

**SAN FRANCISCO BAY AREA WETLANDS RESTORATION PROGRAM  
EXECUTIVE COUNCIL**

**MEETING SUMMARY  
NOVEMBER 4, 2002**

**Attendees -**

**Executive Council**

Meeting Co-Chair - Mike Spear (California Resources Agency)  
Meeting Co-Chair - Alexis Strauss (U.S. Environmental Protection Agency)  
Loretta Barsamian (San Francisco Bay Regional Water Quality Control Board)  
Helen Flach (Natural Resources Conservation Service)  
Mark Helvey (National Oceanic and Atmospheric Administration Fisheries)  
Bob Hight (California Department of Fish and Game)  
Beth Jines (California Environmental Protection Agency)  
Eugene Leong (Association of Bay Area Governments)  
Mike McCormick (U.S. Army Corps of Engineers)  
Sam Schuchat (State Coastal Conservancy)  
Larry Smith (U.S. Geological Survey)  
Paul Thayer (State Lands Commission)  
Cdr. Steve Thompson (NOAA Oceans)  
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**

Marcia Brockbank (San Francisco Estuary Project)  
John Brosnan (Wetlands Restoration Program)  
Mike Connor (San Francisco Estuary Institute)  
Arthur Feinstein (Golden Gate Audubon)  
Jim Fiedler (Santa Clara Valley Water District)  
Calvin Fong (U.S. Army Corps of Engineers)  
Tot Heffelfinger (Sierra Club)  
Nadine Hitchcock (State Coastal Conservancy)  
Lynn Hosley (CH2M Hill)  
Beth Huning (San Francisco Bay Joint Venture)  
Amy Hutzler (State Coastal Conservancy)  
Paul Jones (U.S. Environmental Protection Agency)  
Marge Kolar (U.S. Fish and Wildlife Service)  
David Lipsetz (Association of Bay Area Governments - Bay Trail)  
Molly Martindale (U.S. Army Corps of Engineers)  
Mike Monroe (U.S. Environmental Protection Agency)  
Briggs Nisbet (Save San Francisco Bay Association)  
Peggy Olofson (Invasive Spartina Project)  
Chris Potter (California Resources Agency)  
Karen Schwinn (U.S. Environmental Protection Agency)  
Stuart Siegel (Wetlands and Water Resources)  
Luisa Squires (Santa Clara Valley Water District)

Neal Van Keuren (City of San Jose)  
Tim Vendlinski (U.S. Environmental Protection Agency)  
Carl Wilcox (California Department of Fish and Game)  
Bruce Wolfe (San Francisco Bay Regional Water Quality Control Board)  
Katie Wood (San Francisco Bay and Conservation and Development Commission)

## 2. Introductions and Review of Meeting Agenda

Mike Spear and Karen Schwinn opened the meeting and initiated the roundtable of introductions. Alexis Strauss assumed the role of co-chair during introductions.

## 3. August 13, 2002 Executive Council Meeting Summary

John Brosnan summarized the Action Agenda Items from the previous meeting and updated the group on efforts to address these Items. Items listed were:

- *The Management Group will discuss and finalize the geographic scope/boundary of the Design Review Group* - John referred the Council to the large map that highlighted the approved boundary. This boundary encompasses all immediate watersheds of San Francisco Bay, excluding coastal watersheds.
- *Mike Monroe, Chris Potter and John Brosnan will revise the Draft Working Agreement per direction of the Executive Council and present the Final Working Agreement* - This will be addressed under Agenda Item #4.
- *The Design Review Group and the Monitoring Program will discuss the formation of a single, joint group* - This will be addressed under Agenda Item #5.
- *Internal review of the use of analytical tools and monitoring approaches will occur within the Wetlands Monitoring Program and the group will report back* - This will be addressed under Agenda Item #5.

Loretta Barsamian stated that although the coastal zone has been excluded from the geographic boundary, the coast is a crucial component of the Bay's ecology. She added this exclusion should not preclude inclusion in the future.

## 4. WRP Working Agreement

John expressed that while he had hoped for signature of the revised draft Working Agreement, beneficial comments were being submitted so late during the previous week that certain issues remained. John presented the suggested changes from the last Executive Council meeting. Most suggestions have been incorporated with the exception of "closed-door" meeting language; Resources Agency counsel determined that such language was not necessary but that those meetings could still occur as needed. John then added that comments of late centered around potential Federal Advisory Committee Act (FACA) concerns and restructuring the language to avoid duplicative efforts with existing Bay Area wetlands restoration organizations. He then asked for further Council comments.

