

COASTAL CONSERVANCY

Staff Recommendation
December 4, 2008

SAN FRANCISCO BAY SUBTIDAL HABITAT GOALS PROJECT

File No. 05-063-02
Project Manager: Marilyn Latta

RECOMMENDED ACTION: Authorization to disburse up to \$45,000 to the Coastal Conservancy Association to provide technical, scientific services to the San Francisco Bay Subtidal Habitat Goals Project (“Subtidal Goals Project”).

LOCATION: San Francisco Bay (nine counties)

PROGRAM CATEGORY: San Francisco Bay Area Conservancy Program

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Photographs](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31111 and 31161-31165 of the Public Resources Code:

“The State Coastal Conservancy (“Conservancy”) hereby authorizes disbursement of up to forty-five thousand dollars (\$45,000) to the Coastal Conservancy Association to provide technical, scientific services to the San Francisco Bay Subtidal Habitat Goals Project. Prior to disbursement of funds, the Coastal Conservancy Association shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget and the names and qualifications of contractors 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 project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.

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2. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the Conservancy's resource goals of the San Francisco Bay Area Conservancy Program.
 3. The Coastal Conservancy Association is a non-profit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”
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PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$45,000 to the Coastal Conservancy Association (“CCA”) to provide technical assistance to the interagency San Francisco Bay Subtidal Habitat Goals Project (“Subtidal Goals Project”). Specifically, the CCA will provide technical, scientific advisors to serve on the Subtidal Goals Project’s Science and Restoration Committees.

The Subtidal Goals Project is a collaborative public and private effort to establish a scientifically-based, comprehensive and long-term management vision for the protection, restoration, and appropriate use of the subtidal habitats (submerged areas below Mean Low Water) of San Francisco Bay. The four agencies working to manage the Subtidal Goals Project include the Ocean Protection Council/Conservancy (“OPC/Conservancy”), the Bay Conservation and Development Commission (“BCDC”), the National Oceanic and Atmospheric Association (“NOAA”), and the San Francisco Estuary Project (“SFEP”).

The subtidal habitats of San Francisco Bay are directly impacted by human uses such as fishing, shipping and ports, dredging, transportation projects, sand mining, recreational use, marinas, and industrial uses. These human uses stress the existing habitat within San Francisco Bay though the introduction of non-native species, systemic alterations such as bathymetric changes and water control in the Delta, and release of point and nonpoint source pollution. Because of these stresses, there is an increased need to develop a regional plan to protect and enhance subtidal resources within the Bay.

Subtidal habitats in San Francisco Bay have historically been inadequately considered in regional planning, regional prioritization, funding, and local scientific study. As a result of this lack of focus on subtidal habitats, strong and effective policies regarding the regulation, permitting, and planning for subtidal habitats do not exist in the regulatory and planning policies affecting San Francisco Bay. For example, there is very little guidance information regarding subtidal habitat management, research, and restoration priorities in BCDC’s Bay Plan, the Water Board’s Basin Plan guidelines, the State Lands Commission’s subtidal policies, or the San Francisco Estuary Project’s Comprehensive Conservation and Management Plan. Due to the lack of regional scientific studies on subtidal habitats, the Subtidal Goals Project constitutes a large task that has never been done before to identify the many key uncertainties, data gaps, and habitat information needed about the value of specific subtidal habitats to San Francisco Bay.

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While there is a general understanding of the value of different estuarine habitats and productive zones for plankton or epipelagic (sunlit zone that includes the top 600' layer of the ocean) organisms, there is insufficient understanding of many of these features specific to San Francisco Bay. Since San Francisco Bay is the largest estuary on the west coast of the United States, and also one of the most urbanized estuaries in the United States, its physical and biological character is not particularly reflected by other west coast estuaries. Despite the considerable research conducted in estuarine and wetland habitats of the San Francisco Bay, little is known about the different components of subtidal habitats, and their utilization by aquatic species. Government agencies with authority over managing the estuary lack sufficient information on the subtidal habitats of the bay and a focused effort is needed in order to improve scientific and restoration planning of the bay's resources and development.

