

Appendix B
Notice of Preparation

NOTICE OF PREPARATION/NOTICE OF INTENT

TO: DISTRIBUTION

DATE: April 6, 2001

SUBJECT: **Notice of Preparation/Intent of a Draft Joint Environmental Impact Statement/Environmental Impact Report**

LEAD AGENCY: United States Fish and Wildlife Service under NEPA
State Coastal Conservancy under CEQA

PROJECT NAME: Invasive Spartina Project

PROJECT AREA: San Francisco Bay Estuary

CASE NUMBERS:

USFWS, as Lead Agency under NEPA and the Conservancy, under CEQA, will prepare a joint environmental impact statement/ report for the Invasive Spartina Project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use this EIR when considering your permit or other approval for the project.

The project description, location, and environmental issues are contained in the attached **Notice of Preparation/Intent**.

Due to the time limits mandated by State law, your response must be received at the earliest possible date but not later than 30 days after receipt of this notice. A public scoping hearing will be held on April 24, 2001 at 7 p.m. Location : Association of Bay Area Governments Joseph P. Bork MetroCenter. 101 8th Street (8th & Oak Streets) Oakland, CA 94607

Please send your written response, including the name of a contact person with your agency, to **California Coastal Conservancy, attention Maxene Spellman** at the address below.

DATE ISSUED: APRIL 6, 2001

**NOTICE OF PREPARATION/NOTICE OF INTENT
OF A DRAFT JOINT ENVIRONMENTAL IMPACT STATEMENT
/ENVIRONMENTAL IMPACT REPORT**

The State Coastal Conservancy (Conservancy) and the U.S. Fish and Wildlife Service (USFWS) will prepare a joint Environmental Impact Statement /Environmental Impact Report (EIS/R) in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) for the following Invasive Spartina Project (ISP). This Notice of Preparation (NOP) has been prepared to satisfy the requirements of CEQA. In compliance with NEPA, a Notice of Intent (NOI) will be published in the Federal Register.

This EIS/R will evaluate the environmental effects of adoption and implementation of a regional program for the control of non-native *Spartina* in the San Francisco Bay Estuary. The goal of the Invasive Spartina Project is to control *S. alterniflora* and restore tidal marshlands and intertidal mudflats along the San Francisco Bay margins, which provide habitat for several threatened and endangered species. It is estimated that the control of *S. alterniflora* could preserve 40,000 acres of tidal wetland and 29,000 acres of intertidal mud flats. Three other introduced species of *Spartina* found in San Francisco Bay, *S. anglica*, *S. densiflora*, and *S. patens*, also would be targeted by this project.

Environmental impacts of the proposed control methods would be evaluated throughout San Francisco Bay. Project specific impact evaluation would be conducted at up to four pilot project sites yet to be determined.

The USFWS is the lead agency under NEPA and the Conservancy is the lead agency under CEQA. The project will be conducted in close coordination with California Department of Fish and Game (CDFG), other local agencies, and landowners with populations of invasive *Spartina*.

The NOP and NOI are important steps in the environmental scoping process, which is designed to determine the range of the issues to be addressed in the EIS/R. The objectives of scoping include:

- Ensuring agency and public involvement in the environmental review process,
- Determining which specific impacts must be evaluated in the EIS/R,
- Establishing a reasonable range of alternatives, and
- Identifying the scope of issues that must be discussed in order to adequately and accurately address the potential impacts of the project as they relate permitting and approval authority.

The USFWS and the California State Coastal Conservancy request your comments on the scope and content of the draft EIS/R.

Pursuant to CEQA Section 21080.4(a) responsible and trustee agencies are asked to provide in writing the scope and content of the environmental information that is germane to their statutory responsibilities, as these agencies will need to use the EIS/R prepared by the Conservancy and the USFWS when considering permits or other approvals for the project. Responsible and

trustee agencies are also requested to provide a list of the permits and/or other approvals that must be obtained in order to implement the project.

