

COASTAL CONSERVANCY

Staff Recommendation
September 22, 2022

CHICKEN RANCH BEACH WETLAND ENHANCEMENT: DESIGN

Project No. 07-115-02
Project Manager: Michael Bowen

RECOMMENDED ACTION: Authorization to disburse up to \$248,915 to the Tomales Bay Watershed Council Foundation to prepare designs, permit applications, and environmental review documents for a one-acre tidal wetland enhancement project at Tomales Bay, Marin County.

LOCATION: Chicken Ranch Beach, Inverness, Marin County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2: [Staff Recommendation: Third Valley Creek and Chicken Ranch Beach Restoration Plan – April 24, 2008](#)
 - Exhibit 3: [Conceptual Designs](#)
 - Exhibit 4: [Project Letters](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two hundred forty-eight thousand nine hundred fifteen dollars (\$248,915) to the Tomales Bay Watershed Council Foundation (“Council”) to prepare designs, permit applications and environmental compliance materials for the Chicken Ranch Beach Wetland Enhancement Project.

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

1. A detailed work program, schedule, and budget.
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2. Names and qualifications of any contractors to be retained in carrying out the project.

Findings:

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

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding the enhancement of coastal resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Tomales Bay Watershed Council Foundation is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a \$248,915 grant to the Tomales Bay Watershed Council Foundation ("Council") to prepare designs, permit applications, and environmental compliance materials for the Chicken Ranch Beach Wetland Enhancement Project ("project"). The project will enhance coastal resources in the Tomales Bay watershed by expanding saltmarsh habitat and reducing bacterial counts at a very popular Marin County ("County") beach in West Marin.

The goal of the project is to restore a tidal wetland on an area upland of the beach to enhance water quality and improve wildlife habitat in a coastal estuary. The expected outcome is that natural wetland processes will significantly reduce the frequency and duration of bacterial counts exceeding state limits for recreational water contact at Chicken Ranch Beach, addressing a public health concern, while also enhancing habitat for several special status species.

A prior conceptual design report funded by the Conservancy (Exhibit 2) recommended restoring wetlands on the State Lands Commission parcel to treat and reduce the bacterial contamination through natural processes. Conceptual designs were produced, but the approach was subsequently determined to be so complicated that implementation would be too expensive. Furthermore, county counsel expressed concerns about the project adversely impacting necessary drainage across the surrounding parcels. Consequently, the conceptual design languished until the Council revisited its assumptions and examined whether design modifications could reduce the cost and increase project feasibility.

A recently prepared new conceptual design reflects new receptivity and new thinking as it relates to this project. First, the adjacent landowners have changed and now support moving forward with the project. Second, the County has expressed its support for the project. Moreover, the project scale has been reduced in part to avoid conflicts with the existing settlement agreement ensuring adequate drainage in the project area.

Under the new conceptual approach, an approximately 1-acre wetland will be restored on the State Lands Commission parcel with a minor encroachment onto a parcel owned by County Parks. Excavated material will be used to fill an existing channel (Channel B) such that local flows are routed through the wetland. Currently, Channel B runs across the popular beach area and occasionally exceeds water quality guidelines for bacteria. A 2014 study concluded that the bacteria was not of human origin, and did not pose a risk to human health, but subsequent studies still indicated high bacterial levels.

The opportunity to restore this wetland provides a concurrent opportunity to restore habitat and improve water quality regardless of whether it poses an immediate health risk. The wetland will receive inflow from surface runoff from the slopes to the north together with shallow groundwater flowing downslope toward the beach before connecting to Third Valley Creek and Tomales Bay. A primary function and benefit of the restored wetland will be to intercept and treat contaminated groundwater to minimize bacterial transmission to the beach environment. At the same time, the project will enhance diverse wildlife habitat by removing invasive non-native vegetation and restoring wetland habitats and functions on this site.

The recommended grant is for furthering the new conceptual design to a 65% design for the project, preparing permit applications and environmental review documents for CEQA compliance, and refining the probable construction costs.

