CALIFORNIA OCEAN PROTECTION COUNCIL

Item 4b

Staff Recommendation
June 29, 2016

Trinidad Citywide Low Impact Development Planning and Construction Project

Holly Wyer, Program Manager

RECOMMENDED ACTION: Authorization to disburse up to $771,500 to the City of Trinidad (City) to construct a low impact development project in and along City roadways, construct a low impact development demonstration project at the City Manager's Office Annex, develop a City policy regarding implementation and siting of low impact development, develop an ocean friendly gardening guidance document for City residents, develop a residential low impact development construction incentive program, and provide education and outreach through technical workshops and participation with the Trinidad Bay Watershed Council, and adoption of findings under the California Environmental Quality Act.

LOCATION: Trinidad, CA

STRATEGIC PLAN OBJECTIVE(S): Objective 9.1: Support an integrated approach to water management that minimizes harm to the health of downstream ocean and coastal ecosystems.

EXHIBITS

Exhibit A: Project Location and Site Map

Exhibit B: Site images

Exhibit C: Letters of support

Exhibit D: Mitigated Negative Declaration

Exhibit E: Mitigation Monitoring Program

Exhibit F: Draft Notice of Determination for Ocean Protection Council Potential Action

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FINDINGS AND RESOLUTION:

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings:
"Based on the accompanying staff report and attached exhibits, the Ocean Protection Council hereby finds that:

1) The proposed projects are consistent with the purposes of Division 26.5 of the Public Resources Code, the Ocean Protection Act.
2) The proposed projects are consistent with the Ocean Protection Council's Proposition 1 grant guidelines (adopted in September 2015).
3) The Ocean Protection Council has reviewed the Final Mitigated Negative Declaration, adopted by the City of Trinidad on December 18, 2013 pursuant to the California Environmental Quality Act and attached to the accompanying staff recommendation as Exhibit D, and adopts the mitigation monitoring program included in Exhibit E"

Staff further recommends that the OPC adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

"The California Ocean Protection Council hereby approves the disbursement of up to $771,500 to the City of Trinidad to construct a low impact development project in and along City roadways, construct a low impact development demonstration project at the City Manager's Office Annex, develop a City policy regarding implementation and siting of low impact development, develop an ocean friendly gardening guidance document for City residents, develop a residential low impact development construction incentive program, and provide education and outreach through technical workshops and participation with the Trinidad Bay Watershed Council."

Prior to disbursement of funds, the City of Trinidad shall submit for the review and written approval of the OPC's Executive Director the following

1. A detailed scope of work, work plan, schedule, budget, and the names of any contractors intended to be used to complete the project, as well as discrete deliverables that can be produced in intervals to ensure the project is on target for successful completion.
2. Evidence that all necessary permits and approvals have been obtained;
3. A plan to create signage to acknowledge OPC and Proposition 1 funding;
4. A Storm Water Resource Plan consistent with California Water Code § 10560 - 10565 or a letter from the City explaining how it believes it is exempt."

PROJECT SUMMARY:

The City of Trinidad (City) currently has an outdated stormwater infrastructure system that discharges untreated runoff into the Trinidad Head Area of Special Biological Significance (ASBS). This project includes a suite of activities to reduce the runoff and pollutions discharges into the ASBS. This project would involve construction of three low impact development (LID) stormwater projects within the City's right-of-way to allow for infiltration of stormwater and reduction of discharges to the ASBS. The projects would cover approximately 14,600 square feet, in total. Construction would include subsurface infiltration systems, bioswales, and rain gardens. In addition to construction of LID on City right-of-ways, the City would also construct a LID demonstration project at the City Manager's Office Annex, to demonstrate LID options that could be used on private property.

In addition to the LID demonstration project, this project includes a number of measures to encourage LID projects by City residents. These measures include:

- Development of an ocean-friendly gardening guide.
- Implementation of three hands-on workshops for residents to demonstrate the proper design, installation, and maintenance of LID projects and ocean-friendly gardening.
- Development of an incentive program for City residents to reimburse the cost of materials acquisition for residential LID projects at up to 15 residences.