A Notice of Preparation/Intent, prepared pursuant to CEQA Section 21080.6, is attached and includes: 1) a description of the proposed action and alternatives and the basis for selecting the alternatives, 2) a list of the potentially significant effects on the environment of the project, and 3) the scope of, and analyses and methodology for, EIS/R preparation. As indicated in the NOP, the major environmental issues to be addressed include water quality, biological resources, risk of upset/health and safety, visual resources, land use, air quality, and noise.

For additional information about the project or the scoping process, please contact:

Maxene Spellman
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, Ca 94612
Phone: 510-286-1015
Fax: 510-286-0470

Written comments on the scope and content of the Joint EIS/R should be directed to Maxene Spellman and must be received at the above address no later than May 10, 2001.

A formal scoping hearing, designed to solicit public comment on the proposed action and alternatives, has also been scheduled for **April 24, 2001 at 7 p.m. Location : Association of Bay Area Governments** Joseph P. Bork MetroCenter. 101 8th Street (8th & Oak Streets) Oakland, CA 94607.

ATTACHMENT: Notice of Preparation/Notice of Intent

NOP/NOI DISTRIBUTION:

This Notice of Preparation/Intent was sent to the following agencies, organizations, firms, and individuals:

Counties

Marin
Solano
San Francisco
Contra Costa
San Mateo
Alameda
Santa Clara

State

State Clearinghouse

Federal

National Fish and Wildlife Foundation
U. S. Fish and Wildlife Service
Calfed Bay Delta Program
Don Edward National Wildlife Refuge

Cities

Brisbane
Burlingame
Daly City
Millbrae
Mountain View
Belmont
Menlo Park
San Bruno
San Carlos
Sunnyvale
Redwood City
San Mateo
South San Francisco
Palo Alto
Foster City
Alameda
San Francisco
Hayward
Fremont
Benecia
Newark
San Leandro
San Rafael
Tiburon
Richmond
Oakland
Larkspur
Corte Madera
San Jose

Local/Special Districts

Santa Clara Valley Water District
East Bay Regional Parks District
San Mateo Mosquito Abatement District

Others

Urban Creeks Council
Save The Bay
BayKeeper
California Native Plant Society
Citizens to Complete the Refuge
Ducks Unlimited
Bay Area Audoban
The Bay Institute
Sierra Club
Silicon Valley Toxics Coalition
San Francisco Bay Joint Venture

NOTICE OF PREPARATION/INTENT

FOR THE INVASIVE SPARTINA PROJECT (ISP) EIS/EIR

INTRODUCTION:

The Conservancy and the USFWS are preparing a joint Environmental Impact Statement/Report (EIS/R) to address the potential impacts of the proposed regional program for the control and eradication of non-native *Spartina*. The joint EIS/R will be prepared to address the design, implementation, and maintenance of *Spartina alterniflora* and three other invasive *Spartina* species (*S. densiflora*, *S. anglica*, and *S. patens*). The EIS/R is intended to cover all aspects of the project including all necessary permits and approvals from the lead agencies, as well as other local, state, and federal agencies. The EIS/R and the approved plan can also form the basis for future grant applications to obtain funding necessary to implement certain elements of the overall project.

The EIS/R will be prepared in compliance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) NEPA Regulations, contained in 40 C.F.R. Parts 1500-1508; the California Environmental Quality Act (CEQA) and the CEQA Guidelines, as amended. Because NEPA and CEQA are somewhat different with regard to procedural and content requirements, the document must be prepared to comply with whichever requirements are more stringent. The U.S. Fish and Wildlife Service (USFWS) will be the lead agency under the National Environmental Policy Act (NEPA) and the Conservancy will be the lead agency under the California Environmental Quality Act (CEQA). In accordance with both CEQA and NEPA, the lead agencies have the responsibility for the scope, content, and legal adequacy of the document. Therefore, all aspects of the EIS/R scope and process will be fully coordinated with the two agencies.

