

COASTAL CONSERVANCY

Staff Recommendation

April 24, 2008

**INVASIVE *SPARTINA* PROJECT (ISP)  
PHASE II-CONTROL PROGRAM  
2008-2010 IMPLEMENTATION OF CONTROL PROGRAM**

File No. 99-054

Project Manager: Maxene Spellman

**RECOMMENDED ACTION:** Authorization to 1) accept an augmentation in the amount of \$249,425 to an existing grant from the Wildlife Conservation Board to implement the Invasive *Spartina* Project (ISP) Control Program and disburse the full amount of the augmentation for 2008 treatment and eradication projects within the San Francisco Estuary; and 2) disburse up to \$1,972,190 of Conservancy funds to implement the ISP Control Program for 2008 for treatment and eradication projects within the San Francisco Estuary, and for environmental consulting services needed to operate and manage the ISP Control Program through spring of 2010.

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

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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**EXHIBITS**

Exhibit 1: [September 25, 2003 Staff Recommendation](#)

Exhibit 2: [June 16, 2005 Staff Recommendation](#)

Exhibit 3: [Map of 2008 Treatment Sites](#)

Exhibit 4: [Map of Coastal Marin Infestations](#)

Exhibit 5: [Map of North San Pablo Bay Treatment Sites](#)

Exhibit 6: [Invasive Spartina Control Plans for the San Francisco Estuary, 2008-2010 Control Seasons](#)

Attachment 1: Spartina Control Site Maps

Attachment 2: Impact and Mitigation Checklists

Exhibit 7: [May 24, 2007 Staff Recommendation](#)

**RESOLUTION AND FINDINGS:**

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

“The State Coastal Conservancy hereby authorizes the following:

1. Acceptance of an augmentation in the amount of \$249,425 (two hundred forty-nine thousand four hundred twenty-five dollars) to the existing grant to the Conservancy from the Wildlife Conservation Board (WCB) to implement the Invasive *Spartina* Project (ISP) Control Program for 2008.
2. Disbursement of up to \$223,152 (two hundred twenty-three thousand one hundred fifty-two dollars) of Conservancy funding and up to \$249,425 (two hundred forty-nine thousand four hundred twenty-five dollars) of the WCB grant for invasive *Spartina* treatment and eradication projects in 2008 and planning for such activities in 2009 under the ISP Control Program. Funds for treatment and eradication projects may be used to supplement existing grants to the California Wildlife Foundation, Friends of Corte Madera Creek Watershed, the East Bay Regional Park District, City of Alameda, City of San Leandro, the San Mateo County Mosquito Abatement District, the California Department of Parks and Recreation, and United States Fish and Wildlife Service Don Edwards San Francisco Bay National Wildlife Refuge. Any grant of funds for treatment and eradication shall be subject to the following conditions:
  - a. Prior to disbursement of funds for treatment and eradication activities, there shall be in place a fully executed amendment to the Memorandum of Understanding between the Conservancy and WCB authorizing an augmentation of funding and identifying the 2008 ISP Control Program activities as an addition to the previously approved ISP project.
  - b. Prior to implementing any treatment and eradication project and prior to disbursement of any funds to the grantee, the grantee shall submit for review and approval of the Executive Officer a plan detailing the site-specific work for 2008, based on the outcome and extent of the 2007 treatment and including a list of identified mitigation measures, a work program for 2008 treatment and 2009 activities, if applicable, including a schedule and budget, and evidence that the grantee has obtained all necessary permits and approvals for the project.
  - c. In carrying out any treatment and eradication project, the grantee shall comply with all applicable mitigation and monitoring measures that are set forth in the approved site-specific plan, that are required by any permit, the amended Biological Opinion or approval for the project, and that are identified in the “Final Programmatic Environmental Impact Statement/Environmental Impact Report,

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San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program” (FEIS/R), adopted by the Conservancy on September 25, 2003.

3. Disbursement of up to \$1,749,038 (one million seven hundred forty-nine thousand thirty-eight dollars) of Conservancy funding for ongoing environmental consulting services needed to operate and manage the ISP Control Program on an accelerated schedule through spring of 2010.”

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 ISP Control Program treatment and eradication projects, and ongoing management, is consistent with Public Resources Code Sections 31160-31165 and with the resolutions, finding and discussion accompanying the Conservancy authorizations of September 25, 2003 and June 16, 2005, as shown in the staff recommendations attached as Exhibits 1 and 2 to this staff recommendation.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
3. The California Wildlife Foundation and Friends of Corte Madera Creek Watershed are private nonprofit organizations existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.
4. On June 16, 2005 the Conservancy authorized initial funding for the 2005 and 2006 ISP Control Program treatment and eradication projects at 22 different sites (the original treatment projects), under site-specific plans for each site, and made appropriate findings under the California Environmental Quality Act (CEQA). This authorization provides for additional funding for those same 22 original treatment projects. The nature, duration and extent of the original treatment projects, including environmental effects and proposed mitigation measures, was fully described and considered by the Conservancy in connection with the initial funding authorizations and have not changed, other than by extending the same (or less extensive) work into 2008 (See Exhibit 6). Disbursement of additional funds for the original treatment projects is, thus, consistent with the previous CEQA finding: that the environmental effects associated with the proposed original treatment projects and the mitigation measures needed to reduce or avoid those effects were fully identified and considered in the FEIS/R adopted by the Conservancy in September 25, 2003. (See Exhibits 1 and 2).
5. On May 24, 2007, the Conservancy authorized 2007 funding for the ISP Control Program treatment and eradication project at the Petaluma River Watershed site (the Petaluma River treatment project), under a site-specific plan for the site, and made appropriate findings under CEQA. Work under the ISP Control program at the Petaluma River treatment project site will continue into 2008, without the need for additional funding. The nature, duration and extent of the Petaluma River treatment

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project, including environmental effects and proposed mitigation measures, was fully described and considered by the Conservancy in connection with the initial funding authorization and has not changed, other than by extending the same (or less extensive) work into 2008 (See Exhibit 7). Extending work into 2008 for the Petaluma River treatment project is, thus, consistent with the previous CEQA finding: that the environmental effects associated with the proposed treatment projects and the mitigation measures needed to reduce or avoid those effects were fully identified and considered in the FEIS/R adopted by the Conservancy in September 25, 2003. (See Exhibits 1 and 7).

6. This authorization provides funding for an additional treatment and control project at the North San Pablo Bay site (North San Pablo Bay treatment project). Based on the “Invasive Spartina Control Plans for the San Francisco Estuary, 2008-2010 Control Seasons” (Site 26: North San Pablo Bay, Napa & Solano Counties); and “Impact and Mitigation Checklists” (North San Pablo Bay, Napa & Solano Counties Site-Specific Impact Evaluation and Site Specific Mitigation Checklists), attached to the accompanying staff recommendation as Exhibit 6 and its Attachment 2 , respectively, the environmental effects associated with the North San Pablo Bay treatment project proposed for grant funding and coordination by the Conservancy under this authorization and the mitigation measures to reduce or avoid those effects were fully identified and considered in the FEIS/R adopted by the Conservancy September 25, 2003. (See Exhibit 1).”

### **PROJECT DESCRIPTION:**

#### **Introduction**

As detailed in previous staff recommendations (Exhibits 1 and 2), treatment and control of invasive *Spartina* and its hybrids within the San Francisco Bay Estuary are 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. Invasive *Spartina* spreads at a greater than exponential rate, and every tidal 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*. Invasive *Spartina* also threatens to spread out the Golden Gate and north and south along the California coastline.

For the past eight and one half years the Conservancy has managed the regionally coordinated effort to bring the infestation under control and is now moving towards eradication. The Conservancy advanced the project through, among other actions, 1) in 2003 adoption of the “Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program” (FEIS/R), 2) in 2004 implementation of treatment at 12 demonstration sites (Phase I of the Invasive *Spartina* Control Program), and 3) from 2005 through 2007 implementation of region-wide treatment, monitoring, and adaptive management at 23 sites (covering 139 sub-sites) utilizing a mix of control methods at all known infested sites (Phase II of the Control Program).

Overall, since 2000 the Conservancy has expended \$9,995,682 for the Invasive *Spartina* Project. Out of this total, \$7,805,825 came to the Conservancy from three CALFED

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grants (one federal- and two state-funded), a National Wildlife Foundation grant, a United States Fish and Wildlife Service grant, and a Wildlife Conservation Board grant. The remainder of \$2,189,857 was funded by the Coastal Conservancy. Most recently, in March 2007, the Conservancy authorized disbursement of funding for treatment of the Invasive *Spartina* Project (ISP) Control Program through the 2007 treatment season, and management through spring 2008.

