COASTAL CONSERVANCY

Staff Recommendation
May 27, 2010

BAYSIDE BIRDING AND WALKING TRAIL

File No. 08-152-01
Project Manager: Megan Cooper

RECOMMENDED ACTION: Authorization to disburse an amount not to exceed $300,000 to the U.S. Fish and Wildlife Service to construct a portion of the Bayside Birding and Walking Trail in the San Diego Bay National Wildlife Refuge, San Diego County and adoption of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project.

LOCATION: San Diego Bay National Wildlife Refuge, San Diego County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location and Site Maps

Exhibit 2: Project Configuration

Exhibit 3: Project Site Photos

Exhibit 4: Mitigated Negative Declaration and Initial Study/Environmental Assessment

Exhibit 5: Project Letters

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31405 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed $300,000 (three hundred thousand dollars) to the U.S. Fish and Wildlife Service to construct a portion of the Bayside Birding and Walking Trail in the San Diego Bay National Wildlife Refuge, San Diego County and adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project, attached as Exhibit 4. Prior to the disbursement of any funds, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy:

A. A work program, budget, schedule, and the names of any contractors to be employed in carrying out the project.

B. Documentation that all permits and approvals necessary to the completion of the project components have been obtained.

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 is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding the Conservancy's mandate to assist in the development of system of public accessways to and along the coast.
3. The proposed project serves greater than local need.
4. There is no substantial evidence that the project will have a significant effect on the environment, and the Mitigated Negative Declaration attached as Exhibit 4 reflects the Conservancy's independent judgment and analysis."

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize the disbursement of up to $300,000 to the U.S. Fish and Wildlife Service ("Service") to construct a portion of the Bayside Birding and Walking Trail in the San Diego Bay National Wildlife Refuge (NWR). The project will protect and restore sensitive wetland habitat and provide compatible public access to enjoy the resources of the southern edge of San Diego Bay.

The San Diego Bay NWR protects a rich diversity of endangered, threatened, migratory, and native species and their habitats in the midst of a highly urbanized coastal environment. Waterfowl and shorebirds over-winter or stop there to feed and rest as they migrate along the Pacific Flyway. Quiet nesting areas and expanses of cordgrass-dominated salt marsh ensure the reproductive success of the threatened western snowy plover, endangered California least tern, and sustainable populations of light-footed clapper rail. The San Diego Bay NWR also provides the public with the opportunity to observe birds and wildlife in their native habitats and to enjoy and connect with the natural environment.

Current pedestrian and bicycle access around the south end of San Diego Bay NWR, near the salt pond complex, is provided via the Bayshore Bikeway, a 26-mile Class 1 bikeway that extends around much of San Diego Bay (Exhibit 1). Spectacular views of the bay and the many species of birds that utilize the habitats in south San Diego Bay are available along this segment of the bikeway. Birdwatchers from around the world visit the south end of San Diego Bay to observe the variety of migratory birds that forage and nest there. In the area between 7th and 10th Streets in Imperial Beach, commuter and recreational bicyclists currently share the existing 10-foot-wide paved bike path with walkers, birdwatchers, joggers, dog walkers, and children in strollers. This situation represents a safety hazard to both bicyclists and pedestrians. It also adversely affects the overall quality of each user's experience and has resulted in some users, including both bicycles and pedestrians, veering off the bike path and onto the adjacent habitat area, harming the coastal wetland habitat. In addition, birdwatchers set up observation equipment along the edge of the salt

ponds to avoid conflicts with bicyclists. All of this unauthorized access has seriously denuded the edges of the salt ponds (Exhibit 3).

The construction of a new pedestrian trail between 7th and 10th Streets and the restoration of the denuded wetland habitats in this area is a project proposed in the Comprehensive Conservation Plan (CCP) for the San Diego Bay NWR (U.S. Fish and Wildlife Service 2006). This project would eliminate ongoing disturbance to existing habitat, restore habitat disturbed by unauthorized access on Refuge land, and establish a pedestrian pathway that would provide defined public access in the least environmentally sensitive areas, where the public could enjoy and develop an appreciation for the resources being protected within the Refuge.

