

COASTAL CONSERVANCY

Staff Recommendation
September 24, 2009

FEDERAL GOVERNMENTAL LIAISON

File No. 08-037
Project Manager: Sam Schuchat/Dick Wayman

RECOMMENDED ACTION: Authorization to disburse up to \$285,000 for consulting services to assist the Conservancy in maintaining and improving federal support for Conservancy projects and to evaluate proposed federal legislation that would directly affect Conservancy projects.

LOCATION: Statewide

PROGRAM CATEGORY: Administration

EXHIBIT

Exhibit 1: [Federal funding for Coastal Conservancy projects since 2003](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31100 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred eighty-five thousand dollars (\$285,000) to provide consulting services to assist with State Coastal Conservancy projects that receive federal funding and provide other consulting services. Assistance with the projects will include advocacy during federal appropriations and authorization processes and coordination with federal project partners.”

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 current Project Selection Criteria and Guidelines.
 2. The proposed authorization is consistent with Public Resources Code Sections 31103 and 31104, regarding the Executive Officer’s authority to carry out the purposes of Division 21 and the Conservancy’s ability to apply for and accept federal grants and receive other financial support from public sources.”
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PROJECT SUMMARY:

This authorization would enable the Conservancy to continue contracting for consulting services to maintain and improve federal support for Conservancy projects in which the federal government has or may have a significant role. The services would include advocacy for Conservancy projects and developing and pursuing federal appropriations and authorizations for those projects. The services would also facilitate the Conservancy's ability to respond to Congressional actions and authorization proceedings.

The Conservancy and the federal government are jointly involved in several major projects, including Hamilton Airfield/Bel Marin Keys, Napa River Salt Marsh, South Bay Salt Ponds/South San Francisco Bay Shoreline Study, Upper Newport Bay, Matilija Dam, and Sea Floor Mapping. Federal funding supports these projects and some are dependent on continued receipt of that funding. The funding is subject to Congressional approval and review by agencies such as the Office of Management and Budget, the U.S. Army Corps of Engineers (COE), the National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service.

Since March 2005 a consulting firm under contract to the Conservancy has represented the Conservancy's needs and interests to Congressional representatives and federal agency staff. The consultant has also organized meetings for Conservancy staff in Washington, D.C., developed and pursued legislation and authorizations for Conservancy projects with Congress, and aggressively worked with key federal agencies and the executive branch to secure project approvals. The Conservancy originally contracted for these services because of the difficulties it experienced in having federal funding appropriated and disbursed for its projects. Conservancy staff believes that the consultant's services can be credited with much of the Conservancy's success in obtaining federal support for projects since 2005.

Exhibit 1 shows federal funding received for Conservancy projects since 2003 and funding sought for FY 2010. As a result of efforts by Conservancy staff and our contractor, in FY 2009 alone Conservancy projects were allocated more than \$27 million from federal appropriations along with more than \$51 million in stimulus funds from the American Recovery and Reinvestment Act of 2009. Conservancy staff feels that the financial returns more than justify the \$650,000 awarded for federal liaison consulting services since 2005. The consultant is currently assisting the Conservancy in its requests for appropriations in the FY 2010 federal budget and the Water Resources Development Act (WRDA) being developed for consideration in 2010, along with project approvals at the COE and the Assistant Secretary of the Army's office.

Contracting for federal consulting services has also greatly improved the efficiency of Conservancy staff visits to Washington in support of projects. Since contracting for these services, staff has been able to arrange meetings with many members of Congress, key Congressional staff, and high-ranking administration officials.

If additional funding is authorized for continued federal consulting services, staff anticipates that a portion of that funding, up to \$60,000, would be used to augment the current consulting services contract to ensure that there would no gap in needed services during appropriations proceedings for FY 2010. The \$285,000 recommended would likely fund continued services through 2011.

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Project History: In April 2006 the Conservancy authorized use of \$250,000 to contract for federal consulting services. Prior and subsequent to that authorization the Executive Officer has contracted for additional services using his delegated authority to address the Conservancy's needs for the prior and interim periods.

PROJECT FINANCING:

Coastal Conservancy

\$285,000

Staff expects to use funds from the FY 09/10 appropriation to the State Coastal Conservancy Fund of 1976. Funds in the Coastal Conservancy Fund may be used for any purpose of the Conservancy, including projects in any of our program areas and hiring external consultants to assist us with project management and development. Consistent with federal and State requirements, no federal funds or State bond funds will be used to fund the consultant.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapters 3, 4.5, 5.5, and 6 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code.

The Conservancy is authorized under Section 31104 of the Public Resources Code to apply for and accept federal grants and receive other financial support from public sources. This authorization would facilitate the Conservancy's advocacy for federal funding for projects.

