



April 14, 2004

To: Interested Agencies, Organizations, and Individuals

**From: Larry Wyckoff, California Department of Fish and Game
Amy Hutzler, California State Coastal Conservancy**

Subject: Release of the Final EIR and Project Update

Enclosed is the Final Environmental Impact Report (Final EIR) for the Napa Salt Marsh Restoration Project. It has been 1 year since the release of the Draft EIR, and the project sponsors (California State Coastal Conservancy [Coastal Conservancy], U.S. Army Corps of Engineers [Corps], and California Department of Fish and Game [DFG]) have been working diligently to prepare for the implementation of the restoration project. Much additional work has been conducted to verify potential project effects, refine the project, and adjust to changing site conditions. This letter provides an overview of the Final EIR and its contents, explains the decision to release the Final EIR independent of the EIS and re-designate lead agencies, provides an update on several key issues relating to the project, and briefly describes the next steps in the planning and implementation process.

Overview

The Final EIR consists of two volumes and their associated appendices. Volume 1 is the hard copy of the Final EIR, with changes indicated in underline and strikeout. Volume 2 contains the comment letters, responses to comments, and the public meeting transcript.

Release of the Final EIR

The Coastal Conservancy and DFG are releasing the Final EIR separate from the Corps' Final EIS for several reasons:

1. DFG and the Coastal Conservancy would like to begin work on elements of the project, including permitting, initial surveys, plans and specifications, contracting, initial site preparation, and construction on some of the ower ponds; and
2. The Corps has re-run some of its analyses and is now looking at the cost effectiveness of individual ponds and the water delivery project component, requiring approximately 6 to 9 additional months of review before they can finalize the project.

A Final EIS is expected in the late summer or fall 2004.

State Lead Agency Designation

The CEQA lead agency has been changed to DFG. Section 15051 of the California Environmental Quality Act (CEQA) presents the criteria for identifying the state lead agency. When the project was conceived, it was envisioned that the Coastal Conservancy would be the state lead agency. However, as the project nears implementation it has become apparent that:

1. DFG will be acting first (which was unknown at the outset of the project);
2. DFG will be the “discharger” identified in the San Francisco Bay Regional Water Quality Control Board permit; and
3. DFG’s overall role will be the largest, as they will have the greatest responsibility for supervising and approving the project as a whole.

Therefore, DFG will now be considered the lead agency, and the Coastal Conservancy will be considered a responsible agency. DFG will certify the Final EIR, make CEQA findings on the project, adopt the mitigation monitoring and reporting plan, and make a decision on the project. The Coastal Conservancy will follow a similar process as required for responsible agencies. This change of lead agency in no way affects the conclusions in the document or adequacy of the Final EIR.

Update on Key Project Issues

The project sponsors and other interested agencies and organizations have helped verify potential project effects, refine the project, and adjust to changing site conditions. The Final EIR includes information on:

- the widening of the unintentional breach on Pond 3 and subsequent salinity reduction of this pond,
- the revised bittern reduction period estimate that indicates a salinity reduction period of less than 10 years,
- new metals testing results that indicate metals concentrations are not as high as initially measured,
- 2-dimensional modeling results that indicated that diffusers on the upper ponds and the correct timing of lower pond breaches will prevent adverse water quality effects,
- the addition of other DFG restoration and maintenance tasks to ensure the long-term success of the project,
- the updated and detailed adaptive management plan, and
- RWQCB discussions and permit conditions.

The additional information collected to verify potential project effects and determine compliance with future permit conditions concluded that the effects identified in the Draft EIR are less than significant, or will be maintained at a less-than-significant level with mitigation. These additional studies did not reveal any new impacts, substantial increases in the severity of impacts, or additional feasible project alternatives or mitigation measures that lessen environmental impacts and that the project sponsors decline to adopt. Therefore, under Section 15088.5 of CEQA, recirculation of the Final EIR is not required, and the magnitude, scope, and duration of effects in the Final EIR are accurately characterized and mitigation is sufficient.

Next Steps

DFG expects to approve the project in late April, and the Coastal Conservancy expects to approve their contribution to the project in the summer of 2004. During this time the Coastal Conservancy will continue to secure the remaining permits for the project and prepare to request construction bids. Construction design and preparation will continue through the summer and fall. DFG will continue to oversee and manage on-the-ground implementation, and the Coastal Conservancy will continue to serve as an intermediary of local, state, and federal funding sources for portions of the project. The Corps will also continue as a project sponsor and will assist with design and implementation upon issuing the Final EIS and Final Feasibility Report and authorization of the project by Congress. Project implementation is expected to be in 2005.

We appreciate the assistance and support of the many agencies, organizations, and individuals that have been instrumental in the development of the project to date. We believe this is a prelude to the successful implementation of the largest tidal wetland restoration in the western United States to date and a model for work in the South Bay.