

COASTAL CONSERVANCY

Staff Recommendation
November 30, 2023

NAPA RIVER ESTUARY ACQUISITION

Project No. 23-020-01
Project Manager: Linda Tong

RECOMMENDED ACTION: Authorization to disburse up to \$2,512,500 to the Napa County Flood Control and Water Conservation District to acquire approximately 57 acres of historic tidal marshland within the lower tidal reach of the Napa River in Napa County, for the protection, restoration, and enhancement of natural and scenic resources, including wetlands and open space; and, to the extent compatible with the aforementioned purposes: public access, passive recreation, and California Native American tribal cultural uses.

LOCATION: South of the City of Napa, Napa County

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Photographs](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS

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

Resolution:

The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two million, five hundred and twelve thousand, five hundred dollars (\$2,512,500) to Napa County Flood Control and Water Conservation District (“the grantee”) to acquire approximately 57 acres of historic tidal marshland within the lower tidal reach of the Napa River in Napa County (Assessor’s Parcel Nos. 043-103-007, 043-103-020, 043-103-021, 043-103-022) for the protection, restoration, and enhancement of natural and scenic resources, including wetlands and open space; and, to the extent compatible with the aforementioned purposes: public access, passive recreation, and California Native American tribal cultural uses. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer):
 - a. All relevant acquisition documents for the acquisition including, without limitation, the appraisal, purchase and sale agreement, deed, escrow instructions, environmental or hazardous materials assessment, and title report;
 - b. A baseline conditions report; and
 - c. Evidence that sufficient funds are available to complete the acquisition.
2. The grantee shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The property acquired under this authorization shall be managed and operated for the protection, restoration, and enhancement of natural and scenic resources, including wetlands and open space; and, to the extent compatible with the aforementioned purposes: public access, passive recreation, and California Native American tribal cultural uses. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.
4. The grantee shall continue to engage in consultations about potential plans for the property with all interested tribes who are included on the California Native American Heritage Commission Contact List.
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby publicly viewable area, the design and location of which are to be approved by the Executive Officer.

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 3 of Division 21 of the Public Resources Code, regarding the impacts of climate change.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize disbursement of up to \$2,512,500 for the Napa County Flood Control and Water Conservation District (District) to acquire approximately 57 acres of historic tidal marshland within the lower tidal reach of the Napa River (the property) in Napa County (Exhibit 1). Acquisition of the property (the project) will protect and facilitate restoration of tidal marshland that is currently managed as vineyard and would re-integrate the area into the surrounding wetlands which support habitat for endangered species. Restoring the property to tidal marshland would also reduce greenhouse gas emissions through carbon sequestration. After acquisition, plans for the property may include opportunities for public

access and recreation that are compatible with protection, restoration and enhancement of natural resources.

The property has been managed as a vineyard for decades, but the current owners are now selling the property and are willing to give the District right of first refusal in purchasing the land. The property is adjacent to the Napa River South Wetlands Opportunity Area (SWOA), an area acquired with Conservancy support and subsequently restored to tidal influence and wetland habitat in 2001. Signs of salinity intrusion, such as the appearance of pickleweed, have been observed in the project area; therefore, the acquisition presents an excellent opportunity to restore former tidal marshland with minimal construction. The project will also move privately held land into public ownership, allowing for future enhancement of publicly accessible open space in the Napa River Estuary. The overarching goal of future work on the project site is to restore historic ecosystem functions while providing compatible public access and environmental educational opportunities.

The project ultimately will lead to improved access and outdoor experiences for the surrounding communities. The project area is just south of the limits of the City of Napa, a city with low-income communities as identified in the California Climate Investments Priority Populations 2022 California EnviroScreen 4.0 map. There is also a community of retired residents located next to the project area. If this project is successfully completed and the property is acquired, the District plans to hold a series of public meetings and outreach events seeking community input on project designs and goals. The District also intends to work with a local agency to provide opportunities for youth to gain job-related skills and experience in natural resource protection and management. The acquisition will also provide a venue for outdoor education programming, and the District aims to involve youth in environmental education and stewardship after the project area is restored.

