

COASTAL CONSERVANCY

Staff Recommendation

March 24, 2016

UPPER SPRING BRANCH CREEK ENHANCEMENT PROJECT

Project No. 07-071-02

Project Manager: Laura Cholodenko

RECOMMENDED ACTION: Authorization to disburse up to \$185,989 to the Solano Land Trust to enhance and monitor seasonal wetland, riparian, and upland habitat at a 9 acre site along Upper Spring Branch Creek, Rush Ranch, Solano County and to create an endowment for ongoing maintenance and monitoring of the project site.

LOCATION: Rush Ranch, Solano County (Exhibit 1)

PROGRAM CATEGORY: San Francisco Bay Area Conservancy Program

EXHIBITS

Exhibit 1: [Project Location](#)

Exhibit 2: [Site Map and Photographs](#)

Exhibit 3: [BCDC Permit & Letter](#)

Exhibit 4: [Project Letter](#)

Exhibit 5: [CEQA Documentation](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one hundred eighty five thousand, nine hundred eighty nine dollars (\$185,989) to the Solano Land Trust (“SLT”) to enhance and monitor seasonal wetland, riparian, and upland habitat at a 9 acre site along Upper Spring Branch Creek, Rush Ranch, Solano County, and to create an endowment for ongoing maintenance and monitoring of the project site, subject to the following conditions:

1. Prior to the disbursement of funds, SLT shall submit for the review and approval of the Executive Officer of the Conservancy the following:
 - a. a final work program, schedule and budget, and the names of any contractors it intends to use to complete the project; and

- b. A financial investment plan for the endowment demonstrating that use of the endowment funds will be limited to maintenance and monitoring of the project site.
2. SLT shall submit an annual financial report detailing fund income and expenses and the investment portfolio; and
3. SLT shall not spend principal from the endowment fund without the written approval of the Executive Officer.”

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:

4. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.
5. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
6. The Solano Land Trust is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
7. The Conservancy has independently reviewed and considered the Rush Ranch Habitat Restoration, Facility Improvements, and Site Utilization Project Initial Study and Mitigated Negative Declaration adopted by Solano County on January 21, 2016 (IS/MND), attached as Exhibit 5 to the accompanying staff recommendation. The Conservancy finds, that the component of the proposed project addressed in the ISMND will not have a significant effect on the environment as defined by the CEQA Guidelines, 14 Cal. Code Regs §15382.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize the disbursement of \$185,989 to the Solano Land Trust (SLT) to enhance 5 acres of grassland and 4 acres of seasonal wetlands on the 2,070-acre Rush Ranch in Suisun Marsh, Solano County (Exhibit 1). SLT leases grasslands at Rush Ranch to cattle ranchers to help maintain habitat. Grazing keeps woody vegetation from becoming established and helps control the build-up of thatch and weeds, which eliminates growing space for native plants as well as habitat for some native animals. SLT studies the effects of grazing on Rush Ranch as part of a long-term effort to develop an optimal grazing regime that will best enhance native biodiversity on the property. SLT also studies the effects of cattle on wetland habitats at Rush Ranch. Cattle can affect these sensitive habitats by compacting saturated soil and inhibiting growth of wetland vegetation. As funding becomes available, SLT fences off riparian and seasonal wetland areas so that cattle will move into these areas for water only when SLT managers allow it to control vegetation growth.

Currently, cattle have access to the entire Upper Spring Branch Creek seasonally and use the creek at the project site extensively, which has degraded the habitat. The establishment of invasive species in the uplands has also negatively affected the project area. The project will

enhance habitat by better managing cattle access to both the grassland and wetland areas and through implementation of additional measures to control weeds in the uplands. The project also includes site monitoring to generate information that can be used to manage the project site and enhance other areas of Rush Ranch. Approximately \$45,000 of the funding will be used for the restoration effort and \$45,000 will be used to support monitoring. This authorization will also allow SLT to create a maintenance and monitoring endowment for the project site with \$95,000 of the funding.