The Draft EIS/R will incorporate public concerns associated with the Proposed Action and associated project alternatives, and will be sent out for a 45-day public review period, during which time both written and verbal comments will be solicited on the adequacy of the document. The Final EIS/R will address the comments received on the DEIS/R during public review. The document will be furnished to all who commented on the DEIS/R, and made available to anyone that requests a copy during the 45-day public comment period. The draft and final EIS/R must 1) provide a full and fair discussion of the proposed action's significant environmental impacts, and 2) inform the decision-makers and the public of reasonable alternatives that would avoid or minimize adverse impacts.

The final step in the review process for the Federal EIS is preparing a Record of Decision (ROD) and, for the State EIR, certifying the EIR and adopting a Mitigation Monitoring and Reporting Plan. The ROD is a concise summary of the decisions made by the Service (in cooperation with the U.S. Army, Corps of Engineers [Corps]) from among the alternatives presented in the FEIS/R. The ROD can be published immediately after the FEIS comment period ends. A certified EIR indicates that the environmental document has been completed in compliance with CEQA; that the decision-making body of the lead

agency reviewed and considered the FEIR prior to approving the project; and that the FEIR reflects the lead agency's independent judgement and analysis.

SCOPING PROCESS:

Public participation in the environmental scoping process is an important step in determining the full scope of issues to be addressed in the EIS/R. The Conservancy and the USFWS request your comments on the scope and content of the draft Joint EIS/R, as outlined in this NOP/NOI. Written comments must be provided to Maxene Spellman, California Coastal Conservancy, 1330 Broadway, 11th Floor, Oakland, CA 94612. **no later than May 10, 2001.**

A formal scoping hearing has also been scheduled for **April 24 at 7:00 PM** at the **Association of Bay Area Governments** Joseph P. Bork MetroCenter. 101 8th Street (8th & Oak Streets) Oakland, CA 94607

PROJECT SUMMARY:

This EIS/R will evaluate the environmental effects of adoption and implementation of a regional program for the control of invasive *Spartina* in the San Francisco Bay Estuary. The EIS/R will be a programmatic evaluation of the environmental impacts of the proposed eradication and control methods at several locations throughout San Francisco Bay, supplemented by project specific evaluations at up to four pilot project sites.

The habitats subject to exotic species control efforts include tidal marshlands, lagoons, intertidal mudflats, and the saline reaches of creeks and rivers flowing into the San Francisco Estuary. Eradication/control efforts would be regionally coordinated with other programs in order to minimize disturbance to sensitive habitats and species, while successfully controlling invasive *Spartina*. The project intends to restore native plant communities and sensitive species habitats associated with tidal marshlands and intertidal mudflats along the Bay margins by eliminating introduced *Spartina* species. The control efforts and alternatives evaluated in the EIS/R will be consistent with the USFWS policies and goals.

PROJECT LOCATION:

The geographic scope of the Invasive *Spartina* Project encompasses ten Bay Area counties. Environmental impacts of the proposed eradication and control methods will be evaluated throughout San Francisco estuary as part of the Programmatic EIS/R evaluation. Project specific evaluations will be conducted at up to four pilot project sites. These four project-level studies will allow consideration of specific techniques tailored to these specific environments.

BACKGROUND:

The direct effects of physical and mechanical measures include disruption of soil/sediment, potentially resulting in erosion, increased water turbidity, and related adverse effects on aquatic biota. These measures also have the potential to cause mortality of desirable, non-target species of both plants and animals. In addition, by disrupting the soil/sediment, they could actually facilitate subsequent colonization by *S. alterniflora* or other invasive species.

Chemical measures (herbicides) have the potential to kill non-target plant species, such as native salt marsh plants, eelgrass, and algae. This could result in adverse indirect impacts to the salt marsh community in general, including sensitive species such as the California clapper rail, California black rail, salt marsh harvest mouse, and others. Loss of eelgrass and other marine flora would result in the loss of nursery and feeding habitat for many species of fish and invertebrates, including sensitive species such as winter-run chinook salmon, coho salmon, steelhead, and others. These habitats also provide foraging habitat for marine bird species, including the California least tern.