### **2007 Project Accomplishments**

Having established control over the invasive *Spartina* populations Bay-wide in 2006 by realizing a significant overall reduction in acreage as well as halting seed production and dispersal over the majority of the Estuary, the Conservancy's Invasive *Spartina* Project (ISP) continued in 2007 to advance towards its goal of eradication.

The ISP Control Program was able to simultaneously expand treatment to more of the known sites around the Bay while reducing the acreage treated due to the success of previous years: 139 *Spartina* sub-areas covering 1,050 acres were treated, representing 99% of the estimated *Spartina* acreage in the Estuary (an increase from 107 sites in 2006 representing 94% of the Bay-wide acreage). Also, the 2007 Treatment Season stretched from May 9 to October 29, continuing the expansion of the treatment window that began in 2006, and shifting towards earlier control work where efficacy tends to be higher and seed production precluded. Pre-September treatments continue to represent the majority of acres treated, when efficacy tends to be higher because the plants are actively growing and circulate the herbicide down to the roots.

There were a number of notable "firsts" for the Control Program in 2007:

- The entire 100-acre Colma Creek complex was treated, with about 40% receiving a lower concentration of the herbicide imazapyr to "chemically mow" the *Spartina*. The purpose of this sub-lethal treatment is to stop seed production and dispersal from this large infestation while preserving the above-ground *Spartina* biomass to ease the impacts to the large population of endangered California clapper rails known to live on the site.
- An important East Bay complex including Oakland Inner Harbor, Coast Guard Island, and all of the Port of Oakland properties were treated.
- All 19 sub-areas of the West San Francisco Bay complex were treated, including the heavily infested area around San Francisco International Airport.
- All remaining 13 sub-areas of the Marin Outliers complex were treated, a complex of smaller invasive *Spartina* populations. Treatment of these sites is important because of their location in the North Bay that allows them to disperse the infestation to new vulnerable locations.

### **Project Description for 2008 Control Program**

The success of *Spartina* treatment from 2005-2007 has enabled the ISP to shift into the next phase of the project. The majority of sites have been reduced significantly to a more scattered distribution over the previous footprint of the infestation. This progress

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necessitates for each year a heightened focus on both identifying and subsequently treating remaining patches and then each and every plant of invasive *Spartina* throughout the Estuary to bring the project closer to the ultimate goal of eradication. In 2008, a higher percentage of treatment will be conducted by spot applications and manual control, replacing the large, mostly aerial broadcast applications that were appropriate at the start of the project when some site complexes had hundreds of contiguous acres of non-native *Spartina*. As a result, there will be a significant increase in labor costs, both for ISP monitoring crews and for the grantees' treatment contractors.

ISP management of the Control Program involves completing three-year updates of 24 treatment plans covering 156 sub-areas, including one new site plan (North San Pablo Bay), and submitting these documents to the US Fish and Wildlife Service (FWS) for an amended Biological Opinion to authorize treatment. Other ongoing ISP responsibilities include making presentations to regional stakeholders, obtaining necessary permits, preparing and implementing ISP's Water Quality Monitoring Plan and reports, continuing the inventory monitoring and California clapper rail monitoring, continuing the telemetry study examining Clapper rail movement, coordinating replanting in Corte Madera Creek watershed and some East Bay Regional Park District sites, and continuing to seek landowner permissions to work on sites where work has not previously been done.

Treatment will also extend over a longer season in 2008. Clapper rail monitoring over the past three years has shown an increase in the number of rails at treated sites rather than the decrease that was expected. As a result, FWS is expected to approve earlier access to some clapper rail sites to increase efficacy and expand the potential treatment window to accommodate the increased work load of ground-based treatment and spot control that will replace broadcast applications.

The ISP also conducted a drift card study which found that simulated seeds in drift card form can travel from heavily infested sites to Point Reyes National Seashore, Stinson Beach, and other areas of the outer coast. Cards also released from infested sites in the Central Bay turned up in the Don Edwards National Wildlife Refuge and in areas of the South Bay Salt Ponds that are scheduled to be opened to tidal exchange in the near future. These findings add a sense of immediacy to the goal of eradication which will be facilitated by approval of a longer treatment window with earlier access to clapper rail sites.

