

**SAN FRANCISCO BAY AREA WETLANDS RESTORATION PROGRAM
COORDINATING COMMITTEE**

**MEETING SUMMARY
APRIL 4, 2003**

Attendees:

Marcia Brockbank (San Francisco Estuary Project)
John Brosnan (Wetlands Restoration Program)
Tony Chappelle (Wildlife Conservation Board)
Sandy Guldman (Friends of Corte Madera Creek Watershed)
Phillip Lebednik (LFR Levine-Fricke, Inc.)
David Lipsetz (Association of Bay Area Governments - Bay Trail)
Molly Martindale (U.S. Army Corps of Engineers)
Mike Monroe (U.S. Environmental Protection Agency)
Carole Schemmerling (Urban Creeks Council)
Carl Wilcox (California Department of Fish and Game)
Bruce Wolfe (San Francisco Bay Regional Water Quality Control Board)

1. Introductions

Mike Monroe chaired the meeting and opened with a roundtable of introductions. Mike asked the group to provide any announcements with their introductions. Bruce Wolfe stated the Request for Proposals (RFP) for Proposition 13 grants, federal 319 grants and CALFED Proposition 50 funds has been released and proposals are due May 9, 2003. Public meetings will be held at the Regional Board office on April 11 and 14 to provide an overview of the submittal process. There are approximately \$4 million in funds designated for the Bay Area. RFPs should be submitted for large and small restoration projects worth a minimum of \$250,000 per proposal. The next round of RFPs for Propositions 40 and 50 will come in the fall.

2. February 14 Management Group Meeting Summary

John Brosnan reviewed all relevant action items from the February Management Group meeting. Each item had been addressed. Items related to the Design Review Group are going to be discussed at the April 21 DRG meeting. John referred meeting participants to a draft of a DRG Project Review Evaluation form; Mike Connor had suggested such a form at the February 14 meeting. John asked about the determined meeting date structure, as the first Fridays of even months overlapped with the CCMP Implementation Committee meeting schedules. The group agreed to revert back to the second Fridays of even months.

3. WRP Group Reports

Design Review Group (DRG). John stated that the DRG has completed two Letters of Review in the past two months; one Letter for the Lake Merritt Marsh Restoration study and one Letter for the Coyote Hills Wetlands Enhancement and Drainage Improvement project. The project currently under review by the DRG is the Bahia Lagoon Dredging and Lock Project mitigation site at the State Lands/Twin House Ranch location on the east side of the Petaluma River. John

**COORDINATING COMMITTEE MEETING SUMMARY
APRIL 4, 2003**

said that several comments have been submitted to the Restoration Program, in part due to the DRG's review of the Bahia project, and that many comments would be discussed later on in the agenda. John added the DRG has re-released its RFQ for paid participants and invited Coordinating Committee members to pass the word to any interested individuals. John said the next DRG meeting is scheduled for Monday, April 21; this meeting will be a working meeting dedicated to addressing several of the concerns expressed about DRG policy issues.

Wetlands Monitoring Group. Molly Martindale briefed the group on the Wetlands Monitoring Group. Molly stated the current role of the group is to act as a forum for exchange of information; in the future, the group would include paid reviewers of monitoring plans (similar to the DRG) using some funding from the San Francisco Estuary Project. Members of the group from SFEI are currently working on building that organization's wetlands project tracker, which is a bay-wide site that will keep current information on all wetlands projects around the bay.

Molly then gave an update on the Wetlands Rapid Assessment Process (WRAP) work that she and Andree Breaux (San Francisco Bay Regional Water Quality Control Board) and others have been field-testing. The method is based on a Wetlands Rapid Assessment Process developed in Florida. Molly stated, using funds from a 1994-95 U.S. EPA grant, a group had compiled 110 mitigations projects in SWRCB Region 2 (the Bay Area) to use to study WRAP. Now, using funding from the state Coastal Conservancy, approximately 20 mitigation sites (each over 5 years old) are being investigated using WRAP to check for compliance. Molly stated this is very much a pilot study and that Andree will be writing a paper based on the results of this work. Molly added the next Monitoring Group meeting is scheduled for Tuesday, April 8.

