COASTAL CONSERVANCY

Staff Recommendation
May 16, 2019

INVASIVE SPARTINA PROJECT

Project No.: 99-054-01, 99-054-02
Project Manager: Marilyn Latta, Avra Heller

RECOMMENDED ACTION: Authorization to disburse up to $4,762,759, of which a total of $3,562,759 will be reimbursed by grants and mitigation funds, including: a $2,151,548 grant from the California Department of Fish and Wildlife, a $943,711 grant from the United States Fish and Wildlife Service North American Wetlands Conservation Act, a $400,000 grant from the Santa Clara Valley Water District, and $67,500 in BCDC mitigation funds, for the planning, management, treatment, monitoring, and restoration activities of the San Francisco Estuary Invasive *Spartina* Project, and vegetation mapping for the South Bay.

LOCATION: The baylands and lower creek channels of the nine counties that bound the San Francisco Bay.

PROGRAM CATEGORY: San Francisco Bay Conservancy Program

EXHIBITS

Exhibit 1: Project Location

Exhibit 2: Project Photos

Exhibit 3: March 22, 2018 Staff Recommendation

Exhibit 4: August 10, 2018 ISP Memo Re: Annual Review of new state species of concern [Due to size of file, e-version posted at the preceding hyperlinked page, but not reproduced in hard copy].

Exhibit 5: Decline in invasive Spartina 2004-2018

Exhibit 6: Project Letters

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 4.5 of Division 21 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of up to $4,762,759, of which a total of $3,562,759 will be reimbursed by grants and mitigation funds, including: a $2,151,548 grant from the California Department of Fish and Wildlife, a $943,711 grant from the

United States Fish and Wildlife Service North American Wetlands Conservation Act, a $400,000 grant from the Santa Clara Valley Water District, and $67,500 in BCDC mitigation funds, for the planning, management, treatment, monitoring, and restoration activities of the San Francisco Estuary Invasive *Spartina* Project (ISP), and vegetation mapping for the South Bay, approximately as follows:

1. Up to $3,408,692 (Three million four hundred eight thousand six hundred and ninety two dollars) for environmental services to support planning, management, monitoring, eradication, and revegetation activities related to the ISP.
2. Up to $1,354,067 (One million three hundred fifty four thousand and sixty seven dollars) to the California Invasive Plant Council (Cal-IPC) for eradication activities, revegetation and enhancement projects related to the ISP, and the South Bay Salt Pond Restoration Project habitat evolution vegetation mapping project, subject to the condition that prior to undertaking any project, Cal-IPC shall submit for review and approval of the Conservancy's Executive Officer:
    a. A work plan, schedule and budget.
    b. A list of identified mitigation measures.
    c. Evidence that all necessary permits and approvals for the project have been obtained.
3. In carrying out any treatment or enhancement project, Cal-IPC shall comply with all applicable mitigation and monitoring measures that are set forth in the approved site-specific plans, that are required by any permit, the applicable U.S. Fish and Wildlife Service Biological Opinion or any other approval for the project, and that are identified in the "Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program" (EIS/R), adopted by the Conservancy on September 25, 2003".

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. Disbursement of additional funds for the planning, management, treatment, monitoring, and restoration activities of the San Francisco Estuary Invasive *Spartina* Project and for the vegetation mapping for the South Bay remains consistent with Public Resources Code Sections 31160-31165.
2. The proposed authorization remains consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on October 2, 2014.
3. The proposed authorization is consistent with the current Conservancy Project Selection Criteria and Guidelines.
4. No new environmental documentation is required for the activities under the proposed authorization, since the activities are either exempt (south bay vegetation mapping) or within the scope of the EIS/R, and, pursuant to CEQA Guidelines Section 15162 (14 Cal. Code

Regs. § 15162), do not involve any new effects or new mitigation measures beyond those identified in the EIS/R.

