

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

**Resolution No.**

Resolution of the Monterey County Board of Supervisors:

- a. Approving a Memorandum of Understanding (MOU) by and between Monterey County, the US Army Corp of Engineers and the National Marine Fisheries Service for “Flood Prevention and Habitat Protection at the Carmel Lagoon”; and
- b. Authorizing the Chair of the Board of Supervisors to sign the MOU.

**RECITALS**

**WHEREAS**, since at least the early 20th century, when water in the Carmel Lagoon rose to levels that threatened private property, the lagoon barrier beach sandbar has been mechanically managed (breached) in order to lower the lagoon’s water level to below flood stage; and

**WHEREAS**, since 1973 emergency sandbar management was carried out on average of at least one mechanical breach per year, with as many as three or four management actions occurring in some years by Monterey County, Monterey County Water Resources Agency, and State Parks; and

**WHEREAS**, in 1992, County prepared an Interim Sandbar Management Plan and Breaching Criteria and regulatory agencies informed the County that its ongoing sandbar management did not qualify as emergency actions due to the predictability of flooding at Carmel River Lagoon; and

**WHEREAS**, several local, state and federal agencies, together with several non-governmental organizations have been working together since about 2000 to develop a sustainable, long-term management plan for the Lower Carmel River and Carmel Lagoon; and

**WHEREAS**, in 2007, a technical advisory committee of public agencies developed a “Study Plan for Long-Term Adaptive Management of the Carmel River State Beach and Lagoon,” which outlines multiple additional studies necessary to seek permits for a long-term solution to managing Carmel River; and

**WHEREAS**, in 2010, Monterey County Water Resources Agency filed an application with US Army Corp of Engineers for a permit to manage the Carmel Lagoon sandbar; and

**WHEREAS**, a Biological Opinion from National Marine Fisheries Service was expected around May 2011 to help better define a solution; and

**WHEREAS**, in September 2011, RMA assumed a lead role for the Carmel Lagoon management; and

**WHEREAS**, in September 2012, Monterey County, US Army Corp of Engineers, National Marine Fisheries Service began drafting a Memorandum of Understanding (MOU) for management of the Carmel River Lagoon; and

**WHEREAS**, the MOU Identifies two long-term solutions as alternatives to performing sandbar management: the Ecosystem Protective Barrier (EPB) and the Scenic Road Protection Structure (SRPS), and establishes a target schedule to complete the projects by 2018; and

**WHEREAS**, the Board of Supervisors finds, pursuant to CEQA Guidelines section 15004(b), that approval of this MOU is not a decision to approve or carry out a project within the meaning of the California Environmental Quality Act; this action pertains only to developing a preferred conceptual project that is conditioned upon CEQA review before a decision whether to authorize such use would be made, and furthermore, the County is not a permitting authority in this matter; **NOW THEREFORE**,

**DECISION**

**BE IT RESOLVED**, by the Board of Supervisors in and for the County of Monterey as follows:

- a. The above recitals are true and correct;
- b. The Memorandum of Understanding (MOU) by and between Monterey County, the US Army Corp of Engineers and the National Marine Fisheries Service for “Flood Prevention and Habitat Protection at the Carmel Lagoon”, attached hereto as Exhibit 1 is hereby approved; and
- c. The Chair of the Board of Supervisors is authorized and directed to sign the MOU.

**PASSED AND ADOPTED** on this 11<sup>th</sup> day of June, 2013 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy