



Legislation Details (With Board Report)

File #: RES 22-098 **Name:** CRFREE BSLT
Type: BoS Resolution **Status:** Passed
File created: 5/6/2022 **In control:** Board of Supervisors
On agenda: 6/21/2022 **Final action:** 6/21/2022

Title: a. Approve and authorize the Director of Housing and Community Development and the Director of Public Works, Facilities, and Parks to sign a memorandum of agreement between the County of Monterey and Big Sur Land Trust for the implementation of a mitigation measure for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (REF 140048); and
b. Approve and authorize the Director of Housing and Community Development to execute amendment No. 1 to Reimbursement Agreement No. A-15537 with Big Sur Land Trust to increase the not to exceed amount of \$487,050 by \$100,000, for a total not to exceed amount of \$587,050 to allow the completion of restoration design and implementation activities, using funds from the Wildlife Conservation Board.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Draft Resolution, 3. Attachment B - Approved MMRP, 4. Attachment C - Big Sur Land Trust Memorandum of Agreement, 5. Attachment D - RA No. A-15537 between BSLT and County, 6. Attachment E - Draft Addendum to RA No. A-15537, 7. Completed Board Order Item No. 88, 8. Completed Resolution Item No. 88

Date	Ver.	Action By	Action	Result
6/21/2022	1	Board of Supervisors	adopted	Pass

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RECOMMENDATION:

It is recommended that the Board of Supervisors:

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SUMMARY/DISCUSSION:

The County of Monterey (County) and Big Sur Land Trust (BSLT) are cosponsors of the Carmel River

Floodplain Restoration and Environmental Enhancement (CRFREE) Project, 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 CRFREE Project is currently in the final design, permitting, and right of way coordination phase, following the June 2021 Project approval. Efforts to complete the final design, negotiate right of way agreements, and obtain local, State, and Federal permits must be completed prior to the beginning of construction. Initial floodplain grading and restoration construction on the east side of Highway 1 is scheduled to begin at the end of calendar year 2022.

On June 15, 2021, the Board of Supervisors approved the CRFREE Project and Mitigation, Monitoring, and Reporting Plan (MMRP). (Attachment B) Cultural Mitigation Measure CUL-10 states that prior to the issuance of a grading permit, BSLT and the County shall enter into an agreement that provides the following assurances: 1) Documented evidence that BSLT has offered a location on BSLT property to the Oholone/Coastonan-Esselen Nation (OCEN) for reinterment of Native American human remains, should any be found during construction of the Project; 2) BSLT statement of intent to provide post-project construction access at the Project site to OCEN members to collect native materials for cultural purposes, and a date-certain by which BSLT will provide documented evidence that BSLT has offered a mechanism to provide said access to OCEN; 3) BSLT statement of intent to work with OCEN to collaboratively develop interpretive information and materials about the history of the OCEN people at the Project site; and 4) A provision indicating that the BSLT will consider requests from OCEN, the Esselen Tribe of Monterey County (ETMC), and other tribes for cultural educational activities at the Project site. County staff and BSLT have prepared a memorandum of agreement (MOA) to memorialize the commitment of BSLT to undertake the Cultural and Tribal Mitigation measures described in the approved MMRP. The attached MOA between BSLT and the County states BSLT's intent to meet the requirements of CUL-10, as well as CUL-1 through CUL-9. (Attachment C)

Reimbursement Agreement (RA) No. A-15537 between the County and BSLT was approved on September 14th, 2021, for \$487,050, to be reimbursed by the Wildlife Conservation Board (WCB) grant (WCB Grant No. WC-1947CA). (Attachment D) Pursuant to task four of the WCB grant, under the terms of RA No. A-15537, BSLT is developing and implementing a Habitat Management Plan (HMP) and restoration design activities for at least 80 acres of the Project site on the east side of State Route 1 (SR 1). The County and BSLT have identified the need to expand the scope of RA No. A-15537 to include floodplain restoration planning and design actions associated with the HMP, at an additional cost of \$100,000 to be reimbursed by the Department of Water Resources (DWR) Flood Corridor grant (460010665). BSLT will instruct their contractor to add irrigation and planting design drawings for Tier 2 restoration, seed and plant propagule plan, schedule, and cost estimate for Tier 2 restoration, and develop a long-term Tier 2 implementation plan and maintenance cost estimate as part of the restoration design and implementation activities. The proposed additional work will meet deliverables for the County's CRFREE Department of Water Resources (DWR) Flood Corridor grant (460010665) and will be reimbursed from Task 2.3: Restoration Plan, and Task 5.3.8: Planting of Vegetation (Seeding).

OTHER AGENCY INVOLVEMENT:

BSLT is co-sponsor for the CRFREE Project. BSLT, California Department of State Parks and Recreation and Monterey Peninsula Regional Parks District are property owners within the CRFREE Project area. Through a cooperative agreement with the California Department of Transportation (Caltrans), the County of Monterey is acting as the Lead Agency under the California Environmental Quality Act for the Project.

ENVIRONMENTAL REVIEW

Environmental review is complete for the CRFREE Project. The Project Environmental Impact Report (EIR)

was certified by the Monterey County Board of Supervisors in a public hearing on January 20, 2020, and the Project was approved June 15, 2021. Federal environmental review was completed April 23, 2021, when Caltrans, as lead federal agency for the causeway portion of the Project, issued a finding of no significant impact (FONSI), agreeing with the United States Fish and Wildlife Service, as lead federal agency for the floodplain restoration portion of the project, who issued a FONSI on October 30, 2020.

FINANCING:

There is no financial obligation in the memorandum of agreement with BSLT. CRFREE is expected to cost approximately \$45.1 million to complete the final design, construction, and restoration efforts, and the construction and pre-construction phase will be entirely grant funded. The County has been awarded \$17.2 million in unexpended grant funds. BSLT holds nearly \$1 million in grant funds available for the project and additional \$2 million in private donations to fund the long-term management and maintenance of the project on BSLT owned property. An additional \$25.3 million is pending award from CalOES/FEMA and Caltrans. The County and BSLT are working to raise additional funds to meet the full Project cost. CRFREE is budgeted in Capital Project Fund 404, Unit 8564. County staff time up to \$89,225 will be funded by the DWR Coastal Flood and Flood Corridor program grants, and the CalOES/FEMA Hazard Mitigation grant, and is not included in the Project cost of \$45.1 million. Additional staff time is included in the FY 2021-22 HCD General Fund 001, Appropriations Unit HCD001, Unit 8542.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

If approved, this action supports 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, Principal Planner

Approved by: Erik V. Lundquist, AICP, HCD Director

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

Attachment A - Draft resolution

Attachment B - Approved MMRP

Attachment C - Big Sur Land Trust Memorandum of Agreement

Attachment D - RA No. A-15537 between BSLT and County

Attachment E - Draft Addendum to RA No. A-15537