



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 24-255

April 16, 2024

Introduced: 3/27/2024

Current Status: Agenda Ready

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Matter Type: General Agenda Item

- a. Approve and authorize the Housing and Community Development (HCD) Director to execute a Right of Entry Permit with the California Department of Parks and Recreation for the purpose of access to Carmel River State Beach to investigate and repair as needed, an existing well, in preparation for carrying out the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project; and
- b. Authorize the HCD Director to execute future amendments to the Right of Entry Permit for well investigation subject to review and approval as to form by the Office of the County Counsel.

PRIOR CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ACTION:

Approval of contracts is not a Project under CEQA. The Environmental Impact Report (EIR) for the CRFREE Project was certified by the Board of Supervisors on January 20, 2020. The CRFREE Project was approved and the corresponding Mitigation Monitoring and Reporting Program (MMRP) was adopted by the Board of Supervisors on June 15, 2021.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Housing and Community Development (HCD) Director to execute a Right of Entry Permit with the California Department of Parks and Recreation for the purpose of access to Carmel River State Beach to investigate and repair as needed, an existing well, in preparation for carrying out the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project; and
- b. Authorize the HCD Director to execute future amendments to the Right of Entry Permit for well investigation subject to review and approval as to form by the Office of the County Counsel.

SUMMARY/DISCUSSION:

The Carmel River Floodplain Restoration and Environmental Enhancement Project (CRFREE Project) is a comprehensive effort to improve flood control and restore native riparian habitat, floodplain habitat, and hydrologic function to a portion of the lower floodplain along the Carmel River. Key aspects of the CRFREE Project are to: 1) Create notches in the levees along the south bank of the lower Carmel River, 2) Restore the south lower Carmel River floodplain, and 3) Build a causeway along Highway 1, restoring connectivity between the lower Carmel River Floodplain and the south arm of the Carmel Lagoon. The expected completion of the construction of CRFREE is calendar year 2027.

Access for the CRFREE Project construction will be necessary on 26.52 acres of land owned by California Department of Parks and Recreation (State Parks). (Attachment A) On October 25, 2022, the County notified State Parks of the decision to appraise a portion of APN 243-021-007. On December 27, 2022, 0.93 acres was appraised for a fee acquisition for transfer of control to Caltrans for State Route 1 right of way, and 26.52 acres for a temporary construction easement for CRFREE Project construction. Fair market value appraised at \$106,000 has been declined verbally by State Parks. State Parks have indicated that a Right of Entry (ROE) agreement will be required for CRFREE project construction. Two ROE agreements are expected. A future ROE will cover the CRFREE floodplain restoration work on State Parks property. The attached ROE will allow County contractors access to State Parks property for inspection of the existing turbine pump in the State Parks well. (Attachment B) If the turbine pump is found to be non-functional, a new pump will be installed in the existing well. This work is necessary prior to final design of the CRFREE Project and initiation of the bid process because the well is necessary for project irrigation. If more extensive work is needed to repair the well State Parks will apply for a repair permit.

Approval of this recommendation will authorize the Director of HCD to execute the Right of Entry Permit for well investigation on State Parks property.

OTHER AGENCY INVOLVEMENT:

Big Sur Land Trust (BSLT) is co-sponsor for the CRFREE Project. Through a Cooperative Agreement with Caltrans, the County of Monterey is acting as the Lead Agency under the California Environmental Quality Act for the CRFREE Project. The Department of Public Works, Facilities and Parks (PWFP) Facilities - Real Property Section assisted with the development of the Right of Entry Permit for well investigation.

ENVIRONMENTAL REVIEW

The Project Environmental Impact Report (EIR) was certified by the Board of Supervisors during a public hearing on January 20, 2020. The U.S. Fish and Wildlife Service (USFWS), as lead federal agency for the floodplain restoration portion of the CRFREE Project issued a finding of no significant impact (FONSI) on October 30, 2020. The Project was approved, and the corresponding Mitigation Monitoring and Reporting Program (MMRP) was adopted by the Board of Supervisors on June 15, 2021. Federal environmental review was completed on April 23, 2021, when Caltrans, as the lead federal agency for the causeway portion of the Project, issued a FONSI consistent with the USFWS. However, the Federal Emergency Management Agency (FEMA) internal environmental review process, as it relates to FEMA grant funding, is still pending.

FINANCING:

Based on the December 2023 95% Design Engineers estimate, CRFREE is estimated to cost approximately \$57.8 million to complete the final design, construction, and restoration efforts, including construction management and soft costs (Attachment C). Funding for the CRFREE Project comes from State, Federal and local grants and funds, including from Monterey Peninsula Regional Parks District (MPRPD) fair share contribution for a left-hand turn lane on State Highway 1. The Project responsibility for cost of utility relocation and contribution from utility companies is estimated and will be better determined later this year. The County and Big Sur Land Trust currently have been awarded \$29.8 million in unexpended grant funds for the Project pre-construction, construction, and monitoring,

Legistar File Number: 24-255

with an additional \$27 million pending award from CalOES/FEMA (Attachment C). CRFREE is budgeted in Capital Project Fund 404, Unit 8564.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

If approved, these actions support the Board of Supervisors' Strategic Initiatives for Administration and Infrastructure. The Project will provide sustainable physical infrastructure and associated flood risk reduction and habitat benefits to promote the safety of area residents and visitors.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Melanie Beretti, AICP, Acting Chief of Planning

Approved by: Craig Spencer, HCD Director

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The following attachments are on file with the Clerk of the Board:

Attachment A - Location Map

Attachment B - Signed State Parks ROE

Attachment C - CRFREE Project Budget