Specific tasks to be accomplished for the project include: 1) installation of fencing to better manage cattle access, 2) development and implementation of a weed removal plan, and 3) development and implementation of a 5-year monitoring plan that assesses vegetation re-growth, wildlife use of the site, soil recovery, and the benefits of different grazing regimes and weed control methods. Monitoring will determine if passive enhancement provided by excluding cattle, weed control and limited grazing is sufficient to recover native vegetation. If vegetation does not recover passively in the seasonal wetlands, a plan for installation of native wetland plants will be developed and implemented. Endowment funding will support a small amount of ongoing site monitoring as well as fence and weed maintenance. SLT will administer the endowment in compliance with Government Code Sections 65965 *et seq.* and will only use interest earned on the endowment principal to support stewardship of the project site in perpetuity.

The project will fulfill specific mitigation requirements under Bay Conservation and Development Commission (BCDC) Permit No. M08-5 (Permit) issued to the California Department of Transportation (Caltrans) on May 14, 2008 to construct improvements within a 5.7-mile section of Highway 12, consisting primarily of the widening of highway shoulders for safety purposes. The Permit requires the restoration of 1.9 acres of grasslands and 0.2 acres of seasonal wetlands on “suitable mitigation sites,” within Suisun Marsh including Rush Ranch (Exhibit 3).

At 85,000 acres, Suisun Marsh is the largest contiguous brackish water marsh remaining on the west coast of North America. Located on the northeast edge of Suisun Marsh, Rush Ranch was acquired by SLT in 1988 with the assistance of the Conservancy. The Ranch contains extensive tidal marsh and grassland habitat, and has been the focus of several restoration efforts in recent years, also in part funded by the Conservancy.

Solano Land Trust is a nonprofit land organization incorporated in 1986. Its mission is to preserve and protect farmlands, wetlands, rangelands, open space, and wildlife habitat. It currently holds fee title to, or conservation easements on, over 19,000 acres of Solano County lands, including Rush Ranch. The organization has extensive experience in planning and implementing restoration and enhancement projects, and has worked with the Conservancy in this capacity for many years.

Site Description: The project site is located on Rush Ranch in a sub-watershed of Spring Branch Creek, a seasonal drainage that connects the Portrero Hills with First Mallard Slough (Exhibit 2). First Mallard Slough, a tidal channel surrounded by marsh plain, rises gradually into uplands, forming a marsh-upland transition zone that spans more than 2 miles, a rare ecological connectivity in the highly urban environment of the San Francisco Bay area. First Mallard

Slough provides habitat for several special-status or recreationally important fish species, including splittail, tule perch, Chinook salmon, striped bass and American shad.

Spring Branch Creek in the project area is characterized by seasonally saturated, palustrine emergent wetlands and uplands that support annual grasses and forbs. A single tree is located within the project site. Elevation ranges in the project site from 20 to 100 feet.

Project History: In 1988, the Conservancy provided funding to SLT to purchase Rush Ranch for the purpose of preserving the property's natural resources and to provide recreational and educational opportunities for visitors. In 1990 and 1993, the Conservancy funded the preparation of the Rush Ranch Enhancement and Management Plan and the Rush Ranch Range Monitoring and Upland Nesting Habitat Study (Plans). The agency also funded implementation of these Plans, including improvements to rundown ranch facilities, restoration of a small tidal marsh, and reintroduction of salt marsh bird's beak, an endangered plant. The Plans have also been used to guide public use and grazing management on the Ranch.

Due to the fact that many years have elapsed since the completion of the above Plans, in November, 2007 the Conservancy provided funding for SLT to update and refine the Plans in light of new information and changing conditions and needs, including potential impacts of sea level rise. The updated Plan was completed in 2014 and includes four different priority restoration and enhancement projects, including enhancement of Upper Spring Branch Creek.

PROJECT FINANCING

California Department of Transportation	\$185,989
Project Total	\$185,989

The Conservancy holds, in its Coastal Trust Fund, mitigation funding set aside to enhance habitat in Suisun Marsh. This mitigation funding is a result of a permit condition issued by BCDC for work undertaken by Caltrans to improve a 5.7 miles section of Highway 12. BCDC Permit No. M08-5, issued to Caltrans on May 14, 2008, identified the need to mitigate impacts to 0.62 acres of grasslands and 0.01 acres of seasonal wetlands.

