

COASTAL CONSERVANCY

Staff Recommendation
March 22, 2018

INVASIVE SPARTINA PROJECT

Project No.: 99-054-01, 99-054-02
Project Manager: Marilyn Latta

RECOMMENDED ACTION: Authorization to disburse up to \$1,340,000, of which \$1,100,000 will be reimbursed by a \$900,000 grant from the United States Fish and Wildlife Service and a \$200,000 grant from the Santa Clara Valley Water District, for the planning, management, treatment, monitoring, and restoration activities of the San Francisco Estuary Invasive *Spartina* Project.

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

PROGRAM CATEGORY: San Francisco Bay Conservancy Program

EXHIBITS

Exhibit 1: [March 24, 2016 Staff Recommendation](#)

Exhibit 2: [September 19, 2017 ISP Memo Re: Review of the ISP Treatment Program for CEQA Impact and Mitigation.](#)

RESOLUTION AND FINDINGS:

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

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$1,340,000, of which \$1,100,000 will be reimbursed by a \$900,000 grant from the United States Fish and Wildlife Service and a \$200,000 grant from the Santa Clara Valley Water District, to be used for the continued planning, management, treatment, monitoring, and restoration activities of the San Francisco Estuary Invasive *Spartina* Project (ISP), approximately as follows:

1. \$1,140,000 (one million one hundred forty thousand dollars) for environmental services to support planning, management, monitoring, and, eradication activities as well as revegetation projects related to the ISP.
2. \$200,000 (Two hundred thousand dollars) to the California Wildlife Foundation for eradication activities as well as revegetation and enhancement projects related to the ISP,

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subject to the condition that prior to undertaking any project, the California Wildlife Foundation shall submit for review and approval of the Conservancy's Executive Officer:

- a. An annual work plan which details that year's proposed site-specific work based on the outcome and extent of the prior year's eradication or revegetation results, and includes a schedule and budget.
 - b. A list of identified mitigation measures
 - c. Evidence that all necessary permits and approvals for the project have been obtained.
3. In carrying out any treatment or revegetation project, the California Wildlife Foundation shall comply with all applicable mitigation and monitoring measures that are set forth in the approved site-specific plans, that are required by any permit, the applicable U.S. Fish and Wildlife Service Biological Opinion or any other approval for the project, and that are identified in the "Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program" (EIS/R), adopted by the Conservancy on September 25, 2003".

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 planning, management, treatment, monitoring, and restoration activities of the San Francisco Estuary Invasive *Spartina* Project remains consistent with Public Resources Code Sections 31160-31165.
2. The proposed authorization remains consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on October 2, 2014.
3. The proposed authorization is consistent with the current Conservancy Project Selection Criteria and Guidelines.
4. No new environmental documentation is required for the activities under the proposed authorization, since the activities are within the scope of the EIS/R, and, pursuant to CEQA Guidelines Section 15162 (14 Cal. Code Regs. § 15162), do not involve any new effects or new mitigation measures beyond those identified in the EIS/R.
5. The California Wildlife Foundation is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code."

PROJECT SUMMARY:

This authorization will allow the Conservancy to provide additional funding, including grant funds, for planning, management, monitoring, and permit compliance activities needed to support the treatment and revegetation activities of the San Francisco Estuary Invasive *Spartina* Project (ISP) consistent with the Conservancy authorization based on the staff recommendation of March 24, 2016 (Exhibit 1). Since the March 2016 authorization, the Conservancy has secured an award of a \$900,000 from the U.S. Fish and Wildlife Service (USFWS) for ISP activities

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from September 2017 through September of 2020. In addition, the Santa Clara Valley Water District (SCVWD) has agreed to provide \$200,000 for management of invasive species and habitat enhancement activities in San Francisco Bay to the ISP. The funding from the SCVWD may continue on an annual basis for up to 5 years, subject to annual approval by the governing body of SCVWD appropriating and awarding each years' funding. Staff will seek Conservancy authorization for disbursement as these funds are made available in subsequent years.

Staff currently estimates that the SCVWD and USFWS grant funds, totaling \$1,100,000, is the minimum that will be needed to meet all ISP activities through 2018. All funds authorized in March 2016 are expected to be fully expended, as planned, as of May 2018.

The funding from the Conservancy, \$240,000, is the last portion of the Conservancy's required match for the California Department of Fish and Wildlife grant for the ISP (the CDF grant is discussed in the March 24, 2016 staff recommendation, Exhibit 1). These additional funds are anticipated to support ISP activities through 2019. For ongoing costs, Conservancy staff intends to continue fundraising from outside sources in addition to seeking Conservancy authorization for additional funding needed to support full project costs through 2020.

