

COASTAL CONSERVANCY

Staff Recommendation

March 24, 2016

**SAN FRANCISCO BAY CREOSOTE PILING REMOVAL
AND
PACIFIC HERRING RESTORATION PROJECT**

Project No.13-028-01

Project Manager: Marilyn Latta

RECOMMENDED ACTION: Consideration and possible Conservancy authorization to disburse up to \$1,373,000 in funds provided by a grant from the National Fish and Wildlife Foundation for implementation of the *San Francisco Bay Creosote Piling Removal and Pacific Herring Restoration Project*, and adoption of a Mitigated Negative Declaration for the project pursuant to CEQA.

LOCATION: Former Red Rocks Warehouse (City of Richmond, Contra Costa County) and former El Campo Marina (City of Tiburon, Marin County)

PROGRAM CATEGORY: Resource Enhancement

EXHIBITS

Exhibit 1: [October 3, 2013 Staff Recommendation](#)

Exhibit 2: [Regional Map](#)

Exhibit 3: [Initial Study and Mitigated Negative Declaration](#)

Exhibit 4: [Mitigation Monitoring and Reporting Program](#)

Exhibit 5: [Project Letter](#)

RESOLUTION AND FINDINGS:

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

“The State Coastal Conservancy hereby: authorizes the disbursement of up to \$1,373,000 (one million three hundred seventy three thousand dollars) of National Fish and Wildlife Foundation grant funds to non-profit Ducks Unlimited to implement a multi-objective creosote piling removal and Pacific herring habitat restoration pilot project at Red Rocks Warehouse and El Campo Marina in San Francisco Bay; adopts the “Mitigated Negative Declaration for the San Francisco Bay Creosote Removal and Pacific Herring Habitat Restoration Project”(MND), attached as Exhibit 3 to the accompanying staff recommendation; and adopts the “Mitigation

Monitoring and Reporting Program for the San Francisco Bay Creosote Removal and Pacific Herring Habitat Restoration Project”, attached as Exhibit 4 to the accompanying staff recommendation.

This authorization is subject to the following conditions:

1. Prior to the disbursement of any funds, Ducks Unlimited shall submit for the review and written approval of the Conservancy’s Executive Officer:
 - a. A work program, budget, schedule, and the names of any contractors to be employed in carrying out the work.
 - b. Evidence that all required permits and approvals have been obtained for the proposed project.
2. In carrying out the proposed project, Ducks Unlimited shall comply with all applicable mitigation and monitoring measures that are required by any permit or approval and that are identified in the MND adopted by the Conservancy.

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 Chapter 4.5 of Division 21 of the Public Resources Code, regarding the resource goals of the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Ducks Unlimited is a nonprofit organization existing under section 501(c)(3) of the Internal Revenue Service, and whose purposes are consistent with Division 21 of the Public Resources Code.
4. The Conservancy has considered the “Mitigated Negative Declaration for the San Francisco Bay Creosote Removal and Pacific Herring Habitat Restoration Project” (MND), attached to the accompanying staff recommendation as Exhibit 3, and any comments received, and finds that, on the basis of the whole record, the proposed project avoids, reduces or mitigates any possible significant environmental effect of the pilot project and there is no substantial evidence that the proposed project, as mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382. The MND represents the Conservancy's independent judgment and analysis.

PROJECT SUMMARY

Staff recommends that the Conservancy authorize expenditure of \$1,373,000 of funds granted by the National Fish and Wildlife Foundation (NFWF) to the Conservancy, to implement the *San Francisco Bay Creosote Piling Removal and Pacific Herring Restoration Project* (the “Project”

or “proposed project”) and recommends adoption of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project.

