

COASTAL CONSERVANCY

Staff Recommendation
March 25, 2004

TRIANGLE MARSH RESTORATION

File No. 04-002
Project Manager: David Hayes

RECOMMENDED ACTION: Authorization to disburse up to \$90,000 to the Marin Audubon Society for wetland restoration and wildlife habitat enhancement at Triangle Marsh. Conservancy funds are expected to be reimbursed by the San Francisco Bay Conservation and Development Commission (BCDC).

LOCATION: Town of Corte Madera, Marin County

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: Project Location and Site Map
 - Exhibit 2: Initial Study and Negative Declaration
 - Exhibit 3: Letters of Support
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed ninety thousand dollars (\$90,000) to the Marin Audubon Society (MAS) toward the restoration of Triangle Marsh. Prior to disbursement of funds the grantee shall submit the following for review and approval by the Executive Officer of the Conservancy:

1. A work program, project schedule and detailed budget;
2. The names and qualifications of all contractors to be employed in the project; and
3. Evidence that all other funds necessary to complete the work are in place.

The Conservancy further authorizes the acceptance of funds from the San Francisco Bay Conservation and Development Commission that have been received pursuant to its permits to reimburse or defray these costs.”

Staff further recommends that the Conservancy adopt the following findings:

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

1. The proposed Triangle Marsh restoration project is consistent with Public Resources Code Sections 31160 *et seq.*, regarding the Conservancy’s mandate to address the resource goals of the San Francisco Bay Area and with its authority under Section 31104 to accept financial support from public and private sources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Marin Audubon Society is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
4. The Conservancy has reviewed the mitigated Negative Declaration filed by the Town of Corte Madera, attached to the accompanying staff recommendation as its Exhibit 2, and concurs that there is no substantial evidence that the Triangle Marsh restoration project, with the incorporation of dust control measures described in the initial Study and Negative Declaration, will have significant effect on the environment within the meaning of 14 California Code of Regulations Section 15382.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$90,000 to the Marin Audubon Society (MAS) for restoration and expansion of existing tidal marsh and transition area at the Triangle Marsh, located near Paradise Drive in Corte Madera, Marin County. The San Francisco Bay Conservation and Development Commission (BCDC) will reimburse the Conservancy for these project expenditures, using funds it has collected for this purpose under conditions of a permit.

Triangle Marsh has a history of strong local support and early Conservancy involvement, including funding assistance for its acquisition by MAS in the fall of 2000. BCDC has requested Conservancy assistance to disburse mitigation funds from a permitted shoreline stabilization project at nearby San Quentin Prison for use in this project. This project implements a longtime goal of the restoration planned by MAS and the Marin County Open Space District. When completed, Triangle Marsh will provide a wildlife corridor between the Ring Mountain Nature area and San Francisco Bay. The Corte Madera Ecological Reserve is just northwest of the project site.

Funding for this restoration project will be used to remove 10,700 cubic yards of fill so that site elevations over approximately two acres will be about one foot lower than the normal tidal elevation in the vicinity. This will allow the tide to inundate these areas and allow silt and seeds of tidal marsh plants to be deposited. Over time (three to five years), the tidal marsh will restore naturally. An estimated 2,000 cubic yards of this soil will be used on site to build a berm and buffer area along Paradise Road. Remaining materials will be hauled to the nearby Petaluma Marsh Expansion project for levee construction. Additionally, MAS will construct a small earthen viewing area atop the berm as a point for public access. This upland area is designed to also discourage access into the marsh habitat areas. A project monitoring plan is in place whose

implementation will be funded by the Department of Transportation (Caltrans). Caltrans is also currently funding a portion of restoration costs. When completed this project will implement part of the Bay Plan and one of the restoration goals outlined in the Baylands Ecosystem Habitat Goals report

