



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
January 22, 2014**

TO: Mayor and City Council
FROM: Mitch Austin, Contract Recreation Manager
SUBJECT: Marina Dredge Pond Use Mitigation Plan Update
DATE: January 13, 2014

RECOMMENDATION

This report is for informational purposes.

BACKGROUND:

During the permit process to dredge the marina in 2012, the US Fish and Wildlife Service (USFWS) determined that one of the disposal ponds, Pond #2, contained suitable habitat for the Salt Marsh Harvest Mouse (SMHM). Pond #2 contains 3.8 acres of Pickleweed, a plant identified as habitat for the endangered and fully protected SMHM. At the October 17, 2012 City Council meeting, funds were approved to negotiate the mitigation scope and prepare a mitigation plan in coordination with the USFWS, US Army Corps of Engineers (USACE), and the East Bay Regional Park District (EBRPD). This plan was intended, at a minimum, to mitigate for temporary impacts to the Pickleweed associated with the 2012 dredge and consider mitigation related to extended use of the ponds.

Mitigation Negotiations

City staff and AnchorQEA met with USFWS and USACE several times over the past year to discuss the scope and potential sites for the mitigation. The ecological assessment provided by AnchorQEA explained that the habitat in Pond #2, while suitable habitat for the SMHM, provides limited ecological function and habitat value for the SMHM. USFWS agreed with this analysis and while this did not reduce the total area to be mitigated (11.4 acres), it did allow for significant consideration to be given to creating alternative salt marsh habitat in nearby EBRPD land. This finding also resulted in a significant cost savings due to changes in the scope of work from hand plantings and earth movement to allowing for spraying of Pepperweed and removal of non-native trees, which is far less expensive to implement.

Additionally, the original Biological Opinion issued by USFWS indicated that repeated dredging created permanent impacts to the habitat in Pond #2. This Biological Opinion also indicated that improvements to the 11.4 acres would compensate for 20 years of continued use of Pond #2 for disposal of dredging materials without the need for additional mitigation. The revised Biological Opinion now indicates that the Pickleweed in Pond #2 can be removed once the 11.4 acres have been improved per the mitigation plan specifications. This will allow for unlimited use of Pond #2.

This is a critical outcome from the negotiations with USFWS that will allow the ponds to be used in perpetuity for dredging without further mitigation for the habitat. Also, this outcome will allow for reclaiming the depth of Pond #2 resulting in more cubic yards to be dredged in a dredging episode. These efforts will reduce or contain future dredging costs.

During the conceptual discussions, a walk-through of a waterfront site at Martinez Regional Shoreline Park controlled by EBRPD was viewed. This site was deemed suitable by the USFWS, USACE, and the scope of improvements to the site is conceptually favorable to EBRPD (**Figure 1**). This site and proposed scope of improvements was also discussed at the Joint Powers Agency Meeting with City and EBRPD representatives in October of 2013. The proposal was well received by EBRPD.

Proposed Mitigation Plan

The mitigation requirement for the December 2012 dredge episode is improvement of 4.2 acres of SMHM habitat. For future use of the ponds, improvement of an additional 7.2 acres would be required for a total 11.4 acres of SMHM habitat. The proposed mitigation site is located in the Martinez Regional Shoreline Park on EBRPD land approximately ¼ mile west of Pond #2. The area lies to the south and east of recently improved mitigation land per a mitigation effort by CalTrans and several other partners. The resulting discussions have led to the formation of a mitigation plan that is currently being reviewed by USFWS staff.

The plan includes two phases of improvements. The first phase mitigates for the December 2012 dredge activities and associated impacts to dredge Pond #2. Phase 1 includes 4.2 acres which would be improved in 2014. Before the next dredge episode, Phase 2 improvements for 7.2 acres would be completed and the project maintained and monitored by the City for a period of three years. The project was phased due to the ongoing discussion about the future of the marina with the State of California. All options are being considered for the marina including its possible closure. If it is determined that the marina will be closed, Phase 2 would no longer be required.

The proposed mitigation approach involves salt marsh enhancement through management of non-native Pepperweed (*Lepidium latifolium*) as well as selective removal of non-native trees (eucalyptus and palms), (**Figures 2 and 3**).

Phase 1 - Compensate for the temporary impacts that occurred in December 2012 at a ratio of 1.1:1 (totaling 4.2 acres).

