

COASTAL CONSERVANCY

Staff Recommendation

July 16, 2007

**SAN FRANCISCO BAY JOINT VENTURE
PROJECT DESIGN REVIEW PROGRAM AND SEASONAL WETLANDS
EVALUATION**

File No. 07-018

Project Manager: Abe Doherty

RECOMMENDED ACTION: To support the work of the San Francisco Bay Joint Venture, authorization to disburse 1) up to \$60,000 to the Point Reyes Bird Observatory, Inc. (PRBO) for a Habitat Restoration Project Design Review Program and for design planning services for interpretive projects; 2) up to the remaining balance in the Conservancy Coastal Trust Fund dedicated to the Joint Venture (currently \$11,603.09) to PRBO for Joint Venture coordination and administration; and 3) up to \$20,000 to Ducks Unlimited, Inc. to evaluate seasonal wetlands and update the “Implementation Strategy of the San Francisco Bay Joint Venture”.

LOCATION: San Francisco Bay Area

PROGRAM CATEGORY: San Francisco Bay Program

EXHIBITS

Exhibit 1: [Project Location](#)

Exhibit 2: [Letters of Support](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“In order to support the work of the San Francisco Bay Joint Venture (Joint Venture), the State Coastal Conservancy hereby authorizes the following disbursements: 1) up to fifty thousand dollars (\$50,000) to the Point Reyes Bird Observatory, Inc. (PRBO) for a Habitat Restoration Project Design Review Program; 2) up to ten thousand dollars (\$10,000) to PRBO to provide planning services for the design of interpretive projects related to restoration, enhancement and protection of wetland habitats in the San Francisco Bay Area; 3) up to the balance remaining in the interest-bearing Conservancy Coastal Trust Fund account, Resource Enhancement Special Project - Joint Venture subaccount, as of the date of encumbrance (current balance - \$11,633.09), to PRBO for coordination and administration of the Joint Venture; 4) up to twenty thousand dollars (\$20,000) to Ducks Unlimited, Inc. to evaluate seasonal wetlands in the San Francisco Bay Area

and to update the Joint Venture document *Restoring the Estuary: Implementation Strategy of the San Francisco Bay Joint Venture*. Each of these authorizations are subject to the condition that prior to disbursement of any of these funds, the grantee submit for the review and approval of the Executive Officer of the Conservancy a work program, budget and schedule, and the names and qualifications of any subcontractors that it intends to employ.”

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 authorization is consistent with Public Resources Code Sections 31160 *et seq.*, regarding the Conservancy’s mandate to address the resource and recreational goals 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 24, 2001.
3. The Point Reyes Bird Observatory and Ducks Unlimited, Inc. are nonprofit organizations existing under Section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

This proposed authorization would support the work of the San Francisco Bay Joint Venture (“Joint Venture”). The Joint Venture is a public/private collaboration of 25 agencies, environmental organizations and businesses. The mission of the Joint Venture is to protect, restore, increase and enhance all types of wetlands, riparian habitat and associated uplands throughout the San Francisco Bay region to benefit birds, fish and other wildlife. The Joint Venture provides valuable coordination, outreach and technical assistance.

A grant to the Point Reyes Bird Observatory, Inc. (“PRBO”) is proposed for three separate activities that would support the Joint Venture and its objectives. First, staff recommends a disbursement of up to \$50,000 to PRBO to implement a Habitat Restoration Project Design Review Program. In conjunction with the Joint Venture, the Project Design Review Program will provide recommendations to public agencies and nonprofit organizations for improving the design of habitat restoration or enhancement projects proposed for the San Francisco Bay region. This grant will support work to solicit projects for review, provide for experts to participate in project review panels, facilitate review sessions, document the recommendations and communicate the results of the project reviews. This program will not be used to review projects that are being funded to mitigate the impacts of development.

Second, staff recommends a disbursement of up to \$10,000 to PRBO to provide planning services to Joint Venture-affiliated agencies and organizations for the design of interpretive projects related to the restoration, enhancement and protection of wetlands and associated uplands in the San Francisco Bay Area.

Third, Conservancy staff proposes a disbursement to PRBO of the full balance remaining, as of the date of encumbrance, in the Coastal Trust Fund account, Resource Enhancement Special Project Fund - Joint Venture subaccount. This Coastal Trust Fund subaccount was established by

the Conservancy to accept private funding, including donations from the Trust for Public Land, specifically to support the work of the Joint Venture. This subaccount currently has a balance of \$11,633.09. The balance will increase with quarterly interest before the funds are encumbered for this grant. The Coastal Trust Fund grant funds will be used by PRBO for Joint Venture coordination and administration, including outreach, meetings and public education.

