

**San Francisco Bay Area Wetlands Restoration Program
Executive Council**

**August 13, 2002
Meeting Summary**

Attendees –

Executive Council

Meeting Co-Chair – Mary Nichols (California Resources Agency)
Meeting Co-Chair – Alexis Strauss (U.S. Environmental Protection Agency)
Loretta Barsamian (San Francisco Bay Regional Water Quality Control Board)
Dan Castleberry (CALFED Bay-Delta Program)
Helen Flach (Natural Resources Conservation Service)
Bob Floerke (California Department of Fish and Game)
Calvin Fong (U.S. Army Corps of Engineers)
Eugene Leong (Association of Bay Area Governments)
Sam Schuchat (California State Coastal Conservancy)
Larry Smith (U.S. Geological Survey)
Paul Thayer (State Lands Commission)
Cdr. Steve Thompson (National Oceanic and Atmospheric Administration)
Will Travis (San Francisco Bay Conservation and Development Commission)
Wayne White (U.S. Fish and Wildlife Service)
Al Wright (Wildlife Conservation Board)

Staff and Others

Brian Baird (California Resources Agency)
Marcia Brockbank (San Francisco Estuary Project)
John Brosnan (Wetlands Restoration Program)
Trish Chapman (California State Coastal Conservancy)
Arthur Feinstein (Golden Gate Audubon)
Nadine Hitchcock (California State Coastal Conservancy)
Beth Huning (San Francisco Bay Joint Venture)
Ellen Johnck (Bay Planning Coalition)
Paul Jones (U.S. Environmental Protection Agency)
Marge Kolar (U.S. Fish and Wildlife Service)
David Lewis (Save San Francisco Bay Association)
Molly Martindale (U.S. Army Corps of Engineers)
Mike Monroe (U.S. Environmental Protection Agency)
Steven Moore (San Francisco Bay Regional Water Quality Control Board)
Debbi Nichols (San Francisco Estuary Project)
Briggs Nisbet (Save San Francisco Bay Association)
Chris Potter (California Resources Agency)
Mike Sellors (National Audubon Society)
Luisa Squires (Santa Clara Valley Water District)
Carl Wilcox (California Department of Fish and Game)
Bruce Wolfe (San Francisco Bay Regional Water Quality Control Board)

1. Introductions and Review of Meeting Agenda

Mary Nichols (California Resources Agency) opened the meeting and initiated the roundtable of introductions.

2. March 8, 2002 Executive Council Meeting Summary

Alexis Strauss (U.S. Environmental Protection Agency) asked the group for feedback on the minutes from the previous meeting and wanted to know specifically if the level of information provided was adequate. The group agreed that the information was sufficient.

Mary Nichols then stated before the group that the Executive Council should seek consensus on (1) developing a draft Memorandum of Understanding, (2) doing more work to enhance public participation, and (3) seeking cooperative coordination in the Wetlands Restoration Program (WRP) (i.e., avoiding redundancy). The group generally concurred.

3. WRP Group Reports

Staffing of the WRP. Mike Monroe (U.S. Environmental Protection Agency) opened with the introduction of John Brosnan (Wetlands Restoration Program) as the new full-time staff person for the WRP. John introduced himself to the group.

Management Group. Mike iterated that the WRP Management Group meeting is scheduled for the fourth Tuesday of each month and to be held at the Regional Water Board office. Mike stated that the Management Group is in the process of developing rules and protocol for its operation and developing a work program. He stated that in the future the WRP will need to clarify the relationship of the Design Review Group and the upcoming Monitoring Group and their relationship with the Executive Council and the Management Group. These groups will need to work with the Council on outreach.

Draft Working Agreement. Mike then discussed the WRP Draft Working Agreement (Agreement), which is based on the Southern California Wetland Recovery Project Working Agreement. Mike solicited input from the group to bring back to the next meeting. Mike hoped that the Executive Council will sign the Agreement at their fall meeting. Will Travis (San Francisco Bay Conservation and Development Commission) suggested that the Agreement include a statement that called for the public to be involved in the meetings while reserving the right to have closed-door meetings (for such topics as acquisitions that might be inappropriate for the general public). Mary Nichols agreed with Will. David Lewis (Save San Francisco Bay Association) stated that we should err on the side of including the public.

