

COASTAL CONSERVANCY

Staff Recommendation
September 20, 2007

GIACOMINI WETLAND RESTORATION PROJECT

File No. 07-055-01
Project Manager: Joel Gerwein

RECOMMENDED ACTION: Authorization to disburse up to \$1,500,000 to the Point Reyes National Seashore Association to implement a wetland restoration plan for the Giacomini Ranch at Point Reyes National Seashore.

LOCATION: Giacomini Ranch, Point Reyes, Marin County (Exhibit 1).

PROGRAM CATEGORY: Coastal Resource Enhancement

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
Exhibit 2: [Final Environmental Impact Statement/Environmental Impact Report and Mitigation and Monitoring Plan](#)
Exhibit 3: [Letters of Support](#)
-

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million five hundred thousand dollars (\$1,500,000) to the Point Reyes National Seashore Association (“the Association”) to implement the Giacomini Wetland Restoration Project, subject to the following conditions:

1. Prior to disbursement of any funds, the Association shall submit for the review and approval of the Executive Officer of the Conservancy a work plan, schedule, budget, and the names of any contractors to be employed for implementation of the project
2. The Association shall acknowledge Conservancy funding by erecting and maintaining signs that have been reviewed and approved by the Executive Officer.

3. Grantee shall enter into an agreement to protect the public interest in any improvements to privately-owned lands funded by the Conservancy, consistent with Public Resources Code Section 31116(c).
4. The Grantee shall ensure the provisions of the Mitigation and Monitoring Plan attached to the accompanying staff report as part of Exhibit 2 are implemented with the project.”

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 project is consistent with the purposes and criteria set forth in Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Point Reyes National Seashore Association is a non-profit organization existing under section 501(c)(3) of the Internal Revenue Service code whose purposes are consistent with Division 21 of the Public Resources Code.
4. The Conservancy has reviewed the proposed Final Environmental Impact Statement and Final Environmental Impact Report (attached to the accompanying staff recommendation as Exhibit 2) adopted by the California State Lands Commission on June 28, 2007, pursuant to the California Environmental Quality Act, public comment to the FEIS/FEIR and the Mitigation Monitoring Program developed to mitigate potentially significant environmental effects, and finds that the project as designed avoids, reduces or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the restoration activities may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to one million five hundred thousand dollars (\$1,500,000) to partially fund the restoration of natural hydrologic and ecological conditions to over 610 acres located at the head of Tomales Bay on the publicly-owned Giacomini Ranch and Olema Marsh, and the provision of public access in the project area. Funds authorized for this project would consist of one million dollars (\$1,000,000) derived from a United States Fish and Wildlife Service National Coastal Wetlands Conservation grant to be awarded to the Conservancy for the Giacomini Wetland Restoration Project together with five hundred thousand dollars (\$500,000) of Conservancy funds. The restoration project will primarily involve removing levees, tidegates, and culverts, allowing the floodwaters of Lagunitas

and other project area creeks to flood onto historic floodplains. Restored wetlands on the historic floodplain areas will filter and transform these floodwaters and the sediment, nutrients, and other pollutants they carry. The project will contribute to the health of the entire Tomales Bay watershed by improving downstream water quality. While often perceived as pristine, Tomales Bay has been declared impaired under Section 303(d) of the Clean Water Act by the San Francisco Regional Water Quality Control Board (RWQCB) for excessive sediment, nutrients, pathogens, and mercury. The hydrologic reconnection of the project area with Lagunitas Creek would also be expected to decrease flooding within the local community. In addition, it would increase habitat and food resources for wildlife within the watershed and would provide opportunities for public enjoyment and education through inclusion of public access trails, viewing overlooks and platforms, and interpretative exhibits. While the construction of public access infrastructure is a component of the project, it will be paid for through non-Conservancy funds.

The primary purpose and objectives of the proposed project include: restoring hydrologic and ecological processes and functions in a significant portion of Giacomini Ranch; improving the health of the entire Tomales Bay watershed; and incorporating opportunities for experiencing and enjoying the restored wetlands that do not conflict with the restoration of ecological and hydrologic processes.

