

# Association of Bay Area Governments

## Executive Board

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September 21, 2023

Agenda Item 11.b.

### San Francisco Estuary Partnership

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#### Subject:

Authorization to negotiate and execute a Cooperative Agreement between Association of Bay Area Governments (ABAG)/San Francisco Estuary Partnership (SFEP) and the City of Palo Alto for the construction and delivery of the Palo Alto Horizontal Levee Project

#### Background:

The San Francisco Estuary Partnership (SFEP) staff requests authorization to negotiate and enter into a Cooperative Agreement with the City of Palo Alto for the construction and delivery of the Palo Alto Horizontal Levee Project (Project). The goals of the Project are to enhance the ecological function of the Harbor Marsh and improve resilience to sea level rise.

The Project began design in 2018, in a unique collaboration between SFEP and the City of Palo Alto. Project development included extensive community and stakeholder engagement, including outreach workshops focused on engaging disadvantaged communities, environmental stakeholders, and surrounding residents. In addition, the project has incorporated community-based participatory research and education. The project objectives include:

- Improve habitat along the perimeter of Harbor Marsh for native species;
- Restore rare and historic broad ecotone that supports a variety of transitional plant assemblages;
- Determine design standards, permitting requirements, and extent of maintenance for incorporation into the future larger levee improvement project (i.e., SAFER Bay/Shoreline Study);
- Adapt to sea level rise by providing a transitional slope that will support freshwater plants, which in turn build organic soils, all of which is aimed at keeping pace with sea level rise;
- Maintain public access to the existing trail system while providing opportunities for compatible low-impact recreation, increased social infrastructure, and educational opportunities on sea level rise;
- Ensure perspectives of marginalized communities are incorporated into social infrastructure and educational components; and.
- Provide polishing treatment to discharged treated wastewater.

The project is fully located on City of Palo Alto land and the City is the permittee on all permit applications. The lead consultant, Environmental Science Associates, has completed 90%

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Design and 100% Design is expected in November 2023 and will come before the Executive Board for approval. SFEP has received funding from the US Environmental Protection Agency for construction and delivery of the project. SFEP will manage procurements for construction management, construction and biological monitoring, in close coordination with the City of Palo Alto. Due to the close coordination that will be required for successful implementation of the Project, a Cooperative Agreement is needed.

The ABAG/SFEP-City of Palo Alto Cooperative Agreement will outline the responsibilities of the parties for project completion. Some of the key components of the Cooperative Agreement will include general obligations, roles and responsibilities for both parties, available funds, and a description of how the parties will coordinate for completion of the project.

#### Issues:

None

#### Recommended Action:

The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission to negotiate and enter into a Cooperative Agreement between the Association of Bay Area Governments/San Francisco Estuary Partnership and the City of Palo Alto for the construction and delivery of the Palo Alto Horizontal Levee Project.

#### Attachments:

- A. Summary Approval

#### Reviewed:



Andrew Fremier