Dan Castleberry (CALFED Bay-Delta Program) suggested that the Agreement be clearer about the need for public involvement and the roles for the public in the Design Review Group be better defined. He then suggested that the Monitoring Group should have a strong emphasis on adaptive management and that the language should not reflect a subservient role of the Monitoring Group.

Larry Smith (U.S. Geological Survey) wanted to ensure the Agreement included a provision of the formal inclusion of monitoring feedback and that the formal inclusion of that feedback in the process would be key.

Paul Thayer (State Lands Commission) mentioned how Southern California governments play a large role in bringing forth projects into their WRP process and that the Agreement needed to consciously address how projects are fed into the process.

Mike said that the public advisory section could go back into the Agreement.

Mary Nichols stated that the Agreement's statement of objective "oversight" might give the wrong impression and proposed changing the language to "facilitate" instead.

Arthur Feinstein stated that the Agreement's recognition of outside groups is essential.

Loretta Barsamian (San Francisco Bay Regional Water Quality Control Board) expressed her disagreement with Dan Castleberry on the perceived role of the Monitoring Group. She also stated the need to make clear our support of public engagement. Molly Martindale (U.S. Army Corps of Engineers) agreed with Loretta and expressed the opinion that including the Monitoring Group at the end of the Agreement might give a misperception.

Calvin Fong (U.S. Army Corps of Engineers) stated – for the purpose of brevity – that the Agreement should discuss only the agreement and that committee descriptions be presented as appendices. Alexis expressed the need to trim back the document to fewer than ten pages. She asked the group if they would prefer to receive these documents – such as the Agreement – for review via email. There was no opposition from those present.

Marcia Brockbank (San Francisco Estuary Project) suggested the providing hard copies of materials is imperative to bring in more groups of people, such as NGOs.

Mike concluded the Management Group discussion by informing the group that he and Chris Potter (California Resources Agency) are co-chairs of the Management Group. This ensures that both State and Federal representatives will oversee the group.

Design Review Group. Mike went on to state that the Design Review Group (DRG) is interested in creating documents relative to its mission and is interested in reviewing projects. Mike shared that a Request for Qualifications (RFQ) is going to be prepared and circulated calling for non-agency members of the DRG. The goal is to have DRG members that come from consulting and/or academic backgrounds. Draft versions of an announcement letter, an acceptance letter, a letter of review, and conflict of interest guidance are also going to be prepared by WRP staff.

Mike raised the prospect of potentially combining the DRG and the Monitoring Group. This would allow for projects to be reviewed for technical design, objectives and outcomes simultaneously. Adaptive management could best be achieved by this approach. A joint meeting of the DRG and the Monitoring Group is going to be held in September to discuss the option. Loretta Barsamian wanted to know if we had any prospects of state agency funding for an attendant for the meetings. Mary Nichols expressed that it was not likely given the State's current budget situation.

Al Wright (Wildlife Conservation Board) wanted to know if all projects in the area will be run through the DRG and what kind of timeline would be associated with these projects in the DRG. Mike replied that the exact protocol for having projects come through the DRG has yet to be finalized by that group. But it is assumed that the DRG will solicit some projects while some projects will be brought to the group.

Al Wright wanted to ensure that another layer of bureaucracy was not being added here and that substantial amounts of time delay would not be incurred by these projects. Mike stated that “months” would not be required for review and input.

Mary Nichols raised the point that sometimes “success” is not clearly defined and that there is a great deal of disagreement on what success is. She went on to point out that the WRP should be promoting dialogue and providing guidance, and that the additional time incurred by a project would be worthwhile. Alexis agreed, saying that the time constraints could be shared with the DRG. Paul Jones (U.S. Environmental Protection Agency) pointed out that extra time spent in the design review phase of projects equates to less time spent in the permitting process. Louisa Squires (Santa Clara Valley Water District) agreed and noted that sound review leads to a successful project.