The District has engaged with the Napa County Board of Supervisors and the mayor of the City of Napa regarding the project and has received unanimous approval from Board members to pursue the acquisition project and post-acquisition activities for restoration of the project site. The Conservancy and the District have had an initial conversation with a California Native American tribe about purposes of the acquisition and potential plans for the property after acquisition. The District will continue to involve interested California Native American Tribes on potential plans for the property after acquisition to protect archaeological and cultural resources or mitigate to the extent feasible impacts to these resources, and to enable cultural uses compatible with the purposes of the acquisition.

The subject of this proposed authorization is the acquisition of approximately 57 acres of privately owned property. If acquired, future proposed activities to be considered and evaluated for the property include:

- Restoring 52 acres of degraded wetland habitat to tidal mudflat, brackish marsh, and other bay habitat.
- Re-integrating the restored area into the surrounding Napa River South Wetlands Opportunity Area, providing a new access point to 1,230 acres of restored wetland and upland habitat currently owned and managed by the District.

- Providing long-term public access, recreation, and environmental education opportunities, potentially through features such as a boardwalk system, wildlife viewing platforms, interpretive signage, and kayak access.
- Protecting and providing stewardship of the restored wetland areas and park area in perpetuity. This would be accomplished by partnering with the Napa County Open Space District and the City of Napa Parks Department to ensure long-term management of the restored open space and park areas.

The District obtained an updated fair market appraisal report for the four parcels that comprise the approximately 57-acre Project area in September 2023; the cumulative appraised value was \$4,750,000. As with the SWOA, the District would have full legal access and ownership of the properties to be acquired, except for an access and utilities easement. The appraisal report will be submitted to the California Department of General Services for approval.

Site Description: The approximately 57-acre project site is currently managed as a privately-owned cultivated vineyard on former alluvial floodplains and bay tidal marshlands. The District will acquire fee title of four contiguous parcels: APN's 043-103 007, 043-103-020, 043-103-021, and 043-103-022, with respective acreages of 4.94, 8.48, 4.39 and 40.06 acres. About 52 acres of the project site are suitable for wetland restoration, the remaining 4.8 acres consist of an improved dirt access road and levee, and an existing barn structure that could potentially be repurposed as a storage facility, interpretive center, or for other use that is consistent with the purposes of this acquisition (Exhibit 2).

The project site is surrounded by the 1,230-acre Napa River South Wetlands Opportunity Area (SWOA); an area restored to tidal influence and wetland habitat in 2001 as part of the Napa River Flood Protection Project through the lowering of levees and berms and reconnection to existing tidal channels and sloughs. A mosaic of habitat types have established within the SWOA including brackish marsh, tidal mudflat and transition zone habitat that support a diverse array of aquatic and terrestrial wildlife. Special status species, including the California Ridgway's rail and salt marsh harvest mouse, have been documented within the SWOA; the ultimate restoration of the site following the proposed acquisition will provide additional suitable habitat for these and other aquatic and terrestrial species.

The project site is within half a mile of the City of Napa (population 79,074), and is easily accessible via walking, biking, and driving from adjacent communities. Acquisition of the property will increase public access to public open space and natural areas and recreational opportunities within the tidal reach of the Napa River.

Grant Applicant Qualifications: The District has a proven track record administering grants and carrying out large-scale projects throughout Napa County, including the Napa River Flood Protection Project, the Napa River Rutherford and Oakville to Oak Knoll Restoration Projects, and multiple fish passage and wetland restoration projects. Many of these projects received grant funding for both acquisition and implementation from the Conservancy and other state and federal agencies.

The District is also experienced in ensuring that land it acquires will be operated and maintained to achieve the project purposes. Operation and maintenance for future phases of

the project will follow an adaptive operation, maintenance, and monitoring plan (OM&M Plan). Like the OM&M Plan developed for the Napa River Flood Protection Project and SWOA, the OM&M Plan would be designed to measure and evaluate project goals and outcomes as well as guide adaptive management of the project site. Adaptive management measures may include invasive plant management, trash abatement, inspection and maintenance of any facilities, and evaluation of hours of operation. Application of measures developed through the OM&M Plan would be completed with a combination of the District and local agencies' staff and funds.

