



County of Monterey

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

Legislation Details (With Board Report)

File #:	RES 22-165	Name:	REF140048 - CRFREE
Type:	BoS Resolution	Status:	Scheduled PM
File created:	8/22/2022	In control:	Board of Supervisors
On agenda:	8/30/2022	Final action:	

Title: a. Consider adopting a resolution to approve an Addendum to the Final Environmental Impact Report for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (REF140048) to amend mitigation measure HF-5 to allow specified construction involving initial floodplain restoration work on the east side of State Route 1, before construction of the causeway portion of the CRFREE Project; and
b. Consider adopting a resolution revising the Mitigation, Monitoring and Report Plan for the CRFREE Project to incorporate changes to the Final EIR as adopted by the Board of Supervisors on January 28, 2020, and to amend mitigation measure HF-5.

Project: REF140048 - Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project

Project Location: Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE), State Highway Route 1, Carmel, CA, 93923, Carmel Area Land Use Plan, Assessor's Parcel Numbers (APNs) 243-071-005-000, 243-071-006-000, 243-071-007-000, 243-021-007-000, 157-121-001-000 and 243-081-005-000, 243-071-008-000

Proposed CEQA Action: Consider an addendum together with certified Final Environmental Impact Report (FEIR) for the CRFREE Project.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Draft Resolution, 3. Attachment B - Adopted Final EIR (Hyperlink), 4. Attachment C - Amended language to mitigation HF-5, 5. Attachment D - Addendum to the FEIR, 6. Attachment E - Amended MMRP, 7. Presentation Item No. 13, 8. Completed Board Order Item No. 13

Date	Ver.	Action By	Action	Result
8/30/2022	1	Board of Supervisors	removed from agenda via additions and corrections	

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Proposed CEQA Action: Consider an addendum together with certified Final Environmental Impact Report

(FEIR) for the CRFREE Project.

RECOMMENDATION:

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

- a. Approve an Addendum to the Final Environmental Impact Report for the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (REF140048) to amend mitigation measure HF-5 to allow specified construction involving initial floodplain restoration work on the east side of State Route 1, before construction of the causeway portion of the CRFREE Project; and
- b. Revise the Mitigation, Monitoring and Report Plan for the CRFREE Project to incorporate changes to the Final EIR as adopted by the Board of Supervisors on January 28, 2020, and to amend mitigation measure HF-5.

SUMMARY:

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 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 Final Environmental Impact Report (FEIR) was approved in January 2020, and the Preferred Project and Mitigation Monitoring and Reporting Plan (MMRP) was adopted in June 2021 by the Monterey County Board of Supervisors. (Attachment B)

The Board of Supervisors is being asked to take separate votes on action a, and action b.

DISCUSSION:

The Carmel Area Wastewater District (CAWD) facilities include a treated wastewater outfall pipeline and a sewage force main (CAWD Pipelines) within the south arm of the Carmel Lagoon. As part of the CRFREE Project, creation of the notches in the uncertified earthen levees south of the Carmel River and construction of the causeway will connect the south arm of the Carmel River lagoon with the lower Carmel River floodplain east of State Route 1 (SR 1). These CRFREE Project components will result in changes to downstream flows that could impact the CAWD Pipelines. As stated in the *Final Environmental Impact Report, Carmel River Floodplain Environmental Enhancement Project, Hydrology and Water Quality* section 3.3.10, the CRFREE Project will increase water surface elevation (WSE) at the pipelines by 0.4 feet in a 10-year event and increase the velocity by 1.3fps. In a 100-year event the impacts are slightly less pronounced as the Carmel Lagoon can cause a backwater in both pre-and post-Project scenarios. In the 100-year event the WSE is predicted to increase 0.3 feet, and velocity is predicted to increase 0.7 fps. The increase in velocity during a 10-year event will increase the velocity above the threshold for scour. The EIR identifies that to mitigate for the impact of the CRFREE Project on the outfall and sewer force main pipeline in the south arm of the Carmel River Lagoon the pipeline will be moved underground (Undergrounding Project). As stated on page 328 of the Adopted EIR; *‘To mitigate potential adverse effects associated with the Proposed Project, the Undergrounding Project must be implemented prior to completion of the Proposed Project’.*

As identified in the EIR and approved in June 2021, the implementation of mitigation measures HF-3, HF-4, and HF-5 will lessen the impact of the CRFREE Project to less than significant. The minor edit proposed as Draft Amended Mitigation Measure HF-5 (Attachment C) allows specific construction related to initial floodplain restoration work on the east side of State Route 1 (SR 1) to proceed prior to meeting the requirements of A, B and C of the mitigation measure. The Draft Amended Mitigation Measure HF-5 does not change the required construction phasing of the CRFREE Project so that the Undergrounding Project is complete prior to any CRFREE Project changes to the existing floodplain conditions as required per Mitigation Measure HF-3. Specifically, the existing south bank river levee and the temporary SR 1 detour road will remain

intact until the Undergrounding Project is complete. A technical addendum has been prepared pursuant to Article 11 Section 15164 of the California Environmental Quality Act Guidelines to address the Draft Amended Mitigation Measure HF-5 of the approved Mitigation Monitoring and Reporting Plan of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) EIR. (Attachments D, E)

