

COASTAL CONSERVANCY

Staff Recommendation
November 21, 2024

NOVATO BAYLANDS PUBLIC WORKS CONTRACT FOR INTERIM SITE MAINTENANCE

Project No.99-108-06
Project Manager: Linda Tong

RECOMMENDED ACTION: Authorization to disburse up to \$4,000,000 to a selected contractor or contractors to undertake the Novato Baylands Public Works Contract for Interim Site Management, consisting of site maintenance and adaptive management tasks at the Bel Marin Keys Unit V, North Antenna Field, and Hamilton Wetlands properties in Marin County.

LOCATION: Novato Baylands (Bel Marin Keys Unit V, Hamilton Wetlands, and North Antenna Field), adjacent to the City of Novato and the Bel Marin Keys Community, in unincorporated Marin County.

EXHIBITS

- Exhibit 1: [Project Location Map](#)
- Exhibit 2: [Bel Marin Keys Wetland Restoration Phase 1 Staff Recommendation](#) (August 22, 2019)
- Exhibit 3: [Standard Conservancy Agreement](#)
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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 disbursement of up to four million dollars (\$4,000,000) to a selected contractor or contractors to undertake the Novato Baylands Public Works Contract for Interim Site Management, consisting of site maintenance and adaptive management tasks at the Bel Marin Keys Unit V, North Antenna Field, and Hamilton Wetlands properties in Marin County.

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 4.5 of Division 21 of the Public Resources Code, regarding restoration and enhancement of natural habitats in the San Francisco Bay Area and public access improvements to and around the Bay.
2. The proposed contract is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize disbursement of up to \$4,000,000 to a selected contractor or contractors to undertake the Novato Baylands Public Works Contract for Interim Site Management, consisting of site maintenance and adaptive management tasks at the Bel Marin Keys Unit V (BMKV), North Antenna Field (NAF), and Hamilton Wetlands properties in Marin County (Exhibit 1).

The Conservancy owns and manages the BMKV and Hamilton Wetlands properties. NAF is owned by the State Lands Commission and leased to the Conservancy. Together, the properties are referred to as the Novato Baylands. Completing restoration of the properties, as well as constructing associated segments of the Bay Trail for public access, is a high priority for the Conservancy and the San Francisco Bay Area region. The Hamilton Wetlands have been restored to seasonal and tidal wetlands, a portion of the BMKV property has been restored to seasonal wetlands (BMKV Restoration Project, Phase 1, referred to as BMKV Phase 1), and the remainder of the site will be restored in the coming years (BMKV Restoration Project, Phase 2). The Bay Trail constructed along the Hamilton Wetlands is a highly popular trail segment, and the Conservancy plans for additional Bay Trail as part of the BMKV Restoration Project, Phase 2.

The primary focus of the public works contract will be for tasks related to the maintenance and management of the BMKV property, with a secondary focus on the rest of the Novato Baylands site. Construction for BMKV Phase 1 was successfully completed at the end of 2021 (Exhibit 2). BMKV Phase 1 consisted of construction of the new outboard levee that is inland of the existing bayfront levee; creation of a 44-acre seasonal pond complex and enhancement of an additional 46 acres of seasonal wetlands; modifications to site drainage and a segment of an existing Novato Sanitary District effluent outfall pipeline that crosses BMKV; construction and improvement of necessary access roads; and construction of a water pump system to manage surface water behind the new levee. BMKV Phase 1 is now in its third year of monitoring and adaptive management.

There is a critical need for the Conservancy to hire a contractor that can handle site maintenance and adaptive management needs in the interim period before implementation of BMKV Phase 2. Over the past five years, the Conservancy has had to contract for major maintenance needs, such as repairs of the bayfront levee bordering BMKV. On several occasions, the contracting was done on an emergency basis to avoid an unplanned levee breach

and flooding of the site in response to heavy winter storms. In addition, during monitoring of BMKV Phase 1, the Conservancy and its consultants identified actions needed to ensure the constructed seasonal wetlands function well. Authorization of an interim site management public works contract that can encompass various maintenance and adaptive management needs would be more efficient than preparing for a new contract for each individual need that arises. Without maintenance and adaptive management done in a timely manner, flooding and other impacts could damage Conservancy property as well as affect the adjacent community, current habitat value, and potential for future habitat restoration.