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.

The project is a good investment of state resources because the District will leverage non-state resources, including federal dollars; local partnerships; and in-kind District staff time and labor. The project is consistent with regional and plans such as the San Francisco Bay Joint Venture's Implementation Strategy and California's Natural and Working Lands Climate Smart Strategy, as the project will restore tidal wetlands that provide habitat for multiple wildlife species; increase carbon sequestration, biodiversity and climate resilience; and facilitate natural function and connectivity of floodplains and estuaries. The project will also advance the State's 30x30 Initiative through acquiring land for conservation from willing sellers.

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 District has initiated conversation with a California Native American tribe traditionally and culturally affiliated to the project area, and will continue to involve interested California Native American Tribes in potential plans for the property. After acquisition, the District will work with tribes to protect archaeological and cultural resources or mitigate to the extent feasible impacts to these resources, and to enable cultural uses compatible with the purposes of the acquisition.

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

After acquisition, implementation of a wetland restoration project would help create a resilient shoreline that improves flood resilience. Restoration of ecological systems and increasing recreational access creates long-term positive impacts within the San Francisco

Bay that will benefit future generations. The site will ultimately be owned by the District and operated by the Napa County Open Space District and City of Napa Parks Department – protection in perpetuity of the project area will help create a landscape that is better able to adapt to variable climate conditions.

5. Project delivers multiple benefits and significant positive impact.

The proposed project has multiple benefits that will result in a wide range of benefits and positive impacts on San Francisco Bay because acquiring the property will provide an opportunity to:

- 1) Enhance and expand tidal wetland habitat that increases carbon sequestration;
- 2) Improve water quality by decreasing suspended sediment concentrations and restoring physical processes and functions in the tidal marshlands that are part of the Bay;
- 3) Increase hydraulic capacity of the property, which could attenuate flood flows when existing levees that are currently in place at the project area are lowered during the future restoration phase, thereby adapting to climate change by creating greater temporary floodplain storage for the Napa River;
- 4) Allow the public to interact with and experience open space and natural areas in the Napa River Estuary, and establish a new venue for recreational access and outdoor education programming,
- 5) Provide benefits to the community members, including youth and low-income residents, through access to open space, recreation, outdoor education, and workforce development.

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

After acquisition, the District will hold public meetings and outreach events to seek community input and feedback regarding project designs and goals. The District intends to engage the community during the planning and implementation of future potential restoration, as well as into the future after implementation. The District aims to partner with Workforce Alliance of the North Bay to provide opportunities for youth to gain job related skills and experience in natural resource protection and management. Working through the Napa Resource Conservation District (RCD), the District will also seek additional opportunities to engage youth by providing a venue for outdoor education programming including the RCD's Waterway Keepers, Youth Stewardship Council, and LandSmart for Kids Programs and hosting community events such as sites for Coastal Clean Up Day.

PROJECT FINANCING

Coastal Conservancy	\$2,512,500
California State Parks: Land and Water Conservation Fund	\$2,512,500
Project Total	\$5,025,000

Conservancy funding is anticipated to come from a Fiscal Year 2022/23 appropriation from the Greenhouse Gas Reduction Fund (GGRF) to the Conservancy for the purposes of urgent sea level rise adaptation and coastal resilience needs (Budget Act of 2022, SB 154, as amended by the Budget Act of 2023, SB 101). The coastal resilience funds are available for the purposes described in Section 52 of SB 155 (Chapter 258, Statutes of 2021). The proposed project is consistent with this funding source because it is a Climate Ready project as discussed in the next section. The Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act (Health and Safety Code (HSC) Sections 39710-39723) requires that GGRF funds be used to (1) facilitate the achievement of reductions of GHG emissions consistent with the Global Warming Solutions Act of 2006 (HSC Section 38500 *et seq.*), and (2) to the extent feasible, achieve other co-benefits, such as maximizing economic, environmental and public health benefits and directing investment to disadvantaged communities (HSC 39712(b)). The Global Warming Solutions Act of 2006 sets forth (among other things) certain GGRF funding priorities (HSC Section 38590.1). Further, in selecting this project for a grant, the Conservancy has considered its Strategic Plan, the State Agency Sea Level Rise Action Plan, geographic areas of vulnerability, disadvantaged communities, and opportunities for federal financial support.

