



## MEMORANDUM

November 4, 2022

**TO:** MEMBERS, PORT COMMISSION  
Hon. Willie Adams, President  
Hon. Kimberly Brandon, Vice President  
Hon. John Burton  
Hon. Gail Gilman  
Hon. Steven Lee

**FROM:** Elaine Forbes  
Executive Director 

**SUBJECT:** Request authorization to accept and expend \$796,100 in grant funds from the San Francisco Bay Restoration Authority for the Heron's Head Park Shoreline Resilience Project and approve the grant agreement, subject to Board of Supervisors' approval.

**DIRECTOR'S RECOMMENDATION:** Approve the Attached Resolution No. 22-56

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### **Executive Summary**

The Port of San Francisco created Heron's Head Park over 20 years ago. Over the past two decades, the park has evolved, with the addition of the EcoCenter in 2010 and expansion and improvement of the park in 2012. Heron's Head Park has also experienced significant erosion and invasion by non-native plants, resulting in decreased size and ecological value of the tidal wetland. To address these conditions, the Port designed, obtained regulatory permits, and secured grant funding for construction of a living shoreline and wetland habitat restoration project, known as the Heron's Head Park Shoreline Resilience Project (the "Project"), which is currently under construction.

Over the past two years, the Port Commission has authorized Port staff to accept and expend funds and approved related grant agreements for three grants supporting various elements of the Project: \$297,000 from the San Francisco Bay Authority ("SFBRA") to support wetland plant habitat enhancement, and \$1,667,000 from the Ocean Protection Council ("OPC") and \$1,493,000 from the California Department of

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Fish & Wildlife (“CDFW”) to fund construction of the shoreline stabilization element of the Project.

Port staff now requests the Port Commission’s authorization to accept and expend a second grant for \$796,100 of Measure AA grant funds from the SFBRA for post-construction monitoring, and authorize the Port Executive Director to seek Board of Supervisors' approval of the grant agreement and authorization to accept and expend the grant funds.

### **Strategic Objectives**

The Project supports the Port’s strategic objectives as follows:

**Sustainability: *Implement nature-based shoreline stabilization and improvement projects and complete the Heron’s Head Park Shoreline Project by 2023.*** Construction of the Project will be completed by 2023. Acceptance of the second grant from SFBRA will enable post-construction monitoring of the Project’s physical and ecological performance as required by regulatory and resource agency permits.

**Engagement: *Partner with City departments and government agencies to align communication, engagement, and activities.*** Port staff has presented the Project to the Port’s Southern Advisory Committee and the EcoCenter Advisory Committee (staffed by the San Francisco Recreation and Parks Department) on multiple occasions over the past four years. The Project has support from Committee members and members of the public attending those meetings. Port staff and project partners, Literacy for Environmental Justice and the Estuary and Ocean Science Center participate in volunteer events and environmental education programs about Heron’s Head Park and the shoreline resilience project.

**Evolution: *Improve Port open spaces to provide publicly desired amenities and activities.*** Protecting and enhancing the shoreline and wetland habitat at Heron’s Head Park will increase biodiversity and preserve a valuable public asset that is enjoyed by a diversity of users. In doing so, the Project preserves opportunities for healthy outdoor recreation and connection to nature in an area of the City where there is less access to such benefits.

### **Background**

Heron’s Head Park is an approximately 21-acre peninsula, comprised of seven acres of wetlands and tidal ponds, and 14 acres of public open space. It includes, picnic areas, an off-leash dog play area and the EcoCenter. Heron’s Head Park is a highly valued resource for both wildlife and people: it is home to or visited by over 100 species of migratory and resident birds, two endangered species, and serves thousands of visitors each year.

As detailed in an [August 11, 2020 Port Informational Memorandum](#) to the Port Commission, the shoreline at Heron’s Head Park has experienced subsidence, erosion

from wind-driven waves and tidal flows, and a low supply of suspended sediment in Bay waters that is needed to replenish the marsh. These forces have caused loss of both habitat acreage and ecological function. Without protection from erosion and capacity to adapt to sea level rise, Heron's Head Park is expected to lose an estimated additional 1.8 acres over the next 30 years.

