

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Christina Toms)  
MEETING DATE: February 14, 2018

**ITEM:** 5D

**SUBJECT:** California Coastal Conservancy, Bel Marin Keys Unit V Wetland Restoration Project – Phase 1, Marin County –  
Adoption of Waste Discharge Requirements and Water Quality Certification

**CHRONOLOGY:** The Board has not considered this item before.

**DISCUSSION:** This Revised Tentative Order (Appendix A) would issue waste discharge requirements and a section 401 water quality certification to the California Coastal Conservancy (Conservancy) to construct Phase 1 of the Bel Marin Keys Unit V Wetland Restoration Project (Project). The Project is a component of the broader, long-term Hamilton Wetland Restoration Project (HWRP), which has already restored tidal action to 644 acres of formerly diked baylands at the adjacent Hamilton Army Air Field.

The goal of the overall Project is to restore tidal wetland habitat that is critical to the ecological health and resilience of San Francisco Bay. Phase 1 of the Project will be implemented exclusively on the 906-acre Bel Marin Keys Unit V parcel (BMKV) and lays the foundation for future restoration actions by constructing the necessary flood control infrastructure and re-aligning local utilities. This Order would be amended in the future to permit additional Project phases.

Phase 1 of the Project will:

- Excavate borrow soils from about 434 acres of the BMKV site to a depth of roughly 2 to 3 feet;
- Use the borrow soils to construct a new 11,800-foot-long, 95-acre levee to protect landward areas of the BMKV project site and the adjacent Bel Marin Keys housing development from tidal flooding in future Project phases;
- Modify the BMKV property's existing drainage network so surface water and groundwater from areas landward of the new flood control levee can drain seaward of the levee and eventually to San Pablo Bay;
- Modify a portion of the Novato Sanitary District's treated effluent pipeline where it crosses the new flood control levee alignment;
- Create 9 acres of new seasonal alkali meadow habitat;
- Create 16 acres of new seasonal wetlands; and
- Construct a 1,500-foot-long permanent access road within an existing PG&E easement along the northern end of the BMKV property west of the new bayfront levee and south of Novato Creek.

Phase 1 activities would primarily occur in upland habitats outside jurisdictional waters, and any impacts to existing wetlands will be offset by wetlands being created by the Project. Phase 1 of the Project results in a net gain of wetlands. The Project will also preserve 227 acres of fields west of the new flood control levee for agricultural use.

The U.S. Army Corps of Engineers advised the Conservancy on January 8, 2018, that Phase 1 complies with section 404 of the Clean Water Act under Nationwide Permit 27 for Habitat Restoration, conditioned upon the Board's issuance of a section 401 water quality certification.

A tentative order for Phase 1 of the Project was circulated for a 30-day public comment period on December 21, 2017. Staff received only one comment: a request from the U.S. Fish and Wildlife Service (Appendix B) to clarify the Phase 1 Endangered Species Act consultation process. The tentative order was revised to address this comment and to make minor editorial and formatting changes. We expect this item to remain uncontested.

**RECOMMEN-  
DATION:** Adoption of the Revised Tentative Order

**CIWQS PLACE  
NUMBER:** CW-818601

**APPENDICES:** A. Revised Tentative Order  
B. Comment and Response to Comment

Appendix A  
Revised Tentative Order



Appendix B  
Comment and  
Response to Comment

Commenter	Topic	Comment	Response
U.S. Fish & Wildlife Service (USFWS)	Endangered Species Act Consultation Process	<p><i>(submitted via email on December 21, 2017)</i></p> <p>The language describing the USFWS's evaluation of this project is incorrect/outdated. ...USFWS has completed a letter of concurrence with the Corps' determination that the project is not likely to adversely affect Ridgway's rail, salt marsh harvest mouse, or Western snowy plover. The commenter advised that upon Corps' approval, USFWS would send the Board a copy.</p>	<p>On January 2, 2018, Board staff received a hard copy of the USFWS concurrence letter and revised the tentative order accordingly. The Revised Tentative Order describes the concurrence letter in Finding 7 and incorporates the conservation measures as Attachment A.</p>