

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

**MEETING SUMMARY
MAY 23, 2003**

Attendees:

Marcia Brockbank (San Francisco Estuary Project)
John Brosnan (Wetlands Restoration Program)
Mike Connor (San Francisco Estuary Institute)
Nadine Hitchcock (State Coastal Conservancy)
Beth Huning (San Francisco Bay Joint Venture)
Molly Martindale (U.S. Army Corps of Engineers)
Steve McAdam (San Francisco Bay Conservation and Development Commission)
Mike Monroe (U.S. Environmental Protection Agency)
Chris Potter (California Resources Agency)
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 pre-proposals for Prop 13 funds were due on May 9 and that 85 pre-proposals were submitted from Regional 2 of the Regional Board. The call for full proposals will go out in August and final decisions to come in January 2004. Nadine Hitchcock stated she had hard copies of the draft EIR/EIS for the Invasive Spartina Project for anyone interested. Marcia Brockbank stated the \$250,000 of Phase II of the EPA Wetlands Monitoring Grant - to support the California Rapid Assessment Method - is in and will be available on July 1.

2. April 4 Coordinating Committee Meeting Summary

John Brosnan reviewed all relevant action items from the April meeting; these were limited to establishing the dates for the next Executive Council meeting and the Coordinating Committee meeting, in that order.

3. WRP Group Reports

Design Review Group (DRG). John stated that the DRG is in a holding pattern while it holds release of a completed Letter of Review until after the Executive Council meeting on June 10. This action is the result of David Lewis' (Save San Francisco Bay) letter to Mary Nichols, which requested the Wetlands Restoration Program implement a moratorium on project review. Executive Council co-chair Nichols stated the group would not cease project review, but would not release a Letter of Review until after the Council meeting. Accordingly, the most recently reviewed DRG project - the Bahia Lagoon Dredging/Twin House Ranch project - is on hold until after June 10. John pointed out that the meeting attendees were provided hardcopies of the letters from David Lewis and Mary Nichols. In addition, there was also included a letter

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from John Zentner that expressed his dissatisfaction with comments shared at the most recent DRG meeting and, subsequently, included in the meeting summary. John Brosnan responded with the general statement that any statements made at meetings are included in the summaries and do not get stricken from the summary. Mike Connor asked if that letter would be presented to the Executive Council? Mike Monroe said it was not appropriate for that, as it was too detailed for presentation to the Council; Molly Martindale and Chris Potter agreed.

However, Barbara Salzman has completed the Project Summary form for the tidal wetlands restoration project at Bahia and a meeting will be held to review that restoration project when a Design Review Team can be assembled (likely in mid-July).

Wetlands Monitoring Group. Molly Martindale briefed the group on the Wetlands Monitoring Group. Molly said the April meeting featured a presentation of SFEI's wetlands project tracker, which is a bay-wide site that will keep current information on all wetlands projects around the bay. In addition, there was a presentation by Phil Lebednik (LFR Levine-Fricke) on assessing ecosystem functionality. Nadine wanted to know what services the group will provide; Molly stated the current role of the group is to act as a forum for exchange of information. She added there is \$10,000 now officially on the way from the San Francisco Estuary Project to fund monitoring plan review teams, similar to the DRG, and the group would have to develop it's approach to that service; she added it was likely about four months' away. Mike Connor asked if the group is going to serve as a forum, is it worth this energy input and also wanted to know what the group was trying to accomplish. Molly expressed the idea of the group as a placeholder, for now, until it takes on additional work in the future. Molly said the review of monitoring plans is to come and the group will be reviewing how to measure parameters and the appropriateness of protocols, etc. She added that the resolution of DRG issues would feed into the Monitoring Group's processes. At what stage the group will review monitoring plans is undetermined.

