

COASTAL CONSERVANCY

Staff Recommendation
September 5, 2024

LOWER COLLEGE OF MARIN CORTE MADERA CREEK HABITAT RESTORATION PROJECT

Project No. 22-081-01
Project Manager: Shalini Kannan

RECOMMENDED ACTION: Authorization to disburse up to \$2,213,270, including \$555,000 of grant funds from the U.S. Fish and Wildlife Service, to Marin County Flood Control and Water Conservation District to implement the Lower College of Marin Corte Madera Creek Habitat Restoration Project, which consists of partial removal of a section of concrete channel; restoration of 1.44 acres of tidal wetland, transition zone, and upland habitats; and enhancement of public access, in and along lower Corte Madera Creek in the unincorporated area of Kentfield in Marin County, and adoption of findings under the California Environmental Quality Act.

LOCATION: Corte Madera Creek, unincorporated Kentfield, Marin County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2: [Project Maps and Photos](#)
 - Exhibit 3: [October 17, 2019 Staff Recommendation](#)
 - Exhibit 4: [February 6, 2020 Staff Recommendation](#)
 - Exhibit 5: [Corte Madera Creek Flood Risk Management Project, Phase 1 Final Environmental Impact Report](#)
 - Exhibit 6: [Project Letters prepared for funding proposal to the San Francisco Bay Restoration Authority](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two million two hundred thirteen thousand two hundred seventy dollars (\$2,213,270) to Marin

County Flood Control and Water Conservation District (“the grantee”) to implement the Lower College of Marin Corte Madera Creek Habitat Restoration Project, which consists of partial removal of a section of concrete channel; restoration of 1.44 acres of tidal wetland, transition zone, and upland habitats; and enhancement of public access in and along lower Corte Madera Creek in the unincorporated area of Kentfield in Marin County (the “project”).

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 3 of Division 21 of the Public Resources Code, regarding the Conservancy’s authority to address the impacts and potential impacts of climate change on resources within the Conservancy’s jurisdiction.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Conservancy has independently reviewed and considered the “Corte Madera Creek Flood Risk Management Project, Phase 1 Final Environmental Impact Report” (EIR) certified by the Marin County Water Conservation and Flood Control District on August 17, 2021, pursuant to the California Environmental Quality Act and attached to the accompanying staff recommendation as Exhibit 5. The Conservancy finds that the proposed project will have potentially significant environmental effects in the areas of Air Quality, Biological Resources, Transportation and Circulation, Cultural and Tribal Cultural Resources. The Conservancy finds that the mitigation measures identified in EIR will avoid, reduce, or mitigate these possible significant environmental effects to less-than-significant levels and that these mitigation measures have been required or incorporated into the project.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize a grant of an amount not to exceed \$2,213,270 to the Marin County Flood Control and Water Conservation District (“FCD”) to implement the Lower College of Marin Corte Madera Creek Habitat Restoration Project, which consists of partial removal of a section of concrete channel; restoration of 1.44 acres of tidal

wetland, transition zone, and upland habitats; and enhancement of public access, in and along lower Corte Madera Creek in the unincorporated area of Kentfield in Marin County (the "Project"). The Project is a portion of the larger Corte Madera Creek Flood Risk Management Project Phase 1 ("Flood Risk Management Project"). Specifically, the Project will restore the lower reach of the Corte Madera Creek and takes place where riverine flows of Corte Madera Creek meet tidal flows in unincorporated Kentfield adjacent to the College of Marin (Exhibit 1).

In the late 1960s, the U.S. Army Corps of Engineers addressed flooding in the cities of Kentfield and Ross by installing a concrete channel to contain river flows – a common practice at the time that practitioners now know caused many unintended consequences. Construction of the concrete channel destroyed wetland and riparian habitat for its entire length, cut off the creek from natural creek processes, obstructed fish passage, and degraded water quality. The channel now no longer provides flood risk reduction for much of its length. The larger Flood Risk Management Project addresses upstream reaches of the Corte Madera Creek by maintaining and updating a concrete channel with improvements to contain greater flows and support salmonid fish passage.

