

Bay Area Toll Authority Oversight Committee

July 10, 2019

Agenda Item 4g

Funding Agreement – Resilient State Route 37 Program: Solano County and Solano Transportation Authority (\$400,000)

Subject: This item would authorize a funding agreement with Solano County and the Solano Transportation Authority (STA) in an amount not to exceed \$400,000 for the acquisition of 50 acres of private land for transportation and restoration purposes for the Resilient State Route 37 (SR 37) Program.

Background: The Bay Area Toll Authority (BATA) is working in partnership with STA, Sonoma County Transportation Authority (SCTA), Napa Valley Transportation Authority (NVTa), Transportation Authority of Marin (TAM), and California Department of Transportation (Caltrans) to deliver the multi-year, multi-modal and multi-benefit Resilient SR 37 Program that addresses congestion, responds to seasonal flooding, contributes to ecological enhancements within the San Pablo Baylands, and adapts the transportation infrastructure to sea level rise. The Program is expected to be delivered over the next 20+ years based on project needs, priorities and available resources.

In June 2019, on behalf of the partner agencies, the staffs from BATA, STA and Solano County Public Works coordinated directly with the United States Fish and Wildlife Service (USFWS) to understand USFWS's plans to purchase 487 acres of private property located in Napa and Solano Counties adjacent to SR 37 between SR 121 and Mare Island (see **Attachment A**). The private property includes tidally-influenced wetlands used by migrating and overwintering waterfowl, as well as other wildlife. USFWS anticipated approval and funding from the Migratory Bird Conservation Commission to purchase the private property for inclusion into the San Pablo Bay National Wildlife Refuge. Once the acquired land is made a part of the Refuge, it then falls under the management of USFWS for conservation purposes only.

As part of its acquisition process, USFWS must receive consent from the Napa County Board of Supervisors and the Solano County Board of Supervisors to purchase the private property. Napa County consented to the purchase on June 4, 2019 (see **Attachment B**). Since Solano County had not yet taken action, this gave staff a window of opportunity to express our interests in the private property for purposes of securing the necessary right-of-way for transportation improvements and carrying out restoration efforts that might qualify as mitigation credits for the Resilient SR 37 Program. After our discussions, USFWS proposed that the agencies pursue a joint procurement wherein Solano County or other entity as appropriate purchases 50 acres, which is located at the northeast corner of SR 37 and Skaggs Island Road adjacent to SR 37, for transportation and restoration purposes for the Resilient SR 37 Program; and wherein USFWS purchases the remaining 437 acres for inclusion in the Refuge. At its June 11, 2019 meeting, the Solano County Board of Supervisors


consented to work with USFWS towards a joint procurement and concurrent purchase of the private property (see **Attachment C**). Upon the support of both Counties, USFWS sought and received acquisition approval from the California Fish and Game Commission on June 13, 2019. Thus, USFWS received all the necessary support approvals it needs for approval and funding from the Migratory Bird Conservation Commission for the 437 acres land purchase. On June 19, 2019 the Migratory Bird Conservation Commission approved the land purchase (see **Attachment E**).

BATA, STA and Solano County Public Works staffs recommend that a three-partner funding agreement codify our mutual interest to purchase 50 acres for transportation and restoration purposes for the Resilient SR 37 Program. BATA and STA staff will coordinate with Solano County and USFWS, Solano County will lead the land purchase for the Resilient SR 37 Program, and BATA staff will prepare the funding agreement and seek Committee approval to provide up to \$400,000 in funding towards the 50 acres land acquisition. Additionally, BATA, STA, SCTA, NVTA, TAM and Caltrans will seek opportunities to work with USFWS and other regulators, permitting agencies, and land managers to potentially contribute and receive mitigation credits for restoring parts of the lands that would become part of the Refuge. In turn, the SR 37 partner agencies, with the support of our coalition of environmental stakeholders, may then deliver regional advanced mitigations to meet our commitment to “integrate, don’t mitigate” ecological enhancements along the corridor as part of the Resilient SR 37 Program.

Issues: None

Recommendation: Staff recommends that the Committee authorize the Executive Director or designee to negotiate and enter into a funding agreement with STA and Solano County in an amount not to exceed \$400,000 for the purchase of 50 acres of private land for transportation and restoration purposes.

Attachments: Summary of Proposed Funding Agreement
Attachment A: Map of Private Property Adjacent to SR 37 Corridor
Attachment B: Adopted Napa County Board Resolution
Attachment C: Adopted Solano County Board Resolution
Attachment D: Map of Private Property Depicting the 50-acre location
Attachment E: Migratory Bird Conservation Commission Funding Approval