The overarching goal of the Project is to remove derelict creosote pilings that cause marine debris and navigational hazards, while improving spawning habitat availability and habitat quality for Pacific herring and other species in San Francisco Bay. There has long been a concern that chemicals leaching from creosote-treated structures harm Pacific herring, which constitute the last commercial fishery of a native species within San Francisco Bay. This project will both remove creosote-treated pilings and reestablish subtidal habitat through restoration methods to establish eelgrass, oysters, and other subtidal species (See Exhibit 1). The Project will remove artificial structures such as creosote-treated piles and collapsed decking in combination with a living shoreline restoration design that will use natural bioengineering techniques (such as eelgrass plantings and reef structures for native oysters) to replace lost habitat structure. Creating or expanding eelgrass beds will provide substrate for Pacific herring and other organisms to attach their eggs to and food resources for species such as herring and salmon. Fabricated reef structures will not only provide a secondary spawning substrate for herring but will also provide the necessary hard substrate for native Olympia oyster (*Ostrea lurida*) settlement and growth and other species, and help trap and stabilize sediments in the areas formerly occupied by creosote-treated pilings. Finally, extending the range of rockweed (*Fucus gardneri*) in the intertidal zone will further provide an additional spawning substrate for herring and further enhance the overall habitat complexity and diversity at the restoration sites.

Eelgrass beds, oyster beds, and rockweed provide functions that can help move the estuary toward a more natural, less uniform condition with local heterogeneity that benefits native species and biodiversity. Consistent with the recommendations of the San Francisco Bay Subtidal Goals Report, the Project will implement a pilot creosote-treated pile removal and native herring habitat restoration project in a living shorelines approach in the San Francisco Bay. The project has the support of multiple key partners in the bay.

In summary, the purposes of the project are to:

- Increase the overall ecological health of portions of San Francisco Bay by removing derelict creosote-treated wooden pilings,
- Improve spawning and development success of Pacific herring through removal of creosote-treated piles, which have been shown to have detrimental effects on early life history stages of Pacific herring;
- Improve spawning success of Pacific herring by providing necessary subtidal structures, including eelgrass beds, rockweed, and oyster reef habitat, on which they can lay eggs;
- Share lessons learned to further inform future planning, management, restoration design practices, and permit procedures for creosote-treated pile removal and subtidal habitat restoration projects bay-wide, and to
- Provide additional habitat enhancements that not only result in the herring-related benefits described above but also benefit other species and increase the overall habitat complexity of the bay.

Conservancy staff submitted permit applications in November 2015 to all involved local, state, and federal regulatory agencies and is planning for removal of the creosote pilings in Fall 2016, habitat restoration in Spring 2017, and post-construction monitoring for five years through 2022.

Site Description: Two sites were chosen for the Project (see Exhibit 2):

- The Red Rock Warehouse site is in San Pablo Bay on the northeastern side of Point San Pablo in Contra Costa County, on parcels owned by the City of Richmond.
- The El Campo Marina site is located along the Tiburon Peninsula north of Paradise Beach Park in Marin County, on privately owned parcels.

Red Rock Warehouse is located on the northeastern tip of Point San Pablo in the City of Richmond, Contra Costa County (see Exhibit 2). There are approximately 350 creosote-treated piles and other debris near the site includes large portions (approximately 25,000 square feet) of concrete decking. The on-land and in-water portions of the Red Rock Warehouse site are owned by the City of Richmond. The warehouse was constructed after 1938 and may have integrated some of the pile support structures from existing overwater warehouses and piers. Fill was placed in several areas near the site, resulting in shoreline expansion.

The El Campo Marina site is located in Central San Francisco Bay west of Paradise Beach County Park along the northeastern side of the Tiburon Peninsula in Marin County (see Exhibit 2). The site contains approximately 250 creosote-treated piles that are visible above the water's surface. In addition to those piles, there are numerous subtidal piles lying on the bay floor in this location. Some of the horizontal subtidal piles are likely to be concrete-wrapped, but neither the total number of these downed piles, nor the proportion of them that are creosote-treated or made of or wrapped in concrete, steel, or other materials, has been estimated because the piles are stacked on top of one another. At least 65 piles were noted during sidescan sonar surveys, but there are likely many more that were not detectable past the top pile layers. Therefore, the number of piles at the El Campo Marina site is conservatively assumed to be 315. Other debris that may be encountered and removed from this site includes rusted I-beam piles, still vertical and upright, that are interspersed between the pile dolphins on the southeastern side of the site. The El Campo Marina site encompasses two privately owned parcels. The Conservancy is currently seeking to negotiate access and use agreements with both owners.

