



# County of Monterey

Item No.

## Board Report

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

Legistar File Number: 24-484

July 09, 2024

**Introduced:** 6/14/2024

**Current Status:** Agenda Ready

**Version:** 1

**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 carrying out activities related to the construction and monitoring of 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 construction and monitoring 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 carrying out activities related to the construction and monitoring of 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 construction and monitoring 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 current expected completion of the construction of CRFREE is calendar year 2028 and will be followed by up to 10 years of monitoring and reporting.

On April 16, 2024, a Right of Entry (ROE) permit was approved by the Board of Supervisors to allow contractors to conduct an investigation of a California Department of Parks and Recreation (State Parks) well for purposes of CRFREE Project planning and final design. Further access for the CRFREE Project construction will be necessary on 26.52 acres of land owned by State Parks, identified as Parcel Number 12558-2 in Attachment A. A ROE agreement is required. The attached ROE will allow County contractors access to State Parks property for construction of the CRFREE Project and monitoring (Attachment B). The work includes floodplain restoration, activities supporting adjacent highway work, temporary irrigation, plant establishment work for 3 years following completion of construction and monitoring, and maintenance activities associated with compensatory mitigation areas for 10 years following completion of construction.

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.

Approval of this recommendation will authorize the Director of HCD to execute the Right of Entry Permit for access to State Parks property for construction of the CRFREE Project and monitoring (Attachment B). The work includes floodplain restoration, activities supporting adjacent highway work, temporary irrigation, plant establishment work for 3 years following completion of construction and monitoring, and maintenance activities associated with compensatory mitigation areas for 10 years following completion of construction 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.

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:

There is no cost associated with executing a Right of Entry Permit with State Parks. 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, with an additional \$27 million pending award from CalOES/FEMA (Attachment C). CRFREE is budgeted in Capital Project Fund 404, Unit 8564 with \$14.6 million budgeted in the FY24-25 Adopted Budget.

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

Prepared by: Shandy Carroll, Management Analyst III, (831) 784 5643  
Approved by: Melanie Beretti, AICP, Acting Chief of Planning  
Approved by: Craig Spencer, HCD Director CS

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