



South Bay Salt Pond Restoration Project



To: South Bay Salt Pond Restoration Project Team

From: Center for Collaborative Policy

Re: Outcomes from the June 24, 2004 Stakeholder Forum Meeting

Background: The fifth meeting of the Stakeholder Forum (Forum) was held Thursday, June 24, 2004 from 1:00 to 4:00 pm at Weekes Community Center located in Hayward. The Forum has been convened to provide ongoing input to the South Bay Salt Pond Restoration Project Management Team (PM Team) and its technical consultants on the evolving restoration project's objectives and on elements of the restoration plan itself.

Meeting Attendance: Attachment 1 lists meeting participants.

Meeting Materials: In advance of the meeting, Forum members were provided a meeting agenda, summaries of the April 15, 2004 Work Group meetings, and an updated long-term project planning schedule. At the meeting, copies of the Components of the Record of Decision slideshow was distributed as well as summaries of the comments provided to date on the Alternatives Development Framework and a diagram depicting Opportunities for Stakeholder Input. All presentations and handouts are available from the project website (www.southbayrestoration.org).

Substantive Meeting Outcomes:

1. *Welcome, Introductions, and Agenda Review*

Steve Ritchie, Executive Project Manager, welcomed everyone and asked both Forum members and public attendees to introduce themselves. Ritchie introduced two new members to the Forum: Honorable Carol Severin and Kristine Bucholz, representing the Hayward Area Shoreline Planning Agency and Pacific Gas & Electric, respectively.

Mary Selkirk (Center for Collaborative Policy) was introduced as the facilitator of the Forum. She provided an overview of the meeting's objectives:

- Familiarize Stakeholder Forum members with proposed elements of the Record of Decision;
- Dialogue on key issues for revision to the Alternatives Development Framework (ADF); and
- Seek-consensus feedback from Stakeholder Forum on proposed approach to revisions to ADF.

2. *Project Timeline and Overview Brochure*

Ritchie distributed and summarized an updated timeline detailing the upcoming opportunities for public input into the overall restoration planning process (updated timeline is available from the project website). Highlights included:

- December 2004: Preliminary project alternatives will be sufficiently developed for public review.

- April/May 2005: Public weighting and ranking of alternatives will be undertaken. Work Groups will be asked to vary the weighting of each objective in order to rank the performance of the various alternatives.
- June/July 2005: The Forum will seek consensus on the set of alternatives for detailed analysis in an Environmental Impact Statement/Report compliant with the National Environmental Policy Act and the California Environmental Quality Act.

Ritchie also explained that a project overview brochure is available for Forum members to distribute. Ritchie encouraged the public and Forum members to distribute the brochure widely to help educate the community about the project. Contact Tim Corrigan at the Conservancy for copies of the brochure.

3. *Updated Project Area Map*

Ritchie presented an updated project area map that more clearly identifies existing public access and trail features and publicly owned open space that is near the restoration project. The map also identifies the West Bay Ponds as the Ravenswood Ponds. Copies of the updated map are available from the project website.

4. *Elements of the Proposed Record of Decision*

Referring to a powerpoint presentation (available from the website), Ritchie explained the proposed elements of the South Bay Salt Pond Restoration Project Record of Decision (ROD). The ROD will contain the following eight elements:

- 1) An Integrated Plan for Habitat Restoration, Flood Protection, & Public Access
- 2) Phase I Actions, Monitoring, & Applied Studies
- 3) Adaptive Management Methodology
- 4) Conceptual Models
- 5) Uncertainties and Assumptions
- 6) What We Know and What We Don't
- 7) Continuing Initial Stewardship Plan Studies and Other Applied Studies
- 8) Institutional Arrangements

The first element will provide a single map showing what will be proposed to be built and where. Ritchie explained that the "plan" would describe those actions that are irreversible and those actions that are subject to modification depending on the adaptive management process. Phase I will provide a set of initial action that will include flood management, public access, and habitat restoration components. Phase I actions would be coupled with monitoring and applied studies designed to test the Conceptual Models and assumptions and increase the knowledge base. Phase I would be described in substantially more detail than future phases.

