ISSUE PAPER ON BAYLANDS HABITAT AT UPLAND/WETLAND/REUSE SITES

Question. How can impacts to existing habitat at diked baylands be minimized in carrying out upland/wetland/reuse (UWR) projects and what relevant policies and/or actions should be included in the LTMS Management Plan? For the August 11, 1999 workshop, interested parties should come prepared to discuss this issue and/or propose potential mechanisms for inclusion in the LTMS Management Plan.

Background. The San Francisco Estuary consists primarily of the open tidal, brackish, and fresh water system of the Bay and Delta, adjacent wetlands, and tributary streams. The diked historic baylands are also an important component of the Estuary, supporting farmed wetlands, seasonal wetlands, freshwater/brackish non-tidal marshes, and seasonal ponds. As a part of the LTMS, approximately 100 sites adjacent to the Estuary, including diked historic baylands, managed wetlands, Delta levees, and urbanized areas, were analyzed for their potential as UWR sites.

Issues. (1) The LTMS UWR definition does not differentiate between projects sited in true uplands as opposed to diked bayland sites. Implementation of UWR projects at bayland sites can potentially change existing habitats and result in the loss of important habitat functions, even in some sites that may not be jurisdictional wetlands. (2) At UWR sites where existing habitat has been impacted or where habitat has been restored, the absence of long-term protection and/or management plans could result in the degradation or loss of habitat. (3) The conversion of seasonal wetlands at tidal wetland restoration sites in diked baylands may result in a temporary or permanent loss of habitat functions for local and migratory shorebirds and waterfowl, such as nesting habitat or winter storm refugia.

Possible Actions:

- **Definition of Diked Baylands.** The way in which UWR sites have been characterized through the LTMS could make it difficult to differentiate between and properly manage the various habitat types at such locations. Refinement of this definition to differentiate diked baylands could help to better categorize and manage existing habitat types and functions at such sites. The regional Habitat Goals project (March, 1999) offers the following definition of such areas: "The baylands are the lands that lie between the elevations of the high and low tides, including those areas that would be covered by the tides in the absence of levees or other structures." The LTMS agencies could adopt and apply this definition to potential UWR sites.

- **Coordination with Regional Goals and Programs.** To ensure an ideal mix of wetland patterns and types and to minimize impacts of local habitat conversion, the LTMS agencies and projects sponsors should work to maximize the consistency of UWR projects with applicable regional habitat goals (e.g. U.S. Fish and Wildlife Service's Endangered Species Recovery Plan, the interagency San Francisco Bay Area Wetlands Ecosystem Goals Project, the San Francisco Bay Joint Venture, U.S. EPA's North Bay Initiative, and BCDC's North Bay Wetlands Protection Program). As stated in the EIS/R for the LTMS (page 5-4): "the LTMS agencies will encourage, and authorize as legally appropriate, restoration efforts using dredged material that are designed to be consistent, to the maximum extent practicable, with specific habitat goals established by regional planning efforts for managing the region's natural resources." To this end, the LTMS agencies should require UWR proposals, as appropriate, to include an assessment of project consistency with regional habitat goal projects for the Estuary, and subsequently

review such assessments to ensure consistency with such plans. However, the LTMS agencies should also work to ensure that the full range of Bay habitats are restored, as well as ensure that individual projects are consistent with regional goals.

As stated in the LTMS EIS/R (page 5-4), for UWR projects using dredged material in areas not covered by established regional habitat goals, "the LTMS agencies will also encourage, and authorize as legally appropriate, such projects which would clearly result in an overall net gain in habitat quality and would minimize loss of existing habitat functions. Whenever feasible, such projects will provide, as part of the project design, for a no net loss in the habitat functions existing on the project site or, where necessary, provide compensatory mitigation for lost habitat functions in accordance with state and federal mitigation requirements."

• **Project Planning.** Project proponents should clearly define, evaluate, and, if feasible, incorporate existing habitat types at a potential UWR site. Moreover, proposed UWR activities could be sited in areas that minimize loss of existing seasonal wetland habitat, where possible. Further, restoration projects could be designed to include restoration of seasonal and other important habitat types (e.g. the Hamilton Wetlands Restoration Project). The LTMS agencies note that temporal losses in existing habitat may occur and propose to work with project proponents to minimize such losses.

• **Long-term Management and Protection.** During the planning phase, project proponents should develop long-term management plans for UWR sites and appropriate mechanisms to ensure long-term, permanent protection of restored wetland values. In projects where significant existing wetland habitat is proposed to be impacted, project proponents could be required to develop mitigation goals specific to the project, monitor restoration over time, and, if necessary, remediate.

• **Public Input and Review.** During the planning phase, project proponents and the LTMS agencies should facilitate maximum public participation, input, and review through work groups (e.g. the Hamilton Restoration Group, the Dredged Material Reuse Project, etc.), the Dredged Material Management Office (DMMO), and the CEQA/NEPA process.

• **CEQA/NEPA.** Project proponents and the LTMS agencies should work to ensure compliance of UWR projects with applicable local, state, and federal regulatory processes. In addition, the LTMS agencies should work to ensure adequate CEQA/NEPA review has been conducted for proposed projects through improved coordination with federal, state and local regulatory and resource entities and interested parties. Further, when appropriate funding and staffing becomes available, the LTMS agencies plan to prepare guidelines regarding appropriate issues and levels of analysis for CEQA/NEPA documents.