The proposed project involves the restoration of 8,712 square feet (0.2 acre) of high salt marsh habitat that has been trampled and severely damaged as a result of unauthorized access, the construction of a 2,060-foot-long, six-foot-wide, stabilized aggregate pedestrian trail, a 750-square-foot overlook for wildlife observation, and a 50-foot-long pedestrian bridge across an existing drainage channel (Exhibit 2). The trail, which will run just north of and parallel to the Bayshore Bikeway, is intended to direct users away from sensitive resources by providing a formal delineated pathway for pedestrian use. The project will enhance the California Coastal Trail by eliminating user conflicts and creating a new pedestrian route parallel to the Bayshore Bikeway, which is the designated route of the California Coastal Trail (Exhibit 1).

Site Description: The proposed trail would be situated at the south end of San Diego Bay between 7th Street and 10th Street in Imperial Beach, San Diego County, California (Exhibit 1). The trail would be aligned to the north of the existing Bayshore Bikeway and to the south of the existing salt ponds and Otay River channel.

Project History: The Service began the process of developing the CCP for the San Diego Bay NWR in June 2000. Public involvement was an important part of the CCP process, with two scoping meetings and three public workshops held over a multiple year period to address topics related to public use and wildlife and habitat management. The Record of Decision (ROD) for the San Diego Bay NWR Final CCP and Environmental Impact Statement (EIS) was signed on September 29, 2006.

Since its completion, the Coastal Conservancy has been working with the Service to develop and implement projects identified in the CCP. The proposed project is the first in a series of projects that will restore tidal salt marsh and freshwater wetland habitat and provide public access to the San Diego Bay NWR.

PROJECT FINANCING

Coastal Conservancy	**$300,000**
U.S. Fish and Wildlife Service	**$ 17,000**
Total Project Costs	**$317,000**

The expected source of funds for this project is the FY 2007/2008 appropriation to the Conservancy from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84, Public Resources Code sections 75001-75090). This funding may be expended on projects that promote access to and enjoyment of the coastal resources of the state, and specifically for protection of San Diego Bay and adjacent watersheds pursuant to Section 75060(f) of the Public Resources Code. Proposition 84 defines the term "protection" as "those actions necessary to prevent harm or damage to . . . natural resources or those actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, development, restoration, preservation and interpretation" (Public Resources Code Section 75003.5(m)). Accordingly, Proposition 84 funds are available for the proposed project because the project will restore habitat and allow continued use and enjoyment of San Diego Bay. The Service will provide $17,000 for interpretive signage.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed funding authorization is consistent with Chapter 9 (Sections 31400-31405) of Division 21 of the Public Resources Code. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state's coastline. The proposed action will develop a public trail that will provide pedestrian-friendly access to San Diego Bay. Consistent with Section 31400.1, the proposed grant would provide funding to a public agency to develop lands for public access purposes along the coast. Consistent with Section 31400.2, the proposed project cost has been evaluated in consideration of the total amount available for coastal public accessway and urban waterfront projects, the fiscal resources of the grantee, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority (see discussion below). Consistent with Section 31400.3, the activities that would be supported through the recommended grant to the Service are all directly related to the development and operation of a system of public accessways to and along the coast.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1, Objective D** of the Conservancy's 2007 Strategic Plan, the proposed project will create about 1/3 of a mile of new trail within existing public lands.