Restoration value of Giacomini Ranch and Olema Marsh is high because of their enormous potential for improved wetland functioning. While the Ranch and Marsh currently support extensive areas that meet the definitions of wetlands under the Federal Clean Water Act and/or under the California Coastal Act (1976), these wetlands function poorly in terms of storing floodwaters, dissipating the energy of flood flows, improving water quality, and supporting wildlife. The current low level of wetland function is due to the fact that much of Giacomini Ranch was managed for pasture for a herd of dairy cows. Management for pasture involved the construction of levees and tidegates, which disconnected the project area from tidal influence. The Project will reconnect these wetlands hydrologically to tidal flows, dramatically increasing their level of function for flood control, water quality, and wildlife. The Project would specifically restore or enhance habitat for four federally-listed fish species (Tidewater goby [*Eucyclogobius newberryi*], Coho salmon [*Oncorhynchus kisutch*]-Central California Coast Evolutionarily Significant Unit [ESU], Chinook salmon [*Oncorhynchus mykiss*], steelhead [*Oncorhynchus mykiss*]- Coastal California ESU) and one state-listed bird species, California black rail (*Lateralis jamaicensis coturniculus*). Wetlands restored through the Project represent as much as 12% of the outer coastal wetlands along the central California coast.

The Project is ready for implementation, with planning and permitting in its final stages. The Final Environmental Impact Statement/ Environmental Impact Report (FEIS/EIR) was issued on June 18, 2007, and the California State Lands Commission issued its Notice of Decision on June 28, 2007 (Exhibit 2). Applications for other permits (Sections 401 and 404 of the Clean Water Act, Federal Endangered Species Act, Streambed Alteration Agreement, etc.) were submitted at the time that the FEIS/EIR was issued. The National Park Service acquired the 550-acre Giacomini Ranch property in February 2000. The acquisition agreement included a clause reserving the right of the Giacomini family to continue using 463 acres for cattle grazing and other dairy-related operations for a limited period. This reservation-of-use agreement expired in

spring 2007. Construction associated with the restoration began in August 2007.

Construction activities for the project are planned to take place in two phases over four years. The first phase involves construction associated with the restoration component of the project, including the removal of levees constraining creeks and tidal flows, the creation and expansion of tidal channels, rip-rap removal and bank restoration, the removal of dairy infrastructure, the removal of invasive plants, and planting of native plants. This phase would take place over the first two years. Provided that adequate funding is available, public access alignments and infrastructure would also take place during this first phase. Completion of public access facilities would take place during the second phase, which is expected to take an additional two years. Construction would only occur between June and October, in order to minimize impacts to fish and wildlife.

The restoration of the Olema Marsh will be carried out using an adaptive approach, with phased shallow channel excavation, vegetated berm removal, and culvert replacement, until the desired level of hydrologic and ecologic function and processes have been restored. The adaptive, phased approach to Olema Marsh restoration is designed to minimize intensive construction, salinity intrusion into local groundwater wells, and potential short-term impacts to salmonids in Bear Valley Creek. Implementation of the later phases of Olema Marsh restoration, which involve replacement of the Levee Road and Bear Valley Road culverts and additional excavation of the Bear Valley Creek channel, would occur if initial restoration efforts did not result in the desired degree of hydraulic connectivity between Olema Marsh and Lagunitas Creek and the desired lowering of water in Olema Marsh.

Project History: The Coastal Conservancy has made substantial commitments over the years to protecting and enhancing Tomales Bay and its 232-square-mile watershed. The Bay and its watershed are remarkable for their beauty and diversity of wildlife. Tomales Bay is recognized in the international Convention on Wetlands (“Ramsar Convention”) as a Wetland of International Importance.

Through acquisitions and easements, the Conservancy, largely in partnership with the Marin Agricultural Land Trust, has helped protect from development thousands of acres of agricultural land in West Marin. The Conservancy has also funded the expansion of public access in the area, including grants for the Tomales Bay trailhead in 1989 and for the Point Reyes Barrier-Free Access Project in 1990. The Conservancy has also consistently supported improved watershed management through the funding of numerous enhancement projects on ranch lands throughout West Marin.

