

COASTAL CONSERVANCY

Staff Recommendation

June 16, 2005

**PIER 94 WETLAND ENHANCEMENT**

File No. 05-38

Project Manager: Joan Cardellino

**RECOMMENDED ACTION:** Authorization to disburse up to \$132,600 to the Port of San Francisco to restore and enhance approximately 6 acres of tidal wetland in the bay at Pier 94.

**LOCATION:** City and County of San Francisco

**PROGRAM CATEGORY:** San Francisco Bay Conservancy

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**EXHIBITS**

Exhibit 1: Regional Map

Exhibit 2: Site Location

Exhibit 3: Existing Conditions

Exhibit 4: Projected Conditions After Enhancement

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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 authorizes the disbursement of an amount not to exceed one hundred thirty-two thousand six hundred dollars (\$132,600) to the Port of San Francisco for habitat restoration at Pier 94, subject to the following conditions

1. No Conservancy funds shall be disbursed until the Executive Officer of the Conservancy has reviewed and approved in writing:
  - a. Any contractors to be used;
  - b. A final work plan, including a final budget and schedule; and
  - c. A signing plan acknowledging the Conservancy’s funding of this project.

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2. The Port shall maintain the habitat restoration improvements for a period of no less than 20 years.”

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 purposes and criteria set forth in Chapter 4.5 (Sections 31160-31164) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.”

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### **PROJECT SUMMARY:**

The Port of San Francisco is requesting funding in the amount of \$132,600 to restore and enhance approximately 6 acres of tidal wetland in the bay at Pier 94.

Staff recommends providing funding needed in order for the Port to undertake this restoration project, which will restore nearly 5 acres of degraded wetland and create 1.5 acres of new wetland. Although small, the wetlands at Pier 94 provide rare and valuable habitat in this highly industrialized portion of the Bay shoreline. The existing habitat at Pier 94 varies from low-quality concrete and asphalt substrate in some areas, to high quality pickleweed and tidal pond habitat in others. Because wetland habitat is so limited in the Central Bay, Pier 94 supports a great deal of bird activity, particularly migratory waterfowl. The pickleweed marsh, mudflat and gravel beach offer foraging and roosting habitat to many species of birds.

The primary goal of the proposed project is to improve habitat quality, and enhance and expand the wetland/upland transition zone to provide additional habitat for marine fish, shorebirds, wading birds, waterfowl, and plants unique to this habitat. The project will include:

- Removing construction debris (concrete, asphalt), tires, wood and litter, which degrade the aesthetic and habitat value of the site.
- Grading to increase wetland acreage within the existing wetland area, improve tidal circulation, and create more natural topography in the wetland/upland transition zone.
- Removing large stands of invasive cordgrass that, if not controlled, threaten to establish a monoculture of poor habitat quality vegetation.
- Constructing a low, post-and-cable fence to delineate the wetland boundary.

The Port of San Francisco has jurisdiction over the tidelands along the bayfront of the City of San Francisco. To date, the Port has completed required technical studies, planning, design and permitting for the enhancement project. Harding Lawson

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Associates, under contract to the Port, completed a *Biological Evaluation and Wetlands Assessment* (June 2001) and *Comprehensive Wetland Delineation* (March 2002). The Port contracted with Tetra Tech, Inc and FarWest Restoration Engineering to complete the *Wetland Enhancement Plan*. The Port has completed environmental review, and secured applicable permits for the project from the Army Corps of Engineers, Regional Water Quality Control Board and Bay Conservation and Development Commission.

**Site Description:** Pier 94 is located immediately south of and adjacent to the Islais Creek inlet along the southern shoreline of San Francisco Bay within the City and County of San Francisco. Pier 94 is comprised of approximately 100 acres of land created by sanctioned fillings in the 1970s. Habitat value at the site is compromised by the presence of large construction debris, including asphalt and concrete chunks, abandoned tires, and rebar. Removing these items would increase the amount of vegetated area and mudflats and would allow for increased tidal inundation and circulation.

**Project History:** In October 1996, the SS Cape Mohican, a Maritime Administration vessel, released approximately 40,000 gallons of fuel oil to San Francisco Bay, damaging shoreline areas throughout the bay. Federal and state agencies responsible for preservation of natural resources are required to assess and recover damages, and restore damaged resources to the extent feasible. These agencies, in compliance with the Federal Oil Pollution Act and California's Oil Spill Prevention and Response Act, developed a restoration plan specifying how the resource damages are assessed and restoration proposed. The Restoration Plan specifies that the Pier 94 wetlands, as proposed in the Port's project design, would meet fisheries and water quality restoration objectives.

The Port was awarded \$171,000 for the Pier 94 project, and went out to bid in July 2004. However, the funds available were insufficient to cover the costs that were proposed in the bids received. The bid solicitation indicated that existing funding would cover slightly more than half the costs of the project. Port staff contacted Conservancy staff in March of 2005 to request funding assistance.

### PROJECT FINANCING:

Coastal Conservancy	\$132,600
SF Bay Natural Resource Protection Trust Funds	<u>171,000</u>
<b>Total Project Cost</b>	<b>\$303,600</b>

The anticipated funding source for the Conservancy's contribution is the funding provided to the Conservancy by the Wildlife Conservation Board from the "Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002" (Proposition 50), which can be used for the protection and restoration of coastal wetlands identified in the *San Francisco Baylands Ecosystem Habitat Goals Report* within the nine-county San Francisco Bay area, described in Public Resources Code Section 31162. The *Goals Report* identifies this area for restoration and enhancement of "pocket" tidal marshes and the San Francisco shoreline is identified as a priority area for funding under the Conservancy's agreement with the Wildlife Conservation Board for expenditure of those funds.