As would be expected given the results of the drift card study, small infestations of invasive *Spartina*, likely originating from seeds from the San Francisco Estuary, are found along the Marin coastline at Tomales Bay, Drakes Estero, Limantour Estero, and Bolinas Lagoon. (See Exhibit 4, Map of Coastal Marin Infestations.) Altogether these plants cover less than one acre. For the past few years ISP assisted the National Park Service (NPS), the primary landowner, and others on utilizing hand pulling and covering to control the small infestations. While NPS and other landowners experienced some success in removing invasive *Spartina*, new but a limited number of plants re-sprouted, and new seedlings continue to establish periodically. To prevent further spread along the coast staff recommends that ISP incorporate these sites into the ISP Control Program to enable the coordinated strategy for eradication employed within the Bay to date to extend to the outer coast. This will necessitate a revision to the project description included in

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the Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program (“FEIS/EIR”), an assessment of the environmental impact of the expanded scope of treatment, including potential impacts to special status species and cumulative impacts, and preparation of appropriate additional environmental documentation, as needed, depending on the nature of the impacts associated with the expanded project. The proposed authorization proposal includes additional funding to undertake these activities. Staff will return to the Conservancy with the appropriate documentation analyzing potential impacts of treatment at the coastal sites prior to incorporating these sites into the regionally coordinated ISP Control Program.

The Conservancy and ISP continue to make progress in the realm of stakeholder development, motivating land managers to take a greater stewardship role in their marshes. An integral part of the strategy is to establish a strong network in place for the post-ISP landscape by fostering dedication to the goals of the project, and strengthening knowledge of how to address various issues when they arise. In addition, through the South Bay Salt Pond Project Management Team, the Conservancy, ISP, FWS, the Department of Fish and Game and others, are refining Best Management Practices to guide landowners and managers for long term stewardship.

### **Newly Infested Site: North San Pablo Bay**

Due in part to the heightened focus on identifying patches of invasive plants, the ISP Monitoring Program recently found a new small infestation of invasive *Spartina* and hybrids along the San Pablo Bay National Wildlife Refuge and nearby along the Napa River. Although the invading *Spartina* hybrids total less than 1,000 square feet, the infestation threatens to spread up the Napa River watershed. (See Exhibit 5, Map of North San Pablo Bay Treatment Sites.) These two sub-areas will be treated this year as described in Exhibit 6, which incorporates the site-specific Invasive *Spartina* Control Plan for the North San Pablo Bay. At both sub-areas boats and ground-based treatment will be used to treat *Spartina* with herbicide. Digging of small clusters may be undertaken at appropriate sites along the shoreline, and covering strategies may also be employed where the structure of the infested area will enable long-term placement of fabric without the threat of wave energy displacing it. FWS and the California Transportation Agency (“Caltrans”), the two landowners where the infestations occur, are coordinating with ISP to plan treatment and identify the source of contamination. FWS and the California Wildlife Foundation will undertake eradication activities, although FWS will do so without funding assistance from the Conservancy.

These treatment methods proposed at the new North San Pablo Bay sub-sites are those that are already being undertaken bay-wide for the ISP Control Program. Also, the use of herbicide as one of many possible treatment methods was initially reviewed and approved by the Conservancy on September 25, 2003 (see staff recommendation attached as Exhibit 1), in connection with the initial ISP Control Program authorization and Conservancy certification of the Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program (“FEIS/EIR”). By Addendum to the FEIS/EIR, reviewed by the Conservancy at its June 16, 2005 meeting (see staff recommendation

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attached to Exhibit 2), the Conservancy approved a revision to the ISP Control Program, allowing the use of a newly registered aquatic herbicide, imazapyr (and associated surfactants and colorants), which is more effective and has even less potential effect on the environment than the previously approved herbicide, glyphosate.