To address these impacts, the Port developed the Project that will:

1. Place coarse sand and gravel, stabilized by rock and cobble groynes<sup>1</sup>, along the southern shoreline to prevent erosion, improve habitat quality and diversity, and enable sea level rise adaptation.
2. Restore and maintain native plant vegetation to enhance biodiversity and ecological function of the existing wetlands.
3. Create youth employment opportunities in habitat restoration.
4. Monitor project outcomes for 10 years.

### **Regulatory Approvals**

The Project has been reviewed for compliance with CEQA by the San Francisco Planning Department and determined to be categorically exempt under Class 33 - CEQA Guidelines, Section 15333, Small Habitat Restoration Projects, (d)(2) for wetland restoration. The Port has obtained permits to construct the Project from the U.S. Army Corps of Engineers, the Bay Conservation and Development Commission, the San Francisco Bay Regional Water Quality Control Board, and the U.S. Fish & Wildlife Service. All of the regulatory and resource agency approvals require post-construction monitoring.

### **Existing Funding**

**SFBRA Grant – Phase 1:** The SFBRA is a regional agency created to generate and allocate resources for the protection and enhancement of tidal wetlands and other wildlife habitat in San Francisco Bay and along its shoreline. It awards grants to achieve these purposes consistent with the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure ("Measure AA"), passed by the voters in June 2016. As described in the Memorandum to the Port Commission on [August 25, 2020](#), the SFBRA authorized disbursement of \$297,000 to the Port for approximately two years of wetland habitat restoration at Heron's Head Park. Through [Resolution 20-42](#), the Port Commission authorized acceptance of the grant and a sole-source contract with Literacy for Environmental Justice to use the grant funds for wetland habitat restoration at Heron's Head Park. The Board of Supervisors authorized the Port to accept and expend SFBRA grant funds in September 2020 by [Resolution 446-20](#). The first grant agreement with SFBRA was executed in November 2020. The funded wetland plant habitat restoration work has been underway since then and will be completed by Summer 2023.

**OPC Grant:** Proposition 68, The "California Drought, Water, Parks, Climate, Coastal

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<sup>1</sup> A groyne is a shoreline protection structure built perpendicular to the shoreline to reduce movement of material parallel to the shoreline (known as longshore drift) and trap sediments.

Protection and Outdoor Access for All Act” (Prop. 68), passed by the voters in 2018, generated funding for a wide variety of projects and initiatives, including projects that implement nature-based solutions and other sea level rise adaptation strategies to build coastal resiliency. In February 2021, the OPC voted to award \$1.667M from its Coastal Resilience Grant Program to the Port to support construction of the stabilized shoreline that will protect the marsh along Heron’s Head Park’s southern shoreline from erosion. Through [Resolution 21-17](#), the Port Commission authorized acceptance of the grant in April 2021. The Board of Supervisors authorized the Port to accept and expend the OPC grant funds in July 2021 by [Resolution 342-21](#). The grant agreement with OPC was executed in November 2021.

**CDFW Grant:** The “Water Quality, Supply, and Infrastructure Improvement Act of 2014” (Proposition 1) funds ecosystem restoration projects through CDFW. Through [Resolution 21-38](#), the Port Commission authorized acceptance of the grant and expenditure of grant funds in September 2021. The Board of Supervisors authorized the Port to accept and expend the CDFW grant in December, 2021 by [Resolution 551-21](#). The grant agreement with CDFW was executed in January 2022.

All OPC and CDFW grant funds will be used to construct the resilient shoreline at Heron’s Head Park, which is currently underway and expected to be substantially complete by the end of December 2022.

### **Proposed SFBRA Grant – Phase 2**

On October 14, 2022, the SFBRA Board of Directors voted unanimously to award \$796,100 to the Port to fund post-construction monitoring of project outcomes as specified by the Project’s [“Monitoring and Adaptive Management Plan”](#).