BCDC intends to transfer funds, that it currently holds in a BCDC mitigation account, to the Conservancy for this project. However, the fund transfer is unlikely to occur before the clapper rail breeding season begins, when project work must be completed or halt. Therefore, the Conservancy would disburse San Francisco Bay Area Conservancy Program funds to carry out the project within this time period, which BCDC may then reimburse. BCDC is unable to disburse funds directly to MAS and, due to current restrictions on state contracting, may not be able to make a binding commitment to reimburse the Conservancy within the available time frame. Although it is expected that BCDC contractual commitments and funds will ultimately be available, staff is recommending that the Conservancy make its funds available to the project immediately and, if necessary, without reimbursement, because of the importance of the project and the critical timing involved in its implementation.

The Marin Audubon Society is a 501(3)(c) nonprofit organization, and has a history of successfully completing ambitious restoration projects.

Site Description: Triangle Marsh consists of 33 acres of tidal marsh, six acres of which is historic baylands that were filled when Paradise Drive was constructed, and approximately seven acres of intertidal mudflats. The project site has some unique features. It is one of the few tidal marshes in the Bay that has never been diked, it includes tidal panne area, a shallow unvegetated depression once common but now rare feature in Bay marshes (due to diking), and it is a habitat that hosts the endangered clapper rail.

Project History: Restoring the Triangle Marsh has been the focus of a partnership between the Marin Audubon Society and the Coastal Conservancy since 1999, when the Conservancy authorized funding for its acquisition. MAS holds the property, has completed restoration planning, and is ready to implement tidal marsh restoration immediately using a variety of funding sources, including mitigation funds contributed by Caltrans directly as well as those collected by BCDC.

BCDC's Mitigation Account is derived from a condition of permit for the nearby San Quentin shoreline erosion control project. BCDC cannot authorize grant funds for such projects. However, the Coastal Conservancy's Bay Area Conservancy Program has authority to receive funds from various sources and to make grants to nonprofit organizations for various purposes including implementation of the Bay Plan. The Conservancy is recognized as the appropriate state agency to administrate funds on BCDC's behalf.

PROJECT FINANCING:

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|---------------------------------------|------------------|
| Coastal Conservancy | \$ 90,000 |
| Caltrans mitigation Funds (in place) | <u>195,000</u> |
| Total Project Cost | \$285,000 |
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| Expected BCDC Contribution | <u>\$ 90,000</u> |
| Net Cost to Conservancy if reimbursed | 0 |

The Conservancy expects to expend funds from a current appropriation of the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40), which can be used for the rehabilitation, restoration and protection of land and water resources in accordance with the purposes and requirements of the Bay Area Conservancy Program as set forth in Chapter 4.5 of Division 21 of the Public Resources Code. BCDC intends to transfer funds directly to the Conservancy to defray or reimburse these costs.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with the provisions of Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31164, which states that the Conservancy may award grants in the nine-county San Francisco Bay area to address resource needs, such as those identified in the Baylands Habitat Ecosystem Goals Project including the Triangle Marsh.

Section 31162(b) authorizes the Conservancy to award grants “[t]o protect, restore, and enhance natural habitats ...of regional importance.” Consistent with that section, the proposed project would restore and enhance wetlands, transition of habitat and upland areas at Triangle Marsh.

Under §31162(c) the Conservancy “may undertake projects to implement the policies and programs of the San Francisco Bay Plan . . .” Consistent with that section, the proposed project would implement provisions of the Bay Plan regarding restoration and enhancement of wetland, tidal, transition and upland areas.

Section 31163(a) directs the Conservancy to cooperate with the bay commission, nonprofit land trusts, and other interested parties in identifying and adopting long-term resource and other goals for the San Francisco Bay area, and to utilize BCDC’s list of priority areas and concerns as guidance in the selection of Bay Area Conservancy Program projects that are within BCDC’s jurisdiction. Section 31163(c) further directs the Conservancy to participate in and support interagency actions and public/private partnerships in the San Francisco Bay area for these purposes. This project is responsive to those directives.