5. The California Invasive Plant Council is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code."

PROJECT SUMMARY:

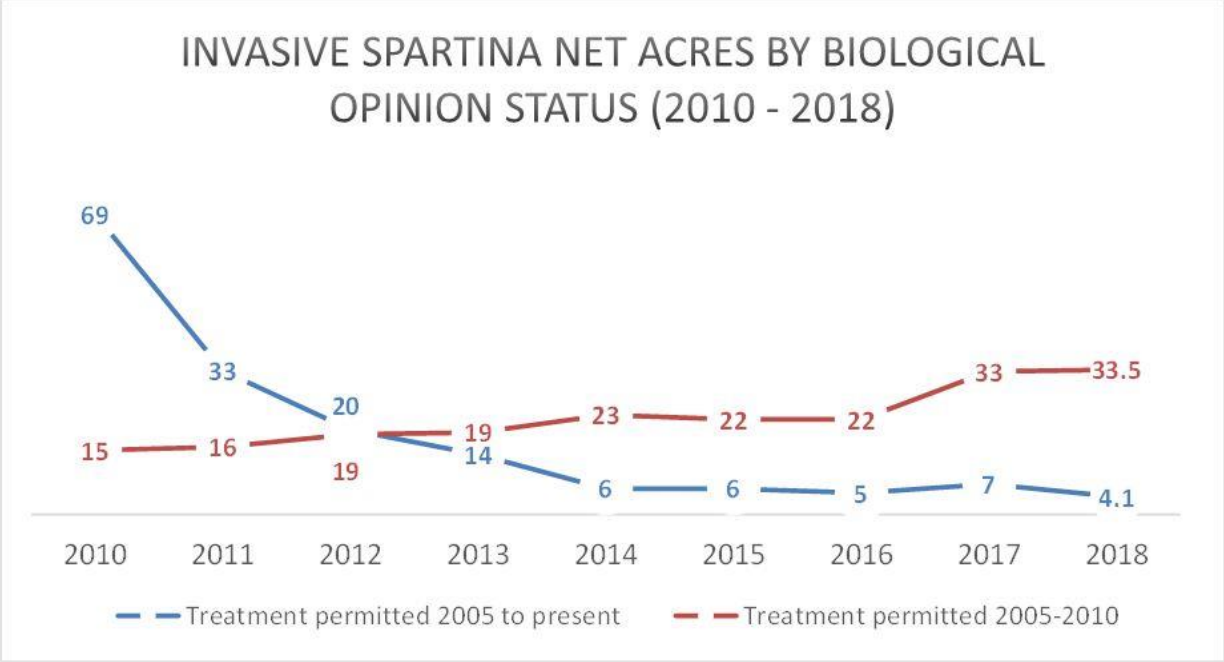
This authorization will allow the Conservancy to provide additional funding, including grant funds, for planning, management, monitoring, and permit compliance activities needed to support the treatment and revegetation activities of the San Francisco Estuary Invasive *Spartina* Project (ISP) consistent with the Conservancy authorization based on the staff recommendation of March 22, 2018 (Exhibit 3). Since the March 2018 authorization, the Conservancy has secured additional grant awards that total $4,074,750 including: a $2,151,548 grant from the California Department of Fish and Wildlife, a $943,711 grant from the United States Fish and Wildlife Service North American Wetlands Conservation Act, a $400,000 grant from the Santa Clara Valley Water District, and $67,500 in BCDC mitigation funds. The funding from the SCVWD is part of a five-year Memorandum of Understanding with the Conservancy that was signed in January 2018, subject to annual approval by the governing body of SCVWD appropriating and awarding each years' funding. $200,000 of these funds were approved in the March 2018 staff recommendation (Exhibit 3), this request includes authorization to disburse an additional $400,000 for a total of $600,000 authorized.

Staff currently estimates that the Conservancy and grant funds listed in this staff recommendation, totaling $4,762,759, is the minimum that will be needed to meet all ISP activities through March 2021. All funds authorized in March 2018 are expected to be fully expended, as planned, as of June 2019.

The USFWS and SCVWD funding included in this staff recommendation, and prior funds listed in Exhibit 3, will provide the $3,100,000 required as match for the California Department of Fish and Wildlife grant, and the Conservancy funds will be used as match for the USFWS grants. These total project funds are anticipated to support a majority of ISP activities through March 2021.