An adaptive management methodology for acting on the information gained in implementing the Phase I actions, monitoring, and applied studies (as well as future phases) will also be described. This adaptive management strategy is designed to help the project determine whether or not to:

- Modify any actions;
- Revise future phases of actions and applied studies; and/or
- Revise the assumptions and knowledge base.

A set of easily understood conceptual models would also be used to demonstrate why the Restoration Plan would achieve the Project's goals and objectives. As part of this, a description of the key

uncertainties and assumptions would be made and the critical points or linkages in the models would be identified. Most importantly, a description of how the adaptive management methodology will address the uncertainties and assumptions would be provided.

To explain what is known and what is not known, a description of the synthesized knowledge that serves as the basis for the Restoration Plan, the conceptual models, and the uncertainties & assumptions will be explicitly articulated.

The continuing Initial Stewardship Plan studies and other related applied studies to reduce uncertainty and increase the knowledge base will be described as well as a description of any institutional arrangements (contracts, MOUs, etc.) needed to carry forward the elements of the Record of Decision would be identified. At a minimum, the following institutional arrangements will be covered:

- Land management (Dept. of Fish and Game, U.S. Fish and Wildlife Service, others);
- Flood management (local flood control agencies); and
- Science activities (administration of applied studies funding and adaptive management process).

During the presentation, the following questions were raised:

- *Phase I will necessitate detailed and explicit tools/steps to explain how adaptive management will be used. What are the actions that will be included?*

Response: At this point in the planning process, it is too early to know exactly what actions will be included. However, we know that Phase I will include flood management, public access, and habitat restoration components.

- *Will Phase I identify exactly what studies will be undertaken and where funding will come from for execution of said studies?*

Response: Yes, Phase I will identify specific studies to be undertaken and the methods and institutional arrangements necessary to make sure the studies are completed.

- *Would you provide a concrete example of how adaptive management will actually be undertaken?*

Response: While the details of the adaptive management strategy are not known at this time, Ritchie did provide an example of how the study of mercury concentrations in restored ponds could be undertaken to adaptively manage future restoration efforts. Specifically, he explained how studies of mercury concentrations in restored areas could be undertaken at ponds farthest away from the mercury source to help guide where future restoration could take place without increasing mercury loading.

- *At what point in the restoration process do we start identifying estimated costs for the effort and what is the limit of what the Project may cost?*

Response: It is too early to start identifying estimated costs, but by mid-2005 we will know enough to start estimating. While we need much more data before we can begin estimating costs, some individuals have predicted between 200 million and 1 billion for the entire effort.

5. *Brief Reports from Work Groups*

Ritchie explained that staff had compiled the comments generated by the work groups prior to the public release of the Draft Alternatives Development Framework (ADF) on the objectives, detailed objectives, evaluation criteria, overall framework approach, and the proposed ranking process and prepared summary tables describing how, if at all, the draft ADF addressed the comment. Copies of the summary tables were distributed to Forum members and a representative from each of the Work

Groups to briefly summarized the key issues discussed by each work group. The presentations are summarized below:

Flood Management Work Group: Bob Douglass (Cargill) presented the following summary of the most substantive issues and questions identified during recent Flood Management Work Group discussions:

- What impacts may result from restoration activities to areas outside of the actual restoration project area?
- The challenge of removing areas from the FEMA identified floodplain cannot be understated.
- There is a very strong desire to reduce the need for dredging.
- Sediment quality should be improved where possible.
- The protection of existing infrastructure (e.g., PG&E towers, sewage facilities, etc.) is a high priority and must be evaluated.
- What exactly is the Army Corps of Engineer's involvement in the restoration project? Douglass explained that for the Napa Salt Pond Restoration Project, the Corps' cost estimates for some of the water control structures that will be used to reduce salinity in the ponds were approximately ten times what Cargill has spent on similar structures in the South Bay In Cargill's opinion, the Corps' cost estimating methods affect decision-making. In response to this observation, Ritchie explained that the South Bay Salt Pond Project would prepare an initial cost estimate and would work with the Corps to resolve any differences of costing.

Habitat Restoration Work Group: Melissa Hippard (Sierra Club) commented that the ADF appears to have generally responded to the work group's comments. She also presented the following summary of the most substantive issues and questions identified during recent Habitat Restoration Work Group discussions:

- How will the actual area of new habitat be measured?
- Should more specific individual species be identified in the overall objective statements?
- Project maps need to explicitly identify various species' connectivity/habitat corridors.
- "Increased biodiversity" needs further clarification.
- Clarify exactly which nuisance species are being considered.
- Detailed objectives should consider explicitly articulating the need for "wildlife compatibility".
- Why are there no exclusion criteria provided for under the habitat detailed objectives?