Key work to build upon the existing 30% design and prepare permit applications and CEQA documentation includes:

- Hydraulic modelling, including wetland flow dynamics, tidal impacts, and sea-level rise analysis;
- Design of site access, staging, wetland outlet works, erosion control, and revegetation plans;
- Development of a basis of design report;
- Additional accuracy in the preliminary construction cost estimate; and
- Development of key documents to support permitting and CEQA compliance, including cultural resources study, plans to accommodate species of special concern, and preparation of a current general biological resources assessment as well as a formal Biological Assessment for tidewater goby.

Site Description: Chicken Ranch Beach and lower Third Valley Creek are located along the west shore of Tomales Bay near the Town of Inverness in Marin County (Exhibit 1). The beach is over six acres, is owned by the County, and is operated by Marin County Parks. The beach is a popular destination for locals and visitors. It is used for swimming, nature observation, dog walking, and as a popular kayaking access site. Third Valley Creek flows into Tomales Bay at the beach.

Immediately landward of the beach is the State Lands Commission parcel and additional privately owned lands. The project site is completed primarily upon the State Lands Commission parcel with a minor encroachment onto and through the County ownership. These parcels include: a parcel owned by Marin County that includes Chicken Ranch Beach; a parcel

owned by the California State Lands Commission; and two privately owned parcels.

Historically Chicken Ranch Beach was a sandbar across the mouth of a former lagoon at the downstream end of Third Valley. In the late 1800's and early 1900's the land surrounding the lagoon supported a chicken ranch as well as livestock grazing. In the 1950's the lagoon was filled with sediment dredged from Tomales Bay for the installation of a submerged communication cable. The westerly portion of this former lagoon is now a residential property and the easterly end adjacent to the County's beach property is owned by the State of California.

Grant Applicant Qualifications: The Tomales Bay Watershed Council Foundation ("Council") is well qualified to undertake this project. The Council has been engaged in water quality monitoring and planning for Chicken Ranch Beach and Third Valley Creek since 2003 and has assembled a group of local residents, agency representatives, and technical specialists who are working together on the project. The Council has an excellent track record in coordinating planning, having overseen the preparation of the Tomales Bay Watershed Stewardship Plan (2003) and the Tomales Bay Integrated Coastal Water Management Plan (2007).

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

Tomales Bay shoreline provides a safe beach experience within the San Francisco Bay Area. However, much of the Tomales Bay shoreline is private or inaccessible. For this reason, Chicken Ranch Beach is a highly popular destination. Ensuring that the area is uncontaminated is of high public interest. Addressing existing pollution problems through tidal marsh restoration provides an additional public benefit and constitutes a prudent investment of state resources.

The restoration of the project site advances the 30x30 Executive Order by protecting and enhancing the ecological function of state and private lands. It will do so in an innovative way by establishing what is an effect a treatment wetland along Tomales Bay, thereby improving water quality at the same time as enhancing tidal marsh.

The project is consistent with and furthers the goals of the Tomales Bay Watershed Stewardship Plan, prepared by the Council in July 2003. The project is consistent with Goal A of the Tomales Bay Watershed Stewardship Plan, as implementation of the plan would improve

water quality in Tomales Bay. The project is also consistent with Goal B of the Tomales Bay Watershed Stewardship Plan, as implementation of the plan would improve the integrity of natural habitats and native plant and animal communities.

The project is also consistent with the Tomales Bay Integrated Coastal Watershed Management Plan (ICWMP), completed in September 2007. The ICWMP is a cooperative effort by the Tomales Bay Watershed Council, Bolinas Community Public Utilities District, Inverness Public Utility District, Marin Municipal Water District, and North Marin Water District to identify management strategies and regional and projects that meet multiple objectives for the Tomales Bay region. The project is consistent with ICWMP Objective 1, as it will improve water quality in Tomales Bay. The project is consistent with ICWMP Objective 5, as it will improve streams and riparian areas for native species. The project is consistent with ICWMP Objective 6, as it will improve potential habitats of special status species.

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 in 1995 and reviewed every three years) in that it constitutes an important step towards the enhancement of fish and wildlife habitat in coastal watersheds and wetlands, including potential habitat for federally-listed species (tidewater goby, and California red-legged frog), and thereby will protect and improve the following beneficial uses:

- Cold Freshwater Habitat
- Wildlife Habitat

The proposed project is also an important step towards achieving the water quality objectives identified in the Water Quality Control Plan for nutrients, and suspended sediment.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

The project site is within the area of interest for the Federated Indians of Graton Rancheria. The Council has reached out to Graton to apprise them of the project, as has Conservancy staff.

