

COASTAL CONSERVANCY

Staff Recommendation
October 17, 2019

SOUTH SAN FRANCISCO BAY SHORELINE PROJECT

Project No. 02-070-06
Project Manager: Brenda Buxton

RECOMMENDED ACTION: Authorization to disburse up to \$150,000 for environmental and engineering services to support design and implementation of the South San Francisco Bay Shoreline Project.

LOCATION: Community of Alviso, San Jose, Santa Clara County (Exhibit 1)

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Project Map](#)

Exhibit 3: [March 22, 2018 Staff Recommendation](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 et seq. of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of up to \$150,000 (one hundred fifty thousand dollars) for engineering and environmental services as part of the Conservancy's cost share required by the Project Partner Agreement for the South San Francisco Bay Shoreline Project with the U.S. Army Corps of Engineers and Santa Clara Valley Water District."

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 authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the Conservancy's mandate to address the resource and recreational goals of San Francisco Bay Area.
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2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”
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PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$150,000 to contract for services necessary to support implementation of the South San Francisco Bay Shoreline Project (Shoreline Project), an effort to provide flood protection, restore 2,900 acres of former salt evaporation ponds, and improve public access in the Alviso area of South San Francisco Bay (Exhibit 2). The Conservancy has assisted the Shoreline Project since 2005 because the Shoreline Project will promote the restoration, flood protection, and public recreation goals of the South Bay Salt Pond (SBSP) Restoration Project in the Alviso area.

On March 22, 2018, the Conservancy authorized entering into a Project Partnership Agreement with the U.S. Army Corps of Engineers for the construction of the Shoreline Project (Exhibit 3). At the same time, the Conservancy authorized \$100,000 for environmental and engineering services as part of its in-kind contribution towards project costs. Design of the first phase of levee construction (Phase 1, Reach 1) is complete and construction is anticipated to start February 2020; designs for the second phase (Phase 1, Reaches 2 and 3) will be complete by the end of 2019 with construction to follow immediately after Phase 1, Reach 1. Conservancy environmental and engineering services have supported these efforts to date with permitting support and vegetation management plans. The Corps has now requested that the Conservancy start design of the ecotone (the constructed dirt slope transitioning between tidal wetlands and the upland levee) as part of its in-kind contribution for the project. This recommendation seeks authorization to disburse \$150,000 towards the ecotone design effort.

Site Description: The Shoreline Project includes ponds that were part of the 2003 SBSP Restoration acquisition, Ponds A9-A15. These ponds are now owned and managed by the USFWS. The USFWS operates Ponds A9-A15 as managed pond habitat for shorebirds and waterfowl as part of the Don Edwards San Francisco Bay Wildlife Refuge (Refuge). In addition, the project includes the adjacent Pond A18, currently owned by the City of San Jose. Pond A18 is an 850-acre managed pond connected to the Bay through two water control structures.

Project History: Project history and background is described in the attached March 2018 staff recommendation (Exhibit 3).

PROJECT FINANCING

Coastal Conservancy	\$150,000
Coastal Conservancy (previous authorization)	\$100,000
Santa Clara Valley Water District	\$1,620,000
U.S. Army Corps of Engineers	\$3,415,223
Total Shoreline Costs to date	\$5,285,223

As described in the attached March 2018 staff recommendation, the total costs for design and construction of the Shoreline Project are estimated to be \$174,000,000; the nonfederal sponsors' (the Santa Clara Valley Water District and the Coastal Conservancy) contribution is expected to be \$103,738,500. The Conservancy has previously authorized \$100,000 in environmental and engineering services as part of its in-kind contribution towards the nonfederal cost-share. To date the Santa Clara Valley Water District has provided \$1,620,000 for design and the Corps has provided \$3,415,223.