Project History:

The Project is the result of a multi-agency effort to examine the ecological benefits of artificial structures and subtidal habitats and develop conservation plans and restoration projects to improve these habitats for a variety of species. The Conservancy has been involved in two related efforts to date: the San Francisco Bay Subtidal Habitat Goals Project and the San Francisco Bay Living Shorelines: Near-shore Linkages Pilot Project (see discussion in Exhibit 1).

The planned outcomes of this project will be: 1) improved spawning success of Pacific herring through removal of creosote pilings; 2) improved spawning success of Pacific herring through

increasing the availability of native eelgrass, oyster, and other subtidal habitats; 3) sharing of lessons learned to further inform future planning, management, restoration design practices, and permit procedures for creosote piling removal and subtidal habitat restoration projects bay-wide, and 4) increased public involvement by involving volunteers in community-based restoration projects on the adjacent shoreline.

PROJECT FINANCING

<u>National Fish and Wildlife Foundation</u>	<u>\$1,373,000</u>
Project Total	\$1,373,000

The anticipated source of Conservancy funds is a grant from NFWF, which will be used to fund the majority of the Project, including this authorization request to expend up to \$1,373,000 for implementation activities, including creosote removal and habitat restoration. The NFWF grant was specifically awarded to the Conservancy to carry out the Project.

At the October 3, 2013 meeting, the Conservancy approved disbursement of \$400,000 for site selection, design planning, and permitting tasks for the proposed project. Given unanticipated costs that resulted in a higher contractor estimate for these tasks, the Executive Officer under delegated authority authorized a seven percent augmentation, and a total of \$427,000 has been spent on these tasks.

Conservancy staff anticipates disbursing \$1,373,000 to Ducks Unlimited to implement and monitor the creosote removal and habitat restoration activities. An additional \$200,000 is available in the grant and will be used to reimburse the Conservancy for its staff time in undertaking the implementation and monitoring activities.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The Project is consistent with the requirements of Chapter 4.5, Sections 31160-31165, of Division 21 of the Public Resources Code, regarding resource goals in the San Francisco Bay Area.

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 work that will help protect, restore and enhance subtidal habitats in San Pablo Bay, which is an estuary of regional importance within the Bay Area.

Under Section 31163(a), the Conservancy is required to cooperate with the Bay Conservation and Development Commission (BCDC), other regional government bodies, and other interested parties in identifying and adopting long-term resource goals for San Francisco Bay area. This project is part of a program of activities that came about from the collaborative planning of four primary agencies that developed the San Francisco Bay Subtidal Habitat Goals (Conservancy, BCDC, United States National Oceanic and Atmospheric Administration [NOAA], and the San Francisco Estuary Partnership).

The proposed project is also 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 environmental solutions across several different agencies and many different jurisdictions within the San Francisco Bay Area; (3 & 4) the project will be implemented in a timely manner and the benefit of reduced pollution will be lost if the project is not implemented and the pilings continue to leach and degrade; and (5) the project is funded fully by outside fund through the NFWF grant.

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. Acceptance of the recommended grant is consistent with and helps to achieve these goals by providing design, planning, and restoration project implementation for habitat protection, restoration and enhancement projects involving subtidal habitats in the Bay.

CONSISTENCY WITH CONSERVANCY’S 2013 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:

Consistent with **Goal 11, Objective D** of the Conservancy’s 2013-18 Strategic Plan, the Project will enhance tidal wetlands and subtidal habitat.

Consistent with **Goal 15, Objective A** of the Conservancy’s 2013-18 Strategic Plan, the proposed authorization serves to adapt the organizational structure to align staff resources in that the Project will be carried out with a NFWF grant that allows reimbursement of Conservancy staffing costs, and the Project will include significant technical input by Conservancy project managers.