All of the individual projects that this authorization would support have been or would be authorized under Chapters 4.5, 5.5, and/or 6 of the Conservancy's enabling legislation. Each of the individual projects is or will be consistent with the Conservancy's enabling legislation and this authorization is designed to support those projects. The authorization would assist with implementation of Public Resources Code Section 31160 *et seq.*, regarding the Conservancy's authority to address resource goals of the San Francisco Bay Area; Section 31220, regarding the Conservancy's authority to restore fish and wildlife habitat within coastal watersheds and coastal and marine waters; and Section 31251 *et seq.*, regarding the Conservancy's authority to conduct enhancement projects within the coastal zone. All of the projects that have been or will be represented in Washington, D.C. involve restoration or enhancement of habitat either in the nine-county San Francisco Bay Area, in coastal watersheds, or in the coastal zone.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOALS & OBJECTIVES:

The primary objective of the proposed authorization is to obtain federal financial support for several Conservancy projects, each of which is consistent with one or more of the following goals and objectives of the Conservancy's 2007 Strategic Plan:

Goal 5: Restore and enhance biological diversity in coastal watersheds.

Objective 5A: Develop 28 plans for the restoration and enhancement of coastal habitats.

Objective 5B: Restore and enhance 6,820 acres of coastal habitats.

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Objective 5C: Implement approximately 25 projects to preserve and restore wildlife corridors.

Objective 5D: Implement 16 projects that target prevention, control, or eradication of non-native invasive species that threaten important coastal habitats.

Goal 6: Improve water quality, habitat, and other coastal resources within coastal watersheds and the ocean.

Objective 6C: Develop 112 plans to remove barriers to fish passage and ensure sufficient instream flow to support fish habitat.

Objective 6D: Implement fish barrier removal projects to open or improve 99 miles of habitat.

Goal 10: Protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance.

Objective 10B: Develop plans for restoration or enhancement projects covering approximately 3,500 acres of wetlands.

Objective 10C: Restore or enhance approximately 10,000 acres of wetland habitat throughout the nine Bay Area counties.

Goal 14: Ensure that California maintains healthy, resilient, and productive ocean and coastal ecosystems for the benefit of current and future generations, and support compatible economic activities.

Objective 14A: Undertake programs, projects, and initiatives that implement the Ocean Protection Council's Strategic Plan.

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

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, 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 authorization would provide for federal representation and advocacy of projects that are supported by many organizations and agencies. The consultant providing the representation will also be available to assist stakeholders and supporters in their advocacy for federal funds and authorization language related to Conservancy projects.
- 4. Location:** All of the Conservancy's projects that would be represented by a consultant under this authorization are located within the coastal zone, a coastal watershed, or the nine-county San Francisco Bay region.
- 5. Need:** As evidenced by Exhibit 1, without this authorization there would likely be a significant reduction in federal funding appropriated for Conservancy projects. Ultimately, far

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greater amounts of State and other non-federal dollars would be needed to continue projects, and some projects would be significantly delayed or canceled.

6. **Greater-than-local interest:** All of the Conservancy's federally-funded projects are of national interest, which qualifies them for federal investment.
7. **Sea level rise vulnerability:** All projects affected by the proposed authorization that are located within areas vulnerable to future sea level rise have been or will be assessed for potential effects of sea level rise. Planning for these projects shall consider a range of sea level rise scenarios for the years 2050 and 2100 in order to assess project vulnerability. To the extent feasible, the design of these projects will include elements to reduce expected risks and increase resiliency to sea level rise.

Additional Criteria

8. **Urgency:** The Conservancy's federally funded projects have typically been in planning for many years, have been determined to be of national significance, and are dependent on federal funding. Federal representation will assist the Conservancy with completing large, complex projects in a timely fashion.
9. **Resolution of more than one issue:** Many of the Conservancy's federally funded projects resolve more than one issue. For example: Napa River Salt Marsh combines ecosystem restoration, recycled water reuse, and public access; South San Francisco Bay Shoreline Study combines ecosystem restoration, flood management, and public access; Hamilton Airfield/Bel Marin Keys combines ecosystem restoration and dredge material reuse.
10. **Leverage:** See the "Project Summary" section above.
14. **Realization of prior Conservancy goals:** See "Urgency" and "Project Summary" above. The Conservancy has invested significant funds and staff time in all of its federally funded projects.
16. **Cooperation:** All of the Conservancy's federally funded projects involve several participants. For example, for the South San Francisco Bay Shoreline Study the Santa Clara Valley Water District has signed the Feasibility Cost Share Agreement with the Conservancy and the U.S. Army Corps of Engineers. Another example is the Port of Oakland's use of Hamilton Airfield as a site for deposition of dredged materials.
18. **Minimization of Greenhouse Gas Emissions:** Local representation in Washington, D.C. has enabled a reduction in the number of trips made by staff to the nation's Capitol, thereby reducing greenhouse gas emissions resulting from staff's air travel.

COMPLIANCE WITH CEQA:

The activities authorized involve basic resource evaluation and data collection and dissemination activities that will have little or no direct effect on the environment. Under 14 California Code of Regulations Section 15306, basic data collection, research, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource are categorically exempt from California Environmental Quality Act review. The individual projects supported by this authorization have each undergone review under the California Environmental Quality Act. Upon approval, staff will file a Notice of Exemption.