Wetlands Regional Monitoring Program. Paul Jones then shared with the group an overview of the Wetlands Regional Monitoring Program. His presentation included discussion on the funding the project, the management structure of the monitoring group, wetlands habitat review and tracking, a list of current and upcoming projects, and a review of information management funding. This included a brief discussion of special studies for the CALFED wetlands pilot program.

Mary Nichols stated that the Resources Agency is preparing to produce GIS-based statewide wetlands maps. The Monitoring Group will provide the Bay Area portions to the statewide inventory. Loretta mentioned that the South Bay Assessment and the Watershed Management Initiative should be shown together. Loretta suggested the unanswered question of the geographic scope of the Monitoring Group be added as an agenda item for the next meeting.

Paul continued his review of the EPA’s approach to wetlands monitoring. This included a review of the rapid assessment method and the Ohio matrix used for Section 401 certification. The idea of applying this matrix to locally assess wetlands was met with concern. Several people expressed concern that this indicator would not apply well to wetlands restoration, as some of the best restoration sites are the most degraded. This relationship might not be well represented on the matrix. Others expressed concern over the lack of focus in the matrix and that existing monitoring programs should be refined, which would be more cost effective.

In summary of the WRP group reports, Alexis reiterated that the Council will be discussing the geographic scope of the DRG, that Mike, Chris and John will be revising the Draft Working Agreement, the DRG and Monitoring Group will discuss the merging of the two committees, and that internal review of the use of analytical tools and monitoring approaches will occur within the Wetlands Regional Monitoring Program.

4. Public Involvement

Chris Potter then brought up the topic of developing recommendations for achieving optimal public involvement. Eugene Leong (Association of Bay Area Governments) had suggested using the CALFED/ABAG Task Force and Chris then suggested potentially asking David Lewis and Beth Huning (San Francisco Bay Joint Venture) to assist in the development of a public advisory committee. The sentiment of taking advantage of existing committees until we have the public's attention was supported. Chris also shared that he'd met with Marcia Brockbank, who listed 30 to 40 groups that could potentially become involved in a public advisory committee if it were formed. Chris then mentioned the need for the WRP website and that it, in conjunction with the hiring of full-time WRP staff, would provide more opportunity to get the word out.

Trish Chapman (State Coastal Conservancy) then spoke before the group to discuss points of the Southern California Wetlands Recovery Project. The primary roles of this project included advising the program's Managers Group and Executive Board and assisting in obtaining public and private money for projects. The Wetlands Recovery Project interviewed members of the public to gather suggestions on starting their committees. The group utilized County Task Forces to increase participation and to improve communication between the groups. Trish pointed out that the Chair of their Public Advisory Committee also sits on the Executive Board. Chris Potter highlighted that the group's Annual Symposium is instrumental in gathering the support and involvement of members of the public.

Will Travis expressed the crucial need for transparency in the WRP actions to increase public participation. Many people resounded the point that broad public engagement is essential to the viability of the WRP. Arthur Feinstein expressed an interest in having local government officials and members of environmental nonprofits on the committees. Varying sentiments were expressed as whether to form a new Public Advisory Committee or to build upon an existing committee. Mary Nichols suggested that this question become an action item for next time and that the pros and cons of each option should be presented and debated.

5. Cargill

Marge Kolar began the discussion of the Cargill Salt Ponds acquisition and discusses the regulatory framework of the purchase. The Napa Parcel and Baumberg Parcel are going to be administered by the California Department of Fish and Game (CDFG) while the Wildlife Refuge will administer the balance of the parcels. Currently, Phase I and II site analysis is being conducted to determine the presence of any hazardous materials. Ponds that are being purchased in this sale do not include those that store the bittern, or the waste product that results from the salt making process. As per the purchase agreement, Cargill must maintain the property until the San Francisco Bay Regional Water Quality Control Board provides its approval. These permits must be obtained by March 2004 or else the maintenance and cleanup becomes the responsibility of CDFG. At present, most of the Baumberg ponds have been deemed discharge ready.