Carl Wilcox expressed the idea the group would have a standard approach to monitoring of all projects at the same level, in order to achieve some method of comparison of whether or not the objectives of restoration are being achieved. Monitoring Group monitoring plan review could potentially lead towards being a condition of permits, as it is challenging for agencies to manage and fund monitoring over several years with more funds being spent on restoration and acquisition. Steve McAdam resounding this point, adding agencies want to know the questions wetlands scientists need answered and additional items of note; he recognized the value of independent peer review of this type. Nadine saw a lack of agreement and some requisite skills to pull together such an effort, but noted people care about this and want to know the best way to pull it together. Beth Huning stated partners need to be made aware of this. **Mike Monroe suggested a joint meeting between the Coordinating Committee and the Wetlands Monitoring Group.** Chris Potter stated the need to expand the membership of the group and Beth recommending bringing in the Joint Venture's Restoration strategy and Technical Committee. Mike Connor agreed the next meeting should focus on the Monitoring Group. Carl noted the Monitoring Group is within the objectives of the agencies as it is a two-tiered approach - (1) what is the need and (2) what are the bigger science questions? Brian Mulvey suggested melding the regulatory monitoring approaches and the core science the group is addressing. Marcia suggested using a workshop to focus on what's happening and have a solid agenda along with a facilitator.

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Public Outreach Efforts. John stated he'd recently made a presentation to EDAW Inc., in San Francisco, which was his first presentation to a private firm. Next week he will present to the Bay Planning Coalition. John also shared he sent out an announcement for presentations to 114 Bay Area planning directors and is about to reach out to directors of the Bay Area RCDs.

4. Review of Executive Council meeting agenda items [Some items correspond to hardcopies provided at the meeting]

John provided an overview of his and Mike Monroe's meeting with EPA attorney Tom Hagler regarding Federal Advisory Committee Act (FACA) concerns with the WRP's Charter of Working Principles. John explained the direction from the last Executive Council meeting provided inherently conflicting direction, as staff was to remediate FACA concerns with the document while incorporating the Joint Venture into the WRP. As the Joint Venture is not a government agency, their formal inclusion on the Coordinating Committee presents a FACA concern. Per Molly's request, John explained that FACA seeks to - in part - prevent non-governmental entities from participating on advisory committees that make recommendations to agent/executives in the federal government. However, WRP participants are in agreement the Coordinating Committee has to be able to make recommendations to the Executive Council as Council members will surely be disinterested in sorting through issues without recommendations. In consultation with Mr. Hagler, he'd suggested the cleanest way to allow the Committee to make recommendations to the Council would be to remove SFEI and the Joint Venture from the Committee; yet, this would also run counter to direction from the November 2002 Council meeting.

Nadine asked if the group needs a Working Principles document at all? Mike Monroe reminded the group of Loretta Barsamian's (San Francisco Bay Regional Water Quality Control Board) suggestion of not having a signed document; Mike also raised the prospect of having the two entities participate as ex-officio members. Mike also pointed out that FACA lawsuits are very rare but are devastating if successful; they can have the effect of nullifying all work and decisions that took place under an agreement. Mike Connor suggested the group do whatever was necessary to get the group moving and past this issue. Beth expressed the need to talk with her Board. Nadine pointed out the Joint Venture is represented to ensure adequate input from those partners. **Mike Monroe would follow up with Tom Hagler to determine if allowing ex-officio participation would cause any FACA concerns, but this emerged as the preferred approach to take in presenting to the Council.** As for signing the document, Mike Monroe suggested that could come in the future, perhaps following the review of the Program's actions, and that the Council should just adopt the document instead of sign it for now.

The issue of including public access expertise on Design Review Teams was brought up and Mike Connor asked what Steve McAdam's position was; John was not entirely sure. The group recommended this issue taken off of the Council's agenda.

In reference to allowing DRG review of mitigation projects only after "some preliminary input from the regulatory agencies", Molly said this should be kept out of the packet as it is too challenging to define exactly where in the project timeline this would occur; Carl and Bruce agreed. Failing to do so could pit the DRG up against the question of advocacy science and

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diminish the peer review quality of the group. Beth expressed her questions with the group stating the information provided the group was too limited per project. Nadine agreed this was part of her concerns, and stated some would like to see the group have more influence. John reminded the group that many people outside of the Restoration Program already see the DRG having too much influence. Nadine said she saw different factions within the group and John said this was true at the present, that being a result of so many different interpretations of the group without Executive-level buy-in. Molly stated the forum for receiving public input on projects was in the regulatory realm and not the DRG and that the DRG should only be a review of design quality.