The objectives of the Subtidal Goals Project are to:

- 1) Identify, document, and describe subtidal habitats and their function, value, and support for inter-intra-species relationships within San Francisco Bay.
- 2) Identify, prioritize, and recommend additional research needs for understanding the subtidal habitats of San Francisco Bay and the current level of impacts to these habitats.
- 3) Based on the current challenges to the San Francisco Bay ecosystem, develop a long term vision for the management, protection, and enhancement of the identified subtidal areas within the Bay. These goals will be based on best available scientific information from scientists, resource managers, local governments, industry, fishermen, environmental organizations, recreational users, and other users of San Francisco Bay.
- 4) Identify impact reduction, habitat enhancement, and restoration goals for subtidal habitats in San Francisco Bay and prioritize these opportunities within sub-regions of the estuary.

The Subtidal Goals Project will result in a peer-reviewed final report that provides recommendations for additional research and specific goals for use, protection, restoration, and expansion of subtidal habitat in San Francisco Bay. Upon its anticipated release in December 2009, resource managers will be able to use this report to make informed decisions and researchers will be able to prioritize activities and pursue funding for projects that protect or enhance subtidal areas.

The Subtidal Goals Project is being developed from the work of three committees—Science, Restoration and Resource Management. The proposed authorization will enable the Subtidal Goals Project to pay members of the Science and Restoration Committees to attend planning meetings to develop the goals for the final Subtidal Habitat Goals report. Science and Restoration committee members will provide guidance on scientific study and research needs, identify and review scientific literature and current research that will aid in project implementation, and develop research goals and restoration plans. This additional funding is critically needed to ensure that the process includes sound scientific oversight and adequate attention by the professional committee members.

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The Conservancy will provide these funds to the CCA, whose purpose is to assist the Conservancy in carrying out its mission including to preserve land for scientific, historical, scenic and open space opportunities. The CCA is well-suited to provide science support to the Subtidal Goals Project and has successfully managed similar work related to the South Bay Salt Pond Restoration Project.

Site Description:

San Francisco Bay is the largest estuary on the West Coast of North America and the Bay Area is home to over seven million people living in 101 cities in nine counties. San Francisco Bay is a designated NOAA National Estuarine Research Reserve and National Estuary Program site, a Habitat Area of Particular Concern and contains several State Ecological Reserves as well as the first urban National Wildlife Refuge in the United States. It provides habitat for approximately 23 state and federal endangered species and 105 threatened species.

The geographic scope of the Subtidal Goals Project is the subtidal regions of San Francisco Bay, from Land's End (west of the Golden Gate Bridge), east to Sherman Island near Antioch and south to Calaveras Point in South San Francisco Bay (see Exhibit 1). San Francisco Bay is a dynamic, urban, estuarine environment that provides important habitat for fish, waterfowl and other aquatic organisms and wildlife, and also is a valuable commercial and aesthetic resource (see Exhibit 2).

Project History:

The Subtidal Goals Project is part of a continuing effort by the Conservancy and the OPC to promote long-term management and restoration of subtidal habitat in the San Francisco Bay. In January 2006, the OPC designated the Subtidal Goals Project as a high priority for ocean conservation and requested funding by the Conservancy to study and prepare a report identifying threats to the Bay ecosystem, and develop restoration and research priorities.

The Subtidal Goals Project will complement the Baylands Goals Project (prepared by the U.S. Environmental Program Agency, State Water Resources Control Board)) which was completed in 1999, and the Conservancy-funded Upland Habitat Goals Project, an on-going effort to develop a comprehensive, long-term management vision for the San Francisco Bay Area. The Baylands Goals Project has been enormously successful in articulating a vision for protection and restoration of the intertidal areas of San Francisco Bay, and has been used by many groups to identify and implement projects to make significant progress towards achieving this vision.

PROJECT FINANCING:

Coastal Conservancy	\$45,000
NOAA	\$395,000
OPC (through the Conservancy)	\$160,395
San Francisco Estuary Project	<u>\$18,000</u>
Total Project Cost	\$618,395

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It is anticipated that the Conservancy's funding will come from an appropriation to the San Francisco Bay Area Conservancy Program from the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84 Consistent with Section 75060), the project is intended to help protect natural habitat values of the San Francisco Bay watershed and is undertaken pursuant to the Conservancy's enabling legislation, Chapter 4.5 of Division 21 of the Public Resources Code, as discussed below. Use of Proposition 84 funds for the proposed project is consistent with the purpose of this funding source because the project will support planning and design of habitat restoration and enhancement projects in the nine counties that comprise the San Francisco Bay Area.

NOAA will provide \$395,000 in matching funds, through cash and in-kind services provided by NOAA staff to support the project. As mentioned previously, the OPC directed \$160,395 of the monies previously dedicated by the Conservancy for coastal and ocean projects approved by the OPC. In addition, the San Francisco Bay Estuary Project will provide a least \$18,000 in in-kind staff services to develop the final report. In-kind services will be provided by a variety of agencies and entities including the BCDC and NOAA.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Section 31111 and Chapter 4.5, Sections 31160-31165 of Division 21 of the Public Resources Code regarding resource goals in the San Francisco Bay Area.

Consistent with Section 31111, the proposed project will develop a regional plan for the management, research, and restoration of subtidal habitats in San Francisco Bay.

Under Section 31162(b), the Conservancy may undertake projects and award grants in the nine-county San Francisco Bay Area to achieve the goal of protecting, restoring and enhancing natural habitats of regional importance. Consistent with this section, the proposed project consists of awarding a grant that will result in sound scientific planning to help protect, restore and enhance subtidal habitats in an estuary of regional importance within the Bay Area.

Under Section 31163(a), the Conservancy shall cooperate with BCDC, other regional government bodies, and other interested parties in identifying and adopting long-term resource goals for San Francisco Bay area. The Subtidal Goals Project is a collaborative planning effort involving the four primary agencies listed above, as well as academic, governmental, and non-profit parties involved in developing these long-term resource goals for subtidal habitats.

The proposed project is appropriate for prioritization under the selection criteria set forth in Section 31163(c) in that: (1) it is consistent with the San Francisco Bay Plan ("Bay Plan"), as described below; (2) it involves the coordination of several different agencies and many different jurisdictions within the San Francisco Bay Area; (3) it will be implemented in a timely manner as the support of the Committee Members is needed within one year to support the Subtidal Goals Project; (4) it will provide opportunities to encourage use of mitigation and Cosco Busan oil spill funds to restore subtidal habitat that could be lost if the project is not quickly implemented; and (5) the proposal includes matching funds through in-kind services provided by NOAA staff and

cash provided by NOAA and SFEP.

In addition, under Section 31165, the Conservancy may undertake projects and award grants for activities that are compatible with the preservation, restoration, or enhancement of ocean, coastal and bay resources. The recommended grant is consistent with and helps to achieve these goals by providing design and planning for habitat protection, restoration and enhancement projects involving subtidal habitats in the Bay.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The San Francisco Bay Plan (“Bay Plan”) was completed and adopted by BCDC in 1968 pursuant to the McAteer-Petris Act of 1965 and last reprinted in January 2007. The Bay Plan guides BCDC’s management and permitting decisions in the Bay. The Subtidal Goals Project is consistent with the following policies articulated in Part III, Findings and Policy Section of the Bay Plan:

Subtidal Areas Policy 5 (adopted April 2002): “The [BCDC] should continue to support and encourage expansion of scientific information on the Bay's subtidal areas, including: (a) inventory and description of the Bay's subtidal areas; (b) the relationship between the Bay's physical regime and biological populations; ... (e) where and how restoration should occur.” The proposed study will assist in implementation of this policy by providing an inventory and report describing the densities, locations, and species associated with subtidal habitats in the Bay, the relationships between aquatic species and their use of subtidal habitats and food webs in the Bay, and priority locations within the Bay for restoration implementation and further scientific study of subtidal habitats.