The ISP has conducted all activities as planned under the 2016 authorization, including successful invasive *Spartina* monitoring and treatment seasons in 2016-17, rail monitoring in 2016-17, and restoration enhancements in winters 2016-17 and 2017-18 (underway now). The amount of invasive *Spartina* decreased to 27 net acres baywide in 2016, but increased to 41 net acres in 2017. This increase is due in major part to expansion of invasive *Spartina* at the 11 sub-areas that have been restricted from treatment by USFWS since 2012 due to concerns over California Ridgway's rail (increase of 12 net acres). There was also a small increase at permitted sites (increase of two net acres) due to heavy winter rains in winter 2016-17 after five years of extreme drought, which provided ideal growing conditions for both native and non-native tidal marsh species in San Francisco Bay. More than 150 of these sub-areas have less than 10 square meters of invasive *Spartina* remaining, and substantial progress is being made despite the restricted site issue. The Conservancy and USFWS made progress on the permitting for these previously restricted sites in 2017, when the USFWS Bay-Delta office transferred the lead role on the Section 7 Endangered Species consultation to the Don Edwards San Francisco Bay National Wildlife Refuge (Don Edwards Refuge), the federal lead on the project. Don Edwards Refuge issued a three-year permit for all permitted sub-areas in August 2017, covering treatment in 2017-19. The Conservancy and Don Edwards Refuge are working closely with the affected landowning partners and key stakeholders to thoughtfully plan for future phased treatment at the 11 sub-areas currently restricted from treatment.

In addition, it is anticipated that this authorization will support the implementation of adaptive management of the South Bay Salt Pond (SBSP) Restoration Project. A portion of the funding from the SCVWD will be used to fund satellite photography that can be used to identify different invasive plants (namely *Lepidium* and *Spartina*). This will help the SBSP Restoration Project map and monitor the presence of these invasive species in the newly restored projects in Santa Clara County. Working with the ISP project, the SBSP Restoration Project will be able to respond to invasion more quickly and improve the success of the eradication efforts.

PROJECT FINANCING

Coastal Conservancy

\$240,000

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US Fish and Wildlife Service	\$900,000
Santa Clara Valley Water District	\$200,000
Proposed Authorization Total	\$1,340,000

It is anticipated that the Conservancy's contribution of \$240,000 will come from appropriations to the Conservancy from the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84). This funding source may be used for the protection of bays and coastal waters, including projects to protect and restore the natural habitat values of coastal waters and lands, pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The proposed project serves to restore natural habitat values of the San Francisco Bay watershed. In addition, as discussed below, the project is consistent with Chapter 4.5 of Division 21.

Proposition 84 requires that for restoration projects that protect natural resources, the Conservancy shall give priority to restoration projects that demonstrate one or more of the characteristics specified in Public Resources Code Section 75071(a)-(e). The ISP satisfies three of the specified criteria, as follows: (a) Landscape/Habitat Linkages: the areas that are restored through the removal of invasive *Spartina* are areas that link to, or contribute to linking, existing protected areas with other large blocks of protected habitat; (b) Watershed Protection: the project serves to protect and restore the natural resources of the San Francisco Bay and Estuary, a priority watershed as identified by the Natural Resources Agency; and (c) Under-protected Habitats: the project is focused on relatively large areas of intertidal mudflats, tidal marshes and wetlands that are under-protected major habitat types.

The \$900,000 in USFWS funding was awarded to the Conservancy under USFWS's Large Invasives Grant Program, which has the primary goal to eradicate invasive species from federal lands in the United States. USFWS awarded the funds specifically for the ongoing implementation of the Invasive *Spartina* Project through 2020, including the planning and coordination services and the treatment and eradication and revegetation projects described above.

The \$200,000 from SCVWD comes from Measure B under Priority D2, to "revitalize stream, upland and wetland habitat". The measure identified the funding of community partnerships as a key means to achieving the benefits of Priority D2. Those benefits include improved habitat by installing tidal and riparian plant species, improved ecological function of existing riparian and wetland habitat so it can support more diverse wildlife species, and increased community awareness about the damaging impact that non-native, invasive plants have on local ecosystems. SCVWD awarded the funds specifically for the ongoing implementation of the Invasive *Spartina* Project through 2019, and potentially for each year thereafter, up to 4 additional years, as outlined in a MOU between the Conservancy and the SCVWD, including the planning and coordination services and the treatment and eradication and revegetation projects described above and also those of the SBSP Restoration Project.

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CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

As detailed in the March 24, 2016 staff recommendation (Exhibit 1), the ISP remains consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.

CONSISTENCY WITH CONSERVANCY'S 2018-2022 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with a top level objective listed for San Francisco Bay area of the Conservancy's 2018-22 Strategic Plan, the proposed project will further the Invasive *Spartina* Project by continuing to progress towards zero-detection and promoting monitoring and management by landowners and other partners.

Consistent with **Goal 5, Objective A**, the proposed project will treat invasive *Spartina* and install high tide refuge islands and native revegetation projects in San Francisco Bay, which helps to protect significant coastal and watershed resource properties.

