



June 15, 2004

To: South Bay Salt Pond Restoration Project Stakeholder Forum
From: Austin McInerny, Center for Collaborative Policy
Re: Outcomes from the May 25, 2004 Flood Management Work Group Meeting

1. *Welcome and Overview of the Alternatives Development Framework*

Steve Ritchie, Executive Project Manager of the South Bay Salt Pond Restoration Project, welcomed participants. He outlined the meeting agenda, reviewed the overall restoration project schedule, and presented an overview of the *Draft Alternative Development Framework*.

The draft framework has six objectives:

1. Create, restore, or enhance habitats of sufficient size, function, and appropriate structure to:
 - a. Promote restoration of native special-status plants and animals that depend on South San Francisco Bay habitat for all or part of their life cycles.
 - b. Maintain current migratory bird species that utilize existing salt ponds and associated structures such as levees.
 - c. Support increased abundance and diversity of native species in various South San Francisco Bay aquatic and terrestrial ecosystem components, including plants, invertebrates, fish, mammals, birds, reptiles and amphibians.
2. Maintain or improve existing levels of flood protection in the South Bay area.
3. Provide public access and recreational opportunities compatible with wildlife and habitat goals.
4. Protect or improve existing levels of water and sediment quality in the South Bay, and take into account ecological risks caused by restoration.
5. Implement design and management measures to maintain or improve current levels of vector management, control predation on special status species, and manage the spread of non-native invasive species.
6. Protect the services provided by existing infrastructure (e.g., power lines, railroads).

In addition, two additional evaluation factors have been added to ensure cost effectiveness and minimization of environmental impacts.

Ritchie explained that the objective of today's meeting is to receive feedback on the opportunities presented by the objectives, conflicts between objectives, and ideas on how to resolve conflicts.

2. *Question and answer session*

Question: How will the conclusions from the Science Panel be incorporated into objectives?

Answer: Science will be the basis of the adaptive management strategy.

Question: What is the date of the next Local Government Forum meeting?

Answer: To be determined.

3. *Flood Management Work Group Meeting*

Following Ritchie's presentation and the question and answer session, meeting attendees split into separate meetings of the Flood Management, Habitat Restoration, and Public Access and Recreation Work Groups. The remainder of this memo summarizes the discussions held at the Flood Management Work Group meeting.

a) *Welcome and Introductions*

Austin McNerny, Lead Mediator for the Center for Collaborative Policy, welcomed participants and asked everyone to introduce themselves and state what, if any, organization they represented. (Attachment 1 lists participants). McNerny introduced Jeff Haltiner from Phil Williams & Associates who will be working with the Flood Management Work Group from this point on.

b) *Revisions to April 15, 2004 Work Group Meeting Outcomes Memo*

McNerny asked if there were any revisions to the summary memo from the most recent work group meeting. No recommended revisions were raised. McNerny stated that e-mails would be sent out in the future announcing when new documents had been posted to the project website.

c) *Discussion and Feedback on Proposed Detailed Objectives, Evaluation Criteria, and Overall Proposed Evaluation Process for the Project*

McNerny explained that the detailed objectives and alternatives evaluation criteria presented in the *Draft Alternatives Development Framework* had been revised on the input provided by the Work Groups at the early April meetings and by input provided by the Science Team, Regulatory Agency staff, and the Project Management Team.

Steve Ritchie explained that based on this input, two additional detailed objectives had been added: 1) remove FEMA identified areas of flood risk from the floodplain; and 2) provide flood protection to US Army Corps of Engineers (Corps) standards. He also explained that discussions are underway to determine the best means of involving the Corps into the restoration project.

McNerny invited Work Group participants to provide comments and suggestions for clarifying the detailed objectives and evaluation criteria. The following questions and comments were raised:

General Comments/ Questions

- *Alviso slough levees are not adequate or to Corps' standard.*
- *What is difference between FEMA's flood zone designations and the Corps' flood planning process?*
Answer: FEMA is the Federal Emergency Management Agency and they have created a series of maps that depict various flood zones for insurance purposes. The Corps can, if there is a federal interest, work with local agencies to constructs flood protection projects.
- *Is there a time scale built into the implementation of the detailed objectives?*

Answer: Haltiner responded that the objectives work hierarchically and build on one another. The basic requirements of this project are to: 1) not decrease current flood management activities; 2) improve flood management; 3) secure FEMA's recognition of increased flood protection; and 4) secure the Corps financial and technical involvement in constructing flood protection project.

- *Are the tidal datums accurate and updated and how detailed are the topographic and elevation maps?*

Answer: The most up-to-date information will be used in all modeling efforts.

- *How is sea level rise being incorporated into planning process?*

Answer: The modeling effort will incorporate variables to address many different parameters. The final restoration plan will need to include a system to allow future modifications based on landscape changes.

