

***Marin County Flood Control and Water Conservation District***

**FLOOD CONTROL ZONE 7 ADVISORY BOARD MEETING**

**MAY 29, 2019**

**STAFF REPORT**

**Item 1. Approval of Meeting Minutes: February 26, 2019**

**Recommended Action:** Approve minutes.

**Item 2. Open Time for Items Not on the Agenda**

Comments will be heard for items not on the agenda (limited to three minutes per speaker).

**Item 3. Timber-Reinforced Berm (TRB) Improvement Project Update**

The TRB Improvement Project is taking shape in the form of the CEQA project description and elements described below.

a) Survey and Design

The District has a conceptual plan set for the TRB replacement and intends to conduct a topographic LiDAR (remote sensing) survey of the entire levee system as the next step in refining the concept. The survey will be conducted at low tide on June 5<sup>th</sup> to 6<sup>th</sup> and will provide elevations of the existing levees to inform the design going forward.

The conceptual plan set that we have been using was created by Kleinfelder in 2016 as part of the FEMA grant application. The plan set takes existing conditions into account and presents several basic design templates (“Type A”, “Type B”, etc.) which have different dimensions in order to meet an overall consistent target top elevation and fit within site constraints. The type of TRB behind each property would be selected based upon the property site characteristics and landowner preferences. The CEQA project description includes the option for homeowners to import fill on the yard side of the TRB to buttress against the wall. This design, which has been implemented by some homeowners, is a good structural feature for the stability of the TRB, can reduce seepage potential, and improve yard aesthetics and accessibility over the TRB to docks and the creek.

The topographic survey of the levee system will help refine the engineering plans specifically with regard to the final design elevation of the TRB. At this time, the replacement TRB is described as having an elevation up to 12.5 feet in the NAVD88 datum. The FEMA 100-year Base Flood Elevation is 9.8 feet NAVD88 and portions of the existing TRB are expected to be lower than this. While the point of the project is primarily to increase the strength of the TRB so it is less likely to fail before being overtopped, increasing its elevation to some extent is necessary to accommodate future ground subsidence and sea level rise. The survey will measure the elevation of the entire perimeter shoreline from high ground behind MacPhail School to high ground at Meadow Drive west of Santa Margarita Island. Staff will plan to present preliminary results from the survey at a future community meeting to be scheduled this summer.

b) Real Estate and Easements

Concurrent with the TRB reconstruction project and associated temporary construction access needs, the District will pursue permanent maintenance easements along the alignment of the TRB. The maintenance easement would facilitate inspections and ensure the Zone’s access to construct, maintain and repair the structure as needed for at least the 30-year project design life. It would be generally 10

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feet wide centered on the TRB or levee crest. With gates connecting between yards where feasible, it would allow contiguous inspections of the facility and reduce the need to walk through the 115 side yards for access.

The District is considering purchasing these permanent easements from property owners whose lands include the TRB. Written and in-person questionnaires received in 2018 indicated that 80-90% of affected property owners support the easements as part of the project.

Right of Way negotiations are anticipated to begin after CEQA is completed and the election results of the special tax measure are confirmed. The process would begin with appraisals of the easements by a consultant to determine the fair market value of the properties impacted by the TRB easements and the value of each easement required for the project. Marin DPW's chief of real estate will be attending this meeting.

### **c) CEQA/NEPA Environmental Process**

CEQA and NEPA are the State and Federal environmental quality/policy acts, respectively, which require agencies that undertake or approve projects to describe the environmental impacts associated with the project. As the Federal agency considering funding our hazard mitigation grant, FEMA is responsible for producing, disclosing and certifying its NEPA document prior to grant award. Similarly, the District is responsible for producing, publicly circulating and certifying the CEQA document. These two parallel efforts have begun. For a tentative timeline and opportunities for public comment, see item 3f below.

In April District staff met with the NEPA consulting team and provided a tour of the TRB project. The team consisted of biologists, cultural resources specialists and architectural historians. The report produced by this team will have to be affirmed by FEMA before they award the grant.

The District has begun working on an Initial Study for CEQA with funds from the County's Watershed Program. The initial study is necessary because the project area is inhabited by rare, threatened, and endangered species. The study will therefore focus its description of impacts on understanding the special status species that inhabit the marsh; rails (Ridgway's and Black Rails) and Salt Marsh Harvest Mice. A survey of the presence of rails completed this spring found both species present along this reach of Las Gallinas Creek with higher concentrations in larger portions of marsh rather than the narrow fringes along the TRB. The Salt Marsh Harvest Mouse is also known to be present in the marsh and is susceptible to habitat loss with rising sea levels and predation when it seeks refuge on top of the berm during king tides. The District elected to prepare an initial study because of the project's noise impacts on these special status species during construction, therefore this will be one of the study's focus areas. The CEQA initial study will also address the project's potential to impact cultural resources and will evaluate potential impacts from transportation and truck trips through the neighborhood.

