COASTAL CONSERVANCY

Staff Recommendation
June 30, 2004

**INVASIVE *SPARTINA* PROJECT (ISP)
PHASE II- CONTROL PROGRAM AT:
COYOTE CREEK/MOWRY SLOUGH,
OLD ALAMEDA CREEK, AND WHALE'S TAIL MARSH**

99-054
Project Manager: Maxene Spellman

RECOMMENDED ACTION: Amendment of the Conservancy's September 25, 2003 authorization to disburse funds from existing CALFED grants for the removal of invasive *Spartina* by authorizing the supplemental disbursement of up to $119,500 of CALFED funds and up to $50,000 of Conservancy funds as grants for expanded and additional *Spartina* control and treatment demonstration projects within the southern San Francisco Bay Estuary and for a signage program associated with the demonstration projects.

LOCATION: The baylands, creeks and sloughs of southwestern Alameda County.

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: September 25, 2003 Staff Recommendation

Exhibit 3: Environmental Documentation: Site-specific Plans and Checklists for Proposed Expanded and New Demonstration Projects

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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 amends its September 25, 2003 authorization for grants for control and treatment under the Invasive *Spartina* Project (ISP) Control Program by authorizing the supplemental disbursement of up to one hundred nineteen thousand five hundred dollars ($119,500) of existing CALFED funds to carry out expanded and new control and treatment demonstration projects under the ISP Control Program and up to fifty thousand dollars ($50,000) of Conservancy funds to implement a signage program for the demonstration projects, for a total disbursement of three hundred fifty thousand one hundred dollars ($ 350,100). Funds

from this supplemental authorization will be disbursed as follows: 1) Up to forty one thousand five hundred dollars ($41,500) of Calfed grant funds to the U.S. Fish and Wildlife Service (USFWS) to expand the removal of invasive *Spartina* at Coyote Creek/Mowry Slough; 2) up to twenty-eight thousand dollars ($28,000) of Calfed grant funds to Alameda County Flood Control District (ACFCD) for the removal of invasive *Spartina* at the new project site of Old Alameda Creek; 3) up to fifty thousand dollars ($50,000) of Calfed grant funds to DFG for removal of invasive *Spartina* at the new project site of Whale's Tail Marsh; and 4) up to fifty thousand dollars ($50,000) of Conservancy funds to the Association of Bay Area Governments (ABAG) for the design, preparation, installation and maintenance of signs that will serve to educate the public concerning the regionally coordinated ISP and the nature, need for and impacts associated with invasive *Spartina* and its removal. This authorization is subject to the same conditions imposed by sections 3(a) and 3(b) of the Conservancy's September 25, 2003 authorization."

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 to expand *Spartina* control and treatment demonstration projects at Coyote Creek/Mowry Slough, for new demonstration projects at Old Alameda Creek and Whale's Tail Marsh and for implementation of an associated signage program is consistent with the Conservancy authorization and findings adopted September 25, 2003, as shown in the staff recommendation attached as Exhibit 2 to this staff recommendation.
2. The environmental effects associated with the expansion of the Coyote Creek/Mowry Slough treatment project, the proposed Old Alameda Creek and Whale's Tail Marsh treatment projects proposed for grant funding by the Conservancy, and the implementation of a signage program associated with the *Spartina* control and treatment demonstration projects and the mitigation measures to reduce or avoid those effects were fully identified and considered in the program FEIS/R certified by the Coastal Conservancy on September 25, 2003."

PROJECT AND SITE DESCRIPTION: On September 25, 2003, the Conservancy authorized the disbursement of $180,600 in funds, available from two CALFED grants to the Conservancy, for the purpose of awarding grants to eight organizations to undertake projects to control and treat invasive *Spartina*, a non-native cordgrass, at 12 sites within the San Francisco Bay Estuary, including a site at Coyote Creek/Mowrey Slough. (See Exhibit 2, the staff recommendation related to the September 25, 2003 authorization.) As explained in detail in the September 25, 2003 staff recommendation, treatment and control of invasive *Spartina* and its hybrids within the San Francisco Bay Estuary is critical to the long-term health of the Estuary and to the species which inhabit and rely upon the salt marshes and tidal flats along its perimeter. In addition, the spread of non-native *Spartina* threatens restoration efforts within the Estuary. Invasive *Spartina*

spreads at a greater than exponential rate, and every marsh restoration project implemented within the south and central San Francisco Bay Estuary in the past 15 years has been invaded by non-native invasive *Spartina*.