In select portions of the City, infiltration of stormwater using LID projects may be of concern, because it could contribute to bluff instability. This project would also utilize a hydrology and groundwater model to explore the potential effects of LID projects in various parts of the City. [1] The model's results would be used to develop a City policy on where stormwater infiltration on private property should be encouraged and discouraged. The City policy would also integrate the guidance developed for residential LID construction into existing codes, including the stormwater and water efficient landscaping ordinances.

Site Description:

The City is a small coastal disadvantaged community that is adjacent to a designated ASBS. This project would reduce stormwater discharges to the ASBS and would take place within City limits. Construction undertaken by the City would occur within the City's right-of-way at the intersection of Underwood Drive, Parker Street and Hector Street, and within the right-of-way of East Street, and West Street. Additional construction would occur at the City Manager's Office Annex and at up to 15 private residences in the City. These sites are paved or have landscaping typical of cities on the north coast.

Project History

The majority of the City drains directly or indirectly to the ASBS, and the City's stormwater outfall is designated a priority discharge by the State Water Resources Control Board (Water Board). The City has been proactively working to comply with ASBS discharge requirements, which is a challenge due to limited funds and high annual precipitation. The City has completed comprehensive planning to comply with ASBS discharge requirements, and completion of all the projects in the plan would allow the City to eliminate the stormwater outfall at the ASBS. The City successfully completed the $2.5 million Phase 1 ASBS Stormwater Management Improvement Project in 2015, and reduced stormwater discharge to the ASBS by 36 percent. Construction costs were higher than anticipated during implementation of Phase 1, so three LID projects from Phase 1 were designed, but not constructed. This project is complementary to the Stormwater Management Improvement Project and would fund construction of the three previously-designed LID projects that were not constructed as part of Phase 1.

[1] The impacts of the proposed LID projects within the City's right-of-way were already modeled as part of a prior project and do not contribute to bluff instability.

PROJECT FINANCING

OPC Proposition 1	$771,500
TOTAL	$771,500

The expected source of OPC funds for this project is the fiscal year 2015-16 appropriation to the Natural Resources Agency pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1, Water Code §79700 et. seq.). Funds appropriated to the Natural Resources Agency derive from Chapter 6 (commencing with §79730) and may be used "for multibenefit water quality, water supply, and watershed protection and restoration efforts for the watersheds of the state" (Water code §79731). Section 79732 identifies specific purposes of Chapter 6, which include "Reduce pollution or contamination of rivers, lakes, streams, or coastal waters, prevent and remediate mercury contamination from legacy mines, and protect or restore natural system functions that contribute to water supply, water quality, or flood management."

The proposed project is an appropriate use of Proposition 1 funds because it has multibenefits and will reduce pollution and a source of contamination of an ASBS in coastal waters. The benefits of the project are an improvement in stormwater resources management, a reduction in pollution and contamination of an ASBS, and a reduction in the need for potable water. The project also addresses long-standing environmental justice concerns associated with bluff saturation and instability in the Tsurai Study Area on the south edge of the City. The Tsurai Study Area is located within the ancestral lands of the Yurok Tribe, and contains a cultural resource that is very important to the Yurok people: Tsurai Village. The Tsurai Study Area is threatened by bluff instability, which is more likely when the bluff is saturated with water. The project, particularly the use of the groundwater model, will enable the City to ensure that the City LID policy does not negatively impact the Tsurai Study Area.

The proposed project was selected through a competitive grant process under the OPC's *Proposition 1 Grant Guidelines* adopted in September 2015 ("Prop 1 Guidelines") (see §79706(a)). The proposed project meets each of the evaluation criteria in the Prop 1 Guidelines as described below.

CONSISTENCY WITH CALIFORNIA OCEAN PROTECTION ACT:

The proposed project is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with trust-fund allowable projects, defined in Public Resources Code Section 35650(b)(2) as projects which:

1) Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species.
2) Improve coastal water quality.
3) Improve management, conservation, and protection of coastal waters and ocean ecosystems.

The construction proposed in this project is expected to reduce pollution discharge into a

coastal ASBS by 3.2 cubic feet per second during a 50-year storm, which will reduce threats to coastal waters, and improve water quality. The groundwater modeling proposed in the project will improve management and protection of coastal waters and ocean ecosystems by allowing the City to develop a policy to encourage future LID in appropriate locations.