Contracting needs may include routine and emergency repairs of the bayfront levee and other levees to prevent site flooding, earth grading for drainage or other site improvement purposes, road maintenance and improvement for site access, pump replacement and maintenance for water management, culvert repair and replacement for drainage purposes, and other tasks as needed. The Conservancy would authorize the selected contractor to conduct specific tasks under the public works contract as issues arise.

In 2023, the Conservancy entered into a Design Agreement with US Army Corps of Engineers (USACE) to plan and design BMKV Phase 2. The Design Agreement is a contract that allows the federal government and state government to share the cost of designing a restoration project, and that may be eventually amended into a Project Partnership Agreement for construction of the BMKV Phase 2 with USACE as the lead entity. While BMKV Phase 2 is still in the planning and design phase, the Conservancy needs to hire a contractor that can handle interim maintenance work.

Site Description: The Novato Baylands site consists of three properties located along the western edge of San Pablo Bay in Marin County totaling nearly 2,600 acres: the 644-acre former Hamilton Army Airfield (including the former 18-acre Navy Ball Field), which is the site of the restored Hamilton Wetlands, the 319-acre NAF (owned by the State Lands Commission) and the 1,585-acre BMKV property. All these properties are historic wetlands that were part of a larger tidal marsh system that extended from Corte Madera in Marin County to Vallejo in Solano County. All the property is owned by the Conservancy, except for NAF, which the Conservancy leases from the State Lands Commission. The NAF is planned to be restored as part of the BMKV Restoration Project after the NAF is cleaned up under the Formerly Utilized Defense Sites program.

In the 1900s, marsh lands at the site were diked to accommodate dry land farming. A system of levees and drainage ditches were constructed, and pumps were installed to drain rainwater and the naturally high ground-water table. Over the intervening century, oxidation and consolidation of the Bay mud caused the former tidal baylands to subside to an average of five feet below mean sea level.

Portions of the Novato Baylands have been restored to baylands habitat over the past decade, while other portions of the site still need to be restored. Construction of the Hamilton Wetlands was completed in 2014 in partnership with USACE and the site was breached to tidal waters, restoring approximately 650 acres of tidal marsh, seasonal wetlands, and uplands habitat. The

BMKV property has been partially restored to Baylands habitat under BMKV Phase 1, and currently includes about 200 acres of seasonal wetlands. Point Blue Conservation Science STRAW Program has been leading management of the on-site native plant nursery, as well as community engagement through stewardship of the restored portions of the Novato Baylands. The rest of the BMKV property is largely still agricultural, with a farmer leasing the land to grow organically certified oat hay. The full BMKV site will be restored to tidal marsh and nontidal habitat in the coming years in partnership with USACE. An additional Bay Trail segment along the northwest end of BMKV will also be completed to connect to the segment of Bay Trail along the Hamilton Wetlands.

Partner Qualifications: The Conservancy has retained the services of environmental consulting firms, including WRA, Inc., whose staff have been assisting the Conservancy with determining what site maintenance and adaptive management tasks are required for the BMKV site. WRA has contracted with Wilshire Consulting for handling construction management tasks, including construction bid document preparation and onsite monitoring during construction activities. WRA, Wilshire Consulting, and other subconsultants have extensive experience working on the BMKV property and have intimate knowledge of the history and current conditions of the site. With this expertise, they will be able to guide the Conservancy in selecting a qualified construction contractor through a competitive bid process for on-call maintenance work at the Novato Baylands site over the next three to five years.

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.