CONSISTENCY WITH CONSERVANCY’S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed authorization, which provides additional funding for the project is consistent with the Conservancy’s Project Selection Criteria and Guidelines, adopted October 2, 2014, 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. Promotion and implementation of state plans and policies:** By removing derelict creosote pilings and enhancing native species, the project serves to promote and implement several statewide plans and policies including:
 - **Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin (as amended through March 2015):** This document was developed by the San Francisco Bay Regional Water Quality Control Board and identifies the protection, preservation, and restoration of the Bay’s tidal marsh system and adjacent open bay

waters as essential for maintaining the ecological integrity, and thus water quality, of the San Francisco Bay. The proposed Project will aid in achieving these goals. Project enhancements will aid in improving water quality of the San Francisco Bay by improving ecological connectivity and wetland function.

- **San Francisco Bay Conservation and Development Commission's (BCDC) San Francisco Bay Plan (1969, plus updates through 2008):** The Central and South Bays are an integral component of this document that guides state regulation. The objectives of the plan are to protect the bay as a great natural resource for the benefit of present and future generations and to develop the bay and its shoreline to its highest potential with a minimum of bay filling. The proposed projects will further the BCDC's objectives by enhancing subtidal oyster and eelgrass beds and mudflat habitats for the benefit of multiple species.
- **San Francisco Bay Subtidal Habitat Goals (2010) and Baylands Habitat Goals (1999, plus Science Update 2015):** Both Goals documents, created through a collaboration among the Conservancy, BCDC, the California Ocean Protection Council, the Conservancy, NOAA, the San Francisco Estuary Partnership (SFEP), and many others recommend removal of derelict creosote pilings from the San Francisco Estuary in order to protect native biodiversity and ecosystem functions of mudflats, subtidal habitats, and associated shoreline habitats. The reports also recommend the restoration of native oyster and eelgrass habitat as part of a multi-objective habitat restoration approach to increased wave attenuation, sediment stabilization, and other climate adaptation benefits.

4. Support of the public: The Project is supported by the NOAA Fisheries Restoration Center, BCDC, San Francisco Estuary Partnership, and the City of Richmond. The Project also has broad public support from non-governmental organizations such as Baykeeper and others. See Exhibit 4 for letters of support for this project.

5. Location: The Project is located entirely within the nine counties that make up the San Francisco Bay Area, and will be carried out within known creosote hotspot locations and within Pacific herring spawning areas in the central portion of the Bay, consistent with Section 31162 of the Public Resources Code.

6. Need: The proposed project will not occur without Conservancy participation and National Fish and Wildlife Foundation funding.

7. 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 develop new approaches to removing creosote pilings from the Bay system and new techniques for restoration of subtidal habitats in San Francisco Bay. The techniques and designs resulting from the Project may have applicability at other sites in San Francisco Bay and in other estuarine systems on the Pacific Coast.

8. Sea level rise vulnerability: This project helps to improve resiliency of natural habitats, which is one of the overarching recommendations in climate change adaptation planning. The Project itself involves the removal of vulnerable structures and will not result in increased vulnerability to sea level rise.

Additional Criteria

9. Urgency: Without Conservancy involvement and NFWF funding, the Project will not occur at this time in San Francisco Bay and the water quality and habitat degradation would continue if the project doesn't proceed.

10. Resolution of more than one issue: The Project removes toxic pollutants from the Bay ecosystem, removes navigational hazards, implements subtidal habitat restoration designs, and will result in lessons learned that can be applied to additional sites.

11. Leverage: The NFWF grant will cover Conservancy staff time, maximizing leverage of staff resources with minimal Conservancy fiscal outlay.

13. Innovation: The Project will implement recommendations in the San Francisco Bay Subtidal Habitat Goals Report and continue to build on the new, innovative techniques of the San Francisco Bay living Shorelines Project for restoration of subtidal habitats.