Finally, the proposed authorization would also provide a grant of up to \$20,000 to Ducks Unlimited, Inc. to evaluate seasonal wetlands and update the Joint Venture document *Restoring the Estuary: Implementation Strategy of the San Francisco Bay Joint Venture*. The seasonal wetlands project will identify, document and evaluate existing seasonal wetlands and locations that may be suitable for restoration of seasonal wetlands in the Bay Area. The project will convene regional focus groups to identify sites that have the potential for seasonal wetlands enhancement, restoration and protection. The project will also evaluate acreage goals for restoration and protection of seasonal wetlands. This information and evaluation will be used to support an update of the seasonal wetland goals in *Restoring the Estuary: Implementation Strategy of the San Francisco Bay Joint Venture*.

PRBO is a nonprofit organization whose mission is to conserve birds, other wildlife and ecosystems through innovative scientific research and outreach. PRBO has been one of the most active members of the Joint Venture. PRBO's Executive Director has served as the former Chair of the Management Board of the Joint Venture and PRBO staff has regularly participated in the committees of the Joint Venture. Since 2003, PRBO has been the recipient of U.S. Fish and Wildlife Service funds for the Joint Venture and has contracted with three individuals to serve as the coordinator, public outreach coordinator and assistant coordinator for the Joint Venture.

Ducks Unlimited, Inc. ("Ducks Unlimited") is a nonprofit organization whose mission is to conserve, restore and manage wetlands and associated habitats for North America's waterfowl, recognizing that these habitats also benefit other wildlife and people. Ducks Unlimited has also been a very active member of the Joint Venture, through service of a staff member as a former Chair of the Management Board of the Joint Venture and regular participation of its staff in the committees of the Joint Venture.

Project History:

The Joint Venture was established in 1995 with assistance from the Coastal Conservancy, to implement the goals of the North American Waterfowl Management Plan (NAWMP) and to assist in implementing the San Francisco Bay Area Baylands Ecosystem Habitat Goals Project. On August 26, 1996, the Conservancy authorized the Executive Officer to sign the Joint Venture Working Agreement, which is a memorandum of understanding articulating the goals of the Joint Venture, the role of the Management Board, committees, coordinator and some basic rules of operation.

In 2000, the North American Waterfowl Management Plan Committee officially recognized the San Francisco Bay Joint Venture as the eleventh U.S. Habitat Joint Venture, which made the Joint Venture eligible to receive federal funds annually from the U.S. Fish and Wildlife Service. Since then, the U.S. Fish and Wildlife Service has been the primary source of funds for Joint Venture operations.

In 1995, the Conservancy provided \$93,000 to establish the Joint Venture. In December 2000, the Conservancy authorized the disbursement of \$75,000 for administration and operations of the

Joint Venture. In March 2001, the Conservancy provided \$15,000 to Ducks Unlimited, Inc. to prepare a near-term strategic plan for the Joint Venture. In June 2002, the Conservancy authorized the disbursement of \$75,000 for monitoring Joint Venture accomplishments and maintaining and improving a regional database, including a web-accessible geographic information system of protected and restored lands.

PROJECT FINANCING:

Coastal Conservancy Prop 50	\$80,000
Coastal Trust Fund (private funding held at SCC)	<i>approx.</i> <u>11,633</u>
Total Project Cost	\$91,633

Matching Funds for Support of Joint Venture

U.S. Fish and Wildlife Service (support of JV)	\$550,000
Pacific Gas and Electric (JV events, communication)	7,500
James J. Gallagher Trust-New Jersey Community Foundation	3,100
Ducks Unlimited (JV events)	<u>800</u>
Total Matching Funds	\$561,400

Conservancy funding of the proposed grant to PRBO for Joint Venture coordination and administration (approximately \$11,633) is expected to come from the balance of funds remaining in the Coastal Trust Fund account, Resource Enhancement Special Project Fund - Joint Venture subaccount. This subaccount was created to accept donations from the Trust for Public Land and other private contributors that were specifically designated to support the Joint Venture. Consistent with this purpose, the proposed grant will be used for expenses related to Joint Venture coordination and administration. As of the date of this staff recommendation, the remaining amount in this subaccount is \$11,633.09. This amount will increase with the addition of quarterly interest in late July of 2007.

Conservancy funding of the remaining grants to PRBO and the grant to Ducks Unlimited, Inc. (\$80,000) is expected to come from the Conservancy's fiscal year 2006-07 appropriation from the Water Security, Clean Drinking Water, Coastal Beach Protection Fund of 2002 (Proposition 50). Proposition 50 authorizes the use of these funds for the purpose of protecting coastal watersheds through projects to restore land and water resources. Funds may be used for planning and permitting associated with restoration, as well as the restoration activities (Water Code Section 79570). The proposed grants will accomplish these purposes by providing services that will, respectively: 1) improve the design of habitat restoration or enhancement projects proposed for the San Francisco Bay; 2) provide planning for the design of interpretive projects related to the restoration, enhancement and protection of wetlands in the Bay and 3) provide evaluation of seasonal wetlands for the purpose of developing an updated implementation strategy for restoration projects. As also required by Proposition 50, the proposed grant projects are consistent with local and regional watershed plans (Water Code Section 79507). The *Baylands Ecosystem Habitat Goals Report (Goals Report)* is a multi-jurisdictional local planning document providing guidance for wetland and watershed protection and restoration activities for San Francisco Bay. Proposition 50 recognizes the *Goals Report* as appropriate to guide the selection of restoration projects within the Bay region (Water Code Section 79572). The work