Andrew B. Fremier

REQUEST FOR COMMITTEE APPROVAL

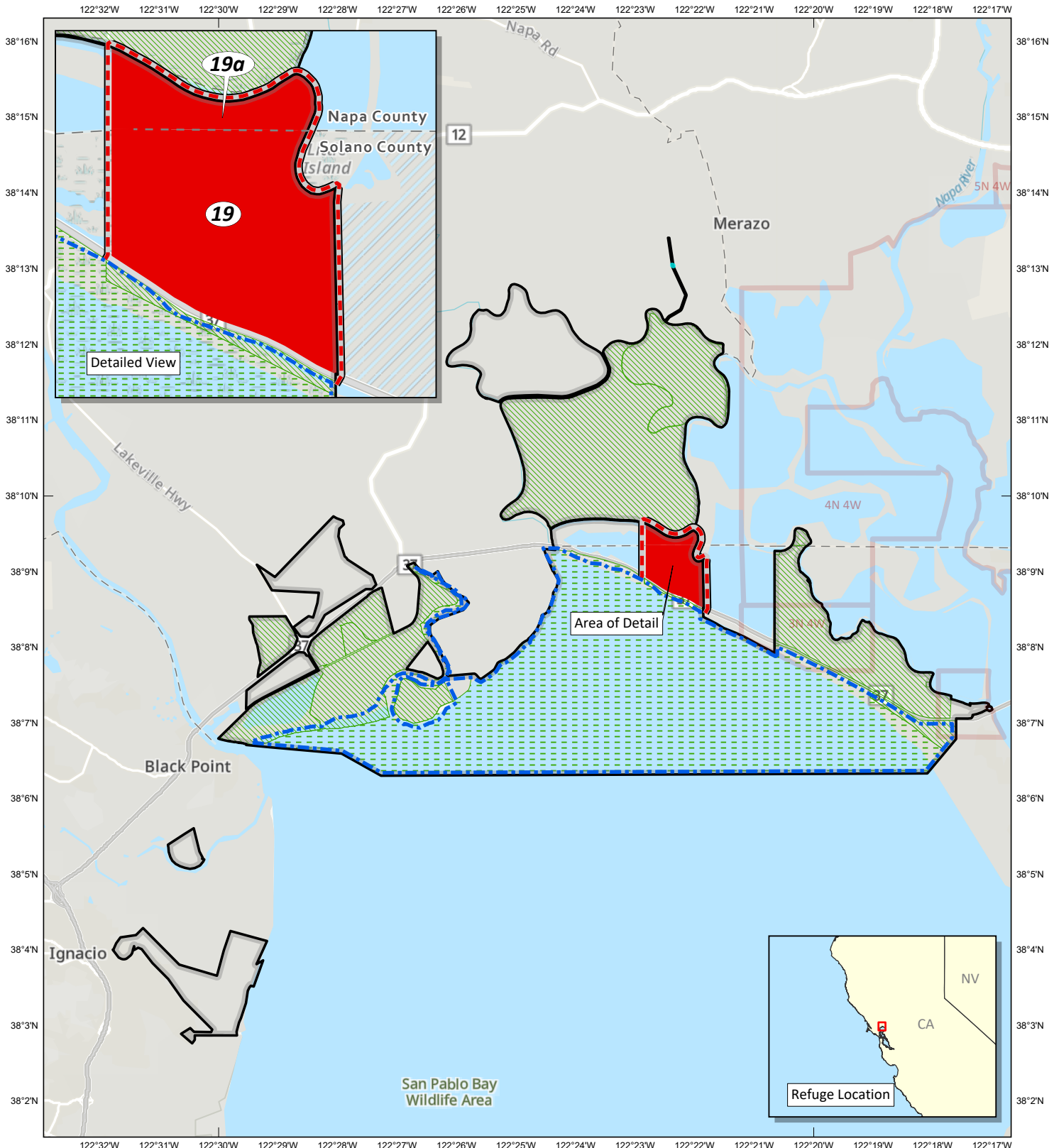
Summary of Proposed Funding Agreement

Work Item No.:	1258, 1237
Agency:	Solano Transportation Authority (STA) Solano County
Work Project Title:	Resilient State Route 37 Program
Purpose of Project:	Provide congestion relief, ecological enhancements, and adaptation to sea level rise on the State Route 37 corridor.
Brief Scope of Work:	On behalf of the partner agencies, and in coordination with the United States Fish and Wildlife Services (USFWS), BATA, STA and Solano County intend to execute a funding agreement to purchase 50 acres of private property located at the northeast corner of SR 37 and Skaggs Island Road for transportation and restoration purposes for the Resilient SR 37 Program under which BATA will contribute funding for the purchase.
Project Cost Not to Exceed:	\$400,000
Funding Source:	Toll Bridge Rehabilitation Program Funds
Fiscal Impact:	Funds in the amount of \$400,000 are included in the Toll Bridge Rehabilitation Program Budget FY 2019-20
Motion by Committee:	That the Executive Director or designee is authorized to negotiate and enter into a funding agreement with STA and Solano County for the Resilient State Route 37 Program described above and in the BATA Oversight Committee Summary Sheet dated July 10, 2019 and the Chief Financial Officer is authorized to set aside \$400,000 for such funding agreement.
BATA Oversight Committee:	<hr/> Amy R. Worth, Chair
Approved:	July 10, 2019

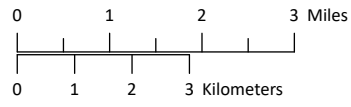


U.S. Fish & Wildlife Service
San Pablo Bay National Wildlife Refuge
Napa & Solano Counties, California

Migratory Bird Conservation Commission



Produced in the Division of Realty
Sacramento, California
Land Status Current To: 7/16/2018
Map Date: 4/19/2019
Basemap: ESRI Vector Base v2, FWS, BLM PLSS
Web Mercator Projection
NAD 83



- MBCC Approved Boundary
 - Boundary to be Approved
 - Approved Acquisition Boundary
 - Previously Acquired - Fee
 - Previously Acquired - Easement
 - Previously Acquired - Lease
 - For Approval - Fee
- 6/19/2019 Date of MBCC Meeting

RESOLUTION NO. 2019-74

**RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS
SUPPORTING THE ACQUISITION OF APN 048-080-002 BY THE U.S. FISH AND
WILDLIFE SERVICE FOR ADDITION TO AND MANAGEMENT OF THE
SAN PABLO BAY NATIONAL WILDLIFE REFUGE**

WHEREAS, the U.S. Fish and Wildlife Service (USFWS) manages the San Pablo Bay National Wildlife Refuge (Refuge) along the northern edge of San Pablo Bay in Solano, Napa, and Sonoma counties; and

WHEREAS, the USFWS manages the Refuge to protect migratory birds, wetland habitat, and endangered species; and

WHEREAS, the refuge protects open space and provides recreational opportunities to the population of Napa County and surrounding areas, including hunting, fishing, wildlife viewing, photography, and environmental education; and

WHEREAS, USFWS has obtained a Purchase Agreement with the owners of the parcel APN 048-080-002 that includes 420 acres, including 358 acres in Solano County and 62 acres in Napa County. The purchase price offered was for the fair market value as determined by an appraiser; and

WHEREAS, USFWS is seeking funding approval for the acquisition from the Migratory Bird Conservation Commission (MBCC); and

WHEREAS, the MBCC requires approval by the Governor before it will fund an acquisition. In California, that authority has been delegated to the Executive Director of the California Fish and Game Commission (CFGF). As a condition of approval, the CFGF requires a resolution of support from the county where the acquisition will happen; and

WHEREAS, USFWS has requested a resolution from the board of supervisors in support of the acquisition.

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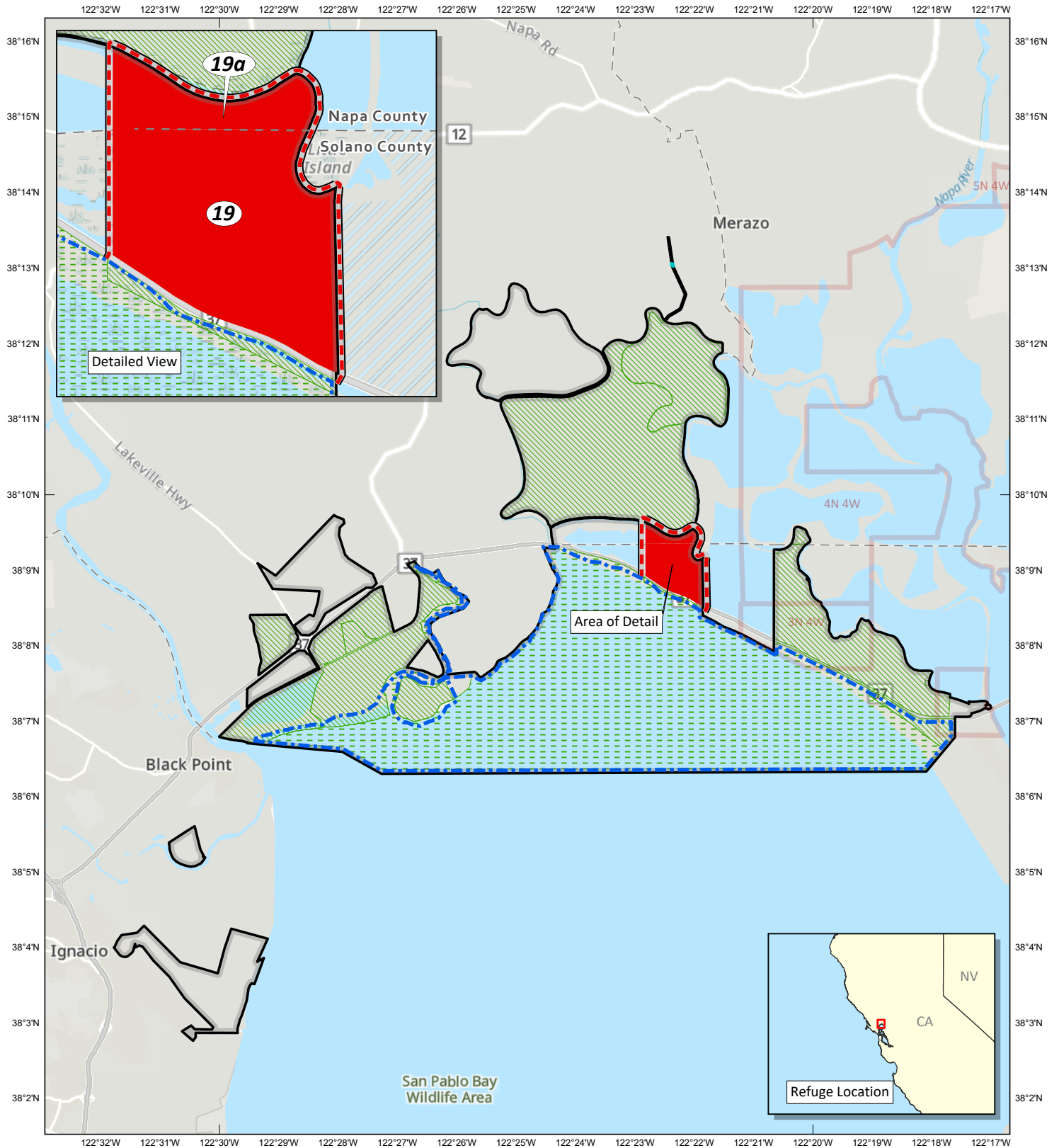
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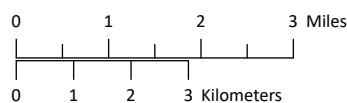


