



Consideration of Amendment to Scope of Nature Based Solutions: Wetland Restoration Program Agreement for Wetland Restoration on Staten Island Project

Staff Report

Grantee	The Nature Conservancy
Project ID	NBS04
Award Year	2023
County	San Joaquin
Category	Implementation
Original Award Amount	\$6,753,396
Request	Scope

RECOMMENDATION

Staff recommends the Board approve a reduction to the scope of work that will result in the completion of three of the six proposed wetland units and additional completed critical infrastructure and wetland features, as shown in Figure 8.1.

DESCRIPTION

The Grantee is requesting to reduce the scope of the Project’s construction task due to a \$2.4 million budget shortfall due to the increased construction costs since the budget was created. This scope reduction will allow construction to start this year and be completed in a phased, multi-year approach, with Conservancy funds being used in the first year, and cost share being used to complete construction after the first year. The Grantee is currently applying for cost share, but it has not yet been secured. The Grantee has worked with engineers, contractors, and their design team to reduce costs while maintaining ecosystem function and supporting long-term manageability of the Project.

This Project was originally awarded funds to complete planning and construct 426 acres of wetlands that included six wetland units. The wetland units can be managed independently and adaptively. This request will reduce the total completed number of units from six to three, resulting in 166 completed wetland acres. However, the Grantee will also still complete most of the critical infrastructure and wetland features of all six units. This infrastructure includes haul roads, ditches, pipelines, and berms. The original Project funded with Conservancy funds is shown in Figure 8.1. Green items are recommended for removal from the scope as part of this request. The work still to be completed as part of the Project and Conservancy funding is shown in blue in Figure 8.1. The completed three wetland units are the most complex and costly to construct and must be completed first. This is because they will supply necessary fill to the remaining three units, which are at a lower elevation. The completed units are also adjacent to the levee, thus providing seepage control for the full project.

The amendment is due to the increased construction costs since the budget was created. If the Conservancy does not approve this amendment, the Project will be delayed until cost share can be secured.

ENVIRONMENTAL COMPLIANCE

This implementation project is exempt from the California Environmental Quality Act per the Statutory Exemption for Restoration Projects (SERP; PRC § 21080.56). The Delta Conservancy, as CEQA Lead Agency, completed environmental review and received a signed [SERP Concurrence](#) from the California Department of Fish and Wildlife on October 20, 2023.

On October 25, 2023, the Conservancy Board voted to approve Resolution 2023-03, finding the Wetland Restoration Project on Staten Island Project exempt and staff filed the corresponding [Notice of Exemption](#).

Conservancy staff reviewed the modifications associated with this scope change request. The modifications include rebalancing earthwork, simplifying berm and ditch work, and reducing pump station depth. The modifications do not result in any substantive changes to the Project that would have an environmental impact. Therefore, the Project is still exempt and no further CEQA action is needed.

BACKGROUND

Wetland Restoration on Staten Island Project (Project ID NBS04) is an implementation project to construct managed permanent and semi-permanent wetlands that will provide fish and wildlife habitat, reverse subsidence, and reduce greenhouse gas emissions. This project was awarded \$6,753,396 of Nature Based Solutions: Wetland Restoration general funds to the Grantee in 2023. This is the Grantee's first amendment request requiring Board consideration. Conservancy staff have reviewed and approved two prior modification requests to extend deliverable due dates and add clarity to the scope of work. The Agreement for this work is active through March 31, 2029. This request will have no impact on the availability of current funds as they are not set to expire until June 30, 2029.

SUGGESTED MOTION LANGUAGE

Move that the Board approve a reduction in the scope of work that will result in the completion of three wetland units and additional infrastructure and wetland features for the other three units, as illustrated in Figure 8.1.