of the Joint Venture is consistent with the *Goals Report*, in that the Joint Venture's mission is to protect, restore and enhance wetlands and associated habitats of San Francisco Bay. The Joint Venture assists in the implementation of the recommendations of the *Goals Report* related to the protection, restoration and enhancement of wetlands and tracks the accomplishments to date. The project is also consistent with the San Francisco Bay Regional Water Quality Control Board's goal to protect beneficial resources, as described in the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). Section 2.2.3 of the Basin Plan declares that "[t]he protection, preservation, and restoration of the remaining marsh communities are essential for maintaining the ecological integrity of the Estuary."

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed projects would be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31165, to address resource goals in the San Francisco Bay Area. The project area encompasses the San Francisco Bay and environs, including the nine counties which make up the jurisdiction of the San Francisco Bay Area Conservancy Program, as described in Section 31162 of the Conservancy's enabling legislation.

Under Section 31162(b), the Conservancy may undertake projects and award grants to achieve the goal of protecting, restoring and enhancing natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance. The proposed projects help to achieve this goal by improving the design of wetland habitat enhancement and restoration projects, planning for interpretive projects for protection, restoration and enhancement of natural resources, and evaluating seasonal wetlands and opportunities for protection, enhancement and restoration projects in the San Francisco Bay Area.

By providing a grant to fund this project, the Conservancy is also achieving the goal set forth in Section 31162(c): to assist in the implementation of the adopted plans of local government and special districts. This project will assist in the implementation of *Restoring the Estuary: Implementation Strategy of the San Francisco Bay Joint Venture*, which was adopted by numerous public agencies who are members of the Management Board of the Joint Venture. The project will also assist in the revision of this implementation strategy, by refining the goals for seasonal wetlands.

Consistent with Section 31163(c), funding of the Joint Venture project is a priority since it serves a regional constituency, can be implemented in a timely way, provides opportunities for benefits that could be lost if the project is not quickly implemented and includes matching funds from other sources, as described in the "Consistency with Conservancy's Project Selection Criteria and Guidelines" section, below.

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

Consistent with **Goal 9, Objective A** of the Conservancy's Strategic Plan, the proposed project will support the Conservancy with maintaining updated lists of identified high-priority areas for the Bay Program, including projects that protect and restore natural habitats and other open-space lands of regional importance.

Consistent with **Goal 10, Objective B** of the Conservancy's Strategic Plan, the proposed project will help develop plans for protection, restoration and enhancement of natural habitats in the San Francisco Bay Area.

Consistent with **Goal 11, Objective C** of the Conservancy's Strategic Plan, the proposed project will provide assistance and collaboration in planning educational or interpretive projects that are tied to on-the-ground restoration projects.

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.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by the San Francisco Bay Joint Venture, which includes 27 non-profits, public agencies and a business. Refer to Exhibit 2 for a list of these entities.
4. **Location:** The project area is within the nine counties that make up the San Francisco Bay Area, consistent with Section 31162 of the Public Resources Code.
5. **Need:** The project will not occur without Conservancy funding and is necessary to support the San Francisco Bay Joint Venture.
6. **Greater-than-local interest:** The proposed projects will affect projects in and around the San Francisco Bay, a regional resource, providing habitat for multiple species, including endangered species of national concern.

Additional Criteria

7. **Leverage:** See the "Project Financing" section above.
8. **Readiness:** The grantees are eager to start the project as soon as possible.
9. **Realization of prior Conservancy goals:** "See "Project History" above."
10. **Cooperation:** The Joint Venture is made up of approximately twelve non-profit organizations, five federal agencies, seven state or regional agencies and one private business. The Management Board and Restoration/Technical committee will oversee implementation of this project.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN and BASIN PLAN:

Some of the design review projects will be within the permit jurisdiction of the San Francisco Bay Conservation and Development Commission ("BCDC"). The proposed projects are considered project planning and are exempt from permit requirements. The projects to support

the Joint Venture are consistent with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan), which includes measures to protect wetlands and declares that “[t]he protection, preservation, and restoration of the remaining marsh communities are essential for maintaining the ecological integrity of the Estuary.”

COMPLIANCE WITH CEQA:

The proposed project is statutorily exempt from review under the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15262, in that it would involve only planning studies and feasibility analyses for possible future action not yet adopted by the Conservancy. Preparation of the planning and evaluation documents produced by this project does not legally bind the Conservancy to future implementation of protection, restoration or enhancement projects that are designed using these documents. Finally, as required by Section 15262, the projects, by their very nature, will consider environmental factors.

The project is also categorically exempt under Section 15306, which exempts basic data collection and resource evaluation activities leading to an action which the Conservancy has not yet approved, adopted, or funded.

Upon Conservancy approval, staff will file a Notice of Exemption for this project.