U.S. Fish & Wildlife Service
San Pablo Bay National Wildlife Refuge
Napa & Solano Counties, California

Migratory Bird Conservation Commission



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- 6/19/2019 Date of MBCC Meeting

RESOLUTION NO. 2019 - 130

**RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS
SUPPORTING THE ACQUISITION OF APN 0067-020-030
BY THE U.S. FISH AND WILDLIFE SERVICE FOR MANAGEMENT
AS PART OF THE SAN PABLO BAY NATIONAL WILDLIFE REFUGE**

Whereas, the U.S. Fish and Wildlife Service (FWS) manages the San Pablo Bay National Wildlife Refuge (refuge), situated along the northern shore of San Pablo Bay in Solano, Napa and Sonoma counties; and

Whereas, the FWS manages the refuge to protect migratory birds, wetland habitat, and endangered species, and the refuge also provides open space and recreational opportunities to the local population including hunting, fishing, wildlife viewing, photography, and environmental education; and

Whereas, the FWS is seeking approval and funding from the Migratory Bird Conservation Commission (MBCC) for the purchase of a tract situated in Solano County, within the approved boundary of the refuge, and identified herein as APN or Parcel 0067-020-030 (the Property); and

Whereas, the MBCC requires approval by the Governor before it will fund an acquisition, and that approval authority, in California, has been delegated to the Executive Director of the California Fish and Game Commission (FGC), which requires as a condition of approval, a resolution of support from the county in which the acquisition will happen; and

Whereas, the proposed acquisition abuts California State Route 37 (SR 37), a critical east-west regional highway that spans the 4 north bay counties; and

Whereas, SR 37 needs critical improvements, including additional right of way up to 50 acres, to prevent roadway flooding, improve public access, enhance bay ecology, and surmount sea level rise; and

Whereas, 50 acres of the southern portion of the Property, bounded by its southern, eastern and western boundaries, generally shown in Exhibit A, will be needed in the siting, design, and construction of SR 37; and

Whereas, the reconstruction of SR 37 will likely result in the loss of wetland habitat and thus create the need for offsetting mitigation; and

Whereas, and the Property could likely provide restoration opportunities that qualify for needed mitigation credits; and

Whereas, FWS is seeking support from Solano County with regard to the acquisition.

Resolved, the Solano County Board of Supervisors supports FWS acquiring a portion of Parcel 0067-020-030 for addition to the refuge, provided that:

- a) The FWS permits Solano County (County) or other entity as appropriate, to work towards joint procurement with FWS and concurrent purchase of 50 acres of the southern portion of the Property, bounded by its southern, eastern and western boundaries (in the general vicinity as depicted in Exhibit A), directly from the owners at the time that the FWS purchases the balance of the Property;

- c) If requested and appropriate, the FWS will grant, expeditiously, a permit for a right-of-way to meet the needs of the SR 37 program.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on June 11, 2019 by the following vote:

None.

ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

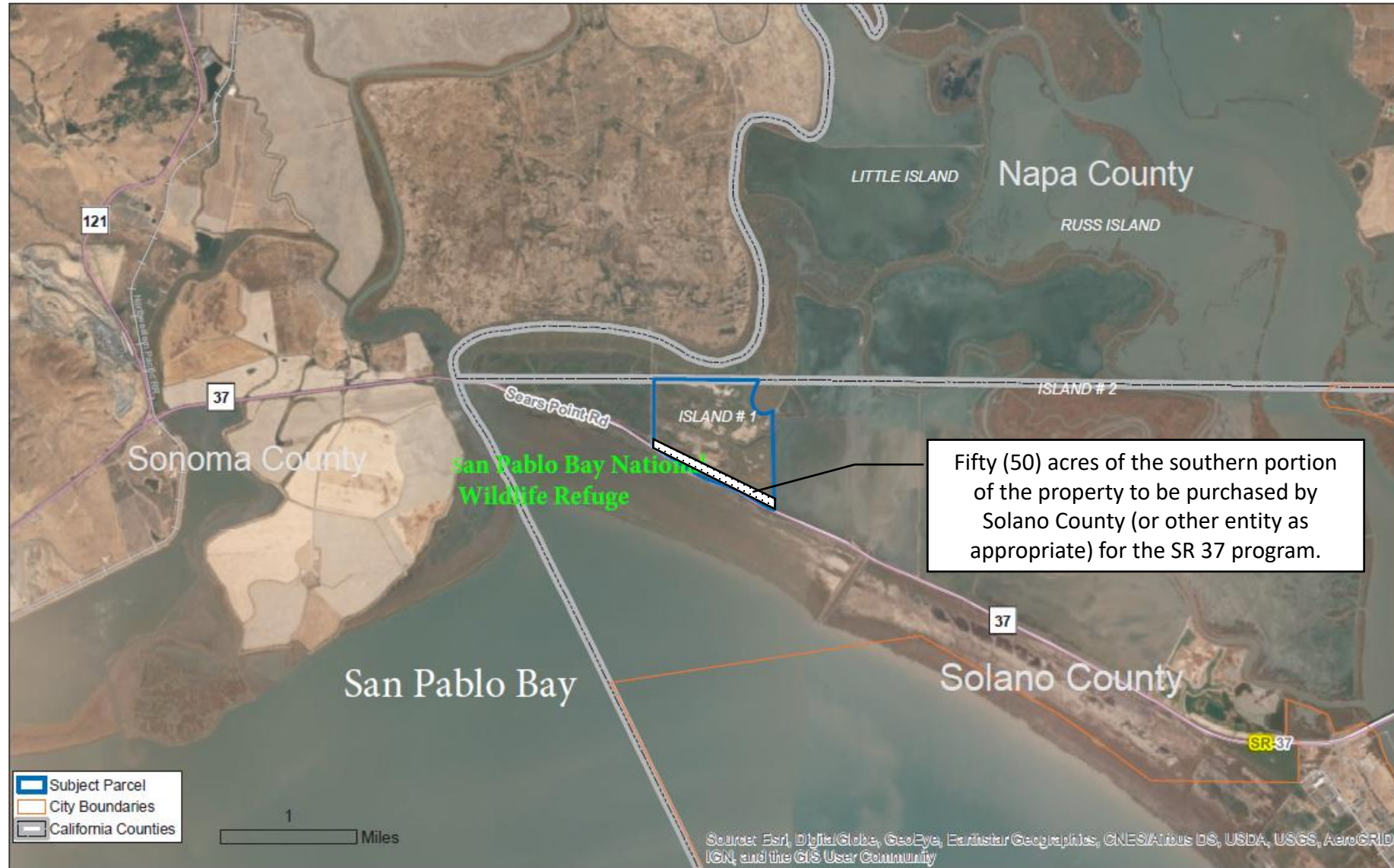
ATTEST:
BIRGITTA E. CORSELLO, Clerk
 Solano County Board of Supervisors

By: Jeanette Neiger
Jeanette Neiger, Chief Deputy Clerk

By: Jeanette Neiger
Jeanette Neiger, Chief Deputy Clerk

Agenda No.19-426 Exhibit A





Fifty (50) acres of the southern portion of the property to be purchased by Solano County (or other entity as appropriate) for the SR 37 program.



Department of Information Technology, GIS Services



Solano County GIS Services
 Department of Information Technology
 675 Texas Street, Suite 3700
 Fairfield, CA 94533
 Phone: 707-784-6340
 Email: GISStaff@SolanoCounty.com
 PRJ_1892, Date: 05/22/2019

Disclaimer:
 This map was made using Solano County GIS files with varying degrees of scale, accuracy, precision, currentness, and alignment and therefore cannot be used for situations requiring survey grade measurement or legal boundary determination. Solano County disclaims liability for any loss that may result from the use of this map. User acknowledges data limitations and accepts responsibility for map based judgments.





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

JUN 27 2019

Memorandum

To: Realty Officers, Regions 1, 2, 5, 8

From: Acting Chief, Division of Realty *Lina Varrati*

Subject: Migratory Bird Conservation Commission Program – June 19, 2019

Attached is a copy of the Migratory Bird Conservation Commission June 19, 2019, meeting program. The Commission unanimously approved the five Migratory Bird Conservation Act proposals as presented, and the September 5, 2018, meeting minutes. The Commission also approved 30 North American Wetlands Conservation Act U.S. Standard Grant proposals.

If you have any questions, please give me a call at (703) 358-1713.

Attachment

MIGRATORY BIRD CONSERVATION COMMISSION

WASHINGTON, D.C.

