



**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	March 5, 2024
TITLE	Authorization to Apply for Grant Funds from the California Department of Fish and Wildlife's Watershed Grants Program for the United States Army Corp of Engineers' Delta Levees and Island Project in the Amount of \$750,000
DIVISION	Finance and Management Services
FROM	Katy Hornbeck, Grants Manager Dr. Ana M. Alvarez, Deputy General Manager
APPROVED	Sabrina Landreth, General Manager

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize a grant application to the California Department of Fish and Wildlife's (CDFW) Watershed Restoration grant program for the design phase of the Delta Islands and Levees Project at Big Break Regional Shoreline in an amount not to exceed \$750,000.

BACKGROUND

The Board of Directors of the East Bay Regional Park District (Park District) authorized entering into a funding agreement with the Department of the Army to accept and pass through awarded grant funds as a Non-Federal Sponsor for the design phase of the Delta Islands and Levees Project at Big Break on November 7, 2023 (Resolution 2023-11-231). Today's board action will authorize the Park District to submit the grant application to CDFW on behalf of the federal agency who is not eligible to apply.

The mission of CDFW is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment of the public. CDFW funds various restoration grants throughout the state. Fish and Game Code Section 1501 et seq. authorizes CDFW to grant funds for fish and wildlife habitat preservation, restoration, and enhancement to assist it in meeting its duty to preserve, protect, and restore fish and wildlife.

Project History

In 2006, the United States Army Corp of Engineers (USACE) initiated the Delta Islands and Levees Feasibility Study at the request of the California Department of Water Resources (DWR), the non-Federal sponsor for the study. USACE was the lead agency for the Feasibility Study. Numerous other agencies, organizations, and individuals participated in the study including the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and the East Bay Regional Park District (Park District).

During the feasibility study, the Federal planning process for development of water resource projects was followed to identify a recommended plan for implementation. The recommended National Environmental Restoration (NER) plan is the most reasonably efficient contribution to the California

Delta, an ecosystem of national significance, restoring 340 acres of intertidal marsh habitat in the Delta at a cost of \$25 million. The principal feature of the recommended plan is the placement of 1,000,000 cubic yards of fill material into Big Break from Operations and Maintenance dredging of the Stockton Deep Water Ship Channel to restore tidal habitat elevations. A Monitoring and Adaptive Management Plan has been developed and included in the final report. Monitoring and Adaptive Management costs are included in project first costs. In addition to the above, USACE recommends continued flood risk communication and flood warning and preparedness planning efforts.

The plan provides a unique opportunity to restore intertidal marsh, a habitat, which is now greatly reduced in this ecosystem of national significance. Prior to levee construction in the late 19th and early 20th centuries, the Delta consisted almost solely of tidal marsh. As levees were constructed and marsh bottoms pumped dry for agricultural production, floodplains were disconnected from the waterways and land began to subside and compact as it was farmed and developed for human use. Delta lands are now as much as 20 feet below sea level. This is too low for tidal marsh habitat formation without the incorporation of subsidence reversal strategies (importing of fill material), but the volume of material typically needed is cost prohibitive. For this reason, restoration of tidal marsh has been very limited throughout the central Delta in particular, where subsidence is most extensive and where tidal marsh was historically most prevalent.

The plan gets over this barrier by linking the proposed ecosystem restoration actions to historic and ongoing USACE navigation projects. This provides a cost-effective source of imported fill putting restoration of habitat for multiple Federally listed species, notably salmonids and Delta smelt, within economic reach. The restored habitat would also benefit the millions of migratory fowl on the Pacific Flyway as they travel through the Delta, which is part of the largest estuary on the West Coast. The national significance of the Delta has been demonstrated many times through decades of Federal authorizations and partnerships.

ANALYSIS

An interim integrated feasibility report/Environmental Impact Statement was completed in 2018 and the USACE is ready to move to the Design phase of the project. The USACE is eligible to accept grant funds from the California Department of Fish and Wildlife (CDFW) to complete the Design phase of the project, but CDFW requires a Non-Federal Sponsor (NFS). In 2022, USACE coordinated with the Department of Water Resources (DWR) to fill the NFS role once again, but recently DWR notified USACE they could no longer take on this role. USACE reached out to the Park District to inquire about its interest in this project given the changed conditions and opportunity to continue advancing the project. As the NFS, the Park District must submit a grant application and be the lead applicant.

The project is eligible for CDFW grant funds as it provides one or more required benefits. The project also contributes to the State's priorities such as protecting biodiversity and increasing climate resilience through initiatives such as the Pathways to 30x30 document that identifies a goal of protecting 30% of California's land and coastal waters by 30x30.

FISCAL IMPACT

There is no direct cost to the Park District as a result of this action. Approximately \$750,000 will be awarded to the Park District as the NFS. These funds will be passed through to the Department of the Army for them to complete the project.

ATTACHMENTS

None.



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 03 -
MARCH 5, 2024**

**AUTHORIZATION TO APPLY FOR GRANT FUNDS FROM THE CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE'S WATERSHED GRANTS PROGRAM
FOR THE UNITED STATES ARMY CORP OF ENGINEERS' DELTA LEVEES AND
ISLAND PROJECT IN THE AMOUNT OF \$750,000**

WHEREAS, the Department of the Army is eligible to accept grant funds from the California Department of Fish and Wildlife (CDFW) to complete the Design phase of the Delta Islands and Levees project (Project) at Big Break Regional Shoreline, but CDFW requires a Non-Federal Sponsor (NFS); and

WHEREAS, the East Bay Regional Park District (Park District) is willing to act as the NFS for the grant funds, if awarded; and

WHEREAS, the Park District and Department of the Army mutually desire to cooperate in completing the design phase of the Project; and

WHEREAS, as the NFS, the Park District must submit the CDFW grant application for the Project and be the lead applicant; and

WHEREAS, the mission of CDFW is to manage California's diverse fish, wildlife, and plan resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment of the public. CDFW funds various restoration grants throughout the state; and

WHEREAS, the Project supports the state of California's 30x30 conservation initiative that calls for the protection of thirty percent (30%) of lands and waters by the year 2030 to meet the environmental challenges due to the devastating loss of the natural world and its life supporting systems; and

WHEREAS, the Board approved the Park District to enter into a funding agreement with the Department of the Army to accept and pass-through grant funds if awarded (Resolution 2023-11-231); and

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby:

1. Approves the filing of an application with CDFW for grant funds up to \$750,000 with the Park District as the lead applicant; and
2. Appoints the General Manager or Assistant General Manager of Finance and Management Services/CFO as agent of the East Bay Regional Park District to conduct all negotiations and execute and submit all documents, including, but not limited to, the acceptance of funds, contracts, amendments, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

BE IT FURTHER RESOLVED, that the Assistant General Manager of Finance and Management Services/CFO or Budget Manager is hereby authorized to amend the current year's budget, without further Board action, upon receipt of the executed Funding Agreement from the Grants Manager. The budget amendment will include an increase in budgeted revenue and a corresponding increase in appropriation for the amount stipulated in the contract.

Moved by Director _____, and seconded by Director _____, and adopted March 5, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: