



County of Monterey

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

Legislation Details (With Board Report)

File #: 24-191 **Name:** BSLT Pruchase Agreement
Type: General Agenda Item **Status:** Passed
File created: 3/6/2024 **In control:** Board of Supervisors
On agenda: 6/4/2024 **Final action:** 6/4/2024
Title: a. Approve and authorize the Housing and Community Development (HCD) Director to execute the Fee Simple Purchase Agreement between the County of Monterey and Big Sur Land Trust (Purchase Agreement), for the conveyance of a Fee Simple interest in 0.85 acres of Assessor's Parcel Number (APN) 243-071-007 for the purpose of construction and maintenance of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project; and
b. Accept the Grant Deed and authorize the HCD Director to Consent to Recordation of the Grant Deed for 0.85 acres of APN 243-071-007 and execute the Certificate of Acceptance and Consent to Recordation.

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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Proposed Resolution, 3. Attachment B – Location Map, 4. Attachment C – Letter from BSLT to HCD dated January 18, 2024, 5. Attachment D – Fee Simple Purchase Agreement between County and BSLT, Grant Deed and Consent to Recordation, 6. Attachment E – CRFREE Project budget, 7. Completed Board Order Item No. 53

Date	Ver.	Action By	Action	Result
6/4/2024	1	Board of Supervisors		

a. Approve and authorize the Housing and Community Development (HCD) Director to execute the Fee Simple Purchase Agreement between the County of Monterey and Big Sur Land Trust (Purchase Agreement), for the conveyance of a Fee Simple interest in 0.85 acres of Assessor's Parcel Number (APN) 243-071-007 for the purpose of construction and maintenance of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project; and
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RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to:

a. Approve and authorize the Housing and Community Development Director to execute the Fee Simple Purchase Agreement between the County of Monterey and Big Sur Land Trust (Purchase Agreement), for the

conveyance of a Fee Simple interest of 0.85 acres of Assessor's Parcel Number (APN) 243-071-007 for the purpose of construction and maintenance of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project; and

b. Accept the Grant Deed and authorize the HCD Director to Consent to Recordation of the Grant Deed for 0.85 acres of APN 243-071-007 and execute the Certificate of Acceptance and Consent to Recordation.

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 expected completion of the construction of CRFREE is calendar year 2027.

On July 5, 2022, a temporary construction easement on 108.02 acres of Big Sur Land Trust (BSLT) owned property (APNs 243-071-007, 243-071-006, and 243-071-005) was recorded with the County Recorder's Office for the purpose of construction of the CRFREE Project. On November 9, 2022, the BSLT was notified of a decision to appraise 0.85 acres of APN 243-071-007 for fee acquisition for Caltrans parcel No. 1227-1. (See Attachment B - Location Map). The property appraisal of \$17,000 occurred on April 11, 2023, for permanent transfer to Caltrans of 0.85 acres. BSLT has waived the right to compensation, via letter dated January 18, 2024 from BSLT to the Department of Housing and Community Development-Planning (HCD-Planning) (Attachment C), and as indicated in the proposed "Fee Simple Purchase Agreement between the County of Monterey and Big Sur Land Trust" (Purchase Agreement) (Attachment D). By executing the proposed Purchase Agreement, the County will acquire 0.85 acres from BSLT for the CRFREE Project. Following the construction of the Project, this property will be quitclaimed by the County and transferred to Caltrans for use as a permanent right of way for State Route 1.

Approval of this recommendation will authorize the Director of HCD to execute the Fee Simple Purchase Agreement and Consent to Recordation of the Grant Deed for 0.85 acres of APN 243-071-007.

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 Division assisted with the development of the proposed Fee Simple Purchase Agreement and Grant Deed and Consent to Recordation.

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 this action, due to BSLT waiving right to the appraised value of \$17,000. Based on the December 2023 95% Design Engineers estimate, CRFREE is estimated to cost approximately \$57.5 million to complete the final design, construction, and restoration efforts, including construction management and soft costs (Attachment E). Approximately \$2.6 million in grant funds have been spent to date on the CRFREE Project. 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 BSLT currently have been awarded \$29.7 million in unexpended grant funds for the Project pre-construction, construction, and monitoring, with an additional \$27 million pending award from CalOES/FEMA (Attachment E). CRFREE is budgeted in Capital Project Fund 404, Unit 8564 with \$1,071,797 budgeted in the FY24-25 Recommended 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, AICP, HCD Director

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

Attachment A - Proposed Resolution

Attachment B - Location Map

Attachment C - Letter from BSLT to HCD dated January 18, 2024

Attachment D - Fee Simple Purchase Agreement between County and BSLT, Grant Deed and Consent to Recordation

Attachment E - CRFREE Project budget