This Project will improve the furthest downstream 450-foot reach of concrete channel on the Corte Madera Creek by partially removing sections of the concrete to restore native habitats and natural creek processes. Like many similar channelized rivers in the region, the Corte Madera Creek concrete channel abuts buried utilities and many developed properties – constraining restoration possibilities. Additionally, full removal of concrete and restoration of a fully earthen channel is costly, and in some areas, may not be necessary, as buried concrete can be left in place without negatively impacting habitat restoration. The Project will demonstrate the feasibility and benefit of partial concrete removal within the downstream 450-foot reach of channel, which saves costs when compared with full channel removal, while still providing the full benefits of restoration.

The Project will substantially lower the 450-foot concrete wall on the right bank (looking downstream) and lower the left bank's concrete wall for the downstream 150-feet of channel. The left bank contains buried utility lines in the upstream portion, so the upstream 300-feet of concrete will remain in place to protect them. Sediment covers three to four feet of the bottom of the concrete channel throughout the Project reach. The Project will leave in place this sediment and the concrete channel bottom and lower portions of the side walls buried underneath. Because only the top foot or so of sediment provides important habitat for organisms that live in the mud, and because sea level rise will cause the sediment levels to continue rising, leaving the bottom portions of concrete channel underneath the mud instead of removing them is compatible with restoration. This partial concrete channel removal will restore natural creek processes at the lower reach of the Corte Madera Creek, which the Project will further enhance by constructing upland swales and a detention basin to improve water quality and increase connectivity between stream flow and groundwater. The Project will also replace the mostly non-native vegetation with native vegetation, establishing low marsh, high marsh, transition zone, and upland habitats. This design will allow habitat to transition upwards with sea-level rise, ensuring that fish and wildlife, including Ridgway's rail and spawning salmonids, will have habitat into the future.

More specifically, the construction activities will include removing non-native trees and shrubs, dewatering the channel and relocating fish, modifying the channel by excavating banks, cutting concrete walls, and re-grading, retrofits to protect an adjacent sewer line, and acquiring and installing native plants and trees. FCD's non-profit partner, Friends of Corte Madera Creek Watershed ("Friends") will take the lead on salvaging plants from the site prior to construction, growing native plants, and revegetating the site after construction. Friends will hire and manage Conservation Corps North Bay crews for several weeks to work on the revegetation portions of the Project and will also monitor water surface elevation and temperature in the concrete channel for 2 years after construction.

The Project will also enhance public access to the creek. The existing multi-use path along the creek currently presents views of chain link fences and concrete walls. The Project will remove the fencing and the restored natural creek will replace unappealing concrete. These improvements will benefit all visitors, including students commuting to several neighboring schools. The Project will install a retaining wall that creates space for a park on an undeveloped gravel area on the east side of the creek. After construction of the Project, Marin County Parks will lead the design and implementation of a small but valuable "vest-pocket" park in this footprint that will include benches and tables where the public can rest, view wildlife, and appreciate Corte Madera Creek. Friends is collaborating with the neighboring College of Marin (COM) so that the newly restored ecological feature can be used as an outdoor classroom where students and faculty from COM, as well as other schools, can study creek restoration and natural ecosystems. Many COM students come from historically excluded communities, and Friends and partners at COM envision developing an environmental curriculum and monitoring program that will be implemented to engage students.

Simultaneously with this Project or after this Project is complete, FCD will begin work on the .87 miles upstream of this Project for the Flood Risk Management Project (Exhibit 2) that this Project is a part of. The upstream work will include installing flood protection elements including raised walls and a new pump station, grading to create more natural transitions from riparian and wetland habitats to upland, and improving fish passage by roughening the streambed, removing a dysfunctional fish ladder, and constructing fish resting pools. FCD will complete this work with other funding.

