



Legislation Details (With Board Report)

File #: A 21-211 **Name:** Reimbursement Agreement with BSLT for CRFREE
Type: BoS Agreement **Status:** Passed
File created: 5/11/2021 **In control:** Board of Supervisors
On agenda: 9/14/2021 **Final action:** 9/14/2021

Title: a. Approve a Reimbursement Agreement between the County and the Big Sur Land Trust (BSLT) to provide for County reimbursement to BSLT of costs incurred by BSLT for Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project restoration design and implementation activities, for a total amount not to exceed \$487,050, through use of grant funds from the Wildlife Conservation Board; and
b. Authorize the Director of Housing and Community Development or designee to execute the Reimbursement Agreement.

CEQA Action: Consider the previously certified Environmental Impact Report/Environmental Assessment (EIR/EA) for the CRFREE Project.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - RA with BSLT, including Exhibit 1, 3. Completed Board Order Item No. 39

Date	Ver.	Action By	Action	Result
9/14/2021	1	Board of Supervisors	approved	Pass

a. Approve a Reimbursement Agreement between the County and the Big Sur Land Trust (BSLT) to provide for County reimbursement to BSLT of costs incurred by BSLT for Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project restoration design and implementation activities, for a total amount not to exceed \$487,050, through use of grant funds from the Wildlife Conservation Board; and
b. Authorize the Director of Housing and Community Development or designee to execute the Reimbursement Agreement.

CEQA Action: Consider the previously certified Environmental Impact Report/Environmental Assessment (EIR/EA) for the CRFREE Project.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve a Reimbursement Agreement between the County and the Big Sur Land Trust (BSLT) to provide for County reimbursement to BSLT of costs incurred by BSLT for Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project restoration design and implementation activities, for a total amount not to exceed \$487,050, through use of grant funds from the Wildlife Conservation Board; and
b. Authorize the Director of Housing and Community Development or designee to execute the Reimbursement Agreement.

SUMMARY:

The proposed Reimbursement Agreement (Attachment A) between BSLT and the County would allow the County to reimburse BSLT for CRFREE Project restoration design and implementation activities, using funds from the Wildlife Conservation Board Grant awarded to the County, provided the activities are within the scope

of the grant and the costs certified by BSLT and the County. The total not to exceed amount to be reimbursed under the Reimbursement Agreement is \$487,050. The term of the Reimbursement Agreement is from the date of the last signature on the agreement until full reimbursement, unless terminated sooner pursuant to the terms of the agreement.

DISCUSSION:

The Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (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.

The Big Sur Land Trust (BSLT) is an implementing partner and co-sponsor with the County on the CRFREE Project. Pursuant to this relationship, County is coordinating the planning, development, permitting, and construction activities for the CRFREE Project, and BSLT along with other owners of the real property on which the Project is located will have long term habitat management responsibilities. A Wildlife Conservation Board (WCB) grant held by the County provides funding for habitat restoration activities for the CRFREE Project. (WCB Grant No. WC-1947CA (hereafter “WCB Grant”), attached as Exhibit 1 to the Reimbursement Agreement.) The WCB Grant award cannot be transferred without the prior written consent of WCB, but County can contract with a third party for work within the scope of the grant to be reimbursed with the grant funds. Pursuant to Task Four of the WCB Grant, BSLT will develop and implement a Habitat Management Plan (HMP) for at least 80 acres of the Project site on the east side of State Route (SR) 1. BSLT proposes to develop the CRFREE restoration design and implement the restoration under one or more contracts that BSLT will manage with one or more consultants to be chosen by BSLT. These activities are proposed for the portion of the Project site owned by BSLT and three acres of the Project site owned by the Monterey Peninsula Regional Park District (MPRPD). MPRPD has authorized BSLT to do the planning and restoration work on this MPRPD property, with the understanding that BSLT will consult with MPRPD in preparing the restoration plan for MPRPD’s three-acre site.

CEQA

The County has certified an Environmental Impact Report/Environmental Assessment (EIR/EA) for the CRFREE Project. Approval of the Reimbursement Agreement requires no additional environmental review, as it is a fiscal activity implementing a portion of the project analyzed in the EIR/EA. It does not require revision of the EIR/EA, as it involves no substantial changes in the Project, no substantial changes in circumstances, and no significant new information that would involve new significant environmental impacts or increased severity of environmental impacts. The EIR/EA is available for review at:

<https://www.co.monterey.ca.us/home/showpublisheddocument/87783/637195973614930000>

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel and Auditor-Controller have reviewed and approved the Reimbursement Agreement as to form and fiscal provisions, respectively.

FINANCING:

Pursuant to the terms of the Reimbursement Agreement, the County will reimburse BSLT for consultant costs incurred and certified by BSLT for services related to the restoration design and implementation activities for the CRFREE Project, not to exceed \$487,050. The source of funds for County reimbursement of BSLT for these costs is the Wildlife Conservation Board Grant awarded to the County, as specified in WCB Grant No. WC-1947CA. The County will submit quarterly invoices to WCB for reimbursement from the Grant award. Currently there is \$518,697 budgeted in Fund 404-3200-8564-PFP057-Project 7200 for FY22. If additional appropriations are needed for this Project, staff will return to the Board of Supervisors for approval to increase

appropriations.

BOARD OF SUPERVISORS' STRATEGIC INITIATIVES:

If approved, the recommended action supports the Board of Supervisors' Strategic Initiatives for Economic Development, Infrastructure, and Health and Human Services. This action represents effective, timely response to Housing and Community Development customers. When complete, the CRFREE Project will reduce flood risk to the residential and commercial development north of the Carmel River, improve habitat for wildlife, and provide walking trails for the public.

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

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Reviewed by: Shandy Carroll, Management Analyst III

Approved by: Melanie Beretti, HCD Services Manager

Erik V. Lundquist, AICP, Director of Housing and Community Development

The following attachment is on file with the Clerk of the Board:

Attachment A - Reimbursement Agreement with the Big Sur Land Trust, including Exhibit 1 Wildlife Conservation Board Grant (WC-1947CA)