Carole Schemmerling asked which riparian sites Molly was including in her sample; Molly said these were Laurel Creek, Green/Paradise Valley, the Pacifica Treatment Plant, Calabasas Creek, and one more to be determined. Phil Lebednik suggested Molly look at the work done by Charles (Sy) Simmenstad of the University of Washington for the CalFed Program to determine some good lessons learned in terms of methodology and lessons learned from functional aspects of this type of work.

4. Raven Dam Removal Project

John introduced Sandy Guldman, President of Friends of Corte Madera Creek Watershed Group. John explained that Sandy was here for assistance in resubmitting a grant application for removal of Raven Dam in Marin County.

Sandy stated that the grant application had been submitted to NMFS within the American Rivers NOAA Community-Based proposal application process. The grant came back to the group without funding due to impediments downstream from the Raven Dam; Sandy said the group is coming up with an alternate plan. Steelhead have been seen at the base of the dam. There is a 15' elevation spread up and downstream of the dam. There is an existing slump in the roadway adjacent to the dam; this road also provides the sole access to about 80 homes upstream of the dam. Regardless of the effort planned, a major bank stabilization effort will be a critical component. The dam is 10'-12' tall and is completely sedimented in behind it. All in all, 1,500' of the creek would be affected by the removal. Sandy said the Moore Foundation was approached to fund the engineering of the project, yet the foundation felt the project did not

**COORDINATING COMMITTEE MEETING SUMMARY
APRIL 4, 2003**

meet the criteria of their salmonid program. Sandy also pointed out the proposal was returned to the group at the same time that Russ Taylor was completing his barrier assessment for all barriers in Marin County. Sandy then asked the group for their advice in the level of engineering detail, whether or not to include this dam removal with the removal of the two downstream impediments, or perhaps whether to include this dam removal in one large proposal to remove all impediments across Marin County.

Molly stated that this might not be the best use of the Coordinating Committee, as it set a precedent for the group helping people with grant applications. But Molly did want to make sure that Sandy was in touch with Liz Lewis at Marin County, which she was. Carl Wilcox asked if Friends had gone through CDFG for funding, and Sandy said yes, but that they had been turned down. Sandy said this was due to the fact Corte Madera Creek is considered an urban creek in the North Coast District, which works against them. Carl said there was a better movement of late to get urban involvement and suggested applying to CDFG with a package of the Raven Dam removal and the other 2 box weirs. Carole recommended Sandy check with the Department of Water Resources Urban Streams Program and the Wildlife Conservation Board. Tony Chappelle said that he would pass the proposal along to people at the WCB. Carl suggested the potential use of mitigation funds and noted the CDFG fish habitat staff may be able to help (i.e., Bob Snider). Molly suggested obtaining a Section 7 consultation determination as part of the Corps application process. Bruce suggested maybe applying for Prop 13 funds by including a larger, perhaps countywide package.

Sandy thanked the group members for their suggestions and departed the meeting.

5. Review of feedback and comments relative to the Design Review Group

John referred to the memorandum he's sent out, which itemizes the several concerns expressed regarding policy issues of the DRG. Along with the memo, copies of a letter from David Lewis at Save the Bay to Mary Nichols were provided; the letter mentioned many concerns with the DRG and called for a moratorium on the DRG's review of projects. John then walked through the policy points. Those points from the memo included:

- Using public funds to provide cost-free technical project review to private project proponents.
- Using public funds to provide cost-free technical project review to project proponents of mitigation projects.
- Using public funds to provide cost-free technical project review to project proponents of undesirable or unfavorable projects.
- Allowing the project proponent to establish those questions to which the Design Review Team responds/provides input on.
- The potential for the Letter of Review to lend political credence to a certain project.
- The potential for a project proponent to use a completed Letter of Review as leverage in seeking permit approval, specifically a local permit.
- Lack of a signed/adopted/endorsed Charter of Working Principles
- (Specific to the Bahia project review) A failure to consider the specific mitigation requirements for a mitigation project adversely impacting endangered clapper rail

**COORDINATING COMMITTEE MEETING SUMMARY
APRIL 4, 2003**

habitat and the context of the project relative to land uses adjacent to the proposed project.