A. Treatment Projects

This authorization is, in part, to disburse additional funds from existing CALFED grants for invasive *Spartina* treatment demonstration projects in order to expand the treatment area at Coyote Creek/Mowry Slough to over 34 acres, and to initiate new treatment demonstration projects at Old Alameda Creek and at Whale's Tail Marsh. These funds will be granted to USFWS, ACFCD, and DFG. The addition of these treatment projects to the 12 projects that have been previously authorized will result in significant progress towards achieving the goals of the ISP. Description of the treatment work at the three proposed sites is as follows:

1) Expansion of the Coyote Creek/Mowry Slough Demonstration Treatment Site Within the USFWS Don Edwards San Francisco Bay National Wildlife Refuge ("The Refuge")

This authorization will broaden the area targeted for treatment from 0.6 net acres to 34 net acres and extend it from the southern border of Alameda County, where the current project was defined, and north to the Dumbarton Bridge. Numerous stands of invasive *Spartina* grow within this part of the Refuge. Because of the greater than exponential rate of spread, if left uncontrolled, the invasive *Spartina* growing adjacent to the original project boundaries will rapidly spread into the originally defined project area. The significant enlargement of the treatment area is aimed at preventing the small original project from becoming re-infested, and significantly increasing USFWS's chances for successful control of invasive *Spartina* within the Refuge.

The area slated for treatment in 2004 comprises 34 net acres of non-native invasive *Spartina* in a 1,199-acre setting of open and restored marshland habitat and channel banks. Treatment will involve the application of herbicide using some or all of the following methods: airboat, shallow-bottomed boats with outboard motors, spray trucks and/or backpack sprayers. The area is confirmed habitat for California clapper rail and all control activities therefore cannot take place until after its nesting and mating season, post-September 1st.

2) Two New Sites - Old Alameda Creek and Whale's Tail Marsh

As part of DFG's South Bay Salt Pond Interim Stewardship Plan effort, DFG plans to move forward in 2004 with a levee breech to implement the Eden Landing Marsh Restoration project. This restoration project is directly adjacent to Old Alameda Creek and Whale's Tail Marsh where dense infestations of invasive *Spartina* grow. Based on the experience of the past fifteen years, unless the invasive *Spartina* at these adjacent sites is treated prior to the levee breach, it appears inevitable that the invasive *Spartina* will rapidly invade the newly created marsh. If invasive *Spartina* were not removed on the two adjacent sites and the Eden Landing site were to become infested, removal at Eden Landing would be problematic because the site is difficult to access for treatment purposes. The two proposed projects are as follows:

a. Old Alameda Creek

This area consists of three Sub-Areas owned by ACFCD: The Northern banks of the

Old Alameda Creek Flood Control Channel (OAC), the Central Island of the OAC, and the Southern Bank of the OAC. Together these Sub-Areas comprise some 18.4 acres of invasive *Spartina*. This area is confirmed habitat for the endangered California clapper rail. Therefore, control work cannot begin until after September 1st. The treatment goal is to strive for full treatment of the area. Treatment methods will include herbicide application via one or all of the following methods: helicopter application, spray trucks, lightweight, tracked amphibious vehicles and/or backpack sprayers.

b. *Whale's Tail Marsh*

This area consists of two Sub-Areas, Northern and Southern Whale's Tail Marsh, owned by DFG. Together these areas comprise 57 acres of invasive *Spartina*. Funds made available through this proposed grant will also serve to augment work on an additional adjacent 15 acres. The extra fifteen acres of invasive *Spartina* within the Northern Whale's Tail marsh are to be treated by a separate ISP partner utilizing Caltrans mitigation funds. All these areas within Whale's Tail Marsh are highly complex marshland habitats containing channels, mudflats, high marsh pans, bay-edge escarpments, levee systems, restored marsh, channel mouths and other habitat types. Treatment methods will include herbicide application drawing from the same menu of methods as described for the Old Alameda Creek area. California clapper rail have been found in two of the three Sub-Areas, and therefore control activities in those areas will occur post-September 1st.