The toxicity to animals from the herbicides under consideration is generally considered to be low. However, the environmental analysis will have to include an evaluation of this toxicity, as well as the persistence and transport of these herbicides, and their potential to have toxic effects at distance from the application site. *Spartina* control has the potential to change existing sediment accretion (shoaling) and erosion patterns, which could affect hydrodynamic (currents, circulation, and waves) patterns. This could result in effects on water quality (turbidity, flushing) as well as effects on biological communities (eelgrass, kelp beds, or marshes).

PURPOSE:

The goal of the Invasive *Spartina* Project (ISP) is to control and where possible eliminate species of introduced *Spartina*. Removal of invasive *Spartina* would remove a significant threat to the native communities of tidal marshlands and intertidal mudflats along the San Francisco Bay margins. These areas provide habitat for several threatened and endangered species. Three other introduced species of *Spartina* found in San Francisco Bay, *S. anglica*, *S. densiflora*, and *S. patens*, also would be targeted by this project. It is estimated that eradication of *S. alterniflora* could preserve 40,000 acres of native tidal wetlands and 29,000 acres of intertidal mud flats.

PROJECT DESCRIPTION:

Methods which have been identified to control and eradicate invasive *Spartina* are listed below. Proposed alternatives considered in the EIS/R may be selected from among these

methods. Additional methods may be considered following the scoping process. Alternatives may involve one or more of these methods. Methods under consideration include:

Physical Methods:

- Digging and Pulling
- Clipping seedheads to prevent pollination/seed dispersal
- Mowing with weed-eaters or small mechanical cutters/mowers/shredders
- Prescribed burns
- Temporary diking of marshes
- Covering with geo-textile fabric or black plastic

Chemical Methods:

- Ground application of herbicide (via injection, backpack sprayer, spray truck, boat, all terrain vehicle)
- Aerial application of herbicide (helicopter)

Combination Methods:

- Mowing followed by herbicide application
- Mowing followed by burying, smothering, and mechanical trampling/shredding
- Mowing followed by covering (fabric/plastic)

The EIS/R will evaluate individual and cumulative impacts of four alternatives, as well as the no project/no action alternative, in accordance with NEPA and CEQA. The four alternatives will be developed in coordination with USFWS, CDFG, the Conservancy/ISP team, and private landowners with populations of *Spartina*.

POTENTIAL DISCRETIONARY ACTIONS AND APPROVALS:

The following actions and approvals are anticipated to be required:

Potentially Required Agency Approvals:

- U. S. Army Corps of Engineers 404 and Section 10 permits of the Rivers and Harbor Act and Section 404 of the Federal Clean Water Act;
- Federal and State Endangered Species Act Consultations;
- California State Coastal Conservancy Plan approval;
- California Department of Transportation (Caltrans) Encroachment Permit(s);
- California Department of Fish and Game Streambed Alteration Agreements(s), Section 1601 of the DFG code;

- California State Regional Water Quality Control Board 401 Certification and/or Discharge Permit (s);
- California State Bay Area Air Quality Management District Permit (s);
- San Francisco Bay Conservation and Development Commission permit (s);
- Local agency approval of specific implementation of projects (s);

Responsible, cooperating, and trustee agencies are requested to review and refine this list of required actions and approvals.

CONTENT OF THE EIS/R:

The EIS/R will analyze, describe, and evaluate all potential environmental impacts of the range of alternatives presented in the document. Individual and cumulative impacts of four alternatives, as well as the no project/no action alternative, in accordance with NEPA and CEQA will be evaluated. The range of alternatives being considered may be refined, revised, or expanded as a result of the scoping process. A variety of potential methods for controlling Invasive *Spartina* will be presented along with the potential environmental impacts for each type.