Public Access & Recreation Work Group: Craig Breon (Santa Clara Valley Audubon Society) stated that the Work group has reviewed maps & identified opportunities and constraints. As part of this effort, the group discussed what are "compatible" uses and what types of activities are "priority" uses.

Breon then provided the following summary of the most substantive issues and questions identified during recent Public Access & Recreation Work Group discussions:

- Can we modify the public access and recreation objective at this point in the discussion?
- Should the access objective be to simply “provide” access or should it be to “maximize” access and recreation opportunities?
- How is “quality” of experience being evaluated in evaluation criteria?
- Variety of uses is desirable. Just counting number of uses is not sufficient for comparing alternatives.
- Additional linkages to existing trails/public recreation/transit are desirable.
- “Providing maximum access” is potentially dangerous term as it might result in litigation.
- Very little shoreline access currently exists – let’s be cautious about increasing access considering the potential habitat impacts.
- Project needs to be cautious about limiting motorized access as it might preclude electric or eco-friendly vehicles.

6. *Public Comment*

- Need to stress importance of “wildlife compatibility” in detailed objectives.
- How will the Project analyze potential impacts from public access to habitat? There is a need for more study and science to help make informed decisions.
Response: Clyde Morris (USFWS) explained that a consistency determination process would be undertaken to analyze potential impacts to habitat from public access. He also explained that the restoration process needs public input now in order to make the consistency review process easier and to improve the overall restoration plan.
- The San Francisco Bay Conservation and Development Commission will also preview the proposed restoration plan and hopes that restoration-planning process will resolve differences of opinion at early stages in the overall process.
- Why should this restoration project have to fix everything in the South Bay?
- “Detailed objectives” should be renamed, as they are really evaluation criteria.

7. *Review of key issues from public comments on Alternatives Development Framework (ADF)*

Ritchie explained that the Draft Alternatives Development Framework had been publicly available for review for the past three weeks and that fifteen comment letters had been received by the close of the comment period (June 22, 2004). The list of those providing comments is shown in Attachment 2. Since the closing of the comment period, the Project staff very quickly reviewed the letters received and identified eleven key categories of questions on the Draft Alternatives Development Framework. Ritchie presented the following key issues and provided brief responses:

1. *What is the relationship of the Project’s mission, goal, objectives and detailed objectives?*

Response: Evaluation criteria will be applied to determine which alternative best meets the mission, overarching goal, and specific goals of the project. Detailed objectives are for comparative purposes and will not be the sole determining factor as to which alternative is implemented. The evaluation criteria are more accurately described as “comparative factors”.

Forum Recommendation: Revise for clarification, specifically consider alternate vocabulary for “detailed objectives,” and ensure that the detailed objectives are consistent with the overall objectives of the Project.

2. *What is the value of the landscape scale analysis to the alternatives development?*

Response: Michelle Orr (Phil Williams & Associates) explained that the landscape analysis process is a key step in better defining what the viable mixes of habitats are at the various pond complexes. The process will help answer questions such as: 1) how much tidal marsh can we develop with the available sediment; and 2) can we restore tidal marsh without impacting salt pond dependent species? The process will also help determine the technical basis for future modeling and adaptive management studies.

Forum Recommendation: Revise for clarification of how the landscape analysis will be utilized.

3. *Are we overemphasizing individual species (e.g., birds) instead of overall habitat quality in an ecosystem context?*

Response: The Guiding Principles for the Project emphasize the need to provide for ecosystem restoration in the South Bay, not just individual species. The Project expects to adhere to this Principle.

Forum Recommendation: Provide explanation of how detailed habitat restoration objectives help achieve overall ecological quality.

4. *How will Phase I be developed?*

Response: No specific criteria for choosing Phase I Actions have been identified yet. However a few ideas are: 1) ease of implementation; 2) good fit with adaptive management methods; 3) will action be publicly visible; and 4) does funding exist for action implementation?