The desired outcome of the initial study is a Mitigated Negative Declaration, which would be certified by the Director of Public Works as ex-officio District Engineer/Director. The opportunity for the public to comment on the Initial Study is during the 30-day public circulation of the draft study during the comment period (see schedule below, item 3f). Availability of the draft study will be announced via the Zone 7 Advisory Board meeting email list serve, on our website, and posted at the usual places at the Civic Center; outside room 304, the library, and at the central archway. The CEQA process certifies a concept and provides some assurance that it is viable as a project and under serious consideration. Because the planned special tax measure is specifically for this project, completing CEQA beforehand provides that assurance to voters. CEQA describes the project with a level of accuracy and precision that is not possible at this point, given the design is not finished. Therefore, CEQA is looking at the larger envelope of potential impacts such as the highest elevation we would want to build the TRB, the maximum days of construction and the noise impacts to people and listed animals. Actual impacts will presumably be less, but if the final design would have a greater impact, CEQA can be amended.

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### **d) Additional Grant Funding Potential**

On April 1 District staff submitted a grant application to the State Coastal Conservancy's (and Marin Community Foundation's) Advancing Nature-Based Adaptation Solutions grant solicitation for \$110,000 to incorporate living shoreline design features into the new TRB, to construct a demonstration project, and to conduct education and outreach.

This grant would support expanding the goal of the project from a focus on flood risk reduction to better integrate habitat functions along the TRB. The science describing San Francisco Bay estuarine habitat is increasingly recognizing the importance of 'living shorelines' or 'green' infrastructure as well as elevational transitional zones along marshes to adapt to future sea level rise. Examples of this include living seawalls, horizontal levees, disposing of dredge spoils in thin lifts of sediment to build up marshes, restoration of eelgrass beds and oyster reefs for wave attenuation.

The TRB is constrained by limited funding and limited real estate, but this grant would identify options for improving the habitat value along the marsh side of the TRB for mice. Some of these concepts might be incorporated into the TRB design with the landowners permission, others might become messaging for public outreach, and some might be incorporated into other projects such as the Las Gallinas (CSA 6) dredge, McInnis Marsh restoration. Examples of these habitat transitions might include some kind of structure on the marsh-side, fill and planting along the outboard panels of the TRB to allow marsh vegetation to grow up and create high water refuge and structure.

Along with limited restoration design, this grant would fund construction of a demonstration project of the improved TRB project and conduct education and outreach with a focus on improving shoreline habitat for listed species of Gallinas Creek. The demonstration project would be constructed on two parcels ahead of the other 115 for purposes of making the final TRB better with lessons learned. The demonstration project would offer a chance to try some different living shoreline features and to monitor their success. It would give the District a chance to build one and learn about how the construction techniques and selection of materials would work, and it would be a way to show the community what an improved TRB will look like and how it compares to the existing structure. The District expects to hear whether the grant was awarded sometime later this summer.

### **e) March 2020 Ballot Initiative**

In order to pay for the local match of the FEMA HMGP grant, the Zone will have to pass a special tax measure. The Zone is targeting a ballot measure for the March 2020 election to raise approximately one million dollars.

Zone 7 has a long history of passing special tax measures to fund construction of infrastructure projects. For 21 of the past 35 years, the Zone has collected parcel taxes approved by voters. The last voter-approved measure ended in 2007.

It takes approximately 10 months of preparation time to place an initiative on the ballot. Steps include:

1. Approve Ballot Language, Amount, and Duration of the Tax
2. Draft and Review a Resolution of Consolidation
3. BOS Meeting – Notice of Public Hearing
4. BOS Meeting – Hearing and Consider Resolution
5. Submit Signed Resolution to Elections Office
6. Election
7. Submit Election Results to Elections' Office

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These tax measures are a lot of work and there are strict rules of conduct prohibiting use of public funds on any campaign purposes. District staff can administer the process and provide impartial information regarding the ballot measure but any campaigning, outreach, and advocacy would be done by volunteers. Staff recommends scheduling an Advisory Board meeting in August to decide whether to recommend to the District Board of Supervisors that they place the revenue measure on the ballot. Before the AB makes such a recommendation a tax study would be completed and available for review and consideration.

The measure being proposed would be written to apply specifically to the levee safety improvement project and specifically the TRB. The ballot measure language should include upgrading the timber-reinforced berm on Gallinas Creek levees and shoring up existing corrugated metal pipe levee penetrations. It could levy \$250 per parcel for 7 years and include exemptions for qualified low-income seniors and provisions that all funds be spent in Zone 7 and cannot be taken by the State. Staff recommends use of an ad-hoc subcommittee to decide the scope and language of the ballot measure and to assist staff. The current outreach subcommittee consists of Roger Kirk and Jeff Krupnick.