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The Port has spent over \$120,000 of its own funds and many hours of staff time to complete biological surveys, restoration design, soil investigation, ready-to-bid engineering plans and specifications, permitting, and community outreach.

### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

This project would be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31163, to address resource goals in the San Francisco Bay Area.

Pier 94 is in the nine-county Bay Area as required under Section 31162 of the Public Resources Code, which authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area that will help achieve the goals of the San Francisco Bay Area Conservancy program.

This project will help achieve these goals because it will, consistent with Section 31162(b), protect, restore, and enhance natural habitats of regional importance. The wetlands at Pier 94 provide valuable habitat for migrating waterfowl that is otherwise scarce in the central bay.

Consistent with Section 31163(c), the Pier 94 wetland restoration project meets the following criteria: (1) it is supported by local and regional, including the San Francisco Bay Area Wetlands Ecosystem Habitat Goals Report, which identifies this area as providing opportunities to restore and enhance tidal marshes, and the restoration plan developed in response to the 1996 Cape Mohican oil spill, as discussed above; (3) it can be implemented in a timely way, since construction must occur during the dry season, typically before October 15; (4) it provides opportunities for habitat restoration that could be lost if the project is not constructed during the current dry season; and (5) it includes matching funds (described under Project Financing, above.)

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

Consistent with Goal 10, Objective A, this project will help restore or enhance 6 acres of wetlands.

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

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

#### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.

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2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.
3. **Support of the public:** There is substantial support for the project within the local community and within the broader community of agencies and organizations dedicated to natural resources protection. The Port’s Southern Waterfront Advisory Committee has endorsed the proposed enhancement plan. Habitat restoration professionals from the National Parks Association, and the CCSF Department of Recreation and Parks use the wetlands at Pier 94 as a source of native plant seeds to support wetland restoration projects elsewhere in the city. The Golden Gate Chapter of the Audubon Society has committed volunteer labor to stewardship of the area for several years, including hosting many well-attended volunteer workdays during which participants have removed thousands of pounds of trash, tires and weeds from the wetlands.
4. **Location:** Pier 94 is along the shoreline of the bay, in the nine-county San Francisco Bay area, consistent with Section 31162 of the Public Resources Code.
5. **Need:** Funds available to the Port for this project, both from its own budget and from the San Francisco Bay Natural Resource Protection Trust, are insufficient to cover the costs of undertaking this project.
6. **Greater-than-local interest:** Restoring wetlands along San Francisco Bay adds to the habitat for shorebirds and migrating waterfowl, for which the bay is a vitally important foraging place along the north-south avian migratory route.

### Additional Criteria

7. **Urgency:** This project will provide rare and valuable habitat to a variety of bird species, and should be conducted as soon as possible. With Conservancy funding now, the project can be constructed this summer.
9. **Leverage:** See the “Project Financing” section above.
10. **Readiness:** The Port has completed bid documents and all necessary permits and should be able to complete this project within the allowed timeframe, i.e., by mid-October.

### **CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

Pier 94 is designated as a port priority use area on San Francisco Bay Plan Map No. 5. The San Francisco Bay Area Seaport Plan policies regarding Pier 94 state that while the Port’s container terminals are currently underused, in the future they are expected to be needed to serve container ships. The project site is located in the area within which Pier 94N would be expanded to accommodate future container terminal growth. However, the Seaport Plan acknowledges that maritime use of this area is a number of years away, and interim uses should be allowed, as long as the interim uses do not preclude the eventual use of the area for cargo shipping activities. The Bay Conservation and Development Commission has issued a permit for this project, with the condition that if the tidal marsh area is needed for priority port uses and marsh is removed, the loss shall be mitigated at

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another location as close to the project site as possible. (Special Condition II-C.) In authorizing the permit, the Commission determined that “Because of the nature of the project activities and the special conditions required herein, the project is consistent with the McAteer-Petris Act and the San Francisco Bay Plan...”.

### **COMPLIANCE WITH CEQA:**

The proposed project is categorically exempt from the requirements of CEQA pursuant to 14 Cal. Code of Regulations Section 15301 because it involves “minor alteration of existing... topographical features, involving negligible or no expansion of use” beyond that currently existing. Examples of exempt activities in this class include the maintenance of existing landscaping or native growth and the maintenance of wildlife habitat areas to protect fish and wildlife resources. Currently, the project site is a small but important foraging area for shorebirds and waterfowl that have little habitat in the area, but the habitat value of the site is compromised by the presence of debris and invasive cordgrass. Minor amounts of fill and excavation needed to improve tidal circulation, increase wetland acreage, and create a more natural topography than exists in the site’s current degraded condition would not, according to the permitting agencies, permanently impact wetlands or other special aquatic sites. According to the Regional Water Quality Control Board, “[t]he project would be self-mitigating, in that the end result of the construction would be a net gain in both the quantity and the quality of salt marsh habitat.” Staff will file a Notice of Exemption upon approval of the project.