The proposed authorization builds on two previous Conservancy authorizations to Friends for the planning phase of the Flood Risk Management Project and this Project in particular. On October 17, 2019, the Conservancy authorized a grant for 65% construction designs and permit applications for the Project (Exhibit 3). The Conservancy also authorized a grant for another portion of the Flood Risk Management Project on February 6, 2020, to partially design the fish resting pools in the non-tidal portion of the creek (Exhibit 4). Further project history, including past flooding and background on the concrete channel, are described in the attached Exhibit 4.

Site Description: The Project is located in the biologically rich zone where tidal flow mixes with riverine flow of Corte Madera Creek, adjacent to College of Marin's campus. Currently, movement of sediment is compromised where the concrete channel suddenly ends and abruptly widens into the over-widened earthen channel, the water velocity drops sharply, and large amounts of sediment accumulate downstream of the concrete channel. As a result, no

matter how low the tide, the water surface elevation does not drop below 1.7 feet. The area downstream of the concrete channel includes 9,200 square feet of riprap with interstitial pickleweed, saltgrass, jaumea, gumplant, native cordgrass, and bulrush.

The areas on either side of the concrete channel are uplands with non-native vegetation, mostly acacia trees. A paved multi-use path (Marin County Route 20); a gravel area with a table, bench, and trash can; and underground utilities, including a large sewer main, are located adjacent to the channel on the east side of the creek. An informal gravel access path and cyclone fence are located on the west side of the creek.

Corte Madera Creek is designated critical habitat for Central California Coast steelhead and Central California Coast coho salmon. There is poor wildlife and aquatic habitat in the concrete channel, although common water birds use it at low flows and the creek continues to provide migration corridor elements for waterfowl and fish. A breeding population of Ridgway's rails occupies the marshes downstream of the Project area and these birds are expected to forage in the newly established tidal wetlands. River otters are regularly seen in the creek and the concrete channel.

The east bank of the Project site is owned by COM, and the rest of the project area is the concrete channel area which is owned by the State Lands Commission. The FCD has easements over the entire Project area that include permanent access for maintenance, repair, and modification of the concrete channel.

Grant Applicant Qualifications: FCD is directed by the Marin County Board of Supervisors and its mission is to reduce the risk of flooding for the protection of life and property in Marin County while utilizing sustainable practices. The FCD's core work is the operation and maintenance of flood facilities within the County. The FCD is experienced in managing large state grants and managing the design and construction of fish passage restoration, pump station, sediment removal and other flood control projects. The FCD will manage the construction contract for this Project, and per permit conditions, will monitor the Project for a minimum of five years post-construction.

For this Project, the FCD is working closely with Friends, which prepared early designs for the Project, and which manages relationships and coordination with COM, Marin County Parks, Conservation Corps North Bay, Ross Valley Sanitary District, Kentfield Fire Protection District, Kentfield Planning Advisory Board, and the Kentfield School District. These partners all add further expertise to the Project team. Friends is experienced in managing Conservation Corps groups, growing native plants and leading revegetation efforts.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed Project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the “Consistency with Conservancy’s Strategic Plan” section below.

2. Project is a good investment of state resources.

This Project is “shovel ready” with permits, permissions, funding, and designs ready to go for construction in 2025. Once built, the Project will provide multiple benefits for the local environment and community (described in Criterion 4 below). It leverages non-state resources including construction management from the FCD, in-kind work from Friends staff and volunteers, and temporary irrigation from COM and Marin County Parks. The Project will have longevity through its resilience to climate change and commitment to monitoring and maintenance from the FCD.

The Project alone and as a part of the Flood Risk Management Project will provide key salmonid spawning habitat and flood risk protection for adjacent communities. In piloting partial removal of a concrete flood control channel, this Project may stimulate similar work upstream of this site, or in other watersheds around the San Francisco Bay Area and beyond. With a lower cost than full removal, this solution could be viable for restoration of many waterways in the State. Finally, the Project is consistent with regional and local plans, including the Baylands Ecosystem Habitat Goals Science Update, California Water Action Plan, California State Wildlife Action Plan, and Steelhead Restoration and Management Plan for California.