A Conservancy authorization to the Marin Resource Conservation District in 2001 enabled the RCD and its partner, the Tomales Bay Watershed Council, to complete a watershed assessment for Tomales Bay. The Conservancy also granted \$660,000 in 2001 to the Marin Resource Conservation District to streamline watershed permitting and implement the Tomales Bay Watershed Enhancement Program, guided by 16 restoration practices outlined by the Marin Coastal Watersheds Permit Coordination Program.

The 550-acre Giacomini Ranch property was acquired by the National Park Service in February

2000 with a combination of Congressional appropriations and state monies. State funding was secured from the California Department of Transportation (CalTrans), which transferred funds to the Park Service for purchase, planning, and implementation of a restoration project in exchange for the Park Service assuming 3.6 acres of wetlands mitigation obligations for impacts associated with a repair of State Route 1 in the coastal portion of Marin County. None of the Conservancy's funds would be used for mitigation.

Point Reyes National Seashore staff initially contacted Conservancy staff in November 2005 regarding the proposed project, and Conservancy staff has worked with National Seashore staff and the Association over the last two years to develop the goals, objectives, and terms of the proposed grant. In 2006, the Conservancy submitted a funding application to the U.S. Fish and Wildlife Service's National Coastal Wetlands Conservation Grant Program, and in January, 2007 the Conservancy was notified that \$1,000,000 had been awarded to the Conservancy for the project.

PROJECT FINANCING:

Coastal Conservancy	\$ 500,000
USFWS National Coastal Wetlands Conservation Grant (via the Conservancy)	\$1,000,000
State Water Resources Control Board*	\$ 500,000
Gordon and Betty Moore Foundation	\$2,500,000
U.S. Department of Justice	\$ 100,000
USFWS** National Fish and Wildlife Foundation	\$ 150,000
North American Wetlands Conservation Act	\$ 780,000
Total Project Cost	\$5,530,000

*Proposition 50 Coastal Non-Point Source Pollution Control Grant

**U.S. Fish and Wildlife Service

The Conservancy funds for this project are expected to derive from the 06/07 appropriation to the Conservancy from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50). Proposition 50 funds are appropriated to the Conservancy to restore and protect coastal watersheds through projects undertaken pursuant to the Conservancy's enabling legislation (Division 21 of the Public Resources Code) to acquire, restore or protect water and land resources (Water Code Section 79570). The project is consistent with the Conservancy's enabling legislation as described below. As required by Proposition 50, the proposed project is consistent with local and regional watershed plans. (Water Code Section 79507). The balance of the funds provided under this authorization is to be provided by a grant from the USFWS National Coastal Wetlands Conservation Grant to the Conservancy specifically for the Giacomini Ranch restoration.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is undertaken pursuant to Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270), as follows:

Pursuant to Section 31251, the Conservancy may award grants to non-profit organizations for the purpose of enhancement of coastal resources that have suffered loss of natural values because of human-induced events (e.g., the erection of levees to isolate the Giacomini Ranch from tidal flows and related farm structures). Consistent with this section, the proposed authorization provides funds to the Association to remove dairy-related infrastructure and restore natural values to wetlands in the project area.

Pursuant to Section 31252, all areas proposed for resource enhancement should be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential resource problems. The Unit II LCP for Marin County (LCP), certified on April 1, 1981, cites water quality and sediment pollution in Tomales Bay as significant problems requiring amelioration. The LCP encourages “responsible agencies to continue working on identifying sources of pollution in Tomales Bay and to take steps to eliminate them” (LCP II-II, p. 72). Though not specifically mentioned, Lagunitas Creek, Bear Valley Creek, Tomasini Creek, and Fish Hatchery Creek meet the criteria of coastal streams established within the LCP, and are therefore subject to the protections, goals, and objectives afforded by Section 30231 of the Coastal Act which establishes that “the biological productivity and the quality of coastal waters...shall be maintained and, where feasible, restored...” (LCP II-II, p. 56). In addition, Giacomini Ranch currently consists of federal parkland. The authorization of the U.S. National Park Service to acquire land in the Giacomini Ranch area is acknowledged in the Unit II LCP for Marin County. The LCP requires that federal parkland in the coastal zone be managed in a manner consistent with the Coastal Act, which requires the restoration of the overall quality of the coastal zone’s environment and its natural resources.