The California Air Resources Board (“CARB”) has adopted guidelines that establish program goals that agencies must achieve with their GGRF funds. Consistent with the CARB 2018 Funding Guidelines, the proposed project will help the Conservancy meet its GGRF program goals because the project will:

- Facilitate GHG emission reductions (which includes carbon sequestration) and further the purposes of AB 32 and related statutes;
- Maximize economic, environmental, and public health co-benefits to the State;
- Avoid substantial burdens to disadvantaged communities and low-income communities; and
- Leverage funds to provide multiple benefits and to maximize benefits.

The proposed project will meet these objectives by acquiring property that has the potential to be restored to tidal wetland habitat, which will reduce greenhouse gas emissions because tidal wetland habitat is one of the most carbon dense ecosystems in the world. Restoring the property and providing public access amenities could also lead to benefits for disadvantaged communities in and around the City of Napa, and job training through collaboration with Workforce Alliance of the North Bay when the site is restored. These future property activities would also create multiple benefits and contribute to public health by enhancing public access features which may include new trail, an interpretive boardwalk, and other recreational elements.

The project will leverage a \$2,512,500 grant from the Land and Water Conservation Fund to meet the purchase price of the property. The Land and Water Conservation Fund is a federal fund source that provides matching grants to state and local governments for the acquisition and development of public outdoor recreation areas and facilities; the grant comes from

National Parks Service and is administered through California State Parks. Napa County Flood Control and Water Conservation District will also be contributing in-kind funds and services through staff time and pre-acquisition administrative costs. In-kind costs are estimated to be \$21,400.

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The project is being undertaken pursuant to Chapter 3, Section 31113, of Division 21 of the Public Resources Code. All further references are to the Public Resources Code unless otherwise specified.

Section 31113 authorizes the Conservancy to establish and administer the Climate Ready Program to address the impacts of climate change on resources within the Conservancy’s jurisdiction. The Conservancy is authorized to grant awards in the nine-county Bay Area that achieve goals including protection, restoration, and enhancement of natural habitat and resources (Section 31162). This project is consistent with those goals and is located in Napa County, and is therefore within the Conservancy’s jurisdiction.

Consistent with 31113(b), the project will facilitate restoration of tidal wetlands and other bay habitat, thereby mitigating effects of greenhouse gas emissions (through carbon sequestration) and flooding that could threaten communities, infrastructure, and natural resources.

Consistent with 31113(c), the authorized funding will be awarded to Napa County Flood Control and Water Conservation District, a public agency, to lead a project that will facilitate future restoration to wetlands, which would reduce flood risk and enhance fish and wildlife habitat.

Consistent with 31113(d), the project will facilitate use of natural infrastructure (natural ecological systems and processes) to help the Napa River and surrounding communities adapt to climate change, through protection and restoration of tidal marsh habitat.

CONSISTENCY WITH CONSERVANCY’S [2023-2027 STRATEGIC PLAN](#):

Consistent with **Goal 3.1 Conserve Land**, acquiring the property will protect and enable restoration of approximately 57 acres of historic tidal marsh that can be re-integrated into the surrounding Napa River South Wetlands Opportunity Area.

Consistent with **Goal 4.1 Sea Level Rise Adaptation Projects**, the proposed project will address sea level rise through acquiring property that can be restored to tidal marsh, to increase resilience to climate change.

CEQA COMPLIANCE:

The project is statutorily exempt from review under the California Environmental Quality Act pursuant to Public Resources Code section 21080.28, which exempts a public agency granting funds for acquisition of land for certain purposes, including of restoration of natural conditions, and preservation of open space and land for park purposes. The recommended authorization is to grant funds to a public entity to acquire land to facilitate its restoration to natural conditions and to preserve open space and land that may be used for public access purposes.

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