3. Project benefits will be sustainable or resilient over the project lifespan.

The Project will provide a location for tidal wetland and riparian vegetation to persist as sea level rises. The gently sloping transition zone will narrow over time as wetland vegetation moves upslope. This will preserve the habitat and water quality benefits of the Project for its expected 50-year life. The Flood Risk Management Project, including the proposed Project, is designed to accommodate increased flood risk threatened by climate change. To ensure habitat establishment in the early years, the FCD will monitor the project for at least five years after construction.

4. Project delivers multiple benefits and significant positive impact.

The Project will provide several benefits in terms of hydrology, ecology, and public access. The Project will restore natural creek processes, improve water quality, enhance groundwater resources, reduce flood risk, improve sediment transport, and accommodate increased flows that result from upstream flood management projects. Ecologically, the Project will create 1.44 acres of natural vegetation and improved in-channel habitat that will benefit salmonids and birds, including sensitive species. The Project is designed to provide habitat resilience to sea-level rise and climate change so its benefits will be sustained into the future. Finally, the Project provides multiple benefits to the public by enhancing a public path, creating space for a small park, adding more greenspace, and creating educational opportunities for neighboring schools, particularly COM.

5. Project planned with meaningful community engagement and broad community support.

In planning the Project, Friends has met regularly with staff from COM, Kentfield Fire Protection District, and Kentfield School District; made presentations to Safe Routes to School, Kentfield Planning Advisory Board, and Marin Conservation League; and consulted with Ross Valley Sanitary District and Marin Bicycle Coalition. Friends contacted over 325 interested parties in the community and feedback was overall positive for the removal of the concrete channel and the restoration of a natural shoreline. Friends addressed concerns about access to and along the creek by emphasizing that the Project would not change the existing public access uses. They addressed concerns about the removal of trees by emphasizing the robust re-vegetation program that would replace the mostly non-native vegetation and habitat with new, native vegetation designed to be resilient to sea-level rise and climate change.

Friends will hire Conservation Corps North Bay crews for several weeks to work on the vegetation portions of the Project, aiding in their professional training. Participants come mostly from disadvantaged communities and have worked with Friends and Marin County Parks before. Friends will continue collaboration with COM to create and implement a monitoring plan that can teach students skills needed for careers in habitat restoration and monitoring. Finally, the Project will use local contractors for construction.

PROJECT FINANCING

Coastal Conservancy	\$1,658,270
U.S. Fish and Wildlife Service (via a grant to the Conservancy)	\$555,000
National Fish and Wildlife Foundation	\$155,674
County of Marin	\$750,000
Project Total	\$3,258,944

The anticipated source of Conservancy funds for this authorization is a FY 22/23 appropriation of General Funds to the Conservancy for the purpose of “urgent sea level rise adaptation and coastal resilience needs using nature-based solutions or other strategies” (The Budget Act of 2022, SB 154 as amended by Budget Act of 2023, SB 101). The coastal resilience funds are available as described in Section 52 of Chapter 258 of the Statutes of 2021, which sets forth a detailed description of the purposes of the coastal resilience funds, including projects that are granted through the Climate Ready Program pursuant to Section 31113 of the Public Resources Code (as discussed in more detail in the following section). In particular, the Project is consistent with this funding source because it is a coastal resilience project that will address urgent sea level rise and flooding associated with climate change by using natural infrastructure to restore natural stream processes and by installing flood control infrastructure.

