

COPY



Memorandum

Date: February 5, 2013

To: Ms. Adrienne Klein
San Francisco Bay Conservation
and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

RECEIVED
FEB 13 2013

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

From: *Scott Wilson*
Scott Wilson, Acting Regional Manager
California Department of Fish and Wildlife – Bay Delta Region, 7329 Silverado Trail, Napa, California 94558

Subject: Napa Plant Site Project: Public Access Plans and Installation for San Francisco Bay Conservation and Development Commission Permit Application #2004.008.001

The California Department of Fish and Wildlife (Department) received your memorandum on February 4, 2013 requesting a timeline and plan to complete the public access related to Pond 9/10. The San Francisco Bay Conservation and Development Commission (BCDC) is requesting the Department submit a schedule that outlines the steps the Department will take to open the required public access area by the end of the year. The schedule should include completion dates for: (1) an addendum or supplement to the 2006 Environmental Impact Report for the Project to address the 9/10 public access, including the alignment of the path adjacent to the Napa County Airport runway safety area; (2) establishment of a legal public access across or under Sonoma-Marin Area Rail Transit's (SMART) railway track; (3) obtaining BCDC staff approval of final construction plans for the 9/10 path terminating at Fagen Marsh; (4) installation of the public access improvements; and (5) opening of the Pond 9/10 public access area improvements to the public.

Since we received the memorandum yesterday, the Department has not had the time to develop a timeline and fulfill your request by the February 5 requested response date. The Department is going to meet with all of the involved parties to discuss the project. On January 30, 2013, Renee Spenst of Ducks Unlimited sent a request on behalf of the Department to set up a meeting to discuss the Pond 9/10 trail. The request went to BCDC, Association of Bay Area Government's San Francisco Bay Trail, State Coastal Conservancy, Napa County Regional Park and Open Space District, and Mr. Tom Roth of Senator Evans office. The meeting will be a chance to discuss the details of the project, discuss the funding, safety, ownership, and timeline challenges to providing completed public access, and discuss a plan and timeline to move forward. The Department has also sent a meeting request to the Napa County Airport to discuss any concerns they may have so that we can be sure to address them as we move forward. After these meetings, the Department will have the information to fulfill your request and provide a detailed and comprehensive timeline to you. We expect that plan to be available and sent to you in approximately 30 days if the meeting occurs in mid-February as planned.

To address the individual items from above:

- (1) Greg Martinelli has spoken to Mr. Bob Batha regarding the California Environmental Quality Act (CEQA) compliance. Mr. Batha is checking with BCDC legal to determine if the BCDC permit analyzed the Pond 9/10 trail in accordance with CEQA. The information from Mr. Batha may change the decisions that the Department makes in addressing further environmental review of the project;
- (2) Special Condition II(C)(5) requires the Department to "fully coordinate with the City of American Canyon, Napa County and the Association of Bay Area Government's San Francisco Bay Trail project to establish a public access crossing across or underneath the Sonoma-Marin Area Rail Transit's (SMART) existing railroad tracks." The Department has always fully cooperated with the agencies on the crossing but is not responsible for establishing the crossing. Therefore, the update on a schedule for this activity should be provided by one of the above agencies who are responsible for establishing the crossing. The Department can contact the agencies or obtain that information at the project meeting to determine where they are in the process of developing this crossing and report back to BCDC;
- (3) (4) and (5) These items will be better determined after we meet with the agencies and have a fully developed plan with agency input.

The 2011 Monitoring Report for Ponds 1 - 5 is under final Department review and will be submitted to BCDC by the end of the week.

If you have questions or concerns relating to this project, please contact Mr. Greg Martinelli, Wildlife Program Manager, at (707) 944-5570.

cc: BCDC Commission

California Department of Fish and Wildlife
Karen Taylor, Bay Delta Region, Napa
Larry Wyckoff, Bay Delta Region, Napa
Greg Martinelli, Bay Delta Region, Napa
Tom Huffman, Bay Delta Region, Napa-Sonoma Marshes Wildlife Area