Consistent with **Goal 2, Objective B** of the Conservancy's 2007 Strategic Plan, the proposed

project will enhance a waterfront park, creating new wildlife viewing opportunities to provide greater public access for the thousands of visitors to the San Diego Bay NWR.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, 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:** Broad public support for the proposed project has been demonstrated through letters provided by San Diego County Supervisor Greg Cox, the City of Imperial Beach, the Bayshore Bikeway Working Group, and the San Diego Audubon Society.
4. **Location:** The proposed project is located within the coastal zone of the County of San Diego near the City of Imperial Beach.
5. **Need:** The Service does not have the funding to implement the projects identified in the CCP. The proposed project will not occur without Conservancy funding.
6. **Greater-than-local interest:** The San Diego Bay NWR is visited by thousands of people from all over the world every year. The proposed project will provide greater access to and enjoyment of the natural resources that the NWR has to offer.
7. **Sea level rise vulnerability:** The Project involves a small amount of salt marsh restoration, which buffers wave action and protects upland communities. The trail will, however, be impacted by sea level rise at some point this century based on current predictions for sea level rise. Under the worst case scenario of 4.6 feet of sea level rise by 2100, the lowest portions of the trail would be inundated during the highest high tides within approximately 30 years. Under the lower prediction of 1.7 feet of sea level rise by 2100, these portions of the trail would be inundated during the highest high tides within approximately 80 years. Inundation of the trail during the highest high tides would not pose a hazard to trail users because tidal flooding would be predictable and the trail could be closed when coastal flooding is anticipated. Because the rate of sea level rise is unknown and many various predictions exist, it is not possible to know exactly how long the lower sections of the trail will remain above the mean tide line. Once sea level reaches a level in which the trail is routinely inundated by the tides, it will no longer be usable and measures will need to be taken to either move or permanently close the trail. An adaptive management approach will be taken by the NWR to address the effect of sea level on the trail. Because sea level rise will likely happen incrementally, the NWR will be able to manage the access to and location of the trail without posing a threat to trail users.

Additional Criteria

9. **Resolution of more than one issue:** The proposed project will both restore damaged wetland habitat and provide enhanced public access.

10. **Leverage:** See the "Project Financing" section above.

11. **Conflict resolution:** Conflicts between trail user groups occur on the Bayshore Bikeway due to incompatible speeds and modes of transportation. The proposed project will alleviate those conflicts by allowing slow-moving trail users to use the proposed trail and fast-moving cyclists and others to use the existing Bayshore Bikeway.

13. **Readiness:** The grantee is able to begin the project as soon as permits are secured and the bird breeding season for 2009 has ended.

14. **Realization of prior Conservancy goals:** "See "Project History" above."

15. **Minimization of Greenhouse Gas Emissions:** Once constructed, the project will not be a new source of greenhouse gas emissions. Although the new trail will create a more pleasant pedestrian experience for current users, it is not opening up a new area to access (i.e., there is an existing bike trail in this location). Therefore, it is not anticipated that the new pedestrian trail will create new birders and walkers. Instead, the trail will attract birders and walkers who already use the trail as well as birders and walkers who currently drive to other locations to walk and observe birds. In addition, by reducing conflicts among trail users, the project may result in more local residents commuting by bicycle. Thus, the project could decrease greenhouse gas emissions.

    During construction of the project, there will be a short-term, less than significant increase in greenhouse gas emissions. The greenhouse gas emissions from construction have been minimized to the extent possible. All excavated materials will be used on-site, thus eliminating the need for dump trucks to haul away excavated materials. Purchasing decomposed granite for trail surfacing from a local source will be a priority of the project in order to minimize the miles traveled for delivery to the site. The construction vehicles will use diesel fuel when possible. Finally, the NWR will attempt to hire construction workers who live in reasonable proximity to the project site and will encourage workers to carpool or commute by bike or public transit when possible.

    Further, the CO_2 emissions resulting from project construction are mitigated to a small extent by the wetland restoration component of the project. CO_2 can be removed from the atmosphere by soil – plant interactions. Wetlands, especially salt marsh, sequester carbon at high rates. The project will result in a net increase in vegetated wetlands of 0.173 acres, which will increase the ability of the site to sequester carbon. In addition, the proposed project will halt the ongoing decline of the site's ability to sequester carbon by preventing the destruction of wetlands due to unauthorized public access.