Consistent with §31163(d), the project is: 1) supported by local plans, (2) serves a regional constituency, (3) can be implemented in a timely way, (4) will provide benefits that could be lost if the project is not quickly implemented, and (5) includes matching funds from other sources of funding: Triangle Marsh is proposed for restoration in the Corte Madera General Plan. It serves a regional constituency in that it will improve habitat in the San Francisco Bay as proposed in the Habitat Goals and other regional plans. The project is ready for construction and significant delays will occur in the project schedule if funds are not available due to restrictions during the breeding season of the endangered California clapper rail.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 10, Objective A**, the proposed project will initiate implementation of the enhancement of Triangle Marsh to preserve and restore approximately 1.4 acres of wetland and 0.4 acres of transition and upland natural habitats in the San Francisco baylands, and furthering the priorities of the Baylands Ecosystem Habitat Goals report.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** This project is supported by: community organizations such as the Environmental Forum of Marin, Marin Conservation League, Marin Open Space District, Marin Baylands Advocates, Sierra Club (Marin), San Francisco Bay Joint Venture, and State Senator John Burton. See Exhibit 3 for letters of support.
4. **Location:** The Triangle Marsh is located in the North San Francisco Bay within the jurisdiction of the Bay Commission and also within the nine-County San Francisco Bay Area region of the San Francisco Bay Area Conservancy Program.
5. **Need:** The Conservancy participation is needed to assist BCDC to expend funds paid by permit applicants as mitigation fees and to carry out restoration activities before the clapper rail breeding season begins.
6. **Greater-than-local interest:** The proposed project is of regional interest because it would result in restoring salt marsh habitat, and provide benefits to a large number of species, including threatened or endangered species.

Additional Criteria

7. **Urgency:** The Triangle Marsh Restoration project is underway and needs assistance at this time to implement the final phases of the restoration project. If the project is not funded now, restoration cannot be completed until after the end of the clapper rail breeding season and likely only at greater cost.
12. **Readiness:** Part of the marsh restoration process is now underway. Under this authorization funds will be made available in time to complete construction in the fall before the endangered California clapper rail breeding season, when all construction in the area must be suspended until the breeding season is over.
15. **Cooperation:** This project is being implemented as a result of cooperation and partnerships among the Marin Audubon Society, Caltrans, the San Francisco Bay Conservation and Development Commission, and the Coastal Conservancy, and is supported by other locally based organizations.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

This project is within the permit jurisdiction of San Francisco Bay Conservation and Development Commission and its implementation will help to carry out mitigation requirements of a BCDC permit, if funds are provided to the Conservancy from this source.

Further, it is consistent with the following the San Francisco Bay Plan policies concerning wildlife habitat:

- a) The benefits to wildlife in the Bay should be insured for present and future generations of Californians. Therefore, to the greatest extent feasible, the remaining marshes and mudflats around the Bay retain surface area of the Bay and adequate freshwater inflow into the Bay should be maintained.
- b) Specific habitats that are needed to prevent the extinction of any species that would provide substantial public benefits, should be protected, whether in the Bay or on the shoreline.

COMPLIANCE WITH CEQA:

In September of 2003, the Town of Corte Madera completed an Initial Study and Mitigated Negative Declaration for the project (Exhibit 2), in accordance with requirements of the California Environmental Quality Act (CEQA). A Notice of Determination (also included in Exhibit 2) was filed with the Marin County Clerk on November 25, 2003. The only potentially significant impact identified for the project was a temporary impact of construction equipment and vehicles on air quality, due to diesel emissions and dust during construction. This potential impact would be mitigated through the implementation of specific dust control measures (Mitigation measure III.c.1.)

Staff has reviewed the mitigated negative declaration and findings, as certified by the Town of Corte Madera as the project lead agency, and recommends that the Conservancy concur with the Town's determination that, as mitigated, the projects would not have a significant adverse impact on the environment.