CONSISTENCY WITH THE OPC'S STRATEGIC PLAN:
This project implements Focal Area D: Coastal and Ocean Impacts from Land. This project works to reduce the negative impacts of land-based pollution on a coastal ASBS by implementing LID to treat and infiltrate stormwater on City right-of-ways, rather than discharging it through an outfall to the ocean. In addition, this project includes elements that encourage future LID development in appropriate locations and also encourage city residents to undergo LID projects. The use of LID to allow for infiltration of stormwater rather than runoff will improve water quality and reduce the impacts to the ocean from urban areas on land.

CONSISTENCY WITH THE OPC'S PROPOSITION 1 GUIDELINES:
The following are the criteria that were applied to the applications in either the Letter of Intent or full proposal stage of the evaluation.

Chapter 6 of Proposition 1 purposes: This project would achieve the Proposition 1 purposes listed below:
1: Protect and increase the economic benefits arising from healthy watersheds, fishery resources, and instream flow.
2: Implement watershed adaptation projects in order to reduce the impacts of climate change on California's communities and ecosystems.
4: Protect and restore aquatic, wetland, and migratory bird ecosystems, including fish and wildlife corridors and the acquisition of water rights for instream flow.
10: Protect and restore coastal watersheds, including, but not limited to, bays, marine estuaries, and nearshore ecosystems.
11: Reduce pollution or contamination of rivers, lakes, streams, or coastal waters, prevent and remediate mercury contamination from legacy mines, and protect or restore natural system functions that contribute to water supply, water quality, or flood management.

OPC's Key Issue Areas for Prop 1 Funding: This project addresses four of the OPC's key issue areas for Prop 1 funding including marine managed areas, coastal and ocean water quality impacts, marine debris, and climate change. This project would reduce pollution discharges into an ASBS, improve coastal water quality, prevent discharge of trash into ocean waters, and reduce potable water needs for landscaping.

Multi-benefits: This project would provide multiple benefits to the community of Trinidad including improving climate resilience by reducing potable water needs and capturing stormwater flows to reduce nonpoint source runoff in extreme weather events. Capturing stormwater flows would also directly reduce pollution into the coastal environment.

Ability to adapt to impacts of climate change: As mentioned above, this project would reduce

potable water needs in the City. Climate change will make freshwater sources more variable, and reducing potable water use would lead to more resilience in the community. In addition, the reduction in potable water use would also reduce the greenhouse gas emissions needed to bring the potable water to end users.

California Water Action Plan Goals: The project would include measures that encourage City residents to implement LID on their properties. The residential project components encourage conservation as a way of life. The project would integrate water management between public and private properties, and would carry forward actions identified in the City's Integrated Coastal Watershed Management Plan. The project would prepare for dry periods through encouraging drought tolerant landscaping.

Removes or reduces multiple stressors to the environment: The project would reduce stressors to the ocean environment by reducing stormwater pollutant discharges including sediment, metals, ammonia, bacteria, and polycylic aromatic hydrocarbons. In addition the project would reduce stressors caused by freshwater withdrawals from Luffenholtz Creek, the City's water source.

Utilizes green infrastructure, natural systems, or systems that mimic natural systems: The project would construct green infrastructure components including rain gardens, bioswales, rain barrels, and subsurface infiltration. Rain gardens and bioswales are both examples of natural systems that improve stormwater treatment and retention, and also allow for infiltration.

New, innovative, or proven technologies or practices: The project would employ proven innovative technologies to retain, capture, treat, and infiltrate stormwater. The City has previously completed construction of multiple bioswales which were connected to subsurface infiltration basins to reduce urban runoff, and post project monitoring showed the system exceeded flow reduction targets.

Sustainable outcomes: The LID construction on City roadways and ocean-friendly gardening portions of the project are long-term solutions with associated long-term benefits for reducing stormwater and pollution discharges to the ASBS and reducing potable water use. The project would deliver sustained water quality protections with associated ecosystem and community benefits for the Trinidad Bay ASBS for a minimum of 20 years.

