.
Patrycja Bossak	ABAG Bay Trail
Ann Clarke	NASA
Evelyn Cormier	Ohlone Audubon
Jim Foran	Santa Clara Co. Open Space Authority
Lorrie Gervin	City of Sunnyvale
Chris Hlavka	NASA Ames
Beth Huning	San Francisco Bay Joint Venture
Jim Jhao	San Jose State University
Ralph Johnson	Alameda County Flood Control
Kran Kilpatrick	NASA
Yoriko Kishimoto	Mayor, City of Palo Alto
John Krause	California Dept. of Fish & Game
Matt Krupp	City of San Jose
Terry Kurtz	
Thomas Laine	Alviso
Marilyn Latta	Save The Bay
Jane Lavelle	SFPUC
Libby Lucas	California Native Plant Society & CCCR
Jack Lueder	Silicon Valley Bicycle Coalition
Felicia Madsen	Save the Bay
Pat Mapelli	Cargill Salt
Kristy McCumby Hyland	City of Sunnyvale
Jim McGrath	
Eileen McLaughlin	Wildlife Stewards
Farokh Mehrshahi	Carbon Wrap Solutions
Philip Noyes	
Sandy Olliges	NASA Ames
Arthur O'Donnell	E&E
Steve Patterson	NASA Flight Ops
Doug Pearson	Perot Systems
Roy Peek	Novo Nordisk
Mike Perlmutter	Audubon California
Erika E. Powell	CH2M Hill
Bob Power	SCV Audubon Society
Caitlin Robinson	San Francisco Bay Bird Observatory

Russ Robinson	South Bay Recreational Boaters of CA
Richard Santos	Santa Clara Valley Water District
Chris Schwarz	Rep. Mike Honda's Office
Carol Severin	Hayward Area Shoreline Planning Agency
Denise Stephens	Alviso
Jan Talbert	
Laura Thompson	Bay Trail Project
Jeff Waldman	California Air National Guard
Kevin Woodhouse	City of Mountain View