In response to the first three bullets, Molly stated the DRG's services are not services to a project proponent, but to the regional community and to the regulatory agencies, adding the regulatory agencies do not usually obtain third-party review. Molly added the DRG's non-advocate form of review equates to a more scientifically sound project with relatively greater benefits to the environment. Carl questioned even bringing controversial projects to the DRG. Carole stated mitigation projects are unfavorable as review topics and stated her opposition to the lack of required on-site mitigation, in general. Carl clarified the point stating the DRG reviews projects, not necessarily mitigation. He added the DRG is not meant to police, but to provide input on the technical design of projects. He went on to say the DRG's services are for anyone. Mike reiterated the distinction of DRG from the regulatory agencies, and stated the DRG wants to avoid project proponents waving the Letter of Review around as leverage. Mike pointed out the DRG is open to constructive suggestions that could make the group seem and function more objectively.

Mike stated consultants on Design Review Teams get paid for their assistance and noted that, in the future, the DRG could charge a fee or employ experts on a pro bono basis. Phil Lebednik wanted to speak on behalf of consultants. He stated he joined the group because of the uniqueness of its embrace of the *Baylands Ecosystem Habitat Goals Report*. He added the group is strictly objective and that money is a separate issue, pointing out that it is not a significant money-making activity for consulting firms, but that having some compensation helps experts justify their participation to their managers. Phil felt the group is a valuable and unique endeavor and, thus, worthwhile in lieu of the costs. He added that if the group takes up the political issues that swirl around projects, the peer review aspect would lose some of its objectivity. He felt that some policy issues were best left addressed by the regulatory community. Bruce asked that, if the group did charge for project review, would that help the Restoration Program? Molly wondered if project proponents would not come to the DRG if they had to pay. John wanted to clarify a point on the finances issues, and asked the group if they saw a problem with using public funds to provide review to private sector project proponents and proponents of mitigation projects; the group members said no, as the money (from the U.S. EPA grant) was provided after a work plan was submitted, which stated the intended use of the funds.

Relative to allowing the project proponent to establish those questions to which the Design Review Team responds/provides input on, Mike said there was never an intention to limit the feedback of the Design Review Team members. Mike added his preference for a structured list of questions; Carole felt this a necessary approach to achieve sound and credible feedback, but added the need to have reasoned rationale behind each checklist point. Phil said the Design Review Teams possess a tremendous amount of technical knowledge, which is invaluable. He thought that many parties would benefit from this knowledge because the review letters are available to the public on the website. He suggested letting the Review Team members ask whatever questions they wanted to.

In response to the potential for the Letter of Review to lend political credence to a certain project and for a project proponent to use a completed Letter of Review as leverage in seeking permit

**COORDINATING COMMITTEE MEETING SUMMARY
APRIL 4, 2003**

approval, Bruce felt these perceptions could cause problems. Carl suggested the team be explicit about sticking to the technical merits of a project. Bruce felt some of the recent influx of comments on this topic is due, in part, to getting over an initial hump in being clear about the group's role. Mike suggested targeted outreach - for the purpose of clarifying the role and the limitations of the DRG - in the cities/counties where DRG projects are planned would be beneficial. Carl added that outreach could extend to affected local agencies, as well. He suggested potentially looking to the BCDC Design Review Board where the questions asked of the project proponents are generated by BCDC staff.

Relative to the point specific to the Bahia project, Carl wanted to clarify that the loss of endangered species habitat is a regulatory issue that must be addressed by the regulatory agencies, and not by the DRG; this issue is beyond the purview of the DRG.

