

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: April 28, 2008

Reviewed by: *BP*

SUBJECT: Natural Resource Damage Assessment Restoration Projects for the Albany Waterfront – Post-Cosco Busan Oil Spill

REPORT BY: Ann Chaney, Community Development Director

WATERFRONT COMMITTEE RECOMMENDATION

That the City Council authorize staff to submit the proposed restoration and improvement projects (attached) to the Trustees of the Cosco Busan Oil Spill for possible restoration and compensation for injured resources and human activities at the Albany waterfront.

BACKGROUND

As a result of the Cosco Busan oil spill in the San Francisco Bay, state and federal trustee agencies, comprised of the National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, California Department of Fish and Game, National Parks System, and the Bureau of Land Management, (trustees), are working in cooperation with local cities, counties, and other organizations, to assess the ecological injuries and human use losses caused by the spill. This process, termed a natural resource damage assessment (NRDA), will quantify the injuries to wildlife, habitat, and lost use of those resources. The trustees will ultimately make a claim for funds from the responsible party, and develop a restoration plan to implement projects designed to both restore and compensate for the injured resources and human activities.

The NRDA process includes the following steps, some of which will run concurrently:

1. Quantification of injuries: the trustees, in coordination with ecological experts, are working to identify the total amount of injuries incurred by the Cosco Busan oil spill.
2. Identification of potential restoration projects: identification of potential restoration projects is currently underway, with restoration project concepts being solicited by the trustees. Examples of restoration projects include replanting wetlands, improving accessibility, and restoring wildlife habitat. Additionally improvements to recreational opportunities will also be considered.
3. Settlement agreement: following the quantification of injury, the trustees will be pursuing a settlement agreement with the responsible party. Typically this takes the form of a “cooperative agreement” which is the result of negotiations between the

responsible party and the trustees. Trustee staff has indicated that the amount of time to complete this process could range significantly.

4. Restoration plan scoping: once a settlement agreement has been reached, and a specific dollar amount has been identified for restoration projects, the trustees will initiate a scoping process that involves the public to identify and prioritize potential restoration projects. Project concepts submitted by local jurisdictions and agencies will be included for consideration within this scoping process.
5. Draft Damage Assessment Restoration Plan: a restoration plan will be developed as a result of the scoping process. This plan will identify all restoration projects selected for implementation.

DISCUSSION

Staff has identified several potential restoration projects for the waterfront area, which are attached to this staff report for review. The City's Waterfront Committee has reviewed and supports the identified restoration projects, recommending City Council approve the attached projects for submittal to the trustees. The Committee discussed whether to prioritize the projects. This idea was rejected because the Committee was concerned that a low priority project might prove to be a high priority for the Trustees. Thus, prioritizing the projects might result in a missed opportunity.

Staff is working in coordination with the East Bay Regional Park District (EBRPD) regarding proposed projects for the Albany Waterfront. EBRPD will likely service as project co-sponsor for some of the following projects as applicable.

The proposed projects include:

- Albany Neck/Bulb Emergency Access: based on City Council approval, this project is currently underway, and consists of restoring the emergency access roads along the Neck/Bulb to ensure adequate accessibility should emergency response be required.
- Albany Neck/Bulb Recreational Enhancements: several recreational enhancements for the Neck/Bulb have been identified within the Eastshore State Park General Plan and the City's Proposal for the Albany Portion of the Eastshore State Park, (submitted to the East Bay Regional Park District in June 1995). Recreational enhancements identified within these plans have been included within the restoration project proposal.
- Albany Plateau Recreational Enhancements: similar to the Neck/Bulb recreational enhancements, several recreational enhancements for the Plateau have been identified within the Eastshore State Park General Plan and the City's Proposal for the Albany Portion of the Eastshore State Park. Recreational enhancements identified within these plans have been included within the restoration project proposal.
- Bulb Safety Hazard Removal: several potential hazards exist on the bulb, most of which consisting of rebar and other construction materials. Removing these safety hazards would help facilitate an increased opportunity for recreation at the bulb.

- Interim Bay Trail: the East Bay Regional Park District has been working on developing an interim bay trail along the Golden Gate Fields property for several years. The interim bay trail would connect the existing bay trail in Berkeley throughout the Albany waterfront area, and increase accessibility to the waterfront.
- Lagoon Restoration: this project would involve breaching the dikes at several locations, thereby making the lagoons contiguous with San Francisco Bay and facilitating tidal water level fluctuations and tidal flow. By breaching these lagoons, the majority of the existing dikes will be isolated from the remainder of the landfill, and provide enhanced roosting habitat for birds.
- Salt Marsh Restoration: this project would expand and enhance the existing salt marsh north of the Golden Gate Fields racetrack. This project would help reestablish filled tidal lands and serve as a direct benefit to wildlife.

Currently the trustees have not expressed a submittal deadline for the NRDA projects, however staff would like to provide project concepts to NRDA early in the process to ensure the Albany waterfront area receives due consideration within this process.

FINANCIAL IMPACT

Submittal of these projects will not have a financial impact to the City. There would be a financial advantage if funding or restoration work is received for a project that otherwise would be the fiscal responsibility of the City.

Attachments:

Draft NRDA Restoration Project Information Sheets