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MEMORANDUM OF AGREEMENT

**BETWEEN THE COUNTY OF MARIN
THE MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
LAS GALLINAS VALLEY SANITARY DISTRICT
FOR MCINNIS MARSH HABITAT RESTORATION PROJECT**

This Memorandum of Agreement (Agreement) made and entered into this 18th day of ~~September~~ 2012, by and between the County of Marin, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), the Marin County Flood Control and Water Conservation District (hereinafter referred to as "DISTRICT") and Las Gallinas Valley Sanitary District, a special district (hereinafter referred to as "LGVSD"), collectively the "PARTIES".

Whereas, Lower Gallinas Creek and Lower Miller Creek both enter the bayland in an area known as the McInnis Marsh, and

Whereas, McInnis Marsh is adjacent to McInnis Park, and

Whereas, McInnis Marsh is owned by COUNTY and managed by its Parks Department who will be responsible for all COUNTY duties described hereinafter, and

Whereas, McInnis Marsh is a desirable site for bayland, tidal, freshwater and upland habitat restoration, and

Whereas, the re-establishment of ecologically contiguous bay/marsh/creek transition zone will support response to climate change, and

Whereas, an increase in creek/bay connectivity will support salmonid rearing and migration between bay and creek ecosystems, and

Whereas, contiguous marsh habitat ranging from subtidal channels to upland, and increased tidal exchange at McInnis Marsh will improve habitat for clapper rail and salt marsh harvest mouse, resident and migratory birds and other wildlife, and provide an opportunity to restore a variety of habitats that will have great biological value while maintaining resiliency to rising sea levels, and

Whereas, COUNTY, in collaboration with LGVSD, and DISTRICT, desires to undertake the Lower Gallinas Creek, Lower Miller Creek, and McInnis Marsh Habitat Restoration Project (hereinafter "PROJECT"), and

Whereas, COUNTY will be responsible for managing the PROJECT, and

Whereas, COUNTY will develop a grant proposal to be submitted to multiple state and federal public funding sources on behalf of the PARTIES to provide for the feasibility planning, design, and modeling for the PROJECT, and

Whereas, the improvement of flood and sediment conveyance in Lower Miller Creek will provide a benefit to LGVSD, and

Whereas, the discharge of secondary effluent or recycled water from LGVSD to McInnis Marsh may provide ecological benefits, and

Whereas, the PROJECT will identify methods to sustain subtidal channels and improve navigational access to lower Las Gallinas Creek, and

Whereas, the PROJECT will identify lands within the County suitable for the beneficial re-use of dredged materials, and

Whereas, the PROJECT will identify lands within the County suitable for future wetland mitigation for levee improvements and adaptations to sea level rise, and

Whereas, the improvement of flood and sediment conveyance in Miller Creek will provide a benefit to the DISTRICT and the COUNTY, and

Whereas, the PROJECT will provide opportunities for public access, education, and recreation along trails spanning multiple habitat types within the McInnis Marsh, and

Whereas, the PARTIES agree that subsequent agreement(s) with respect to facilities ownership, maintenance, and monitoring will be required to move forward with final approval and construction of the PROJECT and for the ongoing maintenance and operations of the PROJECT, and

Therefore, COUNTY, DISTRICT, and LGVSD are entering into this Agreement to meet the goals listed below.

Goals

- A. Re-connect Miller Creek to sub-tidal channel reaches of Gallinas Marsh.
- B. Facilitate the establishment of wetland/transition and upland habitats deemed most appropriate by state and federal natural resource agencies.
- C. Provide 100-year flood conveyance, and reduce potential flooding of LGVSD facilities and adjacent properties.
- D. Enhance existing clapper rail habitat.
- E. Provide additional suitable salt-marsh harvest mouse habitat.
- F. Provide access to riparian and estuarine habitat and high-flow refugia for salmonids and other fish.

Exhibit 4: Memorandum of Understanding

For LGVSD:

Mark Williams
General Manager
Las Gallinas Valley Sanitary District
300 Smith Ranch Road
San Rafael CA 94903
Phone: (415) 472-1734
Facsimile: (415) 499-7715
mwilliams@lgsd.org

Duration and Termination

The terms of this Agreement shall remain in full force and effect for five years from the date adopted and signed. This Agreement may be renewed by the mutual consent of all parties. Any party may terminate this Agreement by notifying the other parties in writing.