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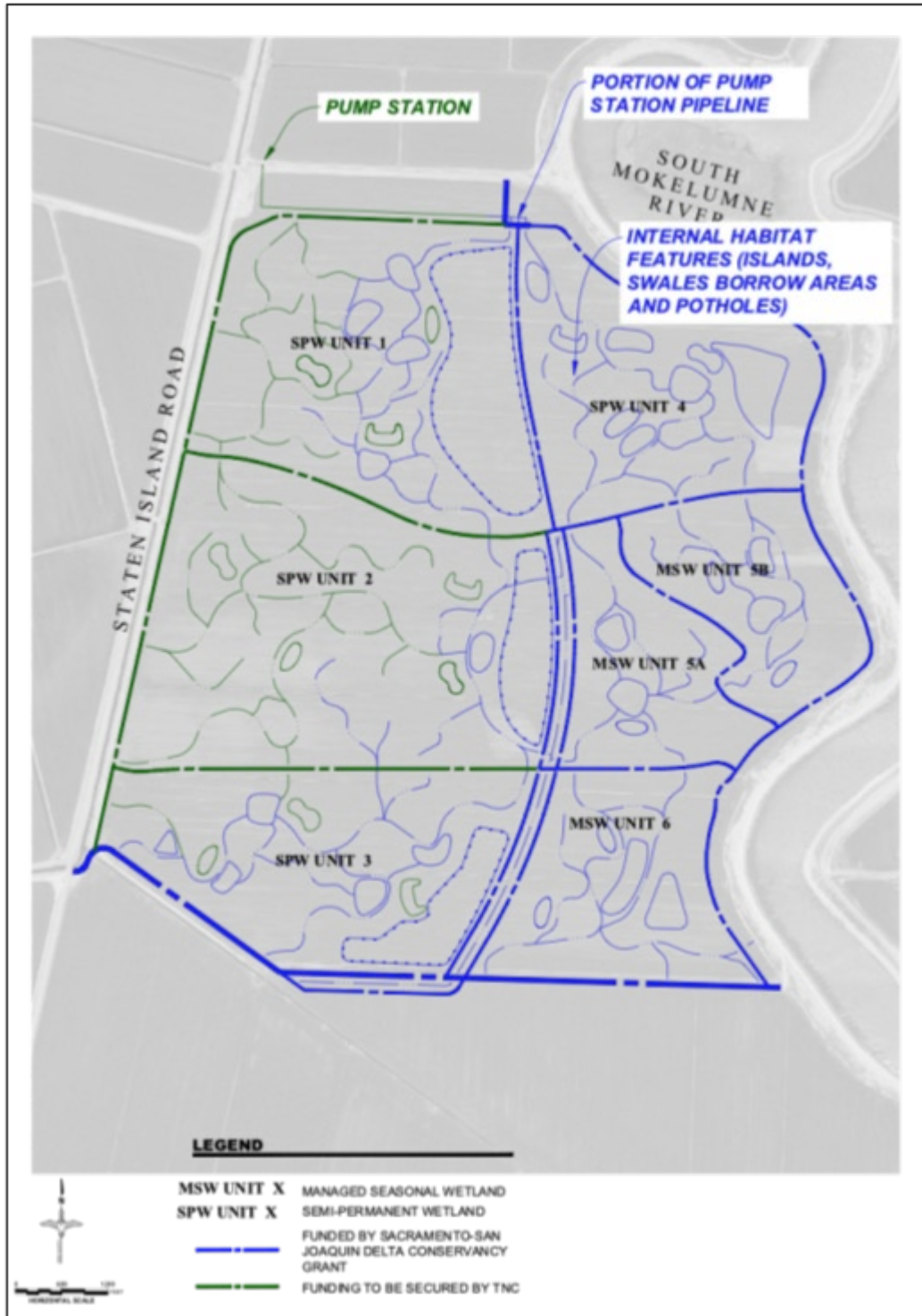


Figure 8.1. Schematic of wetland design for Wetland Restoration on Staten Island Project. Thick lines are berms and water control structures and thin lines are wetland features. Items in blue are proposed to be completed with Conservancy funds in first year. Items in green are recommended to be removed from scope of work and completed later with cost share.