As a state agency, the Conservancy has an obligation to maintain the land it owns and leases to achieve the purposes for which it was acquired, which are habitat restoration and public access. The Conservancy is also required to adaptively manage its property to achieve the ecological and public access goals of the two restoration projects that have taken place to date, Hamilton Wetlands Restoration Project and BMKV Phase 1. Finally, the Conservancy needs to conduct interim maintenance of the BMKV and NAF sites to preserve restoration options for BMKV Phase 2. The public works contract will support site maintenance and adaptive management

tasks at the Novato Baylands to ensure that past investments in restoration and public access continue to be realized and future restoration can be implemented in an optimal way.

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

The public works contract will support interim site management for the next three to five years, which will benefit already restored habitat, and prevent unplanned levee breaching and flooding of the site before implementation of BMKV Phase 2. It will support the broader goal of restoring tidal marshes at the site, which are known to buffer wave action adding an additional measure of protection to inland communities from sea level rise due to climate change. Restored wetland habitat will adjust and respond to changing sea level, which is dependent on the supply of suspended sediment in San Pablo Bay and the rate of sea-level rise. The BMKV Restoration Project will deliver benefits to the Bay Area region over an extended period, as the various types of planned habitat types (tidal wetland, seasonal wetlands, high transitional marsh, upland transition) will allow for adaptation to sea level rise. Restoring tidal wetlands fronting the new outboard levee will increase flood protection and decrease the need for expensive levee updates to the existing outboard levee.

4. Project delivers multiple benefits and significant positive impact.

The public works contract will support one of the largest wetland restoration efforts in the United States to beneficially use dredged sediment and is contributing to a regional goal of more than doubling the amount of tidal marsh in San Francisco Bay. The Novato Baylands also provide many public access benefits, including opportunities for walking, biking, birdwatching, and participating in habitat restoration and nature education activities. The public works contract will add value to the local economy, as the selected contractor will employ many people to successfully complete work authorized under the contract.

PROJECT FINANCING

Coastal Conservancy	\$4,000,000
Project Total	\$4,000,000

Conservancy funding is anticipated to come from a Fiscal Year 2023/2024 appropriation to the Conservancy from the General Fund for the purpose of “urgent sea level rise adaptation and coastal resilience needs using nature-based solutions or other strategies” (Budget Act of 2023, Chapter 12 of Statutes of 2023 (SB 101) as amended by Chapter 38, Statutes of 2023 (AB 102)). The coastal resilience funds are available for the purposes set forth 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 and includes projects for the purposes of the San Francisco Bay Area Conservancy Program (Chapter 4.5 of Division 21 of the Public Resources Code). Maintenance and management of the Novato Baylands is consistent with this fund source because it will protect the BMKV Restoration Project, which is a shoreline resilience project that includes restoration of tidal marsh and other baylands habitat that will help achieve the goals of the San Francisco Bay Area Conservancy Program. The BMKV Restoration Project will address sea level

rise impacts on wildlife habitat and adjacent communities, and maintenance and management of the Novato Baylands is essential to ensure the project can properly address such issues.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The maintenance and management of the Novato Baylands is being undertaken pursuant to Chapter 4.5 of Division 21 of the Public Resources Code (sections 31160-31165). Section 31162 authorizes the Conservancy to undertake projects in the nine-county San Francisco Bay Area to help achieve regional public access and resource goals. Consistent with Section 31162(b), the maintenance and management of the Novato Baylands will support the BMKV Restoration Project and help restore critical tidal wetlands habitat.

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

Consistent with Goal 3.2 Restore or Enhance Habitats of the Conservancy's 2023-2027 Strategic Plan, the maintenance and management of the BMKV Restoration Project will enhance tidal wetlands, managed wetlands, seasonal wetlands, upland, habitat, and subtidal habitat by supporting the restoration of nearly 2,600 acres of tidal and seasonal wetlands at the Hamilton Wetlands and the BMKV property.

CEQA COMPLIANCE:

The proposed Conservancy action to enter into a contract for interim site maintenance is categorically exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Section 15301. This exemption is applicable to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Here, the potential contracting needs are for the routine maintenance to existing structures (levees, roads, and culverts), topographical features (grading for drainage due to flooding), and mechanical equipment (replacement of pumps).

Upon approval to enter into the contract, Conservancy staff will file a Notice of Exemption.