The proposed authorization will enhance partnerships with USFWS and ACFCD, and initiate DFG's commitment and participation in treatment operations. These partnerships are essential for the success of a regionally coordinated effort. Further, these projects will demonstrate methods of *Spartina* control options including aerial and ground-based herbicide applications.

B. Educational Signage

The proposed educational signage is an important feature of the public outreach component of the ISP Control Program. It is intended to educate the public concerning the regionally coordinated ISP and the nature, need for and impacts associated with invasive *Spartina* and its removal. The educational signs will also serve to inform the public about what they observe as treatment is occurring. Implementation will involve working with ISP and partner organizations removing invasive *Spartina* to design, produce, install and maintain 19 signs at or adjacent to the 13 demonstration sites. To achieve the public outreach purpose, these signs will be installed prior to implementation of treatment for the 2004 treatment season that begins September 1.

At a minimum all signs will include the following basic information:

- Partner organizations collaborating with the Conservancy's regionally coordinated ISP to remove invasive *Spartina*
- Impacts of non-native *Spartina* infestations
- Methods used in *Spartina* control & expected outcomes
- Photographs and/or maps
- *Spartina* control timeline

- Contact information

ABAG, as the grant recipient, will utilize the San Francisco Estuary Project (SFEP) to implement the educational signage program. SFEP is an organization working under the auspices of ABAG. SFEP's primary purpose is to assist with implementation of the United States Environmental Protection Agency's Comprehensive Conservation Management Plan (CCMP) for the San Francisco Estuary. The CCMP, developed in 1994 with input from the state and federal agencies charged with management of the Bay, is a road map for implementation of the "State of the Estuary" report which evaluates issues for restoring and enhancing the natural ecosystem of the Bay. In 2003 the CCMP/SFEP stakeholders, including the Conservancy staff, identified control of invasive species, along with restoration of wetlands, as the number one priority for implementation of the CCMP. Thus, while ABAG is the grantee for the ISP educational signage program, SFEP will carry it out to help achieve this priority.

It is anticipated that for subsequent treatment seasons additional signage will be needed at new treatment sites. In this regard, Conservancy staff applied to the Richard and Rhoda Goldman Fund in March for $115,000 to construct and install additional educational signage. However, a response from the Goldman Fund is not expected until after the commencement of the 2004 treatment season. While staff will continue to seek this and/or other outside funding for the completion of the educational signage program, Conservancy funds are currently needed to achieve the necessary public outreach for the first set of ISP demonstration treatment projects.

PROJECT FINANCING:

A. Financing for the Proposed Supplemental Authorization

Coastal Conservancy (Proposition 40)	$50,000
Coastal Conservancy (augmented authorization using CALFED funds)	$119,500
USFWS (augmented match)	5,800
ACFCDC (augmented match)	3,800
DFG (Caltrans compensatory mitigation funds)	5,000
DFG (in-kind services)	1,800
Total Cost	**$185,900**

The Conservancy addition of $119,500 for the existing grants to USFWS and ACFCD and for a new grant to DFG is from funds remaining under 1999 and 2001 CALFED grants to the Conservancy. Under the terms of the CALFED grants, the Conservancy may use these funds for *Spartina* treatment and control projects. The Conservancy's contribution of $50,000 for the educational signage is expected to come from the Conservancy's FY 02/03 Bay Program appropriation from the "California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002" (Proposition 40). The proposed authorization for educational signage is consistent with the funding source because this project serves to carry out the public

outreach and educational component of a project that directly serves to enhance and protect land and water resources, and because the project includes a commitment for a matching contribution by a number of other public agencies.

