

COASTAL CONSERVANCY

Staff Recommendation  
December 19, 2019

**SIMMONS SLOUGH WATER MANAGEMENT AND SEASONAL WETLANDS ENHANCEMENT  
PROJECT**

Project No. 19-039-01  
Project Manager: Jeff Melby

**RECOMMENDED ACTION:** Authorization to disburse up to \$1,455,000 to the County of Marin Flood Control and Water Conservation District to increase flood protection and enhance up to 136 acres of seasonal wetlands in the Novato Baylands in Marin County.

**LOCATION:** City of Novato, County of Marin

**PROGRAM CATEGORY:** San Francisco Bay Program

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*EXHIBITS*

- Exhibit 1: [Project Location Map](#)  
Exhibit 2: [Simmons Slough Watershed Basin Map](#)  
Exhibit 3: [Project Components Location Map](#)
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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31113 and 31160 -31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million four hundred fifty five thousand dollars (\$1,455,000), reimbursed via a grant from the Department of Water Resources through the Association of Bay Area Governments, to the County of Marin Flood Control and Water Conservation District (“the grantee or District”) to implement the Simmons Slough Water Management and Seasonal Wetlands Enhancement Project in the Novato Baylands in Marin County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy the following:

1. A detailed work program, schedule, and budget.
  2. Names and qualifications of any contractors to be retained in carrying out the project.
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3. A plan for acknowledgment of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the grantee has entered into agreements with landowners sufficient to protect the public interest in the improvements to be constructed under 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 authorization is consistent with Chapters 3 and 4.5 of Division 21 of the Public Resources Code regarding the Conservancy’s authority to address the potential impacts of climate change on resources within its jurisdiction (Ch. 3), and the resource and recreational goals of the San Francisco Bay Area (Ch 4.5).
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

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**PROJECT SUMMARY:**

Staff recommends the Conservancy authorize disbursement of one million four hundred fifty five thousand dollars (\$1,455,000), reimbursed by a grant from the Department of Water Resources through the Association of Bay Area Governments, to the County of Marin Flood Control and Water Conservation District (“District”) to implement the Simmons Slough Water Management and Seasonal Wetlands Enhancement Project (“Project”). The project will increase flood protection and enhance up to 136 acres of seasonal wetlands in the Novato Baylands in Marin County (Exhibit 1). The lands are owned by the District, the Novato Sanitary District (NSD), and Marin Audubon Society (Audubon (Exhibit 2).

The Project is needed to provide an increased level of flood protection in the Simmons Slough watershed basin, including major thoroughfares (Olive and Atherton Avenues) in the City of Novato and along a low-lying area of Highway 37 which bisects the basin. Transportation in the area is highly vulnerable to flooding, as evidenced by the closure of Highway 37 in 2017 and 2019.

The Project will improve flood control features including by replacement, repair, and clean-out of existing culverts; vegetation management and bank stabilization within existing flood control channels; and replacement of a failed diesel pump station with a permanent Bay Area Air Quality Management District (BAAQMD)-compliant electric pump station.

The Project is also needed to enhance seasonal wetlands on the 136-acre Audubon property in the north end of the basin through adjusting the weir elevations on water control structures as well as active enhancement of 3 acres by removing weeds and planting native vegetation.

The Audubon property is former tidal marsh that was cut off from the bay many years ago with the construction of Highway 37 and levees along Novato Creek. During recent flooding events,

native freshwater wetland plants have begun to naturally outcompete the non-native grasses, which greatly improves the habitat value of the property. Water control structures will control rainwater runoff so that it ponds and remains on the property more frequently, i.e., even during winters with average or low rainfall. This will allow the wetland plants to become more established and spread to outcompete the non-native Italian ryegrasses. The Project will also actively enhance three acres of diked bayland habitat along a remnant fork tributary to the original Simmons Slough through removing weeds and planting native vegetation.

The Project tasks are specified below and their locations are shown in Exhibit 3.

Implementation of each of these tasks is contingent on the results of the construction bidding process scheduled for spring 2020. If the bidding process reveals that the Conservancy and District funding is insufficient to fund all proposed work, only the new Pump Station (Sites 8 and 9) and culvert and weir structures 1, 2 (for wetlands enhancement) will be implemented.