EIS/R FORMAT

The EIS/R will be prepared in accordance with the EIS Format specified in the CEQA NEPA Regulations, Part 1502 and Table 2 of Supplementary Document T of the CEQA Guidelines. Some minor changes to this format may be required to fully comply with the guidelines for implementing NEPA, as developed by the U.S. Department of the Interior, Fish and Wildlife Service.

ISSUE ANALYSIS (ENVIRONMENTAL CONSEQUENCES)

For each issue listed below, the EIS/R will include a discussion of the parameters used in evaluating impacts; potential impacts from the various alternatives; recommended mitigation, indicating the effectiveness of mitigation measures proposed to be implemented and what, if any, additional measures would be required to reduce the impacts to below a level of significance. Impact analysis will include a discussion of direct and indirect impacts, short- and long-term impacts, cumulative impacts, and unavoidable impacts. In addition, the impact discussion will also identify any areas of known controversy. Finally, the EIS/R will identify any unavoidable adverse impacts that would result from project implementation.

The list of issues presented below are preliminary both in scope and number. Additional issues may be identified during the scoping process.

- a. *Water Quality*

The EIS/R will:

Describe existing water quality conditions in San Francisco Bay, with emphasis on marsh habitat.

Characterize regional water quality conditions from data of ongoing studies sponsored by the State Water Resources Control Board, California Mussel Watch Program, regional and site-specific studies by the U.S. Geological Survey.

Address direct impacts to water quality from each of the project alternatives (i.e., proposed methods for treating *Spartina*), as well as indirect effects due to the project. Where impacts to water quality are considered significant, possible mitigation measures that potentially can reduce the level of impact to less than significant will be evaluated and described.

Consider erosion of marsh sediments and remobilization of buried sediment contaminants; accumulation of organic detritus from physical/mechanical control approaches in tidal channels, with potentials for inducing stagnation and causing reductions in dissolved oxygen levels and/or increased turbidity and suspended solids; and other impacts described by previous programs for controlling invasive plant species.

b. *Biological Resources*

The EIS/R will:

Identify potential sensitive species and habitats in or near the potential *Spartina* eradication project areas based on site visits, data review, and CNDDDB data search. Data collected during site visits will be summarized and included in the EIS/EIR in text and table format.

Determine the abundance and distribution of sensitive species and the extent of sensitive habitats (including buffer zone areas) that may be impacted by *Spartina* control efforts at priority ISP sites and pilot project sites. Specific species to be addressed include California clapper rail, black rail, salt-marsh harvest mouse, Soft Bird's Beak, and anadromous salmonids. Other sensitive species identified in consultation with CDFG and the USFWS also will be addressed.

Identify and analyze temporary and permanent, direct and indirect project and cumulative impacts to sensitive species and sensitive habitats of *Spartina* eradication/control methods. Control methods that will be considered in the impact analysis include covering, mowing, smothering, digging, shredding, temporary diking, direct removal/pulling/seed removal, chemical application, burning, or a combination of methods. These methods will be analyzed in the context of their potential to cause the spread of *Spartina*, introduce toxics into the food chain via application of herbicides, and impact sensitive species and habitats. Direct and indirect impacts that will be analyzed include trampling, noise productivity, biodiversity, modification of tidal drainage patterns, loss of cover, and other

physical/chemical processes that may disturb sensitive species or habitats. The analysis will include an evaluation of the efficacy of individual and a combination of control methods as well as any other feasible methods (e.g., revegetation with natives following treatment) that would reduce the rate of spread of *Spartina* in the Bay. The focus of the analysis and field study will be in tidal marshlands and intertidal mudflats along the Bay margin and ISP priority sites. For all identified impacts, feasible mitigation measures will be developed with the goal of reducing significant or potentially significant impacts to an insignificant level.

c. Risk of Upset/Health and Safety

The EIS/R will:

This section will address to the direct and indirect environmental health hazards to humans and aquatic biological resources from implementation of the chemical applications proposed in the *Spartina* program.

d. Visual Resources

The EIS/R will:

Analyze visual resources based on site reconnaissance and review of ground level and aerial photographs, topographic maps, GIS and other pertinent data.