Ability to begin implementing the project in timely fashion: The project can start as soon as a grant award is made (assumed to be July 2016). The Citywide LID improvements in the public right of way are designed and CEQA complete, and can be bid for construction and completed in 2016. The residential LID incentive component of the project can be initiated as soon as the grant award is made, and it is anticipated to be completed by October 2018.

Provide mapping/data that can enhance current understanding: The ocean friendly gardening guide would enhance current understanding of residential LID projects and would be shared

with the North Coast Stormwater Coalition for distribution to their member agencies in Humboldt County. Information provided through the groundwater model would also enhance current understanding of the consequences of LID and infiltration of runoff in Trinidad.

Demonstrates solutions that can be implemented regionally and/or statewide: The project's citywide LID improvements can be implemented in other areas, with some modifications for site specific information. The North Coast Stormwater Coalition members including Humboldt County, Cities of Arcata, Eureka, Fortuna, Trinidad and others support this proposed project and will consider adoption of the Ocean Friendly Gardening Guide as supplemental materials for the existing Humboldt County LID Manual.

Demonstrates experience successfully implementing similar projects or demonstrates appropriate and necessary partnerships to complete the project. The City has successfully implemented planning and construction projects on time and within budget, including projects and programs with a substantial education and outreach components. As mentioned above, the City successfully completed the $2.5 million Proposition 84 Phase 1 ASBS Stormwater Management Improvement Project in 2015, and reduced stormwater discharge to the ASBS by 36 percent.

Consistent with best available science: The City has invested in prior groundwater modeling and studies of the existing stormwater system to determine how much stormwater required management and locations where stormwater could be infiltrated. This project was designed based on the results of the research.

Demonstrates a clear and reasonable method for measuring and reporting effectiveness of project: The city has been monitoring its stormwater outfall discharge and ASBS receiving water since 2006. The City proposes to monitor and report the volume of water captured, treated, and infiltrated from the project. Two storm events would be monitored post-construction, with flows measured at each of the City's three LID projects.

Likelihood of project to fulfill its stated objectives: This project's stated objectives are achievable and the applicant is experienced at implementing similar projects, therefore the project will likely fulfill its stated objectives.

Community support as well as support from outside local area: The project has support for the Trinidad Bay Watershed Council and the North Coast Stormwater Coalition. The project was developed based on priorities identified during the Trinidad-Westhaven Integrated Coastal Watershed Management Plan, which included substantial public involvement. The City has also presented the project to local tribal government representatives for input during several meetings. In addition to community support, the Regional Water Board also submitted a letter of support for the project.

Bonus points:

Advances the management individual marine managed areas (MMAs) or the statewide MMA network: The project would advance the management and reduce pollutant loading into the Trinidad Head ASBS.

Benefits disadvantaged communities: The City meets the California Water Code section 79505.5(a) definition of a disadvantaged community. The project benefits a disadvantaged community by protecting water quality in Trinidad Bay, and by assisting community members to install LID technologies on their properties to reduce potable water use and improve water quality.

COMPLIANCE WITH CEQA:
The City of Trinidad prepared a mitigated negative declaration, State Clearinghouse No. 2013112045, for the ASBS Stormwater Improvements project, which is attached as Exhibit D. The City adopted the mitigated negative declaration and the mitigation monitoring program, and approved the project on December 18, 2013. The Proposition 1 application under consideration today includes LID elements from the ASBS Stormwater Improvements Project.

The OPC staff has reviewed the mitigated negative declaration and has prepared a mitigation monitoring program for the project, which is attached as Exhibit E. Based on the mitigated negative declaration, the City of Trinidad determined that the effects of the project will be avoided, reduced or mitigated to less than significant levels with imposition of the identified mitigation measures. OPC staff concurs with this conclusion and, accordingly, recommends that the OPC: (1) find that the project, as mitigated, avoids, reduces, or mitigates the possible effects of the project to a level of insignificance; and (2) find that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment; and (3) adopts the attached Mitigation, Monitoring, and Reporting Program (Exhibit E).

If the OPC approves the proposed authorization, staff will file a Notice of Determination (attached in draft form as Exhibit F) with the State Clearinghouse.