The ISP has conducted all activities as planned under the 2018 authorization, including a successful invasive *Spartina* monitoring and treatment season in 2018, rail monitoring in 2018-19, and restoration enhancements in winter 2018-19 (underway now). The amount of invasive *Spartina* decreased to 27 net acres baywide in 2016 but increased to 41 net acres in 2017. This increase was due in major part to expansion of invasive *Spartina* at the 11 sub-areas that had been restricted from treatment by USFWS from 2011-18 due to concerns over California Ridgway's rail (increase of 17.6 net acres). There was also a small increase at permitted sites (increase of two net acres) due to heavy winter rains in winter 2016-17 after five years of extreme drought, which provided ideal growing conditions for both native and non-native tidal marsh species in San Francisco Bay. The total net acreage is down to 37 net acres as of 2018 monitoring, with 90% of that in the previously restricted areas. The great majority of areas now have less than 10 square meters of invasive *Spartina* remaining and represent substantial progress despite the restricted site and drought issues.

Additionally, the Conservancy and USFWS made substantial progress on permitting for previously restricted sites in 2018. The USFWS Bay-Delta office transferred the lead role on the Section 7 Endangered Species consultation to the Don Edwards San Francisco Bay National Wildlife Refuge (Don Edwards Refuge), the federal lead on the project, which issued a five year permit covering treatment from 2018-23 and reduced the number of restricted sites to four locations. The Conservancy and Don Edwards Refuge are working closely with affected landowning partners and key stakeholders to develop phased treatment at the seven previously restricted areas now authorized for treatment, and plan for the future phased treatment at the four sub-areas currently restricted from treatment.



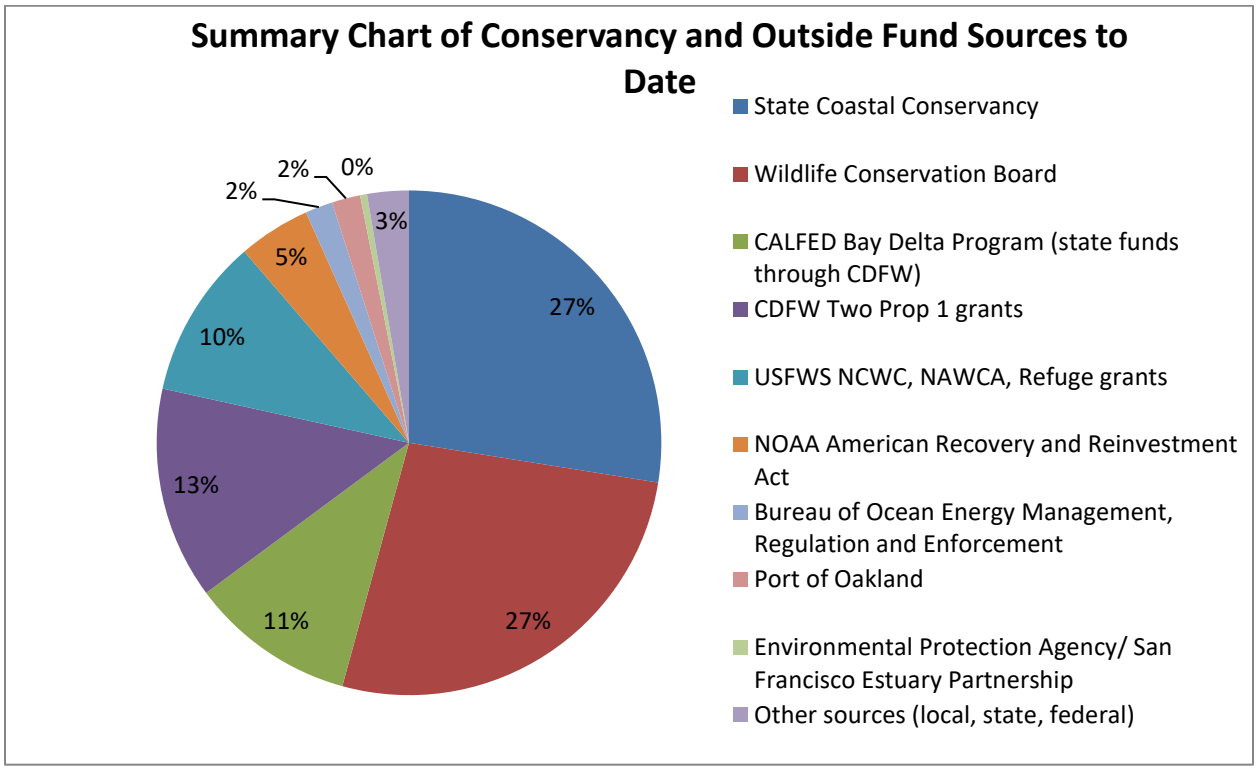
The funding in this authorization will fund all planning, implementation and monitoring for Spartina treatment within 12 ISP regions throughout the 70,000-acre project area, according to detailed plans developed by the ISP, the installation of a minimum of 45,000 native tidal marsh seedlings during two seasons (2019-20 and 2020-21), and the construction of 20 high tide refuge islands, planted with native tidal marsh plant species. This work will occur from June 2019 through March 2021.