Mike Monroe stated that he had checked with the U.S. EPA Ethics Counsel and determined that FACA was not an issue with the Working Agreement. Larry Smith stated that he consulted the Department of Interior's Solicitors Office with concerns about FACA as relates to the Science Advisory Group. Alexis reminded everyone that, to allay FACA concerns, staff at these meetings are speaking for themselves and cannot speak fully on behalf of their agencies. John added that

decisions made at Restoration Program meetings could never create policy that would become enforceable at any member agency, **in order to alleviate some FACA concerns.**

In terms of potential overlapping objectives, Beth Huning explained that she wants to see an **avoidance of redundancy and duplicative efforts.** Arthur Feinstein stated that he sees no competition between the San Francisco Bay Joint Venture and the Wetlands Restoration Program. He added that the Restoration Program may want to collaborate with the Joint Venture's Public Advisory component and that the collaboration may provide a means to solicit broad local government involvement.

Larry Smith wanted to know how this group was going to interact with CALFED, especially in Suisun Marsh. He wanted to make sure that everyone was aware of each other's spending and coordination on projects. Alexis pointed out that Executive Council member agencies are participants on CALFED and that CALFED is listed as a signatory on the Working Agreement. Karen Schwinn reminded the group that CALFED will become an official state agency on January 1st.

Sam Schuchat said that he remains unconvinced of this group's utility and that the group seems like a solution in search of a problem. Bob Hight wanted to know what the Restoration Program does that the Joint Venture does not do. Mike Spear then asked Beth Huning to explain the role of the Joint Venture. Beth stated that the Joint Venture is a partnership of public and private agencies, conservation groups, and development interests who work together in restoring wetlands and associated habitat. She pointed out that Joint Venture does not handle mitigation projects. Beth stated that adding agencies to their Management Committee roster was easy and that agencies had only to prepare a presentation to be considered.

Will Travis stated that Executive Council members are here to talk, listen, and learn and that these meetings are a means to get together and communicate and coordinate. Carl Wilcox added that the Council directs focus on critical matters of importance and that one of its key roles is to provide that centralized focus. Loretta stated that she needs the Executive Council to help alleviate controversy with permits from the Regional Board. She added that speaking with one voice on such matters is extremely effective and referred to the success of the LTMS program as an example. **Mike Spear said that the Working Agreement should reflect all of these points.**

Nadine Hitchcock stated that a need for this forum does exist but had concerns with the Working Agreement. She stated that some suggestions from the Management Group go too far beyond what is appropriate. Wayne White stated that Science is key here and such a niche remains to be filled. Molly Martindale wanted to contradict Nadine's comment. Molly stated that although many options are brainstormed at Management Group meetings, not all ideas are incorporated into the Working Agreement. Tot Heffelfinger stated that should this group focus solely on science, then that would be beneficial. However, he stated that there was too much priority on decision-making and was particularly concerned with the concept of closed meetings. Alexis agreed, stating that the Working Agreement contains language purposefully vague on consensus. **She added that the document infers decision-making as opposed to discussion.** Arthur continued on this point and wanted to know how the group would reach decisions. He wanted to make sure that two entities - the Restoration Program and the Joint Venture - were not making different decisions on the same matters.

Stuart Siegel stated that many policy issues will arise and that this group affords a more coordinated, regional perspective. He added that the past agency coordination established in the past was one that was ineffective and supported a new and more broadly encompassing approach is needed. He also added that the Design Review Group and the Monitoring Program need the endorsement of the Council so that they can become fully functional. Mark Helvey wondered if there would be a forum for broader context, such as including the subtidal habitats. John stated that the inclusion of subtidal habitats in the Working Agreement has been requested and will be included in the Geographic Scope section.

Mike Spear stated that the Southern California Wetlands Recovery Project does two things well: (1) Local Planning and Prioritization and (2) Engaging Local Government. Mike noted the need to get more local government involved in the Bay Area Wetlands Restoration Program. Beth Huning pointed out that Southern California has no Joint Venture. Will Travis cited the need to move forward but added that this Program and this Council are key. Eugene Leong agreed with Will. Paul Thayer pointed out that the Southern California Project is just beginning to look into monitoring and that the County Task Forces are key there. Helen Flach expressed the concern about her agency having to submit an annual report using its monitoring data. She stated that with monitoring, many projects are on private land and monitoring programs cannot always easily extend to private lands. NRCS does not make private land data available. Molly Martindale wanted to clarify that not all data would come in directly from agencies, but that some would come in from ongoing studies on the Bay. Annual reports generated, as outlined in the Working Agreement, will come from the Management Group and the Science Advisory Group.