PROGRAM FOR CONSIDERATION ON

June 19, 2019

A. Migratory Bird Conservation Act Proposals

1. Laguna Atascosa National Wildlife Refuge, Texas
2. San Bernard National Wildlife Refuge, Texas
3. San Pablo Bay National Wildlife Refuge, California
4. Blackwater National Wildlife Refuge, Maryland
5. Turnbull National Wildlife Refuge, Washington

B. North American Wetlands Conservation Act Proposals

Canadian Wetlands Conservation Grant Proposals

Mexican Wetlands Conservation Grant Proposals

United States Standard Grant Proposals

MEMORANDUM NUMBER 3

SAN PABLO BAY NATIONAL WILDLIFE REFUGE

NAPA AND SOLANO COUNTIES, CALIFORNIA

SUMMARY

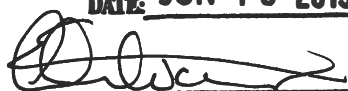
TYPE OF PROPOSAL	Boundary Addition and Price Approval
LOCATION	7 miles northwest of Vallejo, and 25 miles north of San Francisco.
PROPOSED ADDITION AND PRICE APPROVAL	
ACRES	488 (fee)
OWNERSHIPS	One
APPRAISED VALUE AND RECOMMENDED PRICE	\$3,415,000 PER ACRE: \$7,000
PURPOSE OF ADDITION	To protect and restore tidal marsh habitat for migratory waterfowl.
STATE APPROVAL	Approval pending by Melissa Miller-Henson, Acting Executive Director, State of California Fish and Game Commission.

REFUGE STATUS

		<u>Cost</u>	<u>Per Acre</u>
ACQUIRED WITH MBCC APPROVAL	248	\$243,400	\$981
ACQUIRED WITH LWCF FUNDS	1,752	\$6,864,200	\$3,917
ACQUIRED BY LEASE (STATE)	11,200		
ACQUIRED BY DONATION	6,620		
THIS PROPOSAL	488	\$3,415,000	\$7,000
REMAINING TO BE ACQUIRED	3,882		
TOTAL	24,190		

APPROVED BY THE
MIGRATORY BIRD CONSERVATION COMMISSION

DATE: JUN 19 2019



SECRETARY, MIGRATORY BIRD CONSERVATION COMMISSION

San Pablo Bay NWR
June 19, 2019

SAN PABLO BAY NATIONAL WILDLIFE REFUGE
NAPA AND SOLANO COUNTIES, CALIFORNIA

HISTORY-

The Migratory Bird Conservation Commission approved the San Pablo Bay National Wildlife Refuge on October 1, 1970, to provide wintering habitat for waterfowl. The Service established the Refuge with the first acquisition in 1974. The Refuge lies along the north shore of San Pablo Bay in northern California, and consists of open bay/tidal marsh, mud flats, and seasonal and managed wetland habitats. To date, the Service has acquired a total 19,821 acres at the Refuge, including 248 acres with Migratory Bird Conservation Act funds and 11,200 acres through a donated lease from the State of California.

San Francisco Bay and San Pablo Bay were once fringed with one of the largest estuarine saltmarsh habitats on Earth. Over a quarter of this habitat was located along the northern edge of San Pablo Bay, where the San Pablo Bay NWR now lies. This tidal estuary provided habitat for millions of migrating waterfowl and shorebirds, as well as for resident wildlife. Most of the original habitat of the San Francisco – San Pablo Bay area has been lost to urban and industrial uses, and today just 15 percent of the San Pablo Bay’s historic tidal lands remain. Despite the loss of habitat, San Pablo Bay and the Refuge still support the largest wintering population of canvasbacks on the west coast. Additionally, the Refuge’s bayfront supports shorebirds and waterbirds while the marshes support migrating and wintering waterfowl including northern pintail, mallard, northern shoveler, American widgeon, gadwall, ruddy duck, and Canada goose.

JUSTIFICATION-

The approximately 488 acres proposed for acquisition consist of tidally influenced marsh and ponds that provide habitat for migratory waterfowl including northern pintail, mallard, American widgeon, gadwall, greater Canada goose, canvasback, ruddy duck, and northern shoveler, as well as for neotropical migratory songbirds. The subject tract borders existing refuge lands to the north and south. The State of California owns and manages the lands to the west as marsh habitat and the lands to the east as open water habitat. Acquisition of the property for the Refuge would facilitate more cost-efficient management of a large, contiguous area of habitat. Acquisition would also allow the Service to better manage access to refuge and state lands, thereby reducing habitat damaging activities such as trash dumping and vehicle abandonment. The easy accessibility of the tract also may enable the Refuge to provide new hunting opportunities for disabled persons and/or youth.

PRESENT USE AND
OWNERSHIP-

The same two families have owned the property since the 1950s. The owners no longer use the property; however, in the past, they used the property for recreational purposes and operated it as private duck hunting club called the “Fleishacker Club” or “P and D Duck Club.” Years ago, an earthquake destroyed the hunt club’s clubhouse building, and the hunt club’s various water control structures have since fallen into disrepair.

SAN PABLO BAY NATIONAL WILDLIFE REFUGE
NAPA AND SOLANO COUNTIES, CALIFORNIA

PROPOSED MANAGEMENT-

The Service would manage the 488 acres as habitat for migratory waterfowl. The property currently has poor tidal circulation due to the presence of broken water control structures that inhibit water flow. After acquisition, the Service would restore regular tidal circulation by removing the broken water control structures, thereby improving the quality of the marsh for migratory waterfowl. Once the Service has restored regular tidal circulation, the Service would open the property to public uses such as migratory bird hunting.

