

COASTAL CONSERVANCY

Staff Recommendation
December 11, 2003

SONOMA BAYLANDS PUBLIC ACCESS

File No. 88-024
Project Manager: Tom Gandesbery

RECOMMENDED ACTION: Authorization to disburse up to \$500,000 to the Sonoma Land Trust for construction of public access trail improvements and associated site management at the Sonoma Baylands, a 322-acre restored wetlands site.

LOCATION: Sonoma Baylands is located immediately adjacent to the Port Sonoma Marina and south of Highway 37, at the mouth of the Petaluma River, Sonoma County (Exhibit 1).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Location Map

Exhibit 2: Site Map

Exhibit 3: Letter from U.S. Fish and Wildlife Service and
Proposed Trail Map

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31164 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Sonoma Land Trust (SLT) for the construction of public access trail facilities and associated site management at Sonoma Baylands Wetlands Restoration Project in Sonoma County, subject to the following conditions:

1. Prior to the disbursement of funds for access improvements and related costs, SLT shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that all necessary permits and approvals have been obtained;
 - b. A work program, including but not limited to, budgets and schedules, plans and specifications;
 - c. The names and qualifications of contractors to be employed to undertake the work; and
 - d. A signage plan for the project acknowledging Conservancy participation.

2. The Sonoma Land Trust shall manage the site for passive recreational use pursuant to a separate work program approved by the Executive Officer; and shall execute and record in the Official Records of Sonoma County an agreement to provide public access and to protect the public interest in improvements funded under this authorization, in accordance with Section 31116(c) of the Public Resources Code and Section 831.5 of the Government Code."

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project authorization is consistent with Public Resources Code Sections 31160-31164, regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$500,000 to the Sonoma Land Trust (SLT) for construction of public access improvements and associated management at the Sonoma Baylands Project site. The site is a 322-acre restored wetlands constructed by the Army Corps of Engineers in the early 1990s (Exhibits 1 and 2). The Conservancy was the non-federal sponsor of the restoration project. Construction of the project was completed in 1995 with the exception of a public trail. The SLT, which acquired the site and surrounding lands for wetland restoration and agricultural preservation prior to the Corps project and has subsequently managed it with Conservancy assistance, now proposes to carry out design and construction of the trail for the site, and to manage it for public use.

Access planning was initiated by SLT in the late 1990s, but was delayed for several years because of the potential impacts of public use on endangered species. After a series of meetings in 2002, a plan to limit access and impacts to future wetland inhabitants was tentatively approved by the U.S. Fish and Wildlife Service, the San Francisco Bay Conservation and Development Commission (BCDC), SLT, and Conservancy staff. The U.S. Fish and Wildlife Service formally approved the plan in April of 2003 (Exhibit 3).

In what is envisioned as the final phase of work at the site, SLT will design and construct trail improvements including a parking area, railroad crossing, boardwalk or solid fill walkway, ramp, and ADA-compliant surface on the levee top. The site also includes 11,000 feet of flood control levee, atop which is a one-lane service road. The levee top will function as the public trail, as the existing crown is wide enough for a two-lane road. Additionally, appropriate fencing and interpretive signage would be installed along the trail to inform the public about the resources to be protected. The project will provide benefit to the public by allowing access to the wetland in all seasons. Trail use will be limited to walking and other non-motorized vehicles. In addition, if funding allows, permanent toilets and similar improvements would be installed near the parking area.

The SLT is a nonprofit with a long history of protecting lands in the North Bay, and owns several large parcels neighboring the site that are managed for seasonal wetland habitat.

Site Description: The Sonoma Baylands is a 322-acre restored tidal wetlands (see Exhibit 2). The site also includes 11,000 feet of flood control levee, atop which is a one-lane service road, which would also function as a public trail. The Northwestern Pacific Railroad right-of-way is situated north of the site and access to the site is over the railroad right-of-way. The public can travel to the site from Highway 37 to the North, Lakeville Highway–Reclamation Road on the east, and Port Sonoma on the west (see Exhibit 2).