David Lipsetz attended the Coordinating Committee meeting to discuss the inclusion of the public access perspective in the DRG. David said the DRG seems to him a process-oriented element, where what is considered is the final product. As such, including a public access perspective at the earliest stages makes good sense. David stated public access is constantly involved in restoration projects along the Bay to some degree of consideration. David asked the group for their perceptions of public access as an element of design.

Molly felt that public access is a regulatory element, primarily that of BCDC. She added that if public access is included in a specific project, it makes sense to review it in the project design; however, it is not the place of the DRG to make a project proponent include a trail as part of their design. She stated that whether a trail is there or where it is are not DRG issues. Molly also pointed out that Steve McAdam of the Coordinating Committee had requested the group not take action on public access on the DRG until he could participate in the discussion. Carl stated the DRG focuses on the biological and physical process issues of a project. He added that if a proponent brings a design with a trail, and that trail complicates the biological or physical function of the site, that would constitute a problem. David recognized the need to avoid placing trails where they compromise the ecological integrity of a site. To that end, he added the group could be integral in providing technical advice on positioning and constructing of trails. Mike felt that public access proponents could sometimes understate the biological impacts of trails on projects, based on subjective assumptions. David felt that the converse could be said about biologists, at times, too. David felt the DRG could be instrumental in providing early feedback in project design and that BCDC, by comparison, would have input much later in the project timeline. Carl felt that addressing the issues surrounding the site of a trail could be a good component of the DRG process.

Phil made clear the DRG does not make decisions, but provides information. Therefore, as public access is an important part of managing an ecosystem, it should be included in some type of input. He added that peer reviewers on the DRG are not responsible for providing feedback on anything other than what is presented to them. Carole felt that public access would be part of any project before the DRG, but advised keeping trails along the edges of habitat. She recommended directing people away from sensitive habitat given there is already so little space made available for habitats. David, in conclusion, recommended including public access on the DRG as a topic for the next Executive Council agenda.

6. Working Principles Discussion

John stated that he had completed a comments-and-responses document following receipt of comments in January/February. Comments had come in from Nadine Hitchcock and Beth Huning (on behalf of the Joint Venture Management Board) and that the responses document was available to anyone who was interested. John said he'd sent a memo with the latest Charter of Working Principles to Executive Council co-chairs Mary Nichols and Alexis Strauss; this memo would be appended to the Charter and sent out to all Council members before the next meeting. At the time of the meeting, John was still awaiting direction from Mary on when to send this out.

7. Next Executive Council Meeting

John stated the potential running list for the Executive Council meeting agenda: update on the South Bay Salt Ponds process, policy issues from the Bay Planning Coalition, hearing from the environmental (NGO) community on WRP-related issues, policy issues with the DRG, public access representation on the DRG, and Caltrans updates on the Bay Bridge mitigation. The group felt that the next meeting should be in early June, before school lets out for the summer. **John will follow up with Mary, Chris Potter, and the Council members to try to determine a date.**

8. Wrap-Up/Next Meeting Date

John shared his idea for the WRP hosting, or co-hosting with an NGO, a charrette (or, facilitated meeting) with invitees from various environmental non-profits. John felt this would be a great way to bring in the NGO community and get a sense of (1) how they feel the WRP can be effective, (2) how the WRP can better involve the NGO community, and (3) collect suggestions from the NGO community. Carl suggested focusing such a meeting on a particular subject, such as mitigation. He added Caltrans mitigation for the Bay Bridge would be totally appropriate for the DRG. Carole stated that a charrette hosted in the evening would attract the largest audience. Several individuals felt the meeting should be scheduled before the next Council meeting.

John will contact the Coordinating Committee after determining the next Executive Council meeting date to schedule the next Coordinating Committee meeting. The meeting was adjourned.

ACTION ITEMS:

- **John will follow up with Mary, Chris Potter, and the Council members to try to determine a date.**
- **John will contact the Coordinating Committee after determining the next Executive Council meeting date to schedule the next Coordinating Committee meeting.**