ACQUISITION PROPOSAL-

Boundary addition and price approval are requested for the fee title acquisition of approximately 488 acres, in one ownership, for the appraised value and recommended price of \$3,415,000, or \$7,000 per acre. The high cost per acre reflects the property's proximity to the San Francisco metropolitan area, which has the second highest housing costs in the country. The city also has the second highest median income in the country, which has created demand for nearby properties that provide private hunting opportunities.

TRACT SUMMARY

Appraised Value and Recommended Price

<u>Tract Number</u>	<u>Acres</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>	<u>Per Acre</u>
(19,a)	488	\$3,415,000	\$0	\$3,415,000	\$7,000

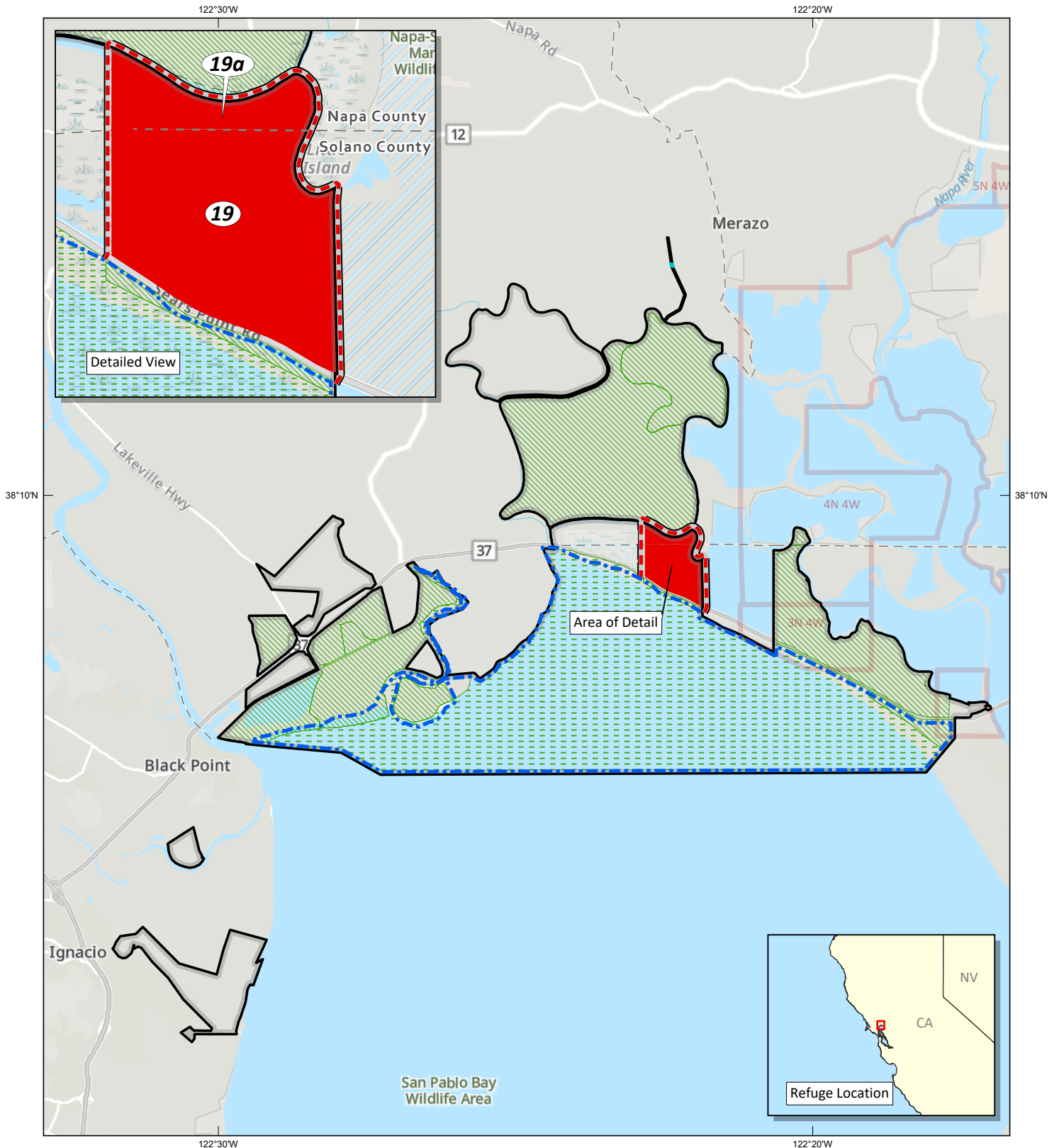
Congressional
Delegation:

U.S. Senator Dianne Feinstein (D)
U.S. Senator Kamala Harris (D)
U.S. Representative Mike Thompson (D) 5th District

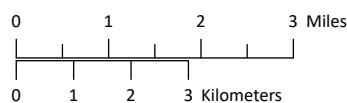


U.S. Fish & Wildlife Service
San Pablo Bay National Wildlife Refuge
Napa & Solano Counties, California

Migratory Bird Conservation Commission



Produced in the Division of Realty
Sacramento, California
Land Status Current To: 7/16/2018
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Web Mercator Projection
NAD 83



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- 6/19/2019 Date of MBCC Meeting