- *Who will manage / oversee flood management facilities once they are constructed? Must ensure that flood facilities are adequately maintained.*

Answer: The landowning agencies (USFWS and DFG) will manage their respective properties. However, the local flood management agencies for the respective counties (Santa Clara Valley Water District and Alameda County Flood Control District) will assist in maintaining flood management facilities. The Record of Decision for the restoration project will include detailed language specifying the maintenance responsibilities of each agency.

- *Will a Habitat Conservation Plan (HCP) be prepared for the restoration project? From Pacific Gas & Electric's perspective, an HCP would be helpful in guaranteeing year-around waterway access to boardwalks that allow access to transmission towers.*

Answer: No, an HCP does not apply to this project. Section 7 of the Endangered Species Act will be applied through the Corp's permit process.

- *How is Spartina control being integrated into restoration project?*

Answer: A separate Spartina control project is underway.

Suggestions for Revising Detailed Objectives/Evaluation Criteria

- How do detailed objectives address the desire to minimize the need for dredging? PM Team should consider adding a detailed objective to specifically identify the desire to "reduce need for dredging". Suggested language included "must not increase need for dredging" or "maintain/improve sediment transport in channel system".
- Objective should clarify what exactly "FEMA floodplain" encompasses.
- Need for increased salt water into Alviso Slough to help minimize non-native cordgrass and need for dredging.
- Consider adding detailed objective under "infrastructure" that states "maintain or improve access for maintenance activities."
- Consider adding a detailed objective to permit flexibility and adaptability in implementing project based on changing future conditions.

d) *Opportunities and Constraints Presentation*

Jeff Haltiner provided a presentation to begin identifying opportunities and constraints for the restoration project. This presentation is available from the Project website. The presentation briefly explained the process by which the consultant team is collecting information and data that will help clarify the specific project opportunities and constraints.

e) *Work Group Wrap-Up and Next Steps*

McInerny stated that the *Draft Alternatives Development Framework* would be posted on the project website on June 1, 2004 and that an e-mail would be distributed announcing the release of the document. He then explained that for the remainder of the meeting, the work groups would “tour” the other work group’s meeting rooms to review and provide comments on each others detailed objectives and evaluation criteria. McInerny distributed worksheets that asked work group members to answer the following specific questions while reviewing the other work group’s efforts:

- As you look at these detailed objectives for habitat restoration, public access and recreation, and flood management, where do you see specific opportunities for mutual benefit?
- Which detailed objectives do you think may constrain one another and why?
- How do you think these potential conflicts could be resolved in the restoration planning?
- Are there any other thoughts regarding alternatives development that you want to share with the Project Management Team? If so, what are they?

4. *Habitat Restoration Work Group Comments on Flood Management Issues*

Members of the Habitat Restoration Work Group raised the following questions and/or specific comments regarding the Flood Management Work Group’s efforts to date:

General Questions and Comments

- What is the frequency of flooding in the project area?
- What are the Corps’ standards for flood management protection?
- Need to make sure levees do not provide access for nuisance / predator species (e.g., red fox, feral cats, possums, skunks, etc.).
- Will FEMA / Corps’ flood boundaries change if the salt ponds & their levees are removed?
- “Great Wall of China” levee is misguided as great risk of fluvial flooding in addition to tidal flooding need to consider options for addressing both.
- To what extent are existing ponds providing flood protection?
- Assuming dredging is necessary for project, how will it be undertaken?

- How will Alviso Slough be managed?

Comments on Detailed Objectives/Evaluation Criteria

- Need criteria to evaluate sediment – both in terms of potential mercury contamination and sediment availability.
- Consider eliminating last two detailed objectives, as they are repetitive of first two detailed objectives.
- How does the restoration project assess and incorporate upstream land use types that increase downstream flood risks?
- How does flood structure maintenance impact habitats? How will we analyze these potential impacts?
- Concern that flood management is an exclusion criteria and that other objectives will not be considered as equally important. Thus, the “restoration” project is a disguise for a “flood protection” project.
- Do any of the evaluation criteria consider the impacts of upstream land use decisions?

5. *Public Access & Recreation Work Group Comments on Flood Management Issues*

Members of the Public Access & Recreation Work Group raised the following questions and/or specific comments regarding the Flood Management Work Group’s efforts to date:

General Questions and Comments

- What kind of activities will be permitted on levees (e.g., cars, bikes, hikers, etc.)?
- What types of levees will be constructed and can they be “tapered” to reduce erosion & levee maintenance?
- Are current ISP activities going to preclude any future public access opportunities?
- What is the design of future flood protection levees? Will they support vehicles?
- Will all levees be permanent?
- To what extent will wetlands assist in providing flood protection?
- Public access and flood management can provide mutual benefits.
- Would Santa Clara Valley Water District be responsible for maintenance of levees in Santa Clara County?
- To what extent do wetlands help provide flood protection?
- To what extent are the existing infrastructure (e.g., rail lines, and power transmission lines/towers) considered flood elements?

Comments on Detailed Objectives/Evaluation Criteria

- Consider infrastructure D.O. to enhance public access while minimizing maintenance.

Attachment 1: Meeting Attendance

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