CAL-IPC is a 501(c)(3) non-profit organization that works to reduce invasive plants in California. They are a state leader in advancing state policy and coordination on invasive plant issues, including coordination and leadership for quarterly statewide management calls with multiple agencies, as well as leading a successful annual conference that brings together hundreds of practitioners and agency staff engaged in invasive plant prevention and control. They have a strong track record in invasive plant work; see Project Letters for more information and support for this organization (Exhibit 6).

In addition, it is anticipated that this authorization will support the implementation of adaptive management of the South Bay Salt Pond (SBSP) Restoration Project. A portion of the funding from the SCVWD will be used to fund satellite photography that can be used to identify different invasive plants (namely *Lepidium* and *Spartina*). This will help the SBSP Restoration Project map and monitor the presence of these invasive species in the newly restored projects in Santa Clara County. Working with the ISP project, the SBSP Restoration Project will be able to respond to invasion more quickly and improve the success of the eradication efforts.

PROJECT FINANCING

Coastal Conservancy	$1,200,000
California Department of Fish and Wildlife	$2,151,548
US Fish and Wildlife Service	$943,711
Santa Clara Valley Water District	$400,000
Bay Area Conservation and Development Commission	$67,500
Proposed Authorization Total	**$4,762,759**



It is anticipated that the Conservancy's funding under this authorization for this project will come from the fiscal year 2018/2019 appropriation to the Conservancy from the "California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018" (Prop 68, Public Resources Code Division 45, Chapters 1-13, Sections 80000-80173). Chapter 8

of that bond act allocates $20 million to the Conservancy for projects that qualify for grants from the San Francisco Bay Restoration Authority (Public Resources Code section 80110(b)(10)). The proposed authorization qualifies for use of these funds, because it will support the restoration and enhancement of tidal and subtidal areas along the shoreline of San Francisco Bay. The proposed project serves to restore natural habitat values of the San Francisco Bay watershed. In addition, as discussed below, the project is consistent with Chapter 4.5 of Division 21.

$2,151,548 in funding was awarded to the Conservancy under CDFW's Proposition 1 Watershed Restoration Grant Program, which has the primary goal of meeting California Water Action Plan objectives of more reliable water supplies, restoration of important species and habitat, and more resilient, sustainably managed water resources system that can better withstand inevitable and unforeseen pressures in the coming decades. CDFW awarded the funds specifically for the ongoing implementation of the Invasive *Spartina* Project, including the planning and coordination services and the treatment and eradication and revegetation projects described above.

$943,711 in funding was awarded to the Conservancy under USFWS's North American Wetlands Conservation Act grant program, which has the primary goal of increasing bird populations and wetlands habitats while supporting local economies and recreational activities including hunting, fishing, and birdwatching. The NAWCA award will provide funding for ISP work in four tracts totaling 3,707 acres of tidal marsh and mudflats in South San Francisco Bay, south of the San Mateo Bridge.