As discussed in detail in the “COMPLIANCE WITH CEQA” section, below, there are no potentially significant environmental impacts associated with the treatment of the newly infested sites on the shores of the San Pablo Bay National Wildlife Refuge and the Napa River that were not considered in the certified FEIS/EIR. All mitigation measures identified in the FEIS/EIR, which will reduce potentially significant impacts to less than significant, will be carried out before, during and after treatment. (See Exhibit 6: “Invasive Spartina Control Plans for the San Francisco Estuary, 2008-2010 Control Seasons”, pages 174-181 entitled “Site 26 - North San Pablo Bay, Napa & Solano Counties”; and Attachment 1 to Exhibit 6: The two last checklists entitled “Impact and Mitigation Checklists, North San Pablo Bay, Napa & Solano Counties Site-Specific Impact Evaluation and Site Specific Mitigation Checklists”.)

**PROJECT FINANCING:**

**A. Financing for this Authorization:**

Coastal Conservancy	\$1,972,190
WCB grant to the Coastal Conservancy	\$249,425
Treatment Grantees’ Contributions	\$ 116,000
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<b>Total</b>	<b>\$2,337,615</b>

Conservancy funding for the treatment and eradication activities and ongoing management of ISP is expected to come from the fiscal year 2005/06 appropriation to the Conservancy 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 use of Proposition 50 funds for treatment activities and the ongoing environmental consulting services needed to operate and manage the *Spartina* Control Program will accomplish these purposes. The consulting services are needed specifically to plan, coordinate and obtain environmental permits and approvals for the ISP Control Program, which will allow for the restoration of the coastal watershed and associated wetlands affected by invasive *Spartina*. In addition, as required by Proposition 50, the proposed project is consistent with local and regional plans (Water Code Section 79507). The Goals Report is a multi-jurisdictional local planning document providing guidance for watershed protection activities for the San Francisco Bay. Proposition 50 recognizes the *San Francisco Baylands Ecosystem Habitat Goals Report* (“Goals Report”) as appropriate to guide the



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selection of restoration projects within the Bay region (Water Code Section 79572). As discussed in the paragraph below, the ISP Control Program carries out the objectives of the Goals Report.

Conservancy funding for the proposed disbursement of \$249,425 for invasive *Spartina* treatment and eradication projects is expected to be provided under an existing grant agreement by which WCB may provide funds to the Conservancy for San Francisco Bay projects. Under the grant agreement with WCB, the Conservancy may use these funds for wetland habitat restoration projects within the nine-county San Francisco Bay Area that implement the restoration goals of the San Francisco Bay Joint Venture (“SFBJV”) and the Goals Report and that meet the priorities of the Conservancy as described in Section 31162 of the Public Resources Code. In addition, any proposed project must, under the WCB grant agreement, be a “high priority” project as identified in the grant agreement or otherwise authorized as a priority project by WCB in the “Memorandum of Understanding” between WCB and the Conservancy that is required before any project may move forward.

The WCB grant funding, in turn, is derived from an appropriation from the Water Security, Clean Drinking Water, Coastal Beach Protection Fund of 2002 (Proposition 50). The Proposition 50 funds were appropriated under the specific authorization found in Section 79572(c) of the Water Code and may be used for the general purpose of acquisition, protection and restoration of coastal wetlands.

The project meets the criteria of the WCB grant agreement and the related requirements of Proposition 50 in all respects. As required by the WCB grant agreement and Proposition 50, the proposed project serves to protect and preserve fish and wildlife habitat of the San Francisco Bay through restoration of wetlands, and is specifically identified in the WCB grant agreement as a high priority project that specifically benefits the San Francisco Estuary. Further, the project is one that implements the objectives of the SFBJV and Goals Report. It also squarely meets the priorities and objectives of the Conservancy found in Section 31162 of the Public Resources Code, since it carries out the San Francisco Bay Area Conservancy Program’s goal to protect, restore, and enhance natural habitats as detailed under the heading “Consistency with Conservancy’s Enabling Legislation”, below.