On August 11, 2008, the Conservancy entered into a Memorandum of Understanding with BCDC that authorizes the Conservancy to receive funds paid by permit holders and to disburse the funds for mitigation projects consistent with relevant permit conditions. On May 26, 2009, the Conservancy and Caltrans executed a cooperative agreement defining the terms and conditions under which Caltrans would transfer \$200,000 to the Conservancy to be granted for a suitable mitigation project in Suisun Marsh. These funds were deposited with the Conservancy pursuant to Interagency Agreement No. 4-2253. Approximately 3 percent interest has accrued on the funds since they were deposited.

The project proposed in this recommendation will fulfill the permit's mitigation conditions by utilizing these funds for enhancement of 5 acres of grassland and 4 acres of seasonal wetlands at Rush Ranch in Suisun Marsh, monitoring of the project site, and for a maintenance and monitoring endowment. BCDC staff has determined that this proposed project is consistent with the terms of the BCDC permit (Exhibit 3).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code (PRC) Sections 31160-31165, to address resource goals in the San Francisco Bay Area. Pursuant to PRC Section 31162, the Conservancy may award grants in the nine-county San Francisco Bay Area to help achieve goals of the San Francisco Bay Area Conservancy Program. The proposed Project is located in Solano County within the nine-county Bay Area and would help achieve goals of the Bay Area Conservancy Program, as described below in "Consistency with The Conservancy's Strategic Plan Goals and Objectives."

Pursuant to PRC Section 31162(b), the Conservancy may award grants to enhance natural habitats of regional importance. The proposed Project would result in the enhancement of seasonal wetland and grassland habitat, both of which are of regional importance in that they support rare, threatened and endangered plant and animal species and have experienced significant losses in the Suisun Marsh area as the result of agricultural development, water projects, and other human uses.

Pursuant to PRC Section 31162(c), the Conservancy may award grants to assist in implementation of the policies and programs of the San Francisco Bay Plan and the adopted plans of local governments and special districts. Consistent with this section, the proposed project would assist in implementing the seasonal wetland and upland restoration and enhancement policies in the Suisun Marsh Protection Plan (a component of the San Francisco Bay Plan), which has been adopted by Solano County; and, the adopted Suisun Marsh Habitat Management, Preservation, and Restoration Plan (2011) being implemented by the U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, California Department of Fish and Wildlife, and California Department of Water Resources.

This project is appropriate for prioritization under the selection criteria set forth in Section 31163(c) in that: (1) it is supported by adopted local or regional plans, as described above; (2) it will include multi-jurisdictional participation by interested local, State and federal resource and regulatory agencies, consisting of staff of SLT, BCDC, the San Francisco Bay National Estuarine Research Reserve, and Caltrans; (3) SLT is ready to commence work immediately upon award of Conservancy funding; (4) it will provide opportunities for benefits (wetland and grassland enhancement) that would be lost if not quickly implemented; and (5) SLT has matching funds since the proposed project would be entirely funded by Caltrans mitigation fees, consistent with BCDC Permit No. M08-5.

CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:

Consistent with **Goal 11, Objective 11A** of the Conservancy's 2015 Strategic Plan, the proposed project will enhance seasonal wetlands and upland habitat.

Consistent with **Goal 11, Objective 11F** of the Conservancy's 2015 Strategic Plan, the proposed project will enhance riparian and watershed functions and processes for the benefit of wildlife.

Consistent with **Goal 11, Objective 11G** of the Conservancy's 2015 Strategic Plan, the proposed project will develop plans to eradicate non-native invasive species that threaten important habitat in the San Francisco Bay Area.

Consistent with **Goal 11, Objective 11H** of the Conservancy's 2015 Strategic Plan, the proposed project will eradicate non-native invasive plant species that threaten important habitat in the San Francisco Bay Area.

Consistent with **Goal 13, Objective 13B** of the Conservancy's 2015 Strategic Plan, the proposed project will assist property owners with stewardship of natural resources on lands they lease for grazing.

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 October 2, 2014, 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. **Promotion and implementation of state plans and policies:** By enhancing a portion of Upper Spring Branch Creek and the surrounding uplands, the project serves to promote and implement the following state plans:

California State Wildlife Action Plan (California Department of Fish and Wildlife, 2015 Update): The Plan identifies several goals for conserving important wildlife habitat in the Bay Delta. Goals supported by the proposed project include reducing inappropriate livestock ranching and eradicating or controlling invasive species in grasslands.