The source of funding for \$555,000 of the proposed authorization is a U.S. Fish and Wildlife Service (USFWS) National Coastal Wetlands Conservation (NCWC) Grant awarded to the Conservancy. The USFWS has awarded \$575,000 to the Conservancy to support the Project. Approximately \$555,000 of the NCWC grant will support Project implementation directly, while

the remaining \$20,000 will pay for Conservancy staff costs. NCWC grants require a non-federal match, and this grant specifically requires \$663,174, as proposed in the grant proposal submitted by the Conservancy to USFWS. \$366,500 of this match will come from Conservancy funding, and the rest is derived by the grantee from various cash and in-kind sources:

- National Fish and Wildlife Foundation (\$155,674) – This grant is from NFWF’s San Francisco Bay Estuary Fund and covers plant salvage and revegetation efforts.
- FCD (\$102,500 in-kind) - The grantee will contribute staff time towards Project and construction management, from Ross Valley Flood Control Zone 9 storm drainage fees.
- Friends (\$30,500 in-kind) – Friends will contribute volunteer time for salvaging wetland plants, water quality monitoring, outreach, and stakeholder coordination.
- COM (\$14,280 in-kind) – This sum of in-kind match will cover approximately 80 hours of COM staff time to coordinate with the project (\$9,280), and irrigation for plant establishment, estimated at \$5,000.

The grantee will keep track of required matching funds and in-kind work for the Conservancy to ensure compliance with USFWS NCWC grant terms.

Additionally, the grantee has secured \$750,000 from the County of Marin’s FY 21-22 allocation of federal American Rescue Plan Act funds. The Conservancy does not require these funds as match, nor does it require documentation of its expenditure.

Typical grant conditions require grantees to provide any funds needed to complete a project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

This Project will be undertaken pursuant to Chapter 3 (regarding the Climate Ready Program) of Division 21 of the Public Resources Code. The proposed Project would be undertaken pursuant to Section 31113 of Chapter 3 of Division 21 of the Public Resources Code, which authorizes the Conservancy to address the impacts and potential impacts of climate change on resources within the Conservancy’s jurisdiction (Section 31113(a)). This project is within the Conservancy’s jurisdiction because it is within the Coastal Zone pursuant to Section 31006.

Pursuant to Section 31113(b), the Conservancy may undertake projects that reduce greenhouse gas emissions, address extreme weather events, sea level rise, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources. Pursuant to Section 31113(c), the Conservancy must prioritize projects that maximize public benefits and either reduce greenhouse gas emissions, reduce hazards to harbors and ports, preserve and enhance coastal wetlands and natural lands, conserve biodiversity, and provide recreational opportunities, or reduce flood risk and enhance fish and wildlife habitat. Consistent with these provisions the proposed Project will maximize public benefits by increasing accessibility to the creek and will reduce greenhouse gas emissions by restoring tidal wetland habitat, address sea level rise and flooding associated with climate change by restoring natural stream processes

and installing flood control infrastructure, and enhance fish and wildlife habitat by restoring natural stream processes.

Consistent with Section 31113(d), the proposed Project will use natural infrastructure to help adapt to climate change, provide multiple benefits including protection of communities, natural resources, and recreational opportunities, and protect a coastal estuary that provides critical habitat.

CONSISTENCY WITH CONSERVANCY'S [2023 - 2027 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2.5, Recreation Facilities & Amenities**, the proposed Project will construct recreational facilities, including the vest-pocket park and trail enhancements.

Consistent with **Goal 3.2, Restore or Enhance Habitats**, the proposed Project will enhance tidal wetlands and upland habitat through native plantings and grading to widen the stream channel. The Project will also enhance riparian habitat and watershed functions and processes for the benefit of wildlife and water quality.

Consistent with **Goal 4.1, Sea Level Rise Adaptation Projects**, the proposed Project will implement features that increase resilience to sea level rise impacts using nature-based solutions that provide multiple benefits.

CEQA COMPLIANCE:

To comply with the California Environmental Quality Act ("CEQA"), in July 2021, the FCD prepared the "Corte Madera Creek Flood Risk Management Project, Phase 1 Final Environmental Impact Report" ("Final EIR"), to evaluate the potential environmental impacts of the Flood Risk Management Project. The Final EIR included a Mitigation, Monitoring and Reporting Program ("MMRP"). The FCD certified the Final EIR, adopted the MMRP, and approved Alternative 1 on August 17, 2021. With the selection of Alternative 1, the single significant and unavoidable impact identified in the Final EIR (related to visual quality impacts at Frederick Allen Park, outside of the Project scope) will be avoided. The Project improvements are the downstream component of the larger project described in the Final EIR. This section will focus on Final EIR components that are relevant to the Project proposed for authorization.