**B. Breakdown by Grantee of Expected Financing for 2006 Treatment Projects:**

Depending on the respective efficacy of the 2007 treatment found at the various project sites, the funding each grantee will receive may be adjusted among grantees, but with no increase to the total amount authorized. While each grantee previously contributed matching funds and in-kind services meant to cover the 2007 treatment season, most will also contribute new matches for the additional funding from the Conservancy for the 2008 treatment season as follows:

<u>Grantee</u>	<u>New SCC Funding</u>	<u>New Grantee Match</u>
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San Mateo Co. Mosquito Abatement District	\$544	\$25,000
California Wildlife Foundation	\$308,531	\$0
East Bay Regional Park District	\$5,000	\$25,000
City of Alameda	\$57,000	\$5,000
City of San Leandro	\$6,303	\$5,000
FWS Don Edwards San Francisco Bay National Wildlife Refuge	\$2,059	\$40,000
Friends of Corte Madera Creek Watershed	\$84,000	\$15,000
California Department of Parks and Recreation	\$9,140	\$1,000
<b><u>TOTAL</u></b>	<b><u>\$472,577</u></b>	<b><u>\$116,000</u></b>

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

As described in previous staff recommendations (Exhibits 1 and 2) and associated Conservancy resolutions, the ISP and implementation of the Control Program serve to carry out the objectives for the San Francisco Bay Area Conservancy Program mandated by Chapter 4.5 of the Conservancy's enabling legislation. Both the ISP and its Control Program will serve to protect and restore tidal marshes, which are natural habitats of regional importance (Public Resources Code Section 31162(b)).

Consistent with Public Resources Code Section 31163(c) this project is assigned priority in the San Francisco Bay Area Program: (1) The ISP implements policies of the regional Comprehensive Conservation Management Plan adopted for the San Francisco Estuary by the United States Environmental Protection Agency and stakeholder entities. (2) The project is multi-jurisdictional covering the baylands and lower creek channels of the nine counties and several cities that bound the San Francisco Bay. (3) ISP completed the update of site-specific plans, and grantees are poised to conduct treatment activities for the upcoming treatment season in a timely way. (4) If the regionally coordinated eradication activities are not continued on an aggressive ongoing basis, the exponential spread of invasive *Spartina* and hybrids will cover the intertidal wetlands and mudflats of the San Francisco Estuary and spread to the outer coasts of California, Oregon and

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Washington. (5) ISP partners will again provide matching funds to implement the 2008 Control Program.

### **CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S)**

Consistent with **Goal 10, Objective K** of the Conservancy's 2007 Strategic Plan, the proposed project will continue implementation of approximately 24 projects to eradicate between 1,000 to 1,800 acres of non-native invasive species that threaten native coastal habitats. If left uncontrolled, non-native invasive *Spartina* will potentially spread up and down the coast to other California estuaries.

Consistent with **Goal 10, Objective C**, the proposed project will continue to implement the ISP Control Program to prevent up to 69,402 acres of marsh and mudflats from being invaded and potentially covered by invasive *Spartina* and hybrids and to preserve and restore natural habitats in the San Francisco baylands.

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

The proposed project remains consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated September 20, 2007, 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 2008 ISP Control Program, and its management through spring 2010, are strongly supported by findings of the Third International Invasive *Spartina* Conference (November, 2004). Renowned scientists from the San Francisco Bay Area, other coastal states, and around the world agree that the Conservancy should continue its aggressive actions to eradicate invasive *Spartina* from the Estuary. The objective of eradication of invasive *Spartina* is also specifically supported in the Goals Report and by the San Francisco Bay Joint Venture. Furthermore, in the published Comprehensive Conservation Management Plan for the San Francisco Estuary, San Francisco Estuary Project stakeholders have identified control of invasive species as the top priority for the restoration and protection of the Estuary.
4. **Location** This project is located in the nine San Francisco Bay Area Counties to benefit the restoration of the San Francisco baylands.
5. **Need:** Augmentation of funding for ISP's existing grants for treatment and eradication of invasive *Spartina*, are needed because of the aggressive eradication

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- 6. Greater-than-local interest:** Introduced *Spartina* threatens to move up stream in the San Francisco Bay-Delta, and down the coast to southern California. In the San Francisco Bay, introduced *Spartina* threatens to displace state and federally listed species, such as the endangered California clapper rail, California black rail, and the salt marsh harvest mouse.