NORTH AMERICA WETLANDS CONSERVATION ACT SUMMARY

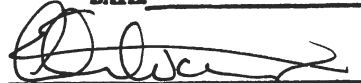
CYCLE 2019-2

U.S. Standard Grant Proposals

Rank & Map Number	Title	Grantee Organization	State	NAWCA Request	Partner Match	Acres Affected	NAWCA Funds for FWS	Coastal Project
1	Conserving the Illinois River Legacy	Ducks Unlimited	IL	\$1,000,000	\$4,145,434	13,002.00		No
2	North Dakota Drift Prairie VI	U.S. Fish & Wildlife Service	ND	\$1,000,000	\$1,802,138	22,634.00	\$1,000,000	No
3	Carolina Wetlands Initiative VIII	Ducks Unlimited	NC/SC	\$1,000,000	\$3,634,768	2,934.00		Yes
4	South Atlantic Basins: Lower Pee Dee to Okefenokee I	The Nature Conservancy	GA/SC	\$1,000,000	\$3,349,756	8,419.00		Yes
5	James River Lowlands / Missouri Coteau X	Ducks Unlimited	SD	\$1,000,000	\$1,517,741	3,044.00		No
6	Montana Hi-Line Prairie Wetland VIII	Ducks Unlimited	MT	\$1,000,000	\$1,219,800	16,094.00		No
7	San Joaquin & Kern Rivers Watersheds I	Ducks Unlimited	CA	\$1,000,000	\$4,775,768	2,807.00		No
8	Missouri Coteau Habitat Conservation XVII	Ducks Unlimited	ND	\$1,000,000	\$1,539,306	4,054.00		No
9	Freshwater Bayou II	Ducks Unlimited	LA	\$1,000,000	\$2,232,000	8,590.00		Yes
10	Lahontan Valley - Western Nevada Wetlands II	Ducks Unlimited	NV	\$868,863	\$1,743,179	4,048.00		No
11	Embayed Rivers Initiative II	North Carolina Coastal Land Trust	NC	\$1,000,000	\$2,115,000	3,228.00		Yes
12	Pathfinder Wetlands Partnership II	Ducks Unlimited	NE/WY	\$1,000,000	\$2,130,581	5,741.00		No
13	Maine Wetlands Conservation Initiative - Narraguagus River	The Nature Conservancy	ME	\$1,000,000	\$2,010,242	18,739.00		Yes
14	Live Oak Fann	Land Trust for Louisiana	LA	\$698,900	\$1,397,800	5,567.00		Yes
15	Maine Wetlands Conservation Initiative - Kennebec River Estuary	Kennebec Estuary Land Trust	ME	\$1,000,000	\$2,025,100	11,148.90		Yes
16	Kansas Prairie Wetlands V	Ducks Unlimited	KS/MO	\$1,000,000	\$1,545,789	8,883.00		No
17	Texas Bays Wetlands & Prairies	Ducks Unlimited	TX	\$1,000,000	\$2,000,255	2,469.00		Yes
18	Delta National Forest Wetland Enhancement	Ducks Unlimited	LA/MS	\$999,997	\$2,883,113	3,178.00		No
19	White River NWR Bottomland Hardwood Enhancement	Ducks Unlimited	AR/MS	\$999,976	\$2,405,000	2,668.00		No
20	Arkansas River Wetlands Conservation Partnership	Ducks Unlimited	CO	\$1,000,000	\$2,000,000	17,229.00	\$50,000	No
21	South San Francisco Bay Tidelands Enhancement	California State Coastal Conservancy	CA	\$1,000,000	\$2,054,000	3,707.00		Yes
22	Western Wyoming Wetland Partnership	Ducks Unlimited	WY	\$1,000,000	\$2,206,260	3,802.00	\$50,000	No
23	Bayou L'Ours Marsh Terracing II	Ducks Unlimited	LA	\$1,000,000	\$2,256,575	2,311.00		Yes
24	Minnesota River Prairies II	Pheasants Forever, Inc.	MN	\$1,000,000	\$3,962,244	1,480.72		No
25	North Park Wetlands Conservation Partnership II	Ducks Unlimited	CO	\$1,000,000	\$2,000,000	6,510.00		No
26	Wetlands of the Chickahominy River	Virginia Outdoors Foundation	VA	\$1,000,000	\$3,211,500	1,574.00		Yes
27	South Dade Wetlands EEL Preserve Acquisition	Miami-Dade Environmentally Endangered Lands	FL	\$1,000,000	\$4,183,811	12,918.70		Yes
28	Suisun Wetlands Conservation III	California Waterfowl Association	CA	\$916,000	\$1,374,549	3,124.00		Yes
29	Southern San Joaquin Valley Wetland Habitat IV	California Waterfowl Association	CA	\$985,250	\$1,970,500	2,313.00		No
30	Rappahannock River Conservation Partnership II	The Trust for Public Land	VA	\$1,000,000	\$7,884,900	2,823.00		Yes
Totals:				\$29,468,986	\$77,577,109	205,040.32	\$1,100,000	

**APPROVED BY THE
MIGRATORY BIRD CONSERVATION COMMISSION**

DATE: **JUN 19 2019**


SECRETARY, MIGRATORY BIRD CONSERVATION COMMISSION