14. Readiness: The proposed project is ready to commence upon approval of disbursement of funding by the Conservancy.

15. Realization of prior Conservancy goals: See "Project History" section above.

16. Return to Conservancy: The Conservancy will be reimbursed for expenditures by a grant from the National Fish and Wildlife Foundation, consistent with the Conservancy's long-term financial strategy

17. Cooperation: The Project is a collaborative project involving many agencies and landowners. The Conservancy is the lead agency, and supporting partners include the landowner City of Richmond, NFWF, SFEP, CA Department of Fish and Wildlife, BCDC, SFEP, U.S. Environmental Protection Agency, U.S. Coast Guard, San Francisco BayKeeper, and many others.

18. Minimization of Greenhouse Gas Emissions The Project will incorporate measures to minimize emissions throughout implementation of the project. Work will be completed by local staff, contractors, grantees, and community volunteers that live in close proximity to the project locations. Recommended regional construction best management practices will be followed. Materials and equipment used for the project will be purchased by local vendors where feasible. Conservancy staff will explore the potential of burning the removed creosote wood debris in a co-generation plant to produce energy, but this is still under development.

COMPLIANCE WITH CEQA:

The Conservancy, as lead agency under the California Environmental Quality Act ("CEQA") has prepared an Initial Study and Mitigated Negative Declaration ("MND") for the *San Francisco Bay Creosote Piling Removal and Pacific Herring Restoration Project*. The MND describes the proposed project and provides an assessment of the project's potential significant adverse impacts on the environment. The MND concludes that the proposed project will not have any significant effects on the environment after implementation of project design features, conservation measures, avoidance and minimization and mitigation measures, and best management practices.

The MND was prepared in accordance with CEQA (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, section 15000 et seq.). The Conservancy released the proposed MND for public review on February 16, 2016.

The MND indicates that the proposed project will not have a significant effect on the environment with incorporation of certain mitigation measures. The only potential effects, for which mitigation is proposed, are in the areas of water quality and biological resources. The Conservancy's grantees and contractors will be responsible for compliance with the mitigation measures. The potential significant effects on water quality and biological resources will be mitigated by the following mitigation measures:

Water Quality

The act of pulling or cutting piles and removing other derelict materials from the bay floor, as well as placing restoration treatments, is expected to suspend sediments in the water column for periods lasting from a few minutes to a few hours. These increases in turbidity themselves are a potential violation of a water quality standard. In addition, while the Conservancy has investigated the history of the Project site and does not have reason to expect contaminants other than creosote to be present in concentrations greater than background levels, there is still potential for their presence and for resuspension in the water column. These two potential impacts will be reduced to less than significant levels by the turbidity monitoring and response actions (i.e., stopping work until conditions improve, silt curtains) required by the following mitigation measure:

Mitigation Measure WQ-1: Turbidity Monitoring. The contractor is required to perform water quality monitoring to monitor turbidity. The contractor will prepare a turbidity monitoring plan, including product information on monitoring equipment, proposed monitoring locations and procedures to follow, should turbidity increase above background levels. The turbidity monitoring plan will include the following provisions:

1. Prior to beginning work, the contractor will monitor turbidity and light levels at the level of the eelgrass to establish a baseline. The contractor will also set buoys out to establish background water quality monitoring points upstream and downstream (based on existing currents and tides at the site) of the site. The contractor will monitor turbidity and light at low, middle, and high tide during typical work hours for several days prior to beginning work. The contract owner's representative will review and approve the background monitoring station locations prior to monitoring.
2. During piling removal, the contractor will monitor turbidity and light levels at the frequency required by the project permits, at the same locations as the baseline monitoring plus within the work area.
3. In accordance with the project permits, light level (H_{sat}) must not fall below 5 hours a day or turbidity will not rise to more than 10% above background levels. The contractor will notify the lead engineer immediately when permit water quality criteria are exceeded. If the lead engineer determines that the water quality criteria

have indeed been exceeded, demolition activities must cease until turbidity is reduced and H_{sat} increases above 5 hours. If conditions (e.g., water depth, substrate materials) are appropriate, the contract owner may deploy a silt curtain to contain resuspended materials and prevent their broader dispersal.