The proposed trail would begin at a parking area on Reclamation road and cross the railroad tracks, also crossing a drainage ditch connecting with existing levee top road. Major expenses for this project include the railroad crossing that must be constructed to meet standards set by the Public Utilities Commission (PUC) and the Americans-with-Disabilities Act (ADA), as well as a trail to be located atop the levee. Other expenses would include small-scale fencing, vault toilets, and interpretive signage. Installation of a railroad crossing that meets the applicable standards constitutes roughly a third of the funding requested by SLT, particularly because a lighted crossing signal that meets current PUC standards must be installed on the railroad right-of-way. Currently, the crossings at the site are one-lane gravel roads, installed by the prior owner, which do not meet the PUC requirements for a public crossing. A second trail connection could be built at the west end of the property, assuming a trail easement could be secured from the owners. As envisioned by the Sonoma County planning department and trail advocates, a Bay Trail spur trail could someday be located at Port Sonoma Marina, and a connecting trail could be constructed along the Petaluma River.

Project History: The Sonoma Baylands site was first acquired by SLT as part of a larger property acquisition for the general purpose of wetland restoration in the late 1980s. That 830-acre property is bisected by the Northwestern Pacific Railroad right of way, so two distinct restoration efforts were undertaken. The southern portion was deeded to the Conservancy for purposes of furnishing the land to the Army Corps of Engineers as a tidal wetland, referred to as the Sonoma Baylands. Subsequently, SLT retained the northern portions (referred to as Leonard Ranch and North Parcel) for ultimate restoration to seasonal wetlands.

The Sonoma Baylands was constructed by the Army Corps of Engineers in the early 1990s and completed in 1995 with the Conservancy serving as non-federal sponsor of the project. The completed wetlands are functioning to the benefit of a wide variety of bird and fish species; however there is no formal public access at the site. Public access is a condition of the permit issued to the Conservancy for the wetland restoration project by BCDC in 1991. Therefore, unless and until public access can be provided, the project is not in conformance with the BCDC permit.

Access planning, undertaken by Conservancy staff and SLT, has been delayed due to the lengthy permitting processes of the Northwestern Pacific Rail Authority and the Public Utilities Commission. After those permits were secured, construction was further delayed due to uncertainties regarding impacts to endangered species.

However, the access plan and trail alignment was recently approved by U.S. Fish and Wildlife Service (FWS) which allows for renewed planning and implementation of trail construction.

The site is a former bay marshland that was diked from the bay in the late nineteenth century and used for farming oat hay. Over the course of time, the land surface had subsided, allowing for the use of imported dredged sediment to accelerate marsh formation. The site consists of two hydraulically distinct units, the “pilot” unit, approximately 29 acres in size, and the “main” unit,

260 acres in size (Exhibit 2). Both units receive tidal waters on a daily basis, though the pilot unit has evolved toward a salt marsh habitat more rapidly than the main unit. The tidal channels and other site features are monitored by the Army Corps of Engineers on an annual basis.

The wetlands project was constructed using dredged sediment to re-establish the marsh surface. In short, the sediment was transported to the site from the Minus 42-foot Deepening project at the Port of Oakland and Petaluma River entrance channel and placed on the site in slurry form, to recreate the marsh substrate. The Conservancy was the non-federal sponsor of the wetland portion of the project and the Port of Oakland was the non-federal sponsor of the dredging portion of that project. Construction at the site was completed in 1995. Today the wetland is functioning to the benefit of a wide variety of bird and fish species; however there is no formal public access to the site.

The Conservancy approved a public access grant to SLT in 1995. Access planning was initiated by SLT but was delayed for several years because of the potential impacts of public use on endangered species. After several years of discussions and proposals, FWS, the Conservancy, BCDC, and SLT staff reached an agreement on a public trail alignment that will have minimal impact to potential endangered species living on the site. On March 10, 2003, FWS gave written approval of the proposed plan. The FWS letter and approved alignment are shown in Exhibit 3 of this recommendation.

Permits from the Northwestern Pacific Rail Authority and approval from the Public Utilities Commission have been secured, but have sunset periods. SCC staff has recently requested an extension of the PUC permit. The NWPRR permit has been formally extended.

PROJECT FINANCING:

Conservancy (Proposition 40)	up to \$500,000
Bay Trail (Proposition 12)	up to \$250,000
Total Project Cost	\$500,000

The source of funds for the proposed project is expected to be primarily from the Bay Area Conservancy's FY 02/03 appropriation from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40).

Consistent with the purposes of this funding source, the proposed project would be carried out in accordance with the provisions of the Conservancy's enabling legislation for the development of land and water resources in the San Francisco Bay Area.