$400,000 from SCVWD comes from Measure B under Priority D2, to "revitalize stream, upland and wetland habitat". SCVWD and the Conservancy have a five year Memorandum of Understanding (MOU) in place as of January 1, 2018 which includes up to $1,000,000 for invasive Spartina mapping, treatment, native enhancement, and other activities in Santa Clara County. In March 2018, the Board authorized the first installment of $200,000, and this authorization requests approval to disburse an additional $400,000, which would total $600,000 in funding out of the five year MOU. Measure B identified the funding of community partnerships as a key means to achieving the benefits of Priority D2. Those benefits include improved habitat by installing tidal and riparian plant species, improved ecological function of existing riparian and wetland habitat so it can support more diverse wildlife species, and increased community awareness about the damaging impact that non-native, invasive plants have on local ecosystems. SCVWD awarded the funds specifically for the ongoing implementation of the Invasive *Spartina* Project and additional vegetation mapping for the SBSP through 2020, and potentially for each year thereafter, up to 3 additional years, as outlined in a MOU signed in January 2018 between the Conservancy and the SCVWD, including the planning, coordination services, treatment, eradication and revegetation projects, as well as the work for the SBSP Restoration Project, described above.

It is anticipated that $400,000 of the proposed funding will come from appropriations to the Conservancy from the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84). This funding source may be used for the protection of bays and coastal waters, including projects to protect and restore the natural habitat values of coastal waters and lands, pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The proposed project serves to restore natural habitat

values of the San Francisco Bay watershed. In addition, as discussed below, the project is consistent with Chapter 4.5 of Division 21.

Proposition 84 requires that for restoration projects that protect natural resources, the Conservancy assess whether the project meets at least one of the criteria specified in Public Resources Code Section 75071(a)-(e). The ISP satisfies 3 of the specified criteria, as follows: (a) Landscape/Habitat Linkages: the areas that are restored through the removal of invasive *Spartina* are areas that link to, or contribute to linking, existing protected areas with other large blocks of protected habitat; (b) Watershed Protection: the project serves to protect and restore the natural resources of the San Francisco Bay and Estuary, a priority watershed as identified by the Natural Resources Agency; and (c) Under-protected habitats: the project is focused on relatively large areas of intertidal mudflats, tidal marshes and wetlands that are under-protected major habitat types.

The final $67,500 in mitigation funding from BCDC derives from a settlement of permit-related issues for a marina in the south bay.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

As detailed in the March 22, 2018 staff recommendation (Exhibit 3), the ISP remains consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.

CONSISTENCY WITH CONSERVANCY'S 2018 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with the objectives listed below for the Conservancy's 2018-23 Strategic Plan, the proposed project will further the Invasive *Spartina* Project by continuing progress towards zero-detection and promoting monitoring and management by landowners and other partners.

Consistent with **Goal 8, Objective B**, the project will plan high tide refuge islands and native revegetation projects in San Francisco Bay, advancing the planning and design of adaptation projects to increase resilience to sea level rise and other climate change impacts. Consistent with **Objective C**, the project will implement these projects to increase resilience to sea level rise or other climate change impacts using nature-based solutions and other multi-benefit strategies.

Consistent with **Goal 12**, the ISP and the vegetation mapping in the South Bay contribute to "protect and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance in the Bay Area," and the ISP project meets **Objective 12D**, "enhance tidal wetlands, managed wetlands, seasonal wetlands, upland habitat, and subtidal habitat," and **Objective 12G**, "eradicate non-native invasive species that threaten important habitats in the San Francisco Bay Area."

Consistent with **Goal 15, Objective C**, the ISP and the vegetation mapping in the South Bay involve working "with partner organizations to achieve conservation, climate adaptation, and public access objectives through project facilitation, technical assistance, grant writing, workshops, webinars, and the development and sharing of scientific and management resources, including lessons learned from innovative, multi-objective projects."

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed authorization, which provides additional funding for the ISP and for the vegetation mapping in the South Bay, remains consistent with the Conservancy's Project Selection Criteria and Guidelines, adopted October 2, 2014, as described in the March 22, 2018 staff recommendation (Exhibit 3).