Pursuant to Section 31253, “[the] Conservancy may provide up to the total of the cost of any coastal resource enhancement project, including the state or local share of federally supported projects...” after an assessment of funding generally available for coastal resource enhancement projects, the fiscal resources of the applicant and the urgency of the project relative to other eligible coastal resource enhancement projects. The proposed contribution by the Conservancy was determined based on application of priority criteria, as discussed below, and after taking into account other available resources and the matching contributions to the project by other funding sources.

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

Consistent with **Goal 5 Objective A** of the Conservancy’s Strategic Plan, the proposed project will contribute to the protection, restoration, and enhancement of coastal habitats.

Consistent with **Goal 5 Objective A(5)** of the Conservancy’s Strategic Plan, the proposed project will implement a resource enhancement plan for 610 acres of high-value coastal wetlands and stream corridors.

Consistent with **Goal 5 Objective B** of the Conservancy's Strategic Plan, the proposed project will contribute to the restoration of habitat corridors from coastal habitats to inland habitat areas. Habitat corridors for anadromous fish species will be restored through the removal of barriers to fish passage.

Consistent with **Goal 5 Objective B(3)** of the Conservancy's Strategic Plan, the proposed project will implement a restoration project to restore habitat for coho salmon, Chinook salmon, steelhead, and tidewater goby and remove barriers to fish passage.

Consistent with **Goal 5 Objective C** of the Conservancy's Strategic Plan, the proposed project will contribute to the implementation of a plan for the control of non-native invasive species in the project area. The proposed project will restore habitat for native species by re-establishing natural hydrologic processes, removing non-native plant species currently existing on levees within the project site, and planting native species.

Consistent with **Goal 6 Objective A** of the Conservancy's Strategic Plan, the proposed project will contribute to the development of projects that restore coastal watersheds. The authorization will contribute to the implementation of a project to improve habitat for coho, Chinook, and steelhead, and increase riparian habitat at the head of Lagunitas creek, while promoting public recreation through the provision of trails, viewing areas, overlooks, and an interpretive program.

Consistent with **Goal 6 Objective B** of the Conservancy's Strategic Plan, the proposed project will contribute to the completion of projects to improve water quality to benefit coastal resources. The project is anticipated to improve water quality within Tomales Bay by restoring hydrologic connectivity and wetland function in the project area. Restored wetlands will filter and transform sediments, nutrients, and other pollutants deposited by the floodwaters of Lagunitas and other project area creeks which flow into Tomales Bay.

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:** Supporters of this project include the National Park Service (NPS): Point Reyes National Seashore, the Department of Fish and Game, the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration: Fisheries, the County of Marin, and others. Letters of support are included in Exhibit 3.

4. **Location:** Giacomini Ranch and Olema Marsh are located at the southern end of Tomales Bay in western Marin County. Lagunitas Creek flows from south to north through the project area, and Tomasini Creek is located on the project area's eastern boundary. Fish Hatchery Creek flows through the western portion of the project area, and Bear Valley Creek and Olema Creek flow into Lagunitas Creek in the southern portion of the project area. The nearest town is Point Reyes Station. Most of the project area is located within NPS ownership, with some areas under California Wildlife Conservation Board ownership or California State Lands Commission ownership. Olema Marsh, which is located in the southwestern portion of the project area, is jointly owned by NPS and Audubon Canyon Ranch, a non-profit organization.
5. **Need:** Conservancy participation is needed to accept federal funds for the project that fill an important funding gap, and to provide state-share funds for the federal grant. The potential importance to the health of Tomales Bay and the outer Marin coastline of restoring hydrologic connectivity between the Giacomini Ranch, Olema Marsh, and Tomales Bay is underscored by the relative scarcity of coastal wetlands present along the central California coastline. Giacomini Ranch and Olema Marsh account for as much as 12 percent of the historic wetlands present along the outer central California coast and as much as 1 percent of wetlands along the entire outer California coastline.