Consistent with **Goal 6, Objective B**, the proposed project will develop plans and implement actions to eradicate non-native invasive species that threaten important habitats in the San Francisco Bay Area, and restore or enhance coastal habitats, including coastal wetlands and intertidal areas.

Consistent with **Goal 8, Objective B**, the project will plan high tide refuge islands and native revegetation projects in San Francisco Bay, advancing the planning and design of adaptation projects to increase resilience to sea level rise and other climate change impacts. Consistent with **Objective C**, the project will implement these projects to increase resilience to sea level rise or other climate change impacts using nature-based solutions and other multi-benefit strategies.

Consistent with **Goal 12, Objective G**, the project will eradicate non-native invasive species that threaten important habitats in the San Francisco Bay Area.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed authorization, which provides additional funding for the ISP, remains consistent with the Conservancy's Project Selection Criteria and Guidelines, adopted October 2, 2014, as described in detail in the March 24, 2016 staff recommendation (Exhibit 1).

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The ISP remains consistent with the San Francisco Bay Conservation and Development Commission's "San Francisco Bay Plan", as described in the March 24, 2016 staff recommendation (Exhibit 1).

COMPLIANCE WITH CEQA:

As detailed in the March 24, 2016 Conservancy staff recommendation (Exhibit 1), at its June 16, 2005 meeting, the Conservancy authorized initial funding for treatment and eradication of

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invasive *Spartina* at 22 project sites and certified a “Final Programmatic Environmental Impact Statement/Environmental Impact Report, San Francisco Estuary Invasive *Spartina* Project: *Spartina* Control Program” (FEIS/R), prepared for the ISP pursuant to the California Environmental Quality Act (CEQA). Subsequently, the Conservancy has authorized funding for treatment and eradication projects at all of the sites proposed for 2016-19 activities. In general, over the duration of the ISP, the nature, duration, scope, location and site characteristics of treatment has not changed. Over time, some additional sites and sub-areas have been added as new plants were found but treatment and potential impacts have been reduced because of successful treatment in prior years.

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 environmental effects of implementing the ISP as a whole, rather than the effects of any one or more individual treatment and eradication projects. The program-level FEIS/R identifies mitigation measures that will be applied to reduce or eliminate impacts at various treatment locations, under varying site characteristics and conditions, and using varying methods of treatment.

A subsequent activity that follows under a programmatic environmental impact report that has been assessed and certified pursuant to CEQA (such as the FEIS/R) must be examined in the light of that programmatic report to determine whether an additional environmental document must be prepared. If the agency proposing the later activity finds that the environmental impacts of the later activity and the required mitigation to reduce those impacts were already identified and considered under the program environmental report, the activity can be approved with no further environmental documentation. (CEQA Guidelines, Section 15168(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 environmental impact report.

Whenever additional funding for the ISP treatment has been sought, the Conservancy staff has assessed the proposed treatment using, as the “checklist” suggested by the CEQA Guidelines, site specific plans for each treatment site and mitigation matrices to identify the impacts and required mitigation needed to avoid or reduce those impacts. Based on that information, the Conservancy has concluded in each instance that the environmental effects associated with proposed treatment and the required mitigation to reduce those effects to less than significant level had been fully considered under the FEIS/R. For purposes of 2018-12 treatment under this proposed authorization, staff has reached the same conclusion.

For purposes of the 2018 treatment season and subsequent years, the nature, duration, scope, location and site characteristics of the proposed treatment and control work have not changed. Eradication and control efforts will continue in the same areas as in 2016, but at a decreased intensity because of the reduction in invasive *Spartina* removed in 2016. One additional sub-area has been added in Suisun Bay due to a limited number of *Spartina* plants found in 2016. This new sub-area was fully analyzed as part of the 2017 annual review, and it was not found to involve any changed circumstance, impacts or required additional mitigation beyond those assessed in the FEIS/R. Thus, the 2017 matrix of impacts and mitigation measures (Exhibit 3) continues to apply to and fully detail the impacts and needed mitigation measures for the activities to be undertaken in 2018 and subsequent years under the new funding proposed by this staff recommendation. The matrix also serves to demonstrate that, since there are no new

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activities and the project remains essentially unchanged, the proposed treatment and control activities in 2018 and, in subsequent years, will involve only those potential impacts previously identified by the FEIS/R and will not require any new or different mitigation beyond that required by the FEIS/R to avoid or reduce those potential impacts.

Since the project activities proposed for funding under this authorization, including the potential environmental impacts and required mitigation measures, remain unchanged, the proposed authorization remains consistent with the CEQA findings adopted by the Conservancy in connection with the June 16, 2005 authorization for the 22 original treatment sites and with subsequent Conservancy findings made in connection with authorizations for treatment at the new sites added over the years. No further environmental documentation for these treatment activities is required under CEQA.