In addition, the proposed scope of work ensures the protection of archaeological and cultural resources. The scope of work includes a provision to retain a tribal representative to participate in the cultural resources assessment of the site. The cultural resources subcontractor will both include tribal participation in the review of cultural resources work and invite a tribal monitor on-site for the duration of the cultural resources investigation.

Finally, the Council is investigating opportunities to incorporate appropriate educational signage that incorporates indigenous voices, leadership, and perspectives, including traditional ecological knowledge, indigenous stewardship, and educational programs.

4. Project benefits will be sustainable or resilient over the project lifespan.

Although the project site is at an elevation susceptible to sea level rise impacts, the project design will ensure that the tidal marsh will be resilient and provide habitat benefits for decades, even as habitat type shifts from tidal marsh to subtidal habitat. Moreover, the proposed tidal

marsh restoration will provide meaningful carbon sequestration benefits over the lifespan of the project.

5. Project delivers multiple benefits and significant positive impact.

The project will provide a treatment wetland to address longstanding contamination of the beach area and ensuing degradation of a popular county beach. The project will also leverage additional ecological benefits to Tomales Bay, including carbon sequestration, as has occurred at the nearby restored Giacomini Wetlands. Finally, the project will improve hydraulic connectivity, thereby reducing the risk of flooding for adjacent property owners.

6. Project planned with meaningful community engagement and broad community support.

The Council has been involved with management planning at Chicken Ranch Beach for a number of years. The Council has involved a diverse group of stakeholders, including the County, the Inverness Public Utility District, adjacent landowners, local residents, and representatives of state agencies and of the Point Reyes National Seashore. The Council is ready to initiate assessment studies and focused public outreach to begin the restoration planning process.

PROJECT FINANCING

Coastal Conservancy	\$248,915
Others	\$0
Project Total	\$248,915

The anticipated source of Conservancy funds for this project is an appropriation from the Habitat Conservation Fund (HCF), which was created by the California Wildlife Protection Act of 1990, Fish and Game Code Sections 2780-2799.6 (Proposition 117). Pursuant to Fish and Game Code Section 2786(d), HCF funds may be used for the acquisition, restoration, or enhancement of wetlands. The proposed grant will facilitate the restoration of tidal marsh at Chicken Ranch Beach.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is undertaken pursuant to Chapter 6 of Division 21 of the Public Resources Code (§§ 31251-31270), as described below.

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. Consistent with this section, the recommended authorization is to provide funds to the Council to plan for corrective measures to restore natural values in the project area that have suffered because of the filling of wetlands in the project area and channelization of Third Valley Creek.

Pursuant to Section 31252, all areas proposed for resource enhancement must be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential resource problems. Water quality concerns have long been a high priority for various

agencies to address in Tomales Bay, and concerns about elevated fecal coliform levels at this area have been a specific flashpoint within the County for many years. The proposed project area is identified in the Unit II Local Coastal Plan for Marin County (LCP), which directly addresses this concern.

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 available for coastal resource enhancement projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible coastal resource enhancement projects, and the application of other factors prescribed by the conservancy....” The proposed contribution by the Conservancy was determined based on application of priority criteria, as discussed below, and after considering other available resources and the matching contributions to the project by other funding sources.

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

Consistent with **Goal 6, Objective A** of the Conservancy’s 2018-2022 Strategic Plan to develop plans for the restoration or enhancement of coastal wetlands, the proposed project will develop 65% designs and permit material (“plans”) for the enhancement of a coastal wetland.

CEQA COMPLIANCE:

The work to be funded by the recommended grant involves only feasibility and planning studies, basic data collection, resource evaluation, and research for possible future action which has not yet been approved, authorized, adopted, or funded by the Conservancy or another agency. Thus, the project is statutorily exempt from the requirement to prepare an Environmental Impact Report or Negative Declaration under the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations Section 15262. The plan will, however, consider environmental factors, as required by Section 15262. In addition, data collection and resource evaluation activities conducted for this project are categorically exempt from CEQA pursuant to 14 California Code of Regulations Section 15306. This categorical exemption applies to activities that consist of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Upon authorization of the grant, Conservancy staff will file a Notice of Exemption.