



Legislation Details (With Board Report)

File #: RES 15-099 **Name:** Carmel Lagoon CEQA Exemption
Type: BoS Resolution **Status:** Passed
File created: 10/9/2015 **In control:** Board of Supervisors
On agenda: 10/20/2015 **Final action:** 10/20/2015

Title: Adopt a Resolution to:
a. Find that the Carmel Lagoon Winter 2015-16 Sandbar Management Plan (Winter SMP) is statutorily exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15269(c) for emergency projects;
b. Approve the Carmel Lagoon Winter 2015-16 Sandbar Management Plan; and
c. Authorize the Director of the Resource Management Agency to obtain required permits and fully implement the Carmel Lagoon Winter SMP if needed during emergency situations throughout the 2015/2016 rainy season to alleviate flooding.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment 1 - Winter Sanbar Management Plan, 3. Attachment 2 - Resolution, 4. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
10/20/2015	1	Board of Supervisors	adopted	Pass

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b. Approve the Carmel Lagoon Winter 2015-16 Sandbar Management Plan; and
c. Authorize the Director of the Resource Management Agency to obtain required permits and fully implement the Carmel Lagoon Winter SMP if needed during emergency situations throughout the 2015/2016 rainy season to alleviate flooding.

RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt a resolution (Attachment 2):
a) Finding that the Carmel Lagoon Winter 2015-16 Sandbar Management Plan (Winter SMP) is statutorily exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15269(c) for emergency projects;
b) Approving the Carmel Lagoon Winter 2015-16 Sandbar Management Plan;
c) Authorizing the Director of the Resource Management Agency to obtain required permits and fully implement the Carmel Lagoon Winter SMP if needed during emergency situations throughout the 2015/2016 rainy season to alleviate flooding.

SUMMARY:

Carmel River Beach State Park is located at the south end of Carmelo Street and Scenic Road in the unincorporated Carmel area of Monterey County. The Carmel River watershed has extreme variations in seasonal and yearly discharge rates. Developed commercial, residential and agricultural areas within the 100 year floodplain suffer from periodic flooding from high river flows and ocean storms, in some areas nearly

annually and in some cases multiple times in one year. An area of this increased annual risk exists in and around the Carmel Lagoon. RMA has assumed lead for managing efforts to protect life and property from perennial flood potential due to the inundation of the Lagoon and surrounding, low lying properties.

Since 2011, the County Resource Management Agency (RMA) has consulted with multiple agencies (US Army Corps of Engineers (USACE), US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), California Coastal Commission (CCC), Central Coast Regional Water Quality Control Board (RWQCB)) and stakeholders (State Parks, Carmel Area Wastewater District (CAWD)) regarding measures taken to reduce the risk to life, property and general welfare. The general concept has been to mechanically create a diversion channel, at an agreed elevation and alignment, in the sandbar while leaving a portion of the sandbar closest to the Lagoon intact to act as a “plug”. During times of severe storm activity and increased river flows, the plug is then either naturally pushed away by the force of the increased water level, or manually started by a crew of RMA employees with hand tools to avoid use of heavy equipment in water and to allow the process to begin faster. The channel acts as a pressure relief system which gives the water more space to spread as it breaches into the ocean. Without the channel, water backs up into the lowlying areas surrounding the Lagoon, and causes severe damage to surrounding homes.

The RMA is developing a project to provide a long-term solution to flooding in the Carmel Lagoon that balances protection of private property with protection of federally listed species. This proposed project includes the Ecosystem Protective Barrier (EPB), Scenic Road Protection Structure (SRPS) projects, and Interim Sandbar Management Plan (ISMP). An Environmental Impact Report (EIR) is being prepared as part of this project. However, as a result of working with the agencies and stakeholders, it will not be complete in time for the winter storm season this year.

In the meantime, the RMA has developed an annual Winter SMP in preparation of this winter and the possibility that an emergency situation could arise. Staff is proposing that the Board approve the Winter SMP and authorize the RMA Director to obtain necessary permits and implement the Winter SMP if needed during emergency situations throughout the 2015/2016 rainy season to alleviate flooding.

The RWQCB must issue a California Water Board Section 401 Water Quality Certification for the Winter SMP, and projects that discharge into water bodies of the state are subject to CEQA and are required to have environmental documentation completed prior to commencement. Some of the permitting agencies will not process an emergency until 24-48 hours before an event. They do not interpret flooding in the Carmel Lagoon as an emergency since it occurs regularly. However, staff considers approval of the Winter SMP to be an action necessary to prevent or mitigate an emergency under CEQA Guidelines Section 15269(c) because the Winter SMP would be implemented only in case of emergency and imminent threat to life or structure. The Winter SMP is for the upcoming winter only and does not take the place of the project to provide a long-term solution. Therefore, staff is recommending that the Board find that the Winter SMP is statutorily exempt from CEQA pursuant to CEQA Guideline section 15269(c).

In the case that the Carmel Lagoon sandbar needs to be breached manually to prevent flooding adjacent to the Lagoon, Monterey County Resource Management Agency will make every attempt to minimize impacts to the natural habitat and ecosystems in and around the sandbar before management occurs. Pursuant to the Winter SMP, the County will implement all measures of flood protection (e.g., sand bags) to reduce the flood potential to the surrounding homes and infrastructure to the greatest extent feasible prior to a breach. The decision to mobilize and conduct emergency sandbar management (i.e., breaching) would be based upon one or more of the following conditions:

- A. Lagoon Water Elevation - Mobilization would occur when the lagoon water level reaches a surface

elevation of 12.77 feet;

- B. River Flows - When the rate of increase in water level in the lagoon, as estimated on the staff gauge, indicates less than six hours until the water level in the lagoon reaches a surface elevation of 12.77;
- C. Ocean Influence (High Tides and/or Storm Surge) - When monitoring indicates wave over-topping would begin to rapidly increase the water level of the lagoon as well as increase the sandbar elevation.

County RMA staff requires approximately 24 to 48 hours, depending on weather conditions and the size of the sandbar, to mobilize and clear a channel through the sandbar with 1-2 bulldozers or excavator. Equipment is driven on the beach for sand management only. Loading and fueling takes place on paved areas to ensure containment of hazardous materials. RMA attempts to plan work during daylight hours when large waves can be seen. In addition, work would occur outside of active rain storms to the greatest extent feasible while maintaining the primary goals of preventing flooding impacts and/or maintaining minimum water levels in the lagoon. Heavy equipment shall not be operated in open waters of the lagoon.

OTHER AGENCY INVOLVEMENT:

County staff is coordinating with the RWQCB, CCC, CDFW, USACE, USFWS, and NMFS to process the permits for the Winter SMP.

FINANCING:

Emergency work will be performed by County RMA staff and equipment, and may require biological monitoring if County opens the channel. County approved an agreement for biological services with the Monterey Peninsula Water Management District (MPWMD). Costs associated with these efforts are initially funded out of the Road Fund, which is reimbursed by the County's General Fund since it is not an eligible Road Fund expense.

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Reviewed by: John Guertin, Acting Deputy Director Resource Management Agency

Approved by: Carl P. Holm, AICP, Director Resource Management Agency

Attachment 1 - Carmel Lagoon Winter 2015-16 Sandbar Management Plan

Attachment 2 - Carmel Lagoon 2015-16 Winter SMP Resolution