Alexis recognized the fact that some groups were reticent to participate in the Restoration Program and stated that some may decide to not participate. She then wanted to summarize the discussion and pointed out that changes are necessary and changes must address items not presently covered in the Working Agreement. She summarized our priorities are: (1) assembling and storing data in a single tracking entity; (2) the overall monitoring strategy; (3) overseeing mitigation-based wetlands restoration projects; (4) discussing regulatory issues at Executive Council meetings; and (5) regulation of the groups of the Restoration Program and resolving conflicting policy issues among the agencies. Helen Flach asked that NRCS be involved in these changes.

##### **5. Update on the Science Advisory Group**

John informed the Council of the Management Group's decision to assimilate the Design Review Group and the Monitoring Program under the umbrella of the Science Advisory Group. He then introduced Carl Wilcox who provided further information on the Science Advisory Group, including updates on the Design Review Group and the Monitoring Program.

Carl explained the planned data management and information system. He stated that the Monitoring Program will be used as a vehicle that makes data available to all, and in turn, this data can be used for informed decision-making. A rapid assessment method will be developed and applied as a project tracking mechanism. Data collected from these projects will then be fed into an adaptive management loop. In summary, the direction of the Monitoring Program is data collection and management and the regionalized rapid assessment method.

The Design Review Group is presently reviewing its first project, which is a wetlands mitigation bank aligned along the western Contra Costa County shoreline. Carl shared that there are additional review projects in the pipeline. John developed several documents that established the project proponent outreach framework and the means for expanding the Group's reviewer base. Design Review information is provided to the project proponent based both on the consistency with the Habitat Goals report and the technical merits of the project.

Arthur wanted to make sure that there was room for public involvement in the policy making and planning of these groups. Mike Connor stated that the Science Advisory Group is a tremendous benefit of this Program's leadership and thanked Molly Martindale, Paul Jones, Carl Wilcox and Nadine Hitchcock for their leadership in initiating the Monitoring Program. Mike resounded the importance of physically monitoring sites around the Bay. Carl added that the Science Advisory Group is centralized and is the rectification of ad hoc efforts in the past. Arthur wanted to know if the public can get involved in the Monitoring Framework.

Carl concluded saying that the Management Group and the Science Advisory Group will bring back to the next Council meeting a plan of how the Monitoring Program is structured and how it is proceeding. He added that this structure will provide a more uniform way to monitor performance. Loretta suggested that the Management Group address the public interface of the Science Advisory Group. She added her opinion that the Group is a necessary component of the Program as a whole. Alexis summarized saying that the public's involvement and the Management Group and Science Advisory Group relationship/overlap needs to be determined.

#### **6. South Bay Salt Ponds Restoration Presentation**

Mike Spear introduced Nadine Hitchcock and Amy Hutzel of the Coastal Conservancy. Mike informed the Council that contract negotiations have passed the original deadline of September 16th. This has occurred so that we are ready to implement the restoration process when the transfer takes place.

Nadine introduced Amy as the Project Manager for the South Bay Salt Ponds Restoration effort. Nadine then began the presentation and reviewed the long-term restoration planning effort. She stated that the Conservancy's mandate demands the project must be both scientifically sound and publicly supported. Challenges ahead include: scale; multi-objective project (with 50 stakeholders ID'd so far and restoration, flood protection, and public access and recreation); ecological, social, and economic implications (liability and unanticipated adverse impacts); size of the budget; foundation funding; and, meeting milestones. The subsets of the management team will include Project Management, Science Review, Public Participation, Public Outreach, and Implementation. Key components of the Decision-Making Process will include advice from the Science Advisory Panel and a Consensus-Building Process (a handout featuring the project schedule was provided).

In terms of the role for the Restoration Program's Executive Council, the Conservancy foresees the Council remaining informed through project management team updates and resolving policy issues. The Management Group would remain informed and work to resolve policy obstacles. The role of the Design Review Group has yet to be decided as the Conservancy needs assurances on its function and scheduling; Nadine stated that the Project Management team has to be assured of certain things. She also stated that the Design Review Group will have to be sensitive to overall needs. Nadine said that the role for the Monitoring Program will also have to be decided but

added that this project will be able to provide a great deal of new data. An independent science advisory panel will address the bigger picture issues. She added that the project will rely on in-kind assistance. The Conservancy will competitively select all contracts.