Document the existing visual character of the marsh and mudflat environments, identify the representative visual conditions within the overall study area, and conditions at the four priority sites. Representative land and water views accessible to the public will be documented as part of the visual baseline.

The project visual setting will be described in terms of the local and regional landscape context. It will include a description of the overall project viewshed as well as the specific visual conditions at priority sites in terms of topography, vegetation, land, water and built form that can be seen by the public. Baseline visual conditions will be described including representative photographs. Public use areas such as the shoreline, the highways, and recreational and residential areas also will be documented.

Visual impacts will focus on the foreseeable visual changes associated with the ISP and their effects on baseline visual resource conditions. Changes in vegetative cover, changes in color and texture and changes in level of visual screening associated with both the programmatic and site specific aspects of the ISP will be described. Seasonal change effects also will also be considered.

e. Land Use

The EIS/R will:

Describe and map existing land uses, land use designations, and zoning district boundaries at a programmatic level for the project area, and at a project level for the four pilot project sites and include narrative evaluation supported by photographs and graphics.

Applicable zoning and general plan designations and policies, including BCDC policies, will be identified and summarized. Potential conflicts associated with the proposed program and existing planning and zoning designations will be evaluated. Conflicts with surrounding or nearby land uses will be determined generally for the overall program area, and specifically for the priority sites. Appropriate measures to mitigate any identified adverse land use impacts will be identified.

f. *Air Quality*

The EIS/R will:

Analyze changes to air quality caused by the proposed *Spartina* control measures that would most affect air quality, e.g., the use of gas-powered mowers or “weed eaters,” chemical control using herbicides or surfactants, or prescribed burns. The analysis will be conducted in accordance with procedures recommended by the Bay Area Air Quality Management District (BAAQMD). The BAAQMD will be consulted regarding the appropriate significance thresholds for short-term eradication/control measures.

Describe physical and regulatory air quality for the affected area (i.e., specific sites identified in the Bay Area), based on air quality data at the two closest air monitoring stations. The Bay Area currently exceeds state standards for ground-level ozone and PM-10, and federal standards for ground-level ozone. Applicable air quality regulations, significance thresholds and planning efforts will be described for the San Francisco Bay Area. Specific federal, state and BAAQMD rules and policies that pertain to agricultural burning and the application of pesticides will be identified. BAAQMD CEQA guidelines and the Bay Area Clean Air Plan developed by the local air district will be consulted for this analysis.

Air quality impacts will be assessed by describing the potential “worst-case” dispersion of pollutants. The two scenarios that could most affect local air quality would be widespread applications of herbicides or surfactants. Emissions from controlled burns will be described, since the BAAQMD has rules that address these types of emissions. It is assumed that controlled burns would be limited to designated “Burn Days” that are intended to limit the effects of air pollutants from these activities. If necessary, emissions associated with widespread applications (aerial or hovercraft) will be modeled using the appropriate screening model approved by the US EPA and BAAQMD.

Assess regional emissions through prediction of the air quality burden associated with the project. This will include predicted changes in air pollutant emissions

associated with air pollutant emissions sources associated with the project. Predicted changes in air pollutant emissions will be tabulated for each project alternative.

g. *Noise*

The EIS/R will:

Characterize existing noise levels in the various ISP areas based on existing data and spot noise readings. Noise levels generated by equipment used as part of various *Spartina* eradication techniques will be estimated and projected out to sensitive receptor locations. Short-term ambient noise measurements at the four pilot project sites will be conducted. Noise measurements will be made at up to two additional sites if the initial survey indicates sensitive receptors or resources that could be affected by noise generated by the project. Project-generated noise will be compared to ambient noise levels and to appropriate local General Plan Noise Element and Noise Ordinance standards.

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