Fish, Other Aquatic Organisms and Wildlife Policy 1 (amended April 2002): “To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.” The Subtidal Goals Project is consistent with this policy because it will identify and provide planning for subtidal restoration projects in San Francisco Bay.

CONSISTENCY WITH CONSERVANCY’S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 9, Objective A**, the proposed project will help to develop lists of high-priority areas for the Bay Area Program by supporting the completion of projects that will protect and restore natural habitats. Additionally, this project helps to carry out Strategy 6, which specifically states completing the Subtidal Goals Project to identify priority restoration and protection plans will further this strategic objective.

Consistent with **Goal 10, Objective B**, the proposed project will develop plans for restoration or enhancement of subtidal habitat.

Consistent with **Goal 14, Objective A**, the proposed project will help to implement the OPC’s Strategic Plan for habitat restoration. The final recommended goals will aid in the development

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of plans and help secure funding for projects that will restore valuable ocean and coastal habitats consistent with Goal D, Objective 1 of the OPC Five-Year Strategic Plan adopted in September 2006.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on 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 Subtidal Goals Project is supported by the NOAA Fisheries Restoration Center, BCDC, and the San Francisco Estuary Project. The Subtidal Goals Project also has broad public support from non-governmental organizations such as Save San Francisco Bay Association and others, and from members of the public who have participated in planning meetings. Refer to Exhibit 3 for letters of support for this project.
- 4. Location:** The Subtidal Goals Project is located entirely within the nine counties that make up the San Francisco Bay Area, consistent with Section 31162 of the Public Resources Code.
- 5. Need:** The proposed project would not occur without Conservancy participation and funding.
- 6. Greater-than-local interest:** In creating the San Francisco Bay Area Conservancy Program, the legislature identified San Francisco Bay as the central feature in an interconnected open-space system of watersheds, natural habitats, scenic areas, agricultural lands and regional trails of statewide importance. This project will help guide the design of protection, research, and restoration of subtidal habitats in San Francisco Bay and will improve habitat for native oysters, listed fish species, and other wildlife depending on subtidal habitat in the Bay.

Additional Criteria

- 7. Urgency:** Without Conservancy funding, the Subtidal Goals Project would not have the scientific input critical for implementation of the project.
- 8. Resolution of more than one issue:** The Subtidal Goals Project will help fulfill one of the top five information and research needs identified in the California Ocean and Coastal Information, Research, and Outreach Strategy (adopted by the OPC September 2005) by identifying and evaluating the research needs for the subtidal habitats of San Francisco Bay.

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- 9. Leverage:** Matching funds for the Subtidal Habitat Goals Project have been provided by NOAA and the San Francisco Estuary Project. In-kind services will be provided by a variety of agencies and entities.
- 10. Conflict Resolution:** The Subtidal Goals Project will balance protection and enhancement of the subtidal habitats with appropriate use of these habitats. Using a science-based, collaborative process, the project will help resolve conflicts over management of the subtidal habitats.
- 11. Innovation:** The Subtidal Goals Project will develop plans for restoration of subtidal habitats, including native oyster and eelgrass beds, which include current, innovative techniques being developed by regional restoration practitioners.
- 12. Readiness:** The proposed project is ready to commence upon approval of funding by the Conservancy. The project schedule estimates completion in December 2009.
- 13. Realization of prior Conservancy goals:** See “Project History” section above.
- 14. Cooperation:** The Subtidal Goals Project is a collaborative project involving many agencies. The Administrative Core Group, which is overseeing its implementation, is composed of NOAA, BCDC, the Coastal Conservancy, and the San Francisco Estuary Project.

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. Completion of the Subtidal Goals Project does not bind the Conservancy to future implementation of any protection, restoration or enhancement projects. The proposed 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 approval, staff will file a Notice of Exemption for this project.