Carl Wilcox (California Department of Fish and Game) then spoke on the Restoration Planning. In regards to the Interim Management between now and the acquisition of the parcels, the focus is on obtaining the permits from the Regional Board, the U.S. Army Corps of Engineers, and BCDC. The permit applications are expected to be complete by late fall, early winter. The

remaining immediate concern is determining the salinity standard for transfer. Cargill is presently moving the salt out of the ponds being sold and into those that it will retain.

Upon acquisition, it is known that the ponds at the Baumberg site will be broken up into smaller units and the goal will then be to make the system of fluctuating water through them as passive as possible. Some ponds will be allowed to go dry for bird nesting habitat. In the short term, there will be a need to keep the system functioning.

Will Travis expressed concern over the loss of the operating permits once the transfer is complete. With a lack of proper interim management, huge habitat losses could occur. Carl Wilcox admitted that huge variability is inevitable in the interim. Al Wright stated that every effort is being made to ensure that operations do not simply cease at once and the goal is as seamless a transition as possible. Will Travis made the suggestion that the purchase should be managed as one complete system, which would allow for easier regulatory work.

Nadine Hitchcock (California State Coastal Conservancy) then spoke on regulatory issues and the objectives of the project. The Conservancy, CDFG, and the U.S. Fish and Wildlife Service (USFWS) are serving as the management team for the acquisition, and the Conservancy hopes that the U.S. Geological Survey, NASA, and the local flood control districts will offer their assistance. Presently, the implementation planning timeline is five years and is focused on decision-required research. Implementation of this planning will begin before the acquisition. The estimated cost for the planning effort is \$10 million, which includes the cost of using consultants for technical work.

Actions presently underway include: a memorandum of agreement with the Conservancy, CDFG, and USFWS with a work plan to come; development of the project management structure; interagency coordination, public access and recreation, flood control team, and technical and scientific advisory groups; and, subcommittees to provide detailed topic reports. Key elements of the upcoming work plan include consensus for flood control and public access, goals, opportunities and constraints, hydrological and geological models, a programmatic EIR and EIS, and permits and construction monitoring for the next five years.

Major issues being considered before the acquisition include: subsidence in the ponds; habitat and design measures; introduced cordgrass; flood management and levees for South Bay communities; numerous types of existing infrastructure in the area; public access and recreational concerns; and, mosquito abatement and water quality issues. Embracing the Habitat Goals Report is the present guidance on the management of the project. It is anticipated that the resulting habitat created will be a 60/40 split of tidal marsh and salt ponds.

Nadine stated that there will be three layers of the public who are interested in this project: (1) the public with a general interest in what is going on; (2) the public who wants to become involved in the project; and, (3) the public who want to be apprised of all details of the project. Reaching these people with progress updates will be done through a combination of website postings, newsletters and presentations. Briggs Nisbet (Save San Francisco Bay Association) phone tree using constituents and organization members was suggested to get the word out. Louisa Squires suggested that the Santa Clara Basic Watershed Initiative could be an effective

tool for public outreach and that the A-4 Pilot program may be useful to capture the interest of the public. Nadine indicated that the Conservancy might be forming an executive body to provide guidance and oversight of restoration planning efforts. She also indicated that the Executive Council could potentially provide this function, however, it was too early to seriously discuss this idea.

Concerns were expressed over insuring adequate flood control management. Ellen Johnk (Bay Planning Coalition) stated that due to flood management concerns, additional funds may be available for flood control-related projects.

6. Spartina Presentation

Due to time constraints, the presentation did not take place. The group suggested this was an essential agenda item for the next meeting.

7. Wrap-up/Next Meeting Date

Alexis asked the group for suggestions. The group met consensus in that debate on certain presentation topics was useful in this forum but that time should be reserved for only one such issue per meeting. The group also agreed that it was imperative to read the materials before coming to the meeting.

The date of Monday, November 4 was selected as the next meeting date. The meeting is proposed for 10 a.m. that day.

The meeting was adjourned.

ACTION ITEMS:

- The Council will discuss the geographic scope of the DRG
- Mike, Chris and John will be revising the Draft Working Agreement
- The DRG and Monitoring Group will discuss the merging of the two committees
- Internal review of the use of analytical tools and monitoring approaches will occur within the Wetlands Regional Monitoring Program.