Commercial, residential, and agricultural development has caused loss of more than 91 percent of California's historic coastal wetlands. While development has not affected Tomales Bay to the extent it has other watersheds in California, a large percentage of the coastal tidal wetlands once present in Tomales Bay have been lost or substantially altered through diking or construction of levees for roads, railroads, livestock ponds, and duck clubs. The largest impact to the Tomales Bay watershed, however, came in 1946 with diking and draining of approximately 550 acres of historic tidal marsh at the southern end of Tomales Bay for operation of the Giacomini Ranch, a large-scale dairy operation. The former marsh represented approximately 58 percent of the historic wetlands once present in Tomales Bay and was once an integrated tidal wetland complex with Olema Marsh. The relative scarcity of coastal wetlands present within this watershed and the surrounding California coastline increases their importance and the impact of losses that have occurred. As noted below, the project will ameliorate significant water quality problems in Tomales Bay and benefit federally- and state-listed threatened and endangered wildlife species.

6. **Greater-than-local interest:** Tomales Bay is not only part of the Golden Gate Biosphere Reserve and a California Critical Coastal Area, but in 2002, it was nominated as a "Wetland of International Importance" under an international treaty called the Convention on Wetlands (commonly known as the Ramsar Convention). Tomales Bay is also one of 16 wetland areas that qualify for inclusion as a wetland of regional importance under the Western Hemisphere Shorebird Reserve Network because of its large number of wintering and migrating shorebirds. The bay represents the second largest Pacific Herring spawning estuary in the state of California and is home to some of the state's largest populations of birds such as bufflehead (*Bucephala albeola*), black brant (*Branta bernicla*), red knot (*Calidris canutus*), and riparian associates such as saltmarsh common yellow-throat (*Geothlypis trichas sinuosa*; Sacramento USFWS Species of Concern and California Species of Concern). The water quality problems described above have the potential to cause widespread adverse effects to these and other important wildlife populations that use the bay for all or part of their life

cycles, including critical stages such as breeding or the early stages of development (such as for fish nurseries). Elevated mercury levels continue to be problematic for many fish species, especially for those near the top of the food chain such as sharks, and are high enough that fish consumption advisories for humans were established in 2000 for many bay-endemic species. The Giacomini Wetland Restoration Project will restore wetlands, improve water quality while increasing and enhancing habitat for wildlife, including federally- and state-listed threatened and endangered species.

Additional Criteria

7. **Urgency:** Amelioration of water quality problems in Tomales Bay and expansion of habitat for federally- and state-listed wildlife species are a high priority for the State. Water quality problems have led to Tomales Bay being listed as "threatened" under the State's Shellfish Protection Act in 1994, and impaired under Section 303(d) of the Clean Water Act. The water quality problems described above have the potential to cause widespread adverse effects to these and other important wildlife populations that use the bay for all or part of their life cycles, including critical stages such as breeding or the early stages of development. Elevated mercury levels continue to be problematic for many fish species, especially for those near the top of the food chain such as sharks, and are high enough that fish consumption advisories for humans were established in 2000 for many bay-endemic species. Coho salmon are currently at 6 to 15% of their abundance during the 1940s. Coho and steelhead in the Point Reyes area have been declining since the turn of the 20th century, with significant declines occurring as late as the mid-1950's. California black rails have been extirpated in Central and South San Francisco Bay and in the coastal marshes of Southern California. California black rail populations have undergone severe declines in the northern San Francisco Bay and the outer coast, including Tomales Bay, since the early 20th century. Given these declines, projects with a high potential for recovering local populations of these wildlife species are a high priority for the State.
8. **Leverage:** See the "Project Financing" section above. The Conservancy's contribution will enable the state to receive the \$1,000,000 grant from the federal government, and leverage funds from private entities, as well as other state entities.
9. **Innovation:** The adaptive restoration approach that will be implemented in Olema Marsh provides an innovative model for using restoration success criteria to drive restoration methods, rather than vice versa. This approach promises to minimize intensive construction and potential impacts while maximizing the probability of achieving restoration success. This novel approach to restoring a large area of coastal wetlands less than an hour from a major metropolitan area is as rare as it is appealing.
10. **Readiness:** The project is in a high state of readiness, with significant funding secured and designs and permitting nearing completion. The applicant has demonstrated that it has the expertise, local public support, and administrative capability necessary to commence and complete the project in a timely fashion.
11. **Realization of prior Conservancy goals:** The Conservancy has worked with a variety of partners to explore options for protecting and improving aquatic and terrestrial habitat in and around Tomales Bay, including numerous acquisitions, easements, and funding a Tomales