The SFBRA requires the receiving entity (“grantee”) to make certain findings, which are included in the proposed Resolution, and execute its standard grant agreement which includes the following key terms:

- The grantee must maintain the improvements for the duration of the grant term or reasonable life of the improvements.
- The grantee must indemnify and hold harmless the SFBRA from liability in any way connected with the project. The requirement to indemnify the grantor is typical in grant agreements. Section 1.24 of the City’s Administrative Code requires the City’s Risk Manager’s approval in order for the City to indemnify another party. The City’s Risk Manager has approved the indemnification provision of the SFBRA standard grant agreement.
- The grantee must procure and maintain specified insurance and require the same of its contractors executing the grant-funded work.
- The grantee must acknowledge SFBRA and Measure AA funding in written, verbal, and digital communications about the project

### **Recommendation**

Port staff requests that the Port Commission approve the attached resolution

authorizing staff to accept and expend \$796,100 in grant funds from the SFBRA, subject to Board of Supervisors approval; approve the Grant Agreement; and, upon Board of Supervisors' approval, authorize the Executive Director to execute and implement the Grant Agreement with SFBRA to fund post-construction monitoring of the Heron's Head Park Shoreline Resilience Project.

Prepared by: Carol Bach  
Environmental Affairs Manager

For: David Beaupre  
Deputy Director, Planning &  
Environment Division

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO  
RESOLUTION NO. 22-56**

WHEREAS, Charter Section B3.581 empowers the Port Commission with the authority and duty to use, conduct, operate, maintain, manage, regulate and control the lands within Port jurisdiction; and

WHEREAS the San Francisco Bay Restoration Authority Act, Government Code §§ 66700-66706, establishes the San Francisco Bay Restoration Authority (“Authority”) as a regional entity to generate and allocate resources for the protection and enhancement of tidal wetlands and other wildlife habitat in San Francisco Bay and along its shoreline, and authorizes the Authority to award grants to public and private entities to achieve these purposes; and

WHEREAS the Authority awards grants for eligible projects consistent with Government Code § 66704.5, the Authority’s Grant Program Guidelines, first adopted in May 2017, and the Authority’s San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (“Measure AA”), passed by the voters in June 2016; and

WHEREAS on November 18, 2018, the Port submitted an application for grant funds to the Authority to construct a living shoreline and restore tidal wetland habitat at Heron’s Head Park, and

WHEREAS at its October 14, 2022 meeting, the Authority adopted a resolution authorizing a grant to the Port in the amount of \$796,100 for the Heron’s Head Park Shoreline Resilience project - Phase 2; the Authority’s resolution was adopted by the Authority pursuant to, and is included in, the Authority’s October 14, 2022 staff recommendation, a copy of which is on file with the grantee and with the Authority; and

WHEREAS the Authority requires execution of its standard grant term and conditions as further described in the staff report accompanying this Resolution (“Grant Agreement”); and

WHEREAS Port acknowledges that it has or will have sufficient funds to complete the grant-funded project and to operate and maintain, for the 10-year grant period set forth in the Grant Agreement, any property acquired, or improvements constructed as a part of the grant-funded project; and

WHEREAS under the City Administrative Code Section 10.107-1, the Port must obtain Board of Supervisors’ approval to accept and expend grant funds of \$100,000 or more; and

WHEREAS the shoreline resilience project and related monitoring are categorically exempt from the California Environmental Quality Act; now therefore be it

RESOLVED that the Port Commission authorizes its Executive Director to seek Board of Supervisors' approval and urges the Board of Supervisors to approve the request to accept and expend the grant from the Authority; and be it further

RESOLVED that, upon Board of Supervisors' approval of the grant, the Port Commission authorizes the Executive Director or her designee to act as a representative of the Port and to negotiate and execute the Grant Agreement and all other agreements and instruments necessary to obtain and expend the grant monies on behalf of Port, in such form approved by the City Attorney; and be it further

RESOLVED that, upon Board of Supervisors' approval of the grant, the Port Commission hereby authorizes the Executive Director or her designee to implement the grant-funded project as further described in the staff report accompanying this Resolution.

***I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of November 8, 2022.***

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Secretary

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