- **Installation of New Pump Station (sites 8 and 9).** Remove existing temporary diesel pump station and replace it with an all-electric (BAAQMD compliant) new pump station at the junction of Simmons Slough and Novato Creek.
- **Culvert and Weir Water Control Structures (Sites 1, 2, 3, 4a, 4b, 6, and 7).** Clean out, repair, replace, and install culverts, and weirs throughout the Project Area. Sites 1 and 2 provide for wetland enhancements within the Audubon property.
- **Simmons Slough Vegetation Management (Site 5).** Conduct vegetation management and capacity improvements along Simmons Slough between State Route 37 and Novato Creek.
- **Wetland Enhancements on the Audubon Property.** Purchase and plant native plants along Simmons Slough upstream from Site 2. Also, install two water control structures along the eastern edge of the Audubon restoration site to allow Audubon to manage water levels within their property for habitat benefits.

**Site Description:** Simmons Slough watershed is approximately 2,000 acres and consists of a combination of natural and farmed areas. The site is primarily owned by the District with areas also owned by the NSD and Audubon. The site is generally used for treated wastewater discharge/spray fields by NSD, grazing for cattle, and seasonal wetlands on the Audubon property. Highway 37 bisects the site and is highly vulnerable to flooding due to excessive rainfall and levee breaches. In 2017 and 2019, Highway 37 was shut down for several weeks due to these vulnerabilities.

In winter rainy seasons with heavy rainfalls, water can pond on the Simmons Slough diked baylands, during which the site supports many species of water-dependent birds, including egrets, herons, mallards, American widgeon, Northern Pintail, other waterfowl and shorebirds. Deer, coyote, raptor species, grassland birds and possibly badger use the habitat for hunting and refuge. Mallards are known to nest on the property as are tree swallows that use nest boxes that were installed and are maintained by Audubon volunteers. There is limited habitat in the main Simmons Slough drainage channel.

**Grantee Qualifications:** The District has responsibility for flood control in designated Flood Zones and is experienced in managing this type of project.

**Project History:** In 2015, the Conservancy and partner organizations submitted the *Bay Area Regional Shoreline Resilience Program (Resilience Program)* for funding under the Department of Water Resources (DWR) Proposition 84 Integrated Regional Water Management (IRWM) Implementation grant round (administered by the Association of Bay Area Governments (ABAG)). The *Resilience Program* is an innovative and integrated suite of multi-benefit shoreline flood protection, habitat restoration, wastewater, and sediment reuse projects that will demonstrate proactive solutions to climate change in the region. The goal of the program is to provide demonstration implementation projects in four subregions, including the North Bay, allowing communities to better address local impacts through multi-benefit projects.

This Simmons Slough project was coupled with the Conservancy’s Bel Marin Keys Unit V (BMKV) Wetland Restoration Phase 1 Project (for which the Conservancy authorized disbursement of funds at its August 2019 meeting) as the “Novato Creek Flood Protection and Habitat Enhancement Project.” The IRWM grant refers to the BMKV project, located on the south side of Novato Creek, as “Element A,” and this project, located on the north side of Novato Creek, as “Element B.”

**PROJECT FINANCING**

<b>Department of Water Resources Prop 84</b>	<b>\$1,455,000</b>
<i>(Through Conservancy to District)</i>	
Marin County Flood Control District	\$600,000
<b>Project Total</b>	<b>\$2,055,000</b>

The source of funds is a Proposition 84 grant as part of the Integrated Regional Water Management Program (IRWM) at the Department of Water Resources (“DWR”). Public Resources Code section 75026 provides one billion dollars to DWR for grants for projects that assist local public agencies in meeting the long-term water needs of the state including the protection of water quality and the environment. The IRWM program is managed locally by ABAG, which awarded these funds to the Conservancy specifically for the purpose of passing these funds to the District for the Project. The ABAG grant includes \$45,000 in funding for Conservancy staff to administer the grant for the combined project, which is not included in the project budget, above.

Before this grant, the District spent over \$200,000 on project planning.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed project is undertaken pursuant to Public Resources Code (PRC) Section 31113, regarding projects to address the impacts of climate change, and Sections 31160-31165

(Chapter 4.5 of Division 21), regarding projects carrying out the objectives of the San Francisco Bay Area Conservancy Program.

Pursuant to PRC Section 31113, the Conservancy is authorized to address the impacts and potential impacts of climate change on resources within its jurisdiction, and may undertake and award grants for projects that address extreme weather events, sea-level rise, storm surge, beach saltwater intrusion, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources. Consistent with this section, the proposed project will address the effects of extreme weather events (drought and excessive rain) and flooding by enhancing coastal wetlands and existing infrastructure to reduce flood risk associated with extreme weather.

The Project is within the nine-county Bay Area as required under Section 31162. Consistent with Section 31162(b), which authorizes the Conservancy to “protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance [within the SF Bay Area],” this project will enhance 136 acres of seasonal wetlands by installing water control structures that will enable increasing the frequency of managed ponding throughout the site, and planting natives over three acres.

Consistent with Section 31163(b), the Coastal Conservancy is participating in and supporting interagency actions and public/private cooperation.

Consistent with Section 31163(c), the Project meets the following criteria: (1) is supported by adopted regional plans including the Bay Area Integrated Regional Water Management Plan, (2) is multijurisdictional (involves multiple agencies) and serves a regional constituency (the restoration component will facilitate regionally significant wetland restoration efforts, (3) can be implemented in a timely way, (4) provides opportunities for habitat and flood protection 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.

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

The proposed project is consistent with the following goals and objectives of the Conservancy’s 2018-2022 Strategic Plan:

Consistent with **Goal 8, Objective C**, the proposed project will increase resilience to coastal flooding using multi-benefit strategies.

Consistent with **Goal 12, Objective D** of, the proposed project will actively enhance three acres of seasonal wetlands through native plantings and weed removal and enhance seasonal wetlands habitat over 136 acres of seasonal wetlands habitat through managed ponding.

**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 October 2, 2014, 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. **Promotion and implementation of state plans and policies:** The proposed project promotes implementation of the following state plans and policies:
  - San Francisco Estuary Comprehensive Conservation and Management Plan (approved by the Governor and U.S. EPA Administrator in 1993, updated in 2016). Restoration of the project site will carry out objectives and actions identified in the CCMP to protect, create, and restore habitat critical for special status wildlife, specifically through enhancement and restoration of marsh and transitional upland habitat.
  - 2014 Safeguarding California: Reducing Climate Risk update to the 2009 California Climate Adaptation Strategy, which seeks to support hazard mitigation by "investing in green infrastructure and other protective structures to address sea-level rise" and recommends the state "restore and create wetlands."
  - California Water Action Plan (approved by the Governor in 2014), which recommends restoration of coastal wetlands.
4. **Support of the public:** The Project is supported by the public and local Flood Zone Flood District, which represents the community within Zone 1, which includes the City of Novato and unincorporated areas of Marin County in the Novato Baylands.
5. **Location:** The proposed project is located in the San Francisco Bay Area, within Marin County, consistent with Section 31162 of the Public Resources Code.
6. **Need:** The DWR IWRM grant is required to complete the Project. The Flood District is contributing almost 50% funding to the total cost for implementation as well as paying 100% of all design and permitting costs.
7. **Greater-than-local interest:** The Project will assist in flood protection of both local and regional infrastructure such as Highway 37. The seasonal wetlands may provide habitat for bird species that migrate over regional distances.
8. **Sea level rise vulnerability:** The Project assists with short term flood protection of transportation resources until the long-term adaptation alternatives can be developed and implemented.

**Additional Criteria**

9. **Urgency:** The Project is needed to replace an existing diesel pump station that is no longer operational. The proposed Project will increase the level of flood protection of critical road infrastructure in the project area. Roadways in this area have been flooded and closed twice in the past three years.
10. **Readiness:** The District has fully funded and completed the final design, preparation of plans and specifications, CEQA, and has submitted our permit applications in preparation for an August 2020 construction start date.
11. **Vulnerability from climate change impacts other than sea-level rise:** The existing transportation infrastructure in the project area is highly vulnerable to sea-level rise. The proposed Project will help reduce the impacts of sea-level rise.
12. **Minimization of greenhouse gas emissions:** The project replaces a diesel pump with an electric pump station that will reduce greenhouse gas emissions.

**CEQA COMPLIANCE:**

Conservancy staff has determined that the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA," 14 Cal. Code Regs. Sections 15260, et seq.) for the following reasons.

The replacement of the existing diesel pump station with an electric station is exempt under section 15302, which exempts the replacement of existing structures on the same site with substantially the same purpose and capacity, including the replacement or reconstruction of existing utility systems and facilities involving no negligible expansion of capacity. The new electric pump station will have substantially the same purpose and capacity as the existing diesel pump station.

The installation of two water control structures and the cleaning, repair, replacement, and installation of culverts and weirs within the project area are exempt under sections 15301, 15302 and 15303. Section 15301 exempts the removal, repair, maintenance, or minor alteration of existing public structures and facilities where such activities involve no or negligible expansion of use. Section 15303 exempts the replacement or construction of new small structures on the same site with substantially the same purpose and capacity.

The replanting of areas with native vegetation is exempt under section 15304. This section exempts minor alterations to land, water, and vegetation on existing officially designated wildlife management areas where the activity results in improvement of habitat for wildlife resources.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.