Bay Watershed Stewardship Plan. Water quality protection and restoration of salmonid habitat, stream hydrology and floodplains are key objectives of this Plan.

12. **Cooperation:** National Park staff, the County, community members, agency officials, and others have all expressed support for, and willingness to, cooperate with the grantee in accomplishing the project.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

Most of the project area is located on NPS property. The federal Coastal Zone Management Act of 1972 provides that federal lands be legally excluded from the coastal zone and thus exempted from a state's coastal planning and regulatory jurisdiction. However, the federal act also provides that federal activities within the coastal zone boundary must be consistent with a state's coastal management program, and advises that federal activities be evaluated through the Coastal Commission's consistency review process. Those portions of the project outside of NPS ownership must be found consistent with the LCP.

The Unit I LCP for Marin County provides that federal policies and programs for lands in Marin be evaluated as a whole in the Unit II LCP, which also addresses non-federal policies and programs for the project area, and for areas within the coastal zone boundary.

The proposed project will result in the restoration of wetlands, the removal of dairy infrastructure, and the construction of public access trails, viewing overlooks and platforms, and interpretative exhibits in the Giacomini Ranch and Olema Marsh, which will enhance the scenic values, wildlife habitat value, and public recreation opportunities of the project area. The proposed project is therefore consistent with the Coastal Act, sections 30210, 30231, and 30251, as follows.

Coastal Act Section 30210 states that "maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." By constructing public access trails, viewing overlooks and platforms, and interpretative exhibits, the project will increase public access to coastal wetlands.

Coastal Act Section 30231 states that "(t)he biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained, and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." By planning for the reversal and correction of inappropriate land use practices, the proposed project will expand, protect and enhance the aquatic, riparian, and marsh habitats in the project area, benefiting water quality in Tomales Bay and many plant and wildlife species. The project is therefore consistent with this section.

Coastal Act Section 30231 states that "(t)he diking, filling, or dredging of open coastal waters,

wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following... (6) Restoration purposes.” Dredging in creeks and wetlands in the project area is for the purpose of restoration of natural hydrologic and ecological processes, and is therefore consistent with this section.

Section 30251 of the Act states, in part, that “(t)he scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.” The proposed project will enhance the scenic and visual qualities of the project area by removing dairy infrastructure that is somewhat unsightly (e.g. levees, roads, pipes, power poles, fences, and pumphouses) and restoring historic tidal wetland areas.

The non-federally-owned project area is within the Coastal Zone of Marin County. The Marin County Local Coastal Program Unit II Land Use Plan identifies Marin’s numerous coastal zone streams and creeks as sensitive habitats for many species of birds and fish. Lagunitas Creek’s runs of coho and steelhead are specifically highlighted (The Marin County Local Coastal Program Unit II Land Use Plan, Pg. 65).

The Unit II LCP identifies freshwater inflows, sedimentation, water pollution, and protection of riparian habitats as the key concerns for protecting the aquatic resources of the Lagunitas Creek watershed, and the Tomales Bay ecosystem into which Lagunitas flows (*ibid*, pp. 66-67). Because the proposed project will restore salmonid access to and hydraulic connectivity for the project area, mitigate water quality problems in Tomales Bay, expand riparian habitat where it has been lost, restore the natural meander and in-stream habitat of the project area, the proposed project is entirely consistent with the LCP Policies.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/ STATE WATER QUALITY CONTROL PLAN:

The Giacomini Wetland Restoration Project is consistent with, and furthers the goals of, the Tomales Bay Watershed Stewardship Plan, prepared by the Tomales Bay Watershed Council in July 2007. The project is consistent with Goal A of the Tomales Bay Stewardship Plan, as it will enhance water quality in Tomales Bay and Lagunitas Creek. The project is also consistent with Goal B of the Tomales Bay Stewardship Plan, as it will restore the integrity of natural habitats and native communities.