County of Marin

By: Steve Kinsey
President, Board of Supervisors

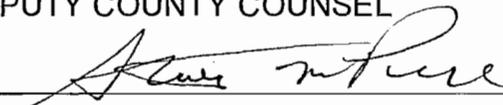
Attest:



Clerk of the Board

Approved as to Form:
DEPUTY COUNTY COUNSEL

By:



Marin County Flood Control and Water Conservation District

By: Steve Kinsey
President, Board of Supervisors

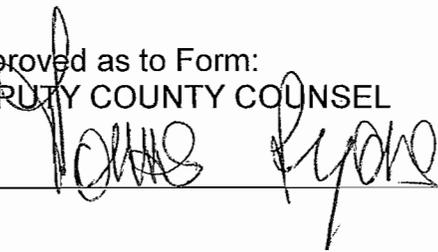
Attest:



Clerk of the Board

Approved as to Form:
DERUTY COUNTY COUNSEL

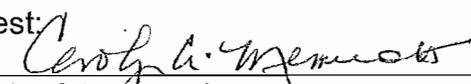
By: _____



Las Gallinas Valley Sanitary District

Attest: _____

Clerk of the Board



Approved as to Form:
GENERAL MANAGER

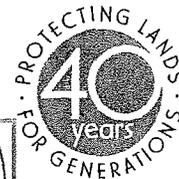
Las Gallinas Valley Sanitary District



COUNTY OF MARIN

MARIN COUNTY PARKS

Preservation • Recreation



September 18, 2012

MARIN COUNTY PARKS PRESERVATION • RECREATION



- OPEN SPACE DISTRICT
- REGIONAL PARKS & PATHWAYS
- COMMUNITY PARKS
- LANDSCAPE SERVICES

Linda Dahl
DIRECTOR & GENERAL MANAGER

Marin County Civic Center
3501 Civic Center Drive
Suite 260
San Rafael, CA 94903
415 473 6387 T
415 473 3795 F
415 473 2495 TTY
www.marincountyparks.org



Board of Supervisors
County of Marin
3501 Civic Center Drive
San Rafael, California 94903

SUBJECT: REQUEST TO AUTHORIZE PRESIDENT TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF MARIN, MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, AND LAS GALLINAS VALLEY SANITARY DISTRICT RELATED TO A WETLAND RESTORATION PROJECT AT MCINNIS MARSH, LOWER MILLER CREEK, AND LOWER LAS GALLINAS CREEK

Dear Board Members:

RECOMMENDATION:

Authorize the President to execute a Memorandum of Agreement between the County of Marin, Marin County Flood Control and Water Conservation District, and the Las Gallinas Valley Sanitary District to submit grant applications seeking funds from state and federal sources for the development of a feasibility study to guide the restoration of lower Miller Creek, lower Las Gallinas Creek, and McInnis Marsh.

SUMMARY:

The Memorandum of Agreement (MOA) between the County of Marin, (County), through Marin County Parks, the Marin County Flood Control and Water Conservation District (District), and Las Gallinas Valley Sanitary District (LGVSD), will guide the submittal of grant applications seeking public funds for the development of a feasibility study for the restoration of lower Miller Creek, lower Las Gallinas Creek and McInnis Marsh (adjacent to John F. McInnis County Park). The purpose of the project is to restore bayland, tidal, freshwater, and upland habitat for resident and migratory birds, fish, and other wildlife, particularly California clapper rails, salmonids, and the salt-marsh harvest mouse, all federally listed species.

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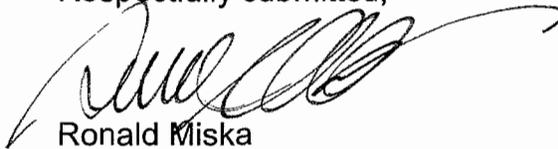
Exhibit 4: Memorandum of Understanding

Marin County Parks staff will take the lead in developing and submitting grant applications on behalf of the County, District, and LGVSD, seeking funding for the development of a feasibility study. Should funding be awarded, Parks staff will take the lead in hiring a consultant to develop the feasibility study.

FISCAL IMPACT: No fiscal impact.

REVIEWED BY: Dept. of Finance N/A
 County Counsel N/A
 Human Resources N/A

Respectfully submitted,



Ronald Miska
Deputy Director