California Climate Adaptation Strategy/Safeguarding California: Reducing Climate Risk Plan (CA Natural Resources Agency, July 2014). This plan identifies "Actions Needed To Safeguard Biodiversity And Habitats" including #1: Improve habitat connectivity and protect climate refugia. The project would enhance natural resources in the watershed draining to Suisun Bay and improve connectivity between existing terrestrial and aquatic conservation areas.

4. **Support of the public:** Restoration and enhancement of wetland and upland habitat on Rush Ranch in Suisun Marsh has widespread support. A project letter is attached as Exhibit 4.
5. **Location:** The proposed Project is located in Solano County within the nine-county Bay Area.
6. **Need:** The proposed Project will not move forward without the assistance of the Conservancy, as defined in several agreements executed by and between the Conservancy, BCDC, and Caltrans.
7. **Greater-than-local interest:** Suisun Marsh is one of the most important tidal wetlands in the San Francisco Bay region, supporting numerous rare, threatened and/or endangered plant and wildlife species. This project carries out the goals and policies adopted by various local,

state and federal resource and regulatory agencies relative to the natural resources of Suisun Marsh.

8. **Sea level rise vulnerability:** In its location on the edge of San Francisco Bay, some portions of Suisun Marsh are vulnerable to future sea level rise. However, with elevations ranging from 20 to 100 feet, the specific project site is located above projected estimates of sea level rise in the San Francisco Bay region for the years 2050 and 2100. This assessment is supported by a 2013 State of California sea-level rise guidance document and a 2012 National Research Council report of sea-level rise for the coast of California.

Additional Criteria

9. **Urgency:** The availability of Caltrans' funds for this project provides a unique opportunity to help implement local, state and federal agency goals to preserve and enhance the significant resources of Rush Ranch within Suisun Marsh. Furthermore, the impacts from the project occurred nearly 10 years ago and timely enhancement is needed to mitigate the impacts.
10. **Resolution of more than one issue:** The project provides funding for enhancement of important habitat, supports the Solano Land Trust's stewardship of Rush Ranch, and would result in fulfillment of an outstanding mitigation condition.
11. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** SLT staff has extensive experience in planning for and managing the resources of Rush Ranch, and is fully ready and able to move forward with this project. Rush Ranch is also part of the San Francisco Bay National Estuarine Research Reserve, which is ready to provide staff support for the monitoring and stewardship activities.
13. **Realization of prior Conservancy goals:** "See "Project History" above."
14. **Return to Conservancy:** See the "Project Financing" section above.
15. **Cooperation:** This project is a cooperative effort of the Conservancy, BCDC, Caltrans, San Francisco Bay NERR, and SLT.
16. **Vulnerability from climate change impacts other than sea level rise:** The project would enhance soil water holding capacity which would increase habitat resiliency as conditions become drier due to climate change.
17. **Minimization of greenhouse gas emissions:** The project involves a minimal amount of construction and will not significantly contribute to greenhouse gas emissions.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

As the result of the California legislature’s passage of the Suisun Marsh Preservation Act (Public Resources Code Sections 29000-29612) in 1977, the Suisun Marsh Protection Plan (SMPP) was incorporated into the San Francisco Bay Plan. The proposed project is consistent with the SMPP’s “Part II Findings and Policies: Land Use and Marsh Management,” Environment section, in the following respects:

Policy No. 1 states: “The diversity of habitats in the Suisun Marsh and surrounding upland areas should be preserved and enhanced wherever possible to maintain the unique wildlife resource.” Consistent with this policy, this project incorporates measures to enhance seasonal wetland, riparian, and grassland habitat. These actions promote a diversity of plant and animal species.

Policy No. 3 states, in part, “where feasible, the value of the upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced.” Consistent with this policy, this project enhances uplands through grazing management and the removal of invasive non-native plant species.