Forum Recommendation: Provide clear explanation of how Phase 1 Actions will be developed.

5. *How is the time scale of implementation incorporated into the analysis?*

Response: Alternatives will be evaluated for each habitat detailed objective at two snapshots in time: immediately after implementation (time zero) and after 50 –years of habitat development. The evaluation of the cost detailed objectives considers the net present value of costs over the 50-year planning horizon. The evaluation of each landscape scenario will include a more detailed consideration of time for habitat development, with habitat estimates at years 0, 10, 20, 30, 40, and 50.

Forum Recommendation: Revise to clarify how time will be incorporated into evaluation analysis.

6. *How will the weighting and ranking process work?*

Response: A public process to weight and rank the various alternatives will be undertaken in approximately April/May 2005. The process needs to show the differences between alternatives and provide a method for understanding the relative pros and cons. The process will be an exercise to help inform decision making, it will not be the actual decision making method.

Forum Recommendation: Clarify weighing and ranking process. Consider providing more examples of how weighting will address trade-offs (e.g., between public access and habitat).

7. *Is cost effectiveness being over-emphasized at this stage of the Project?*

Response: Steve Ritchie--Yes. We have little cost information at this point. The Project needs to back away from detailed cost discussions at this time. However, in the future, costs and cost-effectiveness will become more significant. Any consideration of cost effectiveness during the evaluation and weighting process will be at a level consistent with the relative certainty of the cost information.

Forum Recommendation: Remove cost effectiveness factor from the evaluation display wheel.

8. *Why is the public access objective qualified by “compatibility with wildlife and habitat goals”?*

Response: Objective statement is required, as the restored lands need to be compatible with USFWS and DFG rules and regulations. The Stakeholder Forum adopted the objective on February 18, 2004..

Forum Recommendation: Highlight these regulatory sideboards in all detailed objectives for habitat restoration and public access. Make sure all detailed objectives reflect these regulatory constraints, while also underscoring detailed objectives for high quality, improved public access.

9. *How will quality of public access be incorporated?*

Response: Quality of public access will be evaluated to the greatest degree possible by utilizing the evaluation criteria identified in the ADF. In addition, the proposed public access elements of each alternative will be reviewed and commented upon by the Public Access Work Group.

Forum Recommendation: State that the Project will work diligently to develop appropriate criteria to evaluate “quality” of public access components of each restoration alternative.

10. *Why are improved flood protection and other non-restoration improvements included as detailed objectives?*

Response: The project offers the opportunity to meet multiple objectives (such as the incorporation of flood management measures while also restoring habitat). These opportunities for a multi-objective project should be evaluated, not ignored, as the project is being designed. In addition, flood protection and other non-restoration improvements are included in the detailed objectives in order to help secure funding for the overall project. the project offers the opportunity to meet multiple objectives (such as the incorporation of flood management measures while also restoring habitat). These opportunities for a multi-objective project should be evaluated, not ignored, as the project is being designed .

Forum Recommendation: Include rationale for including flood protection and other non-restoration improvements as detailed objectives for the Project.

11. *How will the risk of increased costs to third parties be considered?*

Response: Risks of increased costs associated with service and maintenance of existing infrastructure are reflected in the infrastructure detailed objectives. One example concerns possible increased maintenance costs to PG&E that might result.

Forum Recommendation: Revise to state how risk of increased costs to third parties will be evaluated and disclosed in review process.

Following discussion of each of the key comment topics and identification of recommendations for revision to the ADF by the Forum, Mary Selkirk (Center for Collaborative Policy) asked the Forum to use the “Gradients of Agreement” to express their collective level of satisfaction with the recommendations to the PM Team for how to revise the ADF. Selkirk explained that the gradient of agreement is a scale from 1-5:

- “1” - strongly supports proposed approach;
- “2” - supports approach, but “luke warm” support
- “3” – standing aside/no opinion;
- “4” – will go along with majority, but will provide detailed written minority opinion;
- “5” - cannot support approach.

Using this scale, the Forum (16 members) provided five “1” votes, seven “2” votes, and one “3” vote. No members expressed either a “4” or “5” opinion. Selkirk stated that the PM Team would closely review all submitted comments and the Stakeholder Forum’s recommendations and then instruct the consulting technical team as how to revise the ADF. In addition, Executive Project Manager Steve Ritchie reiterated that the PM Team will meet with all of those who submitted written comments to ensure their views are considered in the final ADF.