The anticipated source of funds is fiscal year 2018 appropriations to the Conservancy from the "California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018" (Prop 68, Public Resources Code Division 45, Chapters 1-13, Sections 80000-80173), in particular Chapter 9, which allocates funds for projects that protect bays, wetlands, and coastal watershed resources and are consistent with the purposes of the San Francisco Bay Area Conservancy Program at Division 21 of the Public Resources Code. (Pub. Res. Code sections 80120(c) and (d)). As defined by Proposition 68, the term "protection" includes actions that will improve access to public open-space areas and actions to allow the continued use and enjoyment of property and natural, cultural, and historic resources. (Section 80002(l)). The Shoreline Project is consistent with these requirements since it will restore tidal wetlands, create transition zone habitat for tidal marsh dependent species, provide public access, and increase flood protection along the shoreline of San Francisco Bay.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project will be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31165, to address resource goals in the San Francisco Bay Area.

This authorization will enable the Conservancy to contribute to the Shoreline Project. The Shoreline Project is within the nine-county Bay Area as required under Section 31162 of the Public Resources Code.

Under Section 31162(a), the Conservancy may undertake projects to improve public access to and around the Bay, without having a significant adverse impact on environmentally sensitive areas and wildlife, such as wetlands, through completion of regional trails, local trails connecting to population centers and public facilities and which are part of a regional trail system, and through the provision of related facilities. The Shoreline Project includes construction of 1.8 miles of Bay Trail segments and connecting trails as well as related public facilities, while enhancing wildlife habitat.

Under Section 31162(b), the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. This authorization would allow for the design of approximately 90 acres of upland transition zone (ecotone) which helps implement the goals of the SBSP Restoration Project, a wetland restoration project of national significance as well as other regional wetland restoration goals.

Under Section 31162(d), the Conservancy may act to promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes. The implementation of the Shoreline Project, which includes trails and other opportunities for recreation, will provide an important recreational open space area to residents of the South Bay, as well as to residents of the entire Bay Area.

The project is consistent with Sections 31163(a) and (b), directing the Conservancy to participate in and support interagency actions and public/private partnerships in the San Francisco Bay Area to implement long-term resources and outdoor recreational goals.

Consistent with Section 31163(c), the project meets the following criteria: it (1) is supported by adopted regional plans (San Francisco Bay Plan, Baylands Ecosystem Habitat Goals Report (1999) pp. 97, 126-139, Baylands Goals Update (2015) pp. 198, 203, and the San Francisco Basin (Region 2) Water Quality Control Plan (June 29, 2013) pp. 2-2 and 4-92), (2) is multijurisdictional (involves multiple agencies) and serves a regional constituency (the restoration component will facilitate nationally and regionally significant wetland restoration efforts and will complete regional trail connections), (3) can be implemented in a timely way, (4) provides opportunities for habitat, flood protection, and public access benefits that could be lost if the project is not quickly implemented, and (5) includes matching funds from other sources of funding as described above in the “Project Financing” section.

The Conservancy is authorized to fund plans and feasibility studies under Public Resources Code Section 31111.

**CONSISTENCY WITH CONSERVANCY’S [2018-2022 STRATEGIC PLAN](#)
GOAL(S) & OBJECTIVE(S):**

This recommendation remains consistent with the March 22, 2018 finding that funding environmental and engineering services is consistent with **Goal 12, Objective C** of the Conservancy’s 2018-2022 Strategic Plan, as the proposed project will assist with planning of a project that will restore up to 2,900 acres of tidal wetlands.

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

This staff recommendation remains consistent with the Conservancy’s Project Selection Criteria and Guidelines, last updated on October 2, 2014, as described in the attached March 22, 2018 staff recommendation (Exhibit 3).

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

This staff recommendation remains consistent with San Francisco Bay Plan as described in the attached March 2018 staff recommendation (Exhibit 3).

CEQA COMPLIANCE:

On March 22, 2018 the Conservancy adopted findings for the Shoreline Project and Conservancy staff filed a Notice of Determination on March 23, 2018. This authorization remains consistent with the March 22, 2018 findings.