**Recommended Actions:**

- A. Schedule a special advisory board meeting in August (and September if needed) to decide whether to recommend to the District Board of Supervisors that they place the revenue measure on the ballot.
- B. Form an ad hoc subcommittee of the Advisory Board to review the ballot language and tax study in advance of the August AB meeting.

f) Tentative Schedule

<b>Approximate Date</b>	<b>Project Milestone</b>
June 2019	Levee Topographic Survey
June-August 2019	Complete Design Basis Memo
Late June 2019	Draft Initial Study comment period- released for 30-day circulation
August 2019	District Chief certify Initial Study- Adopt Negative Declaration
August 2019	Potential Coastal Conservancy grant award
September 2019	Zone 7 AB meeting to recommend ballot language, resolution, ordinance
Fall – Winter 2019	Community Meeting before election
November 19, 2019	District Board of Supervisors public hearing to call election
March 3, 2020	Election Day
March 4, 2020	Begin Real Estate appraisals for easements
When FEMA completes NEPA review they can proceed to grant award which would initiate a 3-year project performance period	

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### **Item 4. Zone 7 Public Outreach Update**

#### a) Newsletter

In 2018 District staff produced two Zone 7 newsletters that were distributed electronically ([www.marinwatersheds.org/sites/default/files/2018-12/FCZ7%20newsletter%20FALL%202018\\_0.pdf](http://www.marinwatersheds.org/sites/default/files/2018-12/FCZ7%20newsletter%20FALL%202018_0.pdf)). Beginning this year, the Advisory Board budgeted an extra \$2,000 in order to mail a copy of the newsletter to residents once per year. The advisory board can discuss content for the newsletter and suggest a preferred time of the year to mail the annual copy.

**Recommended Action:** Suggest a time of year to send the annual newsletter and content.

#### b) High Water Signs

Last fall District staff worked with the public outreach subcommittee to install four high water signs in the neighborhood. Printed on 12" x 18" aluminum, two of these signs showed the FEMA 2016 modeled 100-year tidal elevation, one showed the FEMA 10-year flood elevation, and one showed the mean high tide elevation. Some feedback was received that the signs are either confusing or inflammatory. Confusion might stem from the difference between an elevation of 6 feet compared to 6 feet above the ground surface. That people think showing the FEMA 100-year water surface elevation is inflammatory illustrates the challenges faced by the District. On one hand it has not flooded to that depth in the history of the neighborhood, on the other hand this is a FEMA standard that is statistically rigorous and has regulatory implications so would seem to be worth making known.

The suggested next steps with the signs are to work with the public outreach subcommittee to develop a new set of signs with images of historic flooding photos from approximately the same locations. This picture of the church on Adrian Way is one possibility. A caption might indicate the date and that this flood event preceded construction of the TRB.



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### **Item 5. Potential Cost Share Agreements**

The City of San Rafael recently rehabilitated a set of storm drain pipes under the cul-de-sac at the end of Corrillo Drive. Zone 6 reimbursed the City for half the cost, or \$39,680 under a cost share agreement. The two 18-inch corrugated metal pipes had rusted out and were repaired using a trenchless technology to reconstruct portions of and reinforce the entire inside of the existing pipes. The Zone 6 Advisory Board offered the cost share agreement to the City of San Rafael in order to encourage prioritization of repairing the corroded corrugated metal drain in Rafael Meadows. Zone 6 doesn't own any facilities and doesn't have a significant widespread flood risk anymore after the development upstream of Rafael Meadows was built and diverted a large portion of creek flows around the neighborhood. The Zone 6 Advisory Board chose to invest in the City's street drains because they don't have levees or pump stations to prioritize, and the City itself otherwise has many other competing priorities.

While analogous cost share agreements between Zone 7 and the Marin County Department of Public Works could encourage prioritization of street drainage upgrades as identified in the Gallinas Watershed Program's Santa Venetia Storm Drain Hydraulic Study (provided they can be determined to be feasible), staff do not recommend entering into such agreements without securing additional revenue sources. For example, the Zone could consider incorporating into potential future revenue measures the setting aside of a certain percentage of special tax revenue towards street drainage improvements. Voters should first be surveyed to determine if boosting the County's investment in street drainage specifically in Santa Venetia through a local measure is of interest.

### **Item 6. Schedule Next Meeting**

It is recommended that the AB schedule a meeting in August (20<sup>th</sup> to 22<sup>nd</sup> or 27<sup>th</sup> to 29<sup>th</sup>) and another in September (17<sup>th</sup> to 18<sup>th</sup> or 24<sup>th</sup> to 26<sup>th</sup>) to discuss a potential ballot measure. These meetings would follow completion of CEQA for potential projects to include in the ballot measure, completion of a levee topographic survey, meetings of the ballot language ad hoc subcommittee, and a community meeting to be scheduled this summer.