8. *Public Comment*

- The project objectives appear to overemphasize birds.
- The ranking wheel is confusing as not all detailed objectives and evaluation criteria are equal.
- By separating public access and habitat into separate objectives we are creating the idea that the two are mutually exclusive. These two desires should be considered as mutual goals.
- Humans are part of the ecosystem and this restoration project needs to provide protection and opportunities for humans, particularly from flooding, in addition to the various wildlife species.

9. *Next Forum Meeting*

The next Forum meeting will be held July 29, 2004 at the San Jose/Santa Clara Water Treatment Plant in San Jose. Meeting materials and detailed directions to the venue will be sent out ahead of the meeting. In addition, e-mail notifications will be sent out when the Draft Opportunities and Constraints Report, Science Panel Recommendations, and Responses to the Science Panel Recommendations are publicly available.

Attachment 1: June 24, 2004 Meeting Attendance

Stakeholder Forum members	Organization/Affiliation
Felicia Borrego	Save San Francisco Bay Association
Craig Breon	Santa Clara Valley Audubon Society
Dan Bruinsma	Forum member City of San Jose, Env. Services
Kris Bucholz	Forum member, PG&E
Arthur Feinstein	Forum member, Citizens Committee to Complete the Refuge
Bob Douglass	Cargill Salt
Peter Dunne	Eden Shores Community
Lorrie Gervin, alt.	City of Sunnyvale,
Melissa Hippard	Sierra Club, Loma Prieta Chapter
Ellen Johnck	Bay Planning Coalition
Scott MacPherson, alternate	San Francisco Public Utilities Commission
Janet McBride	Bay Trail
Jim McGrath	Port of Oakland
Sandy Olliges	NASA Ames Research Center
John Rusmisl	Alameda County Mosquito Abatement District
Richard Santos	Santa Clara Valley Water District
Carol Severin	Hayard Area Shoreline Planning Agency
Project Management Team	Agency
Ralph Johnson	Alameda County Flood Control District
Beth Dyer	Santa Clara Valley Water District
Steve Ritchie	South Bay Salt Pond Project
Amy Hutzal	State Castal Conservancy
John Krause	Department of Fish and Game
Marge Kolar	US Fish and Wildlife Service
Clyde Morris	US Fish and Wildlife Service
Members of the Public	Organization/Affiliation
Frank and Janice Delfino	Citizens Committee to Complete the Refuge
Sheila Junge	
Randy Kirty	Shaw Environmental, Inc.
Libby :Lucas	League of Women Voters
Kristy McCumby	City of Sunnyvale, POTW
Eileen McLaughlin	Wildlife Stewards
Beth Stone	East Bay Regional Park District
Kirsten Struve	City of San Jose, Santa Clara POTW/Env. Services
George Trevino	Alviso Water Task Force
Caroline Warner	San Francisco Bay Joint Venture
Eric Watkins	NASA Ames Research Center
Jim Foran	Santa Clara County Open Space Authority
Meredith Hall	Graduate student
Joan Cardolino	State Coastal Conservancy
Michelle Orr	Phil Williams and Associates

Attachment 2: List of Comment Providers on the Alternatives Development Framework

1. Regional Water Quality Control Board, Andree Breaux
2. Santa Clara County Environmental Resources Agency
3. Santa Clara Valley Water District, James Fiedler
4. Bay Trail, David Lipsetz
5. City of Milpitas, Utility Engineering – Solid Waste, Elizabeth Koo
6. City of San Jose, Environmental Services Department, Dan Bruinsma
7. Pacific Gas & Electric, Building and Land Services, Steve Willoughby
8. Sierra Club, Loma Prieta Chapter, Melissa Hippard
9. Save the Bay, Felicia Borrego and Briggs Nisbet
10. Santa Clara Valley Audubon Society, Carolyn Straub
11. Richard Santos, Forum member
12. Alviso Water Task Force, George Trevino
13. Citizens Committee to Complete the Refuge, Florence LaRiviere
14. Hayward Area Shoreline Planning Agency, Citizens Advisory Committee, Viola Saima-Barklow and Janice Delfino
15. Evelyn Cormier