Mike Monroe said the group needs to determine whether it thinks the DRG should review mitigation or not; three voted no and eight voted yes. Mike Connor pointed out that fighting public perception, as the DRG is doing, is a losing battle. Molly restated her belief that even in lieu of public perception, the DRG is providing a service to the bay and the agency community, not developers. John pointed out the DRG is developing a checklist of all issues to be applied to all projects before the DRG, mitigation or otherwise. Nadine suggested DRG review of mitigation projects should come after the project is permitted, but Molly said designs are too finalized by that point for the DRG to have meaningful input. Molly felt present concerns expressed were based on fears and "what ifs" and she suggested the group continue functioning as it does now and then re-evaluate if concerns are coming true after another 12 months. Mike reminded everyone that it would be ideal if the DRG could review mitigation projects like all others, but doing so pits the environmental NGO community against the Restoration Program and wondered if it was worth it right now. Steve Thompson advised the group not to neglect mitigation projects. **Carl suggested the DRG only review mitigation projects if a regulatory agency requests it's reviewed, with the Letter of Review then going to the agency.** Bruce said that type of validation could be helpful on technical aspects; he added this might help regulate the DRG's workload.

Mike Monroe reminded everyone of the last DRG meeting, when it was shared permit writers don't have broad expertise in all areas, which shocked Barbara Salzman. Mike summarized there was general agreement to move forward with Carl's suggestion as the Committee's recommendation. Carl then pointed out how regulatory agencies are criticized for the lack of peer review of their restoration/mitigation plans, stating that was what the DRG is for. Marcia stated the need to assist the agencies, but pointed out this group needs to be clear about when a recommendation to use the DRG should be made. Beth asked if the permit was about to be denied for a bad project, could DRG review then assist a less favorable project? Molly stated, if she doesn't want to approve a project that winds up receiving a favorable DRG review, does that put pressure on her to approve a project? **Nadine suggested limiting review of mitigation projects to public agency-sponsored projects.** Beth added the projects would have to be volunteered by the agency staff. Bruce felt this approach would likely be most palatable to the Council. Mike Monroe summarized to be clear on the Committee's recommendation to the Council; **the Committee will recommend the Council (1) allow the DRG to review mitigation projects, so long as they are (2) done so at the request of the regulatory agencies, and (3) they are public agency-sponsored projects.** These reviews will take place for a trial period of 12 months and a review at the end of that period will assess the benefits and drawbacks of this approach and make appropriate recommendations to the Council. Molly asked what mechanism would be used to keep track of missed opportunities under this approach?

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Carl mentioned the South Bay Salt Ponds planning process MOU and stated it would only apply to the subset of the Executive Council who will participate on the MOU; Nadine agreed this was a small subgroup issue. Mike Monroe stated there will always agenda items of relatively more interest to some members. Nadine expressed an interest in a short, heads-up item on the recent EIR/EISs that have come out of the Conservancy's office and Invasive Spartina Project (ISP) guidance and updates. Carl suggested possibly having an interagency meeting with ISP and WRP participants. **Mike Monroe suggested the Coordinating Committee - through John - could help organize the interagency meeting with the ISP. John is also to include the ISP as a brief agenda item.** Molly suggested working with Peggy Olofson to find the appropriate people for the subgroup.

Carl stated he mentioned the Monitoring Group's potential future plan-reviewing role to the management at the Napa-Sonoma Marsh Restoration Group and advised they look to the California Rapid Assessment Method to for monitoring in the Napa River project. Molly suggested a meeting between the regulator community and the NGOs to explain the day-to-day workings of the regulatory process. John mentioned the potential to hold a charrette, which could focus on this very issue.

Mike Monroe summarized all of the points and the meeting was adjourned.

ACTION ITEMS:

- **John will arrange a subcommittee and then a joint meeting between the Coordinating Committee and the Wetlands Monitoring Group.**
- **Mike Monroe would follow up with Tom Hagler to determine if allowing ex-officio participation would cause any FACA concerns, but this emerged as the preferred recommendation to make to the Council for inclusion of non-agency members.**
- **The Committee will recommend the Council (1) allow the DRG to review mitigation projects, so long as they are (2) done so at the request of the regulatory agencies, and (3) they are public agency-sponsored projects.**
- **The Coordinating Committee - through John - will investigate helping organize the interagency meeting with the ISP. John is also to include the ISP as a brief agenda item.**