

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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**TO:** Commissioners and Alternates

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**SUBJECT: Department of Fish and Wildlife Progress Report: Completion of Pond 10 Public Access Improvements at the Napa Plant Site Restoration Project (BCDC Permit No.2004.008.01)**  
(For Commission consideration on March 6, 2014)

## Staff Summary

Last year, the Commission requested that the California Department of Fish and Wildlife (CDFW) brief the Commissioners regarding the issues delaying completion of the Pond 10 trail at the Napa Plant Site Restoration Project (BCDC Permit No. 2004.008.01). At the July 2013 meeting, CDFW confirmed that the Pond 10 trail would be completed by no later than 2015. Since that time, CDFW documented that a protected species has colonized the area in which the trail was proposed to be re-aligned. CDFW is proceeding with environmental review of alternative trail alignments.

## Background

The public access improvements required by the Commission's permit for the Napa Plant Site Restoration Project (project) include 6.2-miles of trails along the easterly side and central portions of the project. The northern segment of the public access improvement includes a rail crossing and trail surface improvements along the east side of Pond 10, to a terminus overlooking Fagan Marsh Ecological Reserve. The majority of the 6.2 miles of trail has been completed (see attached Exhibits).. In March of 2013, CDFW coordinated with BCDC, the trail funders (Napa County, the State Coastal Conservancy, and Bay Trail) and other stakeholders to identify an alternative trail alignment that would be compatible with Napa County Airport's desire to move the trail alignment out of the runway-safety area (RSA) in the south-eastern corner of Pond 10. The trail design CDFW presented at the July 2013 Commission briefing proposed to fill additional pond outside the perimeter of the RSA for the trail alignment, in order to avoid Napa County airport safety concerns, which might occur if the trail was, as originally planned, on the pond levee and in close proximity to the airport runways (see attached Exhibits). On August 16, 2013, CDFW issued the Notice of Preparation for a Subsequent Environmental Impact Report (SEIR) to analyze the alternative trail alignment for Pond 10.



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### Update: New Roadmap

In September of 2013, CDFW reported to BCDC and the other resource agencies that the salt marsh harvest mouse (mouse), a special status species protected by state and federal law, has colonized the high marsh habitat in Pond 10. This habitat has developed since 2008, where CDFW raised 6.8 acres of the pond to an elevation of 7 feet to mitigate potential bird strikes in the western part of the RSA of the Napa County Airport. CDFW requested guidance from BCDC staff about how to proceed, given the setback in the schedule and uncertain feasibility of the trail. Staff recommended that CDFW proceed with its request for a two-year time extension to remain compliant with their permit and in December CDFW filed that request:

1. The Director of CDFW, Chuck Bonham, and BCDC Executive Director Larry Goldzband met in January 2014 to address this change in conditions. CDFW confirmed its commitment to provide public access at Pond 10 and identified two potential trail alignments to fulfill the permit trail requirement while avoiding impacts to the mouse (See Plan A and Plan B in item #2 below). CDFW continued scoping for the environmental document and is working to prepare a new roadmap and schedule for providing public access at Pond 10. On January 30, 2014, CDFW convened a meeting of resource agencies and stakeholders, including representatives of US Fish and Wildlife Service, US Army Corps of Engineers, the State Coastal Conservancy, the SF Regional Water Quality Control Board, BCDC, Napa County, and SF Bay Trail Project, for additional scoping for the Pond 10 trail.
2. At the meeting, CDFW presented the two potential alignment alternatives (Plan A and Plan B) previously discussed with BCDC. Other agencies recommended consideration of additional trail alignment alternatives by CDFW in the SEIR:
  - Plan A** – trail improvements on the existing Pond 10 levee, pursuant to the current BCDC requirement (there is no mouse habitat at this location);
  - Plan B** – a pile-supported boardwalk along the southwest perimeter of the RSA (outboard of the mouse habitat); and
  - Plan C** – an earthen berm either wholly in the open water outside of the RSA or along the southwest perimeter of the RSA (might include margin of mouse habitat).
3. Plan A could be implemented in a short period of time. Implementation of other alternatives may require a longer time frame.
4. As recommended by USACE, CDFW agreed to apply for a 5-year time extension of the USACE permit, in order to facilitate easier USACE permitting if needed.
5. The Napa County Airport objects to locating the trail on the existing Pond 10 levee as currently permitted (Plan A) for any period of time, because: (1) it would be inside the RSA zone and potentially affect future FAA funding, and; (2) this alignment might pose a public safety hazard due to the proximity to the runway. However, CDFW offered to meet with the County in the near future to discuss issues related to future RSA completion.
6. CDFW would fund the cost of Plan A; however, Plan B or Plan C, would require significant additional funding.
7. BCDC will encourage Napa County to obtain further clarity from the FAA regarding the size and composition of the future RSA at Pond 10.
8. BCDC will issue a 2-year time extension to CDFW, which it requested in December 2013 (the 90<sup>th</sup> day is March 13th).
9. BCDC staff will continue to work with the CDFW staff to complete the public access at the site.