Biological Resources

The project is likely to cause minor and brief temporary impacts to habitats used by special-status species. In the bay itself, these impacts would primarily be from increases in turbidity or from direct disturbance during parts of the two construction phases (pile removal and restoration). There is also a small chance that terrestrial special-status species or their habitats would be disturbed by vegetation clearing for site access or by the in-water work that is closest to shore. The following mitigation measures, along with Mitigation Measure WQ-1 as to turbidity, will reduce these potential impacts to less than significant levels:

Mitigation Measure BR-1: Preconstruction Surveys Construction Monitoring. This mitigation measure includes two main components, preconstruction surveys and biological monitoring during construction.

- ▶ Preconstruction surveys for terrestrial and avian special-status species will be performed by a biologist approved by NMFS and/or CDFW for such surveys. The preconstruction surveys will identify individuals, as well as nests, dens or other signs of special-status species on land and in the upper portions of the intertidal zone. If any of those species are present, establishment of a species-specific buffer distance and/or a readjustment of the on-land portions of the construction plans will be undertaken as necessary. The buffer distances will be established, maintained, and monitored as required by the regulatory agencies responsible for managing the protection of those species.
- ▶ At the Red Rock Warehouse site, the biological monitor will use the results of the preconstruction surveys to guide and approve the construction contractor's selection of a biologically appropriate route in which to clear vegetation for construction access from the staging area to the beach. The biological monitor will then mark the route and verify that workers do not go outside of it.
- ▶ On the construction barge, the construction monitor will verify that the construction activities take place only within the required and approved project areas and that the turbidity monitoring and other BMPs are implemented as described in the design plans and specifications, as well as in the permits and other regulatory agreements. The construction monitor will be on-site during eelgrass planting, rockweed planting, and the placement of reef structures to ensure that restoration is properly implemented.

The construction contractor or its approved representative will record daily observations and note estimated work completed daily at each active work area. Information will be collected and presented on the daily form provided in the plans and specifications. Forms will be compiled on a daily basis, converted to a single file in pdf format, and provided via email to the contract owner's representative the following day. The owner's representative will be notified immediately if any adverse conditions (floating or suspended materials, unusual discoloration or turbidity, or odors) are noted or any special status species are observed adjacent to or within the work area. The contractor will conduct daily inspections of the water outside of any containment silt curtains that are deployed to ensure that discharge of construction sediments or materials do not cause the following conditions:

- Floating, suspended, or deposited macroscopic particulate matter or foams;
- Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
- Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
- Visible, floating, suspended, or deposited oil or other products of petroleum origin; and
- Toxic or other deleterious substances to be present in concentrations or quantities that cause deleterious effects on wildlife, waterfowl, or other aquatic biota, or that render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration.

A summary of impacts will be provided within 30 days of demolition completion, and within 30 days of restoration completion.

Mitigation Measure BR-2: Nest Relocation. If preconstruction surveys identify an osprey nest or a nest from any other bird species covered under the Migratory Bird Treaty Act, the nest(s) will be relocated according to measures approved for MBTA-protected species. There are USFWS- and CDFW-approved protocols for relocation of unoccupied nests between nesting seasons. Ongoing monitoring of project piles is proceeding so that any osprey or other nests that might be built during project planning and implementation can be identified and the nest relocated in accordance with protocols prior to project construction beginning.

All mitigation measures proposed by the MND are contained in the Mitigation Monitoring and Reporting Program for the Project (Exhibit 4).

Based on the foregoing, Conservancy staff recommends that the Conservancy: (1) find that the project, as mitigated, avoids, reduces, or mitigates the possible effects of the Project to a level of insignificance; (2) find that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment; (3) find that the proposed Negative Declaration reflects the Conservancy's independent judgment and analysis; and (4) adopt the MND and the Mitigation Monitoring and Reporting Program pursuant to 14 Cal. Code of Regulations Section 15074(d).

If the MND is adopted and the proposed authorization approved, Conservancy staff will file a Notice of Determination.