B. Financing of Grants for Treatment Demonstration Projects including proposed Amendments to Existing Authorizations (supplemental authorizations in bold)

Grantee	Site(s)	SCC	Grantee match
ACFCD	Alameda Flood Control Channel	$24,000	$20,000
ACFCD	**Old Alameda Creek**	**$28,000**	**$3,800**
DFG	**Whale's Tail Marsh**	**$50,000**	**$6,800**
East Bay Regional Park District	1. Emeryville Crescent	$8,400	$2,000
	2. Oro Loma Marsh	$12,000	$8,000
	3. Point Pinole	$1,800	$2,000
Don Edwards San Francisco Bay Nat'l. Wildlife Refuge (USFWS)	1. Bair/Greco Islands	$108,000	$80,000
	2. Coyote/Mowry Slough Area	$1,800	$1,200
	3. Expansion of #2.	**$41,500**	**$5,800**
City of Palo Alto	Palo Alto Baylands	$1,800	$500
California Dept. of Parks and Rec.	1. Southeast San Francisco Shoreline	$12,000	$6,500
	2. Southampton Marsh	$1,800	$6,500
City of San Rafael	Pickleweed Park	$1,800	$800
Friends of Corte Madera Creek	Corte Madera Creek	$3,000	$3,000
Tiburon Audubon	Blackie's Pasture	$3,000	$1,500
TOTAL		**$300,100**	**$148,400**
TOTAL COSTS TREATMENT PROJECTS:		**$448,500**	

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

As described in the previous staff recommendations (Exhibit 2) and associated Conservancy resolutions, the ISP and implementation of the Control Program serve to carry out the objectives for the San Francisco Bay Conservancy Program mandated by Chapter 4.5 of the Conservancy's enabling legislation (Public Resources Code Sections 31160-31164). The project is authorized by Section 31162 of the Public Resources Code, which allows the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay area to public and private agencies and organizations. The project is consistent with Public Resources Code Section

31162(a), since both the ISP and its Control Program will serve to protect and restore tidal marshes, which are natural habitats of regional importance.

This project is appropriate for prioritization under the selection criteria set forth in Section 31163(c) in that: (1) it is consistent with the regional Baylands Ecosystem Habitat Goals, A Report of Habitat Recommendations and with the CCMP; (2) it results in coordination among various federal, state and local agencies and nonprofit groups that are collaborating with the Conservancy's regionally coordinated Control Program; (3) it will be implemented in a timely manner within the 2004 control season (September – October, 2004); (4) if implementation of the Control Program does not begin this year, the opportunity to achieve the control/eradication of non-native invasive *Spartina* may be lost.; and (5) the proposal includes matching funds from USFWS, ACFCD, and DFG.

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

San Francisco Bay Program Goal Matrix under Regional Projects identifies the *Spartina* Control project as a program of regional significance under the Strategic Plan.

Consistent with **Goal 5, Objective C** of the Conservancy's Strategic Plan, the proposed new and expanded treatment projects will serve to further control and eradicate non-native invasive *Spartina* that threatens native coastal habitats. If left uncontrolled, invasive *Spartina* will potentially spread up and down the coast to other California estuaries.

Consistent with **Goal 10, Objective A**, the proposed new and expanded projects will enhance and restore wetlands by removal of the invasive *Spartina.*

CONSISTENCY WITH CONSERVANCY'S
PROJE CT 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:** This project is supported by regulatory agencies, public agencies and special districts, nonprofit organizations, and scientists that work to protect and restore wetlands. This broad support is demonstrated by the numerous Letters of Support as part of the original October 28, 1999 Staff Recommendation. Additionally, a number of agencies and environmental organizations have expressed support in comments received on the Draft EIS/R (Chapter 10 of the FEIS/R). Furthermore, in the published CCMP, SFEP stakeholders

have identified control of invasive species as the top priority for the restoration and protection of the San Francisco Estuary.