In addition to the above funding source, SLT is planning to apply for use of Bay Trail funds for up to half the cost of the project. The project may use up to \$250,000 of Proposition 12 Bay Trail funds. The funds would be granted through the San Francisco Bay Trail program, administered through the Association of Bay Area Governments (ABAG), and would secure up to half of the necessary funding to implement the project. The Conservancy's grant would be reduced by the amount of any Bay Trail funds received.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code; in particular, Chapter 4.5, *San Francisco Bay Area Conser-*

vancy Program, because it would improve access to and around the bay, (§31162(a)); as well as scenic areas and other open-space resources of regional importance (§31162(b)); and, finally, because it would promote and enhance access to open space and natural areas that are accessible to urban populations such as those in southern Marin County, located southwest of the site, and the city of Vallejo, located east of the site.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the Public:** The project enjoys wide support from the public. The Board's original project authorization of 1988 as well as the 1996 Conservancy authorization included support letters and comment, including the BCDC Executive Director and the San Francisco Bay Trail development Coordinator.
4. **Location:** The site is located in Sonoma County, near the mouth of the Petaluma River, and immediately adjacent to Port Sonoma Marina (Exhibit 1). The Northwestern Pacific Railroad right-of-way is situated north of the site and access to the site is over the railroad right-of-way off Reclamation Road. Auto traffic accesses the site from Highway 37 to the north, Lakeville Highway–Reclamation Road on the east, and Port Sonoma on the west. The project will provide benefit to the public in that it will allow access to the wetland in all seasons. Trail use will be limited to walking and other non-motorized vehicles. The trail project will comply with the standards of the Americans with Disabilities Act (ADA).
5. **Need:** The Sonoma Baylands project was required to provide public access in its with the BCDC permit. The Conservancy frequently receives interest from the public regarding access for wildlife viewing, scientific study, kayaking, and various recreational uses.
6. **Greater-than-local interest:** The site is a major restored wetland and the project has received national and international attention. The site, given its location, is expected to be of interest to naturalists and the general public from all over California. The trail is intended to eventually be a segment of the San Francisco Bay Trail, a regional public access effort.

Additional Criteria

7. **Urgency:** The project is not currently in conformance with the permit issued by BCDC. Public access is a condition of the wetland restoration project permit issued by BCDC in 1991.
8. **Resolution of more than one issue:** The proposed trail will successfully balance the need to allow public access while at the same time preserving habitat for threatened and endangered species.
9. **Leverage:** See the "Project Financing" section above.

10. **Conflict resolution:** Public access to tidal marsh areas in San Francisco Bay has been controversial. Concerns about human uses and their impacts on bird and other species has created conflicts at a number of sites. This proposed trail will successfully balance the need to allow public access while at the same time preserving habitat for threatened and endangered species.
11. **Innovation:** While the trail itself will be conventional in design and construction, the project is innovative and of interest to scientists and members of the public from all over the world.
12. **Readiness:** The Sonoma Land Trust is a nonprofit organization with a long history of protecting lands in the North Bay and of working with the Conservancy on this project. The SLT already has staff assigned to work on this project.
13. **Realization of prior Conservancy goals:** See the "Project History" section above.
14. **Return to Conservancy:** See the "Project Financing" section above.
15. **Cooperation:** See the "Conflict resolution" section above.

CONSISTENCY WITH THE STRATEGIC PLAN:

The proposed project is consistent with *San Francisco Bay Program Goal 11, Objective A*, in that the grantee will assist in providing recreational facilities and access for the public in the form of up to 11,000 feet of a walking trail, access ramp and rail crossing leading to the wetland site, a parking area and restrooms.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The Project is consistent with the policies of the San Francisco Bay Plan that call for public access to be provided to Bay waters and wetlands that surround San Francisco Bay.

COMPLIANCE WITH CEQA:

The Conservancy filed a Negative Declaration for the Sonoma Baylands Enhancement Plan in 1990. The Negative Declaration for the Plan evaluated the public access trail proposed for the main levee.

At the time that the Negative Declaration was filed, however, a detailed plan for the public access improvements had not been prepared. The public access improvements proposed in this project constitute minor alterations to land and as such are categorically exempt from the California Environmental Quality Act (CEQA) under 14 Cal Code of Regulations Section 15304. A Notice of Exemption will be filed subsequent to the Conservancy approval for the project.