The project is also consistent with the Tomales Bay Integrated Watershed Management Plan (ICWMP), prepared by the Tomales Bay Watershed Council in September 2007. The ICWMP specifically describes the project as highly beneficial for wildlife habitat and water quality (Pp. 2-61 and 2-62). The project is consistent with ICWMP Objective 1, as it improves water quality in Tomales Bay and Lagunitas Creek. The project is consistent with ICWMP Objective 5, as it restores wetlands, streams, riparian areas, floodplains and floodplain connectivity for native species. The project is consistent with ICWMP Objective 6, as it restores populations and habitats of special status species. The project is consistent with ICWMP Objective 7, as it removes invasive non-native species. The project is consistent with ICWMP Objective 14, as it

implements floodplain restoration.

The proposed project is also consistent with the Water Quality Control Plan for the San Francisco Bay Basin (adopted by the Regional Water Quality Control Board Central Coast Region in 1995 and reviewed every three years) in that it would result in the restoration of fish and wildlife habitat in coastal watersheds and wetlands, including habitat for the state- and federally-listed species, and thereby protect and enhance the following beneficial uses:

- Estuarine habitat
- Fish Migration
- Preservation of Rare and Endangered Species
- Fish Spawning
- Cold Freshwater Habitat
- Warm Freshwater Habitat
- Wildlife Habitat

The proposed project would also help achieve the water quality objectives identified in the Water Quality Control Plan for nutrients, and suspended sediment loads and discharge rates by restoring floodplain connectivity and floodplain wetlands allowing for deposition and filtration of pollutants such as fine sediment and nutrients.

COMPLIANCE WITH CEQA:

The NPS and the California State Lands Commission (CSLC) circulated for public review between December 13, 2006 and February 14, 2007 a Draft EIS/Draft EIR, and issued an FEIS/FEIR on June 18, 2007, pursuant to the California Environmental Quality Act. On June 28, 2007, the California State Lands Commission certified the Giacomini Wetland Restoration Project FEIS/EIR. The FEIS/FEIR identifies potentially significant impacts from the preferred alternative (Alternative D), but determines that they could be mitigated to “less than significant” levels as shown in the table below.

Category	Potentially Significant Impact	Mitigation Measures that will reduce the potentially significant impact to a “less than significant” level
Air Quality	1. Release of substantial amounts of nitrogen dioxide during construction. 2. Short-term odors resulting from excavation of wetland and manured soils. (Self-mitigating because of reduction in dairy-related odors)	1. NPS/CSLC will implement air quality best management practices (BMPs) recommended by the BAAQMD such as minimizing idling time, maintaining properly tuned equipment, limiting hours of operation for construction equipment and/or number of machines operating simultaneously.