16. **Vulnerability from climate change impacts other than sea level rise:** Increased storm surges could cause increased erosion of the trail. The increase in wave action will be exacerbated by the rising sea level. There are no estimates for the level of increased storm surges in San Diego Bay and thus it is not possible to predict the degree to which the trail will be affected. An adaptive management approach will be taken by the NWR to address

the effect of sea level on the trail. If storm surges begin to make the trail dangerous or begin to damage the trail, it will be closed or relocated.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The project does not fall within the jurisdiction of a local coastal program (LCP). However, because the project will occur on a NWR and will be managed by the Service, it will require a determination by the Coastal Commission that the project is consistent to the maximum extent practicable with the California Coastal Management Program. This determination is also known as "federal consistency review". While the project falls outside the limits of the City of Imperial Beach's LCP, it is aligned with the City's goal of pursuing the creation of a linear park along the entire City bayfront that includes facilities like walkways and bike trails, etc. (General Plan /Coastal Plan Section P-8).

COMPLIANCE WITH CEQA:

Staff and the Service have prepared a joint Mitigated Negative Declaration (MND) and Initial Study/Environmental Assessment for the Bayside Birding and Walking Trail (Exhibit 4). The Conservancy, acting as lead agency under the California Environmental Quality Act (CEQA), would be contributing funds for the construction of 8,710 square feet (0.2 acre) of salt marsh restoration, a six-foot-wide, 2,060-foot-long pedestrian trail, a 50-foot-long pedestrian bridge and a 750-square-foot overlook, as described above.

The MND describes and analyzes the potential environmental effects of project construction and the measures taken to mitigate those potential effects. Potential environmental effects in the area of biological resources include impacts to 1,350 square feet (0.03 acre) of coastal salt marsh resulting from trail construction, potential disturbance to listed species and other species of concern as a result of unauthorized off-trail activity to the north of the newly constructed trail, and potential disturbance to California least terns and western snowy plovers, as well as other species of concern, during the nesting season as a result of construction activity. Potential effects in the area of water quality include potential for increased sedimentation during construction and potential for the release of pollutants from construction equipment.

The MND incorporates mitigation measures to ensure that the project avoids any significant environmental effects. Mitigation measures for biological resources include the restoration of 8,710 square feet (0.2 acre) of coastal salt marsh, implementation of measures, including fencing, signage, public outreach, and law enforcement patrol to discourage and minimize off-trail activity, and restriction of construction to the non-breeding season for birds (September 15 – February 15). Mitigation measures for water quality include development of best management practices (BMPs) during final project design that would reduce the risk of increased sedimentation and the potential release of pollutants from construction equipment. All mitigation measures proposed by the Mitigated Negative Declaration are contained in the Mitigation Monitoring and Reporting Program (MMRP) (Exhibit 4).

Staff circulated for public and agency review and comment the Draft Negative Declaration for 30 days. The comment period ended on January 21, 2008. Comment letters were received from the San Diego County Archaeological Society and one member of the public (Attachment A-1 of Exhibit 4). The comment letters were in support of the project and no responses were required.

After completion of the comment period, the MND was revised to eliminate an outdated description of the status of the development of guidance on evaluating greenhouse gas emissions under CEQA by the Office of Planning and Research and by the California Air Resources Board ("CARB"). In addition, the MND was revised to indicate that CARB's Scoping Plan was adopted in December 2008. These changes are minor and do not require recirculation of the MND. See CEQA Guidelines at California Code of Regulations, title 14, section 15073.5.

Staff recommends that the Conservancy find that the MND identifies the project's possible significant environmental effects and that there is no substantial evidence that the project, as mitigated, will result in any significant environmental effects. On the basis of this finding, staff recommends that the Conservancy approve the MND attached in Exhibit 4. All supporting documents and the MND are available at the Conservancy's office for review. Upon approval of the project, staff will file a Notice of Determination.