Sam Schuchat said that the entire regional community would to be involved. Will Travis wanted clarification on the consensus-building process, to which Nadine replied the Conservancy would be conducting conflict assessment with all stakeholders. Mark Helvey wanted to know if fisheries would be taken into account; Nadine said yes. David Lipsetz wanted to know if the interim process would include public access. Marge Kolar stated that interim water management to cease salt production would prevent complete access. She stated that some public access would be available during interim management, mostly in the form of docent-led tours. No new facilities would be built at this time. More extensive public access plans would be developed during the long-term planning process. She added that the EIR for this specific process would be forthcoming soon. Mike Spear wanted to know if private foundations had proposed funding and at what level. Nadine was unsure but knew of about five million dollars at press conference time. Mike wanted to make clear that there is funding available to carry out this project.

#### **7. Public Outreach Update**

John presented the group with two items - the draft Restoration Program letterhead and a copy of the title page of the Program's website. He sought approval of the letterhead to be used in all Restoration Program correspondence. Alexis suggested that John hold off on use of the letterhead adding that certain agencies listed therein may not be participating in the Program. John stated that the past three months have seen the development of the letterhead, the website, a draft brochure, and a presentation on the Program to be shown at local government meetings. Logos for the Program are presently under development.

#### **8. Spartina Presentation**

Peggy Olofson, Project Manager for the Invasive Spartina Project (ISP), presented the status of that project. The central mission of the ISP is preserving native wetlands. Presently, there are five types of Spartina around the Bay, some of which are more aggressive than others in their ability to colonize new sites. Potential effects of the invasive varieties include: loss of habitat for migratory birds (particularly mudflats); regional loss of sloughs and channels; genetic assimilation and extinction of native cordgrass; failure to open diked baylands to native marsh; marginalization of endangered species habitat; increased dredging and flood control needs; and potential invasive spread to other estuaries.

The present strategy is to use the best available science to determine the threat of the impact, the control level necessary and treatment methods. The next step would be to implement the strategy as quickly as possible. Finally, adapt the program as necessary based on project experience, new science, and public input/support. Peggy stated the need to identify sites where it is known that success can be achieved, sites where the spread and restriction of the invasive Cordgrass can be reduced and sites with no or few endangered species exist.

Additional ISP activities include Science Advisory Panels, Fieldwork Advisors, a Monitoring Group, and a Steering Committee. Questions that persist include: Can it be contained? Are control methods working? How to utilize adaptive management? How important is native marsh

habitat? The future timeline for the project includes a Draft EIS/EIR this November, Public Meetings in December, A Public Hearing in January, and a Final EIR/EIS in March.

**9. Public Comment**

Alexis asked for comments from interested members of the public. Beth Huning thanked the group for considering its changes to the Working Agreement.

**10. Wrap-up/Next Meeting Date**

Alexis asked the group for volunteers to contact John relative to the rewrite of the Working Agreement. She then proposed the second Tuesday in March (March 11th). The group agreed. Loretta offered the State Building in Oakland and the group agreed.

The meeting was adjourned.

**ITEMS TO BE ADDRESSED:**

• **WORKING AGREEMENT REVISION**

- Alter language to avoid potential FACA issues
- Alter language/structure of the Program to avoid duplicative and redundant efforts with other Bay Area organizations, particularly the San Francisco Bay Joint Venture
- Clarify decision-making vs. discussion language in Attachment C
- Include subtidal habitats in Geographic Scope
- Incorporate other points expressed by Council members as recorded herein
- Focus on (1) assembling and storing data in a single tracking entity; (2) the overall monitoring strategy; (3) overseeing mitigation-based wetlands restoration projects; (4) regulation of the group; and (5) resolving conflicting policy issues among the agencies.
- Following all revisions, circulate Administrative Final Working Agreement for signature to Council members

• **SCIENCE ADVISORY GROUP**

- Management Group and the Science Advisory Group will bring back to the next Council meeting a plan of how the Monitoring Program is structured and how it is proceeding
- Management Group will address the public interface of the Science Advisory Group
- Determine public's involvement in Science Advisory Group
- Clarify Management Group and Science Advisory Group relationship/overlap