- Hand application of herbicide (Telar XP or other approved herbicide) over 4.2 acres of Pepperweed-dominated salt marsh
- Twice annual maintenance (spot treatment) for three years
- Annual monitoring reports documenting treatment and maintenance including qualitative assessment of success
- Post-project (end of three year maintenance and monitoring period) quantitative assessment of success criteria (target 85% Pepperweed reduction) and reporting
- Development and implementation of contingency measures following three years of maintenance and monitoring if success criteria is not achieved

Phase 2 - Compensate for the removal of Pickleweed from Pond #2 to occur in the future at a ratio of 3:1 (totaling 11.4 acres). Subtracting the 4.2 acres of mitigation already completed under Phase 1, the remainder would be 7.2 acres of mitigation under Phase 2.

- Additional treatment of 7.2 acres of Pepperweed dominated salt marsh (per the treatment, maintenance, monitoring, and reporting methods described above)
- Removal of non-native trees (eucalyptus and palms) occurring on the berm top immediately south of the salt marsh mitigation area
- Removal of potential seed-source palms adjacent to Alhambra Creek near the marina entrance (2 palms total)

Currently the USFWS is reviewing the submittal of the mitigation plan and the USACE is revising the 2012 dredging permit to allow for the improvements associated with the dredge to take place. Staff anticipates having a completed mitigation plan in mid spring or early summer of 2014. Once the mitigation plan is approved, the City will work with EBRPD to complete the approvals for improvement of the park areas shown in the attachments. Conceptual approval of the location and improvements has already been received from EBRPD. Per EBRPD's request, it has been made clear in the mitigation plan that the City is solely responsible for improvements and maintenance of the improvements.

Key Consideration

At a minimum, Phase 1 of the mitigation plan is due to be completed in 2014. However, the City may want to consider completing both phases of improvements at once for several reasons. First, completing all improvements at one time would allow for continued use of the disposal ponds if the City decides to dredge in 2015 or at any time without further mitigation once the Pickleweed is removed. Additionally, the City has done soil testing that is valid until 2015; further reducing the dredging costs should the City decide to dredge the marina next year. Lastly, if both phases of improvements are completed at one time there would be an overall cost savings achieved. The 7.2 acres accounts for approximately \$50,000 of cost.

Next Steps

The City should continue to work with USFWS, USACE and AnchorQEA for approval of the mitigation plan. Once the mitigation plan is approved by USFWS and a revised dredge permit is received, City staff will return to the City Council with recommendations to complete Phase 1 or both phases, a proposed budget, and a request to seek a contractor to perform the work. This is anticipated to occur no later than early fall 2014.

FISCAL IMPACT:

The anticipated cost for the mitigation plan improvements; not including removal of the Pickleweed from Pond #2 is as follows:

<u>Budget</u>	<u>Amount</u>
Permitting/Revised Biological Assessment	\$12,000
Removal of Pepperweed for 11.4 Acres	\$26,000
Removal of Non-Native Trees	\$27,500
Maintenance & Monitoring	\$28,500
Contingency	\$6,000
Total	\$100,000
<u>Funding</u>	
2013/14 Budget – Settlement Funds	\$100,000
Funding Total	\$100,000

Attachments:

Figure 1: Vicinity Map for Mitigation Site

Figure 2: Pepperweed Removal Area

Figure 3: Non-native Tree Removal Area

APPROVED BY:



Acting City Manager

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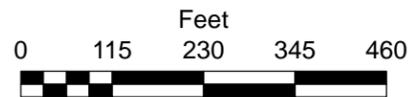


HORIZONTAL DATUM: California State Plane, Zone 3, NAD83, U.S. Survey Feet.



Figure 1
Vicinity Map
Draft Combined Biological Assessment and Mitigation Plan

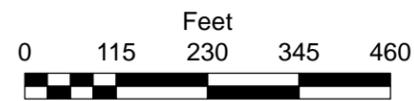
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- Phase 1 Pepperweed Removal Area (4.2 acres)
- Phase 2 Pepperweed Removal Area (7.2 acres)

Figure 2
Pepperweed Removal Area
Draft Combined Biological Assessment and Mitigation Plan

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Non-native Tree Removal Area
(0.5 acres; including 10 eucalyptus, 14 palms, and scattered saplings)

Figure 3
Phase 2 Non-native Tree Removal Area
Draft Combined Biological Assessment and Mitigation Plan