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The ISP and the vegetation mapping in the South Bay remains consistent with the San Francisco Bay Conservation and Development Commission's "San Francisco Bay Plan", as described in the March 22, 2018 staff recommendation (Exhibit 3).

COMPLIANCE WITH CEQA:

As detailed in the March 22, 2018 Conservancy staff recommendation (Exhibit 3), at its June 16, 2005 meeting, the Conservancy authorized initial funding for treatment and eradication of invasive Spartina at 22 project sites and certified a "Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program" (FEIS/R), prepared for the ISP pursuant to the California Environmental Quality Act (CEQA). Subsequently, the Conservancy has authorized funding for treatment and eradication projects each year through 2019. In general, over the duration of the ISP, the nature, duration, scope, location and site characteristics of treatment has not changed. Over time, some additional sites and sub-areas have been added as new plants were found but treatment and potential impacts have been reduced because of successful treatment in prior years.

The FEIS/R is a programmatic environmental impact report (Section 15168 of the CEQA Guidelines, 14 Cal. Code of Regulations, Sections 15000 et seq., hereafter "Guidelines") in that it analyzes the potential environmental effects of implementing the ISP as a whole, rather than the effects of any one or more individual treatment and eradication projects. The program-level FEIS/R identifies mitigation measures that will be applied to reduce or eliminate impacts at various treatment locations, under varying site characteristics and conditions, and using varying methods of treatment.

A subsequent activity that follows under a programmatic environmental impact report that has been assessed and certified pursuant to CEQA (such as the FEIS/R) must be examined in the light of that programmatic report to determine whether an additional environmental document must be prepared. If the agency proposing the later activity finds that the environmental impacts of the later activity and the required mitigation to reduce those impacts were already identified and considered under the program environmental report, the activity can be approved with no further environmental documentation. (CEQA Guidelines, Section 15168(c)). The Guidelines suggest the use of a written checklist or similar device to document the evaluation of the activity to determine whether the environmental effects of the operation were covered in the program environmental impact report.

Whenever additional funding for the ISP treatment has been sought, the Conservancy staff has assessed the proposed treatment using, as the "checklist" suggested by the CEQA Guidelines,

site specific plans for each treatment site and mitigation matrices to identify the impacts and required mitigation needed to avoid or reduce those impacts. Based on that information, the Conservancy has concluded in each instance that the environmental effects associated with proposed treatment and the required mitigation to reduce those effects to less than significant level had been fully considered under the FEIS/R. For purposes of 2019-20 treatment under this proposed authorization, staff has reached the same conclusion.

For purposes of the 2019-20 treatment season and subsequent years, the nature, duration, scope, location and site characteristics of the proposed treatment and control work have not changed. Eradication and control efforts will continue in the same areas as in 2018, but at a decreased intensity because of the reduction in invasive Spartina removed in 2018. Four additional sub-areas (10,000 acres) have been added in Suisun Bay due to a limited number of *Spartina* plants found in 2016. These new sub-areas were fully analyzed as part of the 2017 annual review, and they were not found to involve any changed circumstance, impacts or required additional mitigation beyond those assessed in the FEIS/R. Thus, the 2018 matrix of impacts and mitigation measures (Exhibit 4) continues to apply to and fully detail the impacts and needed mitigation measures for the activities to be undertaken in 2018 and subsequent years under the new funding proposed by this staff recommendation. The matrix also serves to demonstrate that, since there are no new activities and the project remains essentially unchanged, the proposed treatment and control activities in 2018 and, in subsequent years, will involve only those potential impacts previously identified by the FEIS/R and will not require any new or different mitigation beyond that required by the FEIS/R to avoid or reduce those potential impacts.

Since the project activities proposed for funding under this authorization, including the potential environmental impacts and required mitigation measures, remain unchanged, the proposed authorization remains consistent with the CEQA findings adopted by the Conservancy in connection with the June 16, 2005 authorization for the 22 original treatment sites and with subsequent Conservancy findings made in connection with authorizations for treatment at the new sites added over the years. No further environmental documentation for these treatment activities is required under CEQA.

The vegetation mapping in the South Bay is categorically exempt from review under the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15306, which exempts projects that involve basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.