4. **Location:** The proposed expanded and new demonstration projects are all located in Alameda County, one of the nine Bay Area counties.
5. **Need:** The proposed new treatment projects are needed to prevent the anticipated infestation of the Eden Landing Marsh restoration scheduled for a levee breach in 2004. Without the additional Conservancy funding, this critical work would not occur in a timely manner. In addition, no alternative funding for the important educational signage has been located to date.
6. **Greater-than-local interest:** Introduced *Spartina* threatens to move up the delta, and down the coast to southern California. In the San Francisco Bay, introduced *Spartina* threatens to displace listed state and federal special status species, such as the endangered California clapper rail, California black rail, and the salt marsh harvest mouse.

Additional Criteria

7. **Urgency*:*** Many experts believe that if the spread of introduced *Spartina* is not controlled within the next few years, the greater than exponential spread of the plants and extensive hybridization with the native *Spartina foliosa* will preclude any chance for successful control in the future. If the Conservancy and its partners can address the problem appropriately in the short-term, long-term maintenance expenses can be avoided. In addition, the proposed new treatment projects are imperative in order to prevent the anticipated infestation of the Eden Landing Marsh restoration scheduled for a levee breach in 2004. Furthermore, production and installation of educational signage is urgently needed at the demonstration treatment sites within the next few months to inform the public about ISP and the treatment that they will see taking place during the 2004 treatment season.
8. **Leverage:** See the "Project Financing" section above.
9. **Readiness:** Grantees have worked in close collaboration with the Conservancy to prepare site-specific plans and are poised to implement them as soon as funds are available for expenditure.
10. **Realization of prior Conservancy goals:** The control and eradication of invasive non-native *Spartina* has been a high priority goal of the Conservancy since 1999 when it initiated the regionally coordinated effort for the preservation of wetlands in the San Francisco Estuary.
11. **Cooperation:** This project enjoys commitments from ISP grantees anxious to collaborate with the Conservancy's regionally coordinated effort. Additionally, the proposed new Whale's Tail Marsh project leverages $25,000 of additional Caltrans mitigation funds towards treatment of an additional 15 acres of invasive *Spartina* at the northern end of the marsh adjacent to this proposed project site.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The Invasive *Spartina* Project: *Spartina* Control Program is consistent with the San Francisco Bay Plan, Section entitled "Marshes and Mudflats," Policy 3 (c) (page 9) that states: "the quality of existing marshes should be improved by appropriate measures whenever possible." The main

purpose of this project is to remove invasive *Spartina* to improve the long-term quality of existing marsh habitat in the baylands of the San Francisco Estuary.

COMPLIANCE WITH CEQA:

This authorization involves expanded or new site-specific projects (and signage associated with those projects) that fall under the "Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program" (FEIS/R) prepared for the ISP Control Project pursuant to the California Environmental Quality Act (CEQA). The FEIS/R was adopted by the Conservancy through its September 25, 2003 resolution certifying the EIR. The FEIS/R is maintained and available for review at the offices of the Conservancy.

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 effects of implementing treatment methods for a regional program, rather than the impacts of a single individual project. This program-level EIS/R identifies mitigation measures that will be applied to reduce or eliminate impacts at treatment locations. The Conservancy may use the FEIS/R as a basis for "tiered" CEQA review and approval of individual treatment projects under the Control Program, including the new and expanded treatment proposed by this staff recommendation.

A subsequent activity that follows under a program EIR that has been assessed pursuant to CEQA must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If the agency proposing the later activity finds that its effects and required mitigation to reduce those effects were already identified and considered under the program EIR, 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 EIR.

Each of the proposed expanded or new demonstration projects has a prepared site-specific plan, describing the site and identifying the precise treatment activities proposed. In addition, each has been assessed by use of a checklist to determine whether the effects of those activities and the mitigation required have been considered by the FEIS/R. This documentation is attached as Exhibit 3. In each case, the conclusion is that the program FEIS/R did consider the effects associated with the demonstration project and that there are no new mitigation measures required. Conservancy staff recommends that the Conservancy adopt a finding to that effect.