COMPLIANCE WITH CEQA:

The proposed installation of cattle fencing is part of the Rush Ranch Habitat Restoration, Facility Improvements and Site Utilization Project (Larger Project), which is addressed in the Rush Ranch Habitat Restoration, Facility Improvements and Site Utilization Project Initial Study/Mitigated Negative Declaration (ISMND) (Exhibit 5). Solano County adopted the ISMND and approved the Larger Project on January 21, 2016. The other components of the proposed project are exempt from the California Environmental Quality Act (CEQA).

ISMND

The Larger Project includes four separate projects that restore and enhance tidal marsh, upland, riparian, and/or seasonal wetland habitat at different locations on Rush Ranch. One of the four projects involves habitat restoration and enhancement along an approximately one mile length of Upper Spring Branch Creek, from the project site to the tidal wetlands surrounding Mallard Slough. The proposed cattle fencing is a small component of this larger Upper Spring Branch Creek restoration project.

The ISMND identifies potential significant effects of the four projects in the areas of: Agriculture; Biological Resources; Cultural Resources; Hydrology and Water Quality; Hazards and Hazardous Materials; Land Use; Noise; Public Services Recreation; and Cumulative Impacts. Mitigation measures are proposed to reduce all potential impacts to less than significant levels. Potential impacts and mitigation relevant to the proposed cattle fencing are in the areas of Cultural Resources and Biological Resources.

Cultural resources: An archaeological assessment of Rush Ranch was conducted in 1989. The assessment identified two archaeological sites: one consisting of low bedrock outcrops with several mortar depressions and a midden with shellfish remains. A second site was identified at a rocky outcrop that shows evidence of human grinding into mortars. Based on the 1989 resource

assessment, the ISMND concludes that Rush Ranch is likely to contain undiscovered subsurface archaeological resources and that project components that involve earth disturbance could affect those resources and would be required to implement mitigation measures.

Mitigation includes pre-excavation archaeological testing performed by a qualified consultant and providing tribal access to the project site during the excavation activity. If any subsurface resources are uncovered, work in the immediate vicinity will stop and Solano County's Resource Management Department will be consulted before work continues. The installation of cattle fencing will require digging to install fence posts. Therefore, SLT will follow these cultural resources mitigation measures when installing the fence.

Biological Resources: The ISMND does not identify any potential impacts to biological resources resulting from the installation of new cattle fencing at the project site. However, SLT will implement the Environmental Commitments and Best Management Practices identified in the Suisun Marsh Habitat Management, Preservation, and Restoration Plan Environmental Impact Statement/Report (December 2011) for all aspects of the proposed project, as appropriate. Commitments include timing work to occur outside of sensitive time periods for wildlife.

CEQA Exemptions

Removing invasive plants and planting native plants, if monitoring reveals that such planting is necessary, are exempt from CEQA pursuant to the categorical exemption for minor alterations in the condition of land and/or vegetation that do not include the removal of healthy mature trees. Cal. Code Regs. title 14 section 15304. To control weeds, SLT will use timed grazing as much as possible and physical removal within wetland areas. If necessary, SLT will treat weeds in the uplands with herbicides. Herbicides with relatively low toxicity and spot spray method that limit spray to only the weed will be used to the extent possible.

In addition, the proposed monitoring of the project site is exempt from CEQA pursuant to the categorical exemption for basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Cal. Code Regs. title 14, section 15306. The site monitoring will consist of basic data collection and resource evaluation to assess the impact of the cattle fencing on the wetlands.

The use of the endowment for future maintenance of the fence is exempt from CEQA pursuant to the categorical exemption for operation, maintenance and repair of existing structures, facilities, mechanical equipment and topographical features. Cal. Code Regs. title 14 section 15301.

Conservancy staff has independently reviewed and considered the ISMND and associated Mitigation and Monitoring Program and concurs with the County's finding that the proposed cattle fencing will not have a significant effect on the environment. Accordingly, staff recommends that the Conservancy find that the fencing component of the proposed project, as mitigated, will not have a significant effect on the environment. Staff will file a Notice of Determination upon Conservancy approval of the project.

In addition, staff finds that the removal of invasive plants, potential planting of native plants, site monitoring and future fence maintenance are exempt from CEQA. Upon Conservancy approval, staff will file a Notice of Exemption for these components of the proposed project.