### Additional Criteria

- 5. Urgency:** As confirmed at the Third International Invasive *Spartina* Conference, experts from the region and around the world 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 with the appropriately stepped up level of treatment in the short-term, long-term maintenance expenses can be avoided.
- 6. Readiness:** In 2007, ISP and partners treated 1,050 acres of invasive *Spartina*. Environmental service consultants and grantees are already fully engaged in the pre-treatment season planning, including updating the existing Site-Specific Plans, and are eager to continue treatment in 2008. Also, US Fish and Wildlife Service and the California Wildlife Foundation are on board to carry out treatment of the infestation found at the new North Bay site.
- 7. Cooperation:** Existing grantees (landowners and land managers) are enthusiastically collaborating in the updating and implementation of the Site-Specific Plans and for permitting that is being coordinated by the ISP consultants. In addition, coordination with the regulatory agencies is ongoing with regard both to treatment and monitoring activities.

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

The ISP Control Program is consistent with the San Francisco Bay Plan, Policy 3(c), found in the section entitled “Marshes and Mudflats” (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:**

As part of the June 16, 2005 ISP staff recommendation (Exhibit 2), the Conservancy authorized initial funding for 22 of the treatment and eradication projects that are proposed for additional funding under this authorization. The June 16, 2005 staff recommendation refers to 22 treatment sites. However, after the June authorization, one of the 22 sites was split into 2 sites for ease of treatment management while another site dropped out bringing the total again to 22 sites (the original treatment sites). On May 24, 2007, the Conservancy authorized a redirection of funds for treatment activities along the

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Petaluma River (see Exhibit 7, May 24, 2007 Staff Recommendation), thus resulting in 23 treatment sites for 2007. The North San Pablo Bay site has been added as a new treatment site for 2008, increasing the total to 24 treatment sites for 2008.

The Conservancy's June 16, 2005 authorization (Exhibit 2) included consideration and review of the site specific plans for each of the 22 original treatment sites for activities through 2007. The May 24, 2007 authorization (Exhibit 3) included consideration and review of the one-year site-specific plan for treatment of the Petaluma River site. Based on this information, staff recommended and the Conservancy found that the environmental effects associated with each of these treatment projects and the required mitigation to reduce those effect to less than significant level had been fully considered under the Conservancy-certified (See Exhibit 1) programmatic "Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program" (FEIS/R) prepared for the ISP Control Program pursuant to the California Environmental Quality Act (CEQA) and that no new mitigation measures were required.

The three-year updated site-specific plans and mitigation matrices for activities through 2010 for all of these 23 sites (original treatment sites plus Petaluma River site) are attached (See Exhibit 6). These plans have not changed substantially in nature, extent, duration or scope since 2005 for the original treatment sites, and since 2007 for the Petaluma River site, with the exception of some additional sub-areas added as new plants were found. Overall, treatment and potential impacts are reduced because of successful treatment in the prior three years.

Since the projects, including potential environmental effects and mitigation measures, remain unchanged, the proposed authorization remains consistent with the CEQA finding adopted by the Conservancy in connection with the June 16, 2005 authorization for the 22 original treatment sites and with the May 24 2007 authorization for the Petaluma River site. No further environmental documentation for these treatment activities is required.

The ISP will coordinate one new site-specific treatment and control project, the aforementioned North San Pablo Bay site, for which a site-specific plan and mitigation matrix, identifying the potential impacts and necessary mitigation measures associated with the site-specific activities, have also been incorporated into the three-year updated site-specific plans and mitigation matrices for activities through 2010 (Exhibit 6). This project likewise falls under the FEIS/R. The FEIS/R was adopted by the Conservancy through its September 25, 2003 resolution certifying the EIR (Exhibit 1) and is available for review at the offices of the Conservancy and at <http://www.spartina.org/project.htm>.

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 specific treatment locations under a wide range of potential conditions and a variety of treatment modalities. The Conservancy may use the FEIS/R as

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a basis for “tiered” CEQA review and approval of individual treatment projects under the Control Program, including the new 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 151168 (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.

The new North San Pablo Bay treatment project has a prepared site-specific plan, describing the site and identifying the precise treatment activities proposed (Exhibit 6). In addition, it has been assessed by use of a checklist matrix to determine whether the effects of those activities and the mitigation required have been considered by the FEIS/R (Exhibit 6, Attachment 1).

As this documentation demonstrates, the program FEIS/R did fully consider all of the potential environmental effects associated with the project and there are no new mitigation measures beyond those imposed by the FEIS/EIR that are required for the new treatment activities on the North San Pablo Bay site. Conservancy staff thus recommends that the Conservancy adopt a finding to that effect.