Potentially significant effects of the Project were identified in the areas of air quality, biological resources, and cultural and tribal cultural resources.

Air Quality. The construction phase of the Project could potentially produce significant fugitive dust emissions. Mitigation measures to reduce dust emissions below the level of significance will include watering exposed surfaces; covering haul trucks transporting soil, sand, or other loose materials; limiting vehicle speeds on unpaved surfaces to 15 miles per hour; and minimizing vehicle idling times.

Biological Resources. The construction phase of the Project could have adverse effects on species identified as candidate, sensitive, or special status, and on sensitive natural communities, either directly or through habitat modifications and disturbance. The FCD and its

construction contractors will implement the following mitigation measures to avoid and minimize these effects:

All contractor personnel will receive an environmental awareness training to learn procedures for avoiding impacts to special-status species.

Focused surveys for rare plants will be conducted by qualified botanists prior to construction, and rare plants will be avoided or transplanted as compensatory mitigation. To mitigate the potential indirect impacts of invasive plants being introduced to the site, construction vehicles and equipment are required to be washed and follow specific requirements for preventing introduction of pathogens and invasive plant species.

For aquatic species, qualified personnel will use approved techniques for dewatering and fish relocation. After cofferdam installation for dewatering near Stadium Way Bridge, to avoid stranding and trapping any fish that have moved upstream during the eight-week construction window, an inspection will be done, and any fish will be relocated. Potential introduction of aquatic invasive species will also be mitigated through cleaning and inspection of any equipment that has operated in waters outside the Corte Madera Creek watershed.

To avoid impacts to Salt Marsh Harvest Mouse, a qualified biologist will be present to observe work, stop work as necessary if permit conditions are being violated, flag suitable habitat areas for avoidance, and train the construction team. Contractors will install fencing to exclude mice from the construction area and cap pipes and similar equipment to prevent entrapment of mice. Construction timing will avoid extreme high tides when mice have limited protective cover.

Potentially significant impacts to migratory bird and raptor habitat caused by the removal of 39 trees will be mitigated by replacing trees at a one-to-one or higher ratio, depending on the species of the trees.

The Project will temporarily impact .11 acre of coastal brackish marsh, and permanently impact .12 acre of it. However, concrete channel removal will result in a net increase in riparian and tidal marsh communities by creating .35 ac of tidal and wetland habitats, and .46 ac of upland transitional habitats. Some of the same practices described above – including identification of sensitive areas, avoidance of sensitive areas or compensatory mitigation, and invasive species control – will mitigate this impact below the level of significance. The Final EIR also requires implementation of a Habitat Restoration Monitoring Plan to restore any impacted native vegetation. The plan will include salvage and replanting protocols and require at least 5 years of monitoring.

Transportation and Circulation. Project construction will generate additional vehicle travel on area roadways from construction-worker vehicles and truck trips on College Avenue and into the College of Marin campus. Construction could conflict with safe bicycle and pedestrian travel, and will be mitigated with traffic management that provides safe detours. The Project contractor will prepare a Traffic management Plan that directs creation of detours, temporary signage, flaggers where necessary, defines staging areas, and establishes safety protocols.

Cultural and Tribal Cultural Resources. Based on surveys, there are no intact archaeological resources present in the Project area, but there could still be inadvertent discoveries of archaeological resources during construction, creating potential Cultural Resources and Tribal Cultural Resources impacts. These would be mitigated by halting work within 50 feet of finds until they are examined by a qualified archaeologist. The FCD will contact Native American representatives and treat the find as required by applicable law.

Staff has independently evaluated the Final EIR and MMRP adopted on August 17, 2021 and has determined that, as mitigated, there is no substantial evidence that the proposed Project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the Project as mitigated avoids, reduces, or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the Project will have a significant effect on the environment.

Upon approval of the Project, Conservancy staff will file a Notice of Determination.