GIACOMINI WETLAND RESTORATION

Noise	3. Construction-related noise	2. Construction limited to the hours of 7 AM-6 PM, M-F. Equipment will have sound control devices. Adjacent residences will be notified in advance of construction. Mitigation measures above for air quality will also reduce the noise impact.
Biological Resources	<p>4. Reduction of freshwater marsh area in Olema Marsh</p> <p>5. Short-term impacts to 0.25-1.0 acre of wetlands from temporary stockpiling during construction.</p> <p>6. Short term loss of habitat for California red-legged frog and tidewater goby</p> <p>7. Impacts to special-status plant and animal species during construction.</p>	<p>3. Mitigated by restoration of brackish marsh and riparian vegetation in Olema Marsh through restoration of natural processes, and creation of 2 acres of ponds or freshwater marsh for California red-legged frog habitat west of Olema Creek. Additional possible mitigation measures include gradual reductions in water surface level in Olema Marsh to reduce the short term loss of freshwater marsh vegetation.</p> <p>4. Temporary wetland impacts mitigated by long-term wetland restoration.</p> <p>5. Construction will only take place between June and October.</p> <p>6. Biologists will survey construction and staging areas for special-status species prior to their use. Special-status species such as California freshwater shrimp and northwestern pond turtles will be relocated prior to construction.</p> <p>7. Construction areas in aquatic habitats will be dewatered to the extent possible, and extensive seining will be performed to remove and relocate fish and macroinvertebrates prior to construction.</p> <p>8. Fine mesh fencing or nets will be installed (if water depths allow) on the perimeter of the channel excavation areas in Olema Marsh to prevent aquatic organisms from moving back into the construction area.</p> <p>9. Possible construction of a creek bypass on the eastern edge of Olema Marsh to provide short term preservation of CRLF habitat, if required by adaptive management.</p> <p>10. Construction will not occur in or adjacent to existing tidewater goby habitat during breeding season (late April-early summer). In addition to dewatering and seining, minnow traps and dip nets may be used to relocate fish from construction areas in existing habitat.</p> <p>11. Work affecting Lagunitas Creek, Fish Hatchery Creek, Tomasini Creek, and Bear Valley Creek would be conducted after July 15 to</p>

GIACOMINI WETLAND RESTORATION

		<p>minimize impacts to salmonids.</p> <p>12. In addition to standard sediment pollution prevention BMPS, an excavator will be used rather than a bulldozer in sensitive creek areas to minimize impacts from sedimentation.</p> <p>13. Construction within 250 feet of established rail habitat will be delayed until September.</p> <p>14. Construction will not be conducted within 100 ft of active saltmarsh common yellowthroat nests unless fledging has been completed.</p>
Water Quality	8. Dewatering of portions of Olema Marsh could lead to temporary increase in waters' nutrient level and reduction in dissolved oxygen due to oxidizing marsh soils.	15. Dewatering of Olema Marsh will be implemented gradually, through cutting into berm located at Levee Road outflow and excavation of flow channel along east edge of marsh. Water quality would be expected to improve over the long-term as enhanced circulation results in increased dissolved oxygen levels.
Public Services- Municipal Water Supply	8. Increasing tidal prism in Olema Marsh could result in 15-16% increase in average salinity of upstream Lagunitas Creek during higher tides.	15. Major restoration actions in Olema Marsh (culvert replacement at Levee and Bear Valley roads) would not proceed until: 1) further study shows that increase in salinities in Lagunitas Creek would not have more than minor adverse effect on chloride concentrations in alluvial aquifer and North Marin Water District (NMWD) operations; 2) further study shows that major restoration actions in Olema Marsh would not have more than a minor effect on salinities in upstream portions of Lagunitas Creek; or 3) NMWD establishes a well that can be used for off-tide pumping.
Public Access/Traffic	9. Levee Road and Bear Valley Road would be temporarily closed during culvert replacements.	16. New and improved trails would increase public access to the project area and to White House Pool County Park.
Aesthetics	<p>10. Presence of heavy machinery during construction would impact views.</p> <p>11. Short-term dieback of vegetation in Olema Marsh would impact views.</p>	17. Beneficial effects on aesthetics from removal of dairy infrastructure and restoration/expansion of marsh and riparian habitats mitigate for short-term impacts.

In addition to the potential significant impacts identified in the table; the mitigation and monitoring plan provides standard spill response and construction-related erosion control measures as part of the mitigation and monitoring plan.

On June 28, 2007, the CSLC considered and adopted the FEIS/FEIR and associated Mitigation Monitoring and Reporting Program, with the finding that the project, as mitigated, will not have any significant adverse effects on the environment.”

Staff has independently reviewed the FEIS/FEIR and the public comment received prior to finalization of the EIS/EIR, and concurs that there is no substantial evidence based upon the whole record that the project as mitigated will have a significant adverse effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated does not have the potential for an adverse effect on the environment as defined in 14 Cal. Code of Regulations, Section 15382.

Upon approval and concurrence by the Board, staff will file a notice of determination.