On August 30, 2022, the Board of Supervisors is considering in a separate action to award a contract to Granite Construction Company for the CRFREE Project Phase 1, Project Number 7200 (Project 7200). Specifically, CAWD agreed that the foregoing HF-5 sections A-C shall not apply to the work contained in the contract approved by the Board of Supervisors on August 30, 2022, entitled ***Carmel River Floodplain Restoration and Environmental Enhancement - Phase 1 (Project Initial Floodplain Restoration Work), Project 7200*** ("Project 7200").

Project 7200 involves initial floodplain restoration work on the east side of Highway 1 on 105 acres of property owned by BSLT and MPRPD. Project 7200 consists of grading approximately 349,000 cubic yards of onsite material to contour the floodplain and construct a portion of the Managed Flood Conveyance Channels (MFCAs). This excavated material will be utilized onsite to lift an agricultural preserve out of the 100-year floodplain. Trees and vegetation on the sections of the levee slated for future notching will be cut to the ground surface with the exception of a maximum of 39 trees with root wads that will be salvaged from the existing onsite levee and will be placed and secured with willow stakes in the floodplain restoration area to provide floodplain habitat.

After Project 7200's grading and earthwork is complete, all disturbed areas will be seeded with erosion control seed mix. A section of the graded area will be planted and irrigated to establish a willow and cottonwood riparian forest for habitat restoration.

CAWD agreed that Project 7200 may proceed because the work is designed to not affect the downstream flows that could impact the CAWD Pipelines. Notwithstanding the foregoing, in no event shall any work be performed that affects downstream flows in a manner that could impact the CAWD Pipelines.

Phase 2 of the CRFREE Project will likely begin in 2024 and involves the remainder of the project construction. Phase 2 will involve grading to create notches in the levees along the south bank of the lower Carmel River, restoration of the lower Carmel River floodplain immediately to the east of SR 1 and within the Project area to the west of SR 1, and construction of a causeway along SR 1, restoring connectivity between the lower Carmel River floodplain and the south arm of the Carmel River Lagoon. Impacts to CAWD's pipelines as identified in the *Final Environmental Impact Report, Carmel River Floodplain Environmental Enhancement Project* will not occur until the connectivity between the Carmel River and the south arm of the Carmel River Lagoon has been restored by constructing a causeway under SR 1, removing the SR 1 detour road, and removal of the notches in the Carmel River south bank levees. The causeway will be constructed before the notches in the levees are graded. Phase 3 of the CRFREE Project will involve the long-term maintenance of the Project area.

OTHER AGENCY INVOLVEMENT:

Big Sur Land Trust (BSLT) is co-sponsor for the CRFREE Project. BSLT, State Parks and MPRPD are property owners within the CRFREE Project area. Through a cooperative agreement with Caltrans, the County of Monterey is acting as the Lead Agency under the California Environmental Quality Act for the Project. CAWD is the owner of the pipelines and the proposed Undergrounding 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 by the Board on 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 US 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:

Approving the Addendum to the FEIR and amending Mitigation Measure HF-5 has no impact on the General Fund. HCD staff time to amend Mitigation Measure HF-5 and complete the Addendum is funded in the FY 2022-23 HCD General Fund 001, Appropriation Unit HCD001, Unit 8542.

Phasing the CRFREE Project was undertaken to take advantage of \$4.5 million in expiring grant funds from the Department of Water Resources (DWR) Flood Corridor grant. CRFREE is expected to cost approximately \$45.1 million to complete the final design, construction, and restoration efforts, and will be entirely grant funded. The County has been awarded \$16.36 million in unexpended grant funds. BSLT holds nearly \$1 million in grant funds available for the project. An additional \$25.3 million is pending award from CalOES/FEMA and Caltrans, and \$2 million in State surplus funds via DWR. CRFREE is budgeted in Capital Project Fund 404, Unit 8564.

Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

If approved, this action supports the Board of Supervisors' Strategic Initiatives for Administration and Infrastructure. The CRFREE Project will provide sustainable physical infrastructure and associated flood risk reduction and habitat benefits to promote the safety of area residents and visitors. Amending Mitigation Measure HF-5 will enable the initial floodplain restoration work to take place, allowing the County to utilize grant funds that are scheduled to expire.

☐ Economic Development
☒ Administration
☐ Health & Human Services
☒ Infrastructure
☐ Public Safety

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Reviewed by: Melanie Beretti, AICP, Principal Planner
Approved by: Craig Spencer, Chief of Planning
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 - Adopted Final EIR
Attachment C - Amended language to mitigation HF-5
Attachment D - Addendum to the FEIR
Attachment E - Amended MMRP