

FROM: Redwood Creek Stakeholder Group Steering Committee

TO: Humboldt County 5th District Supervisor, Steve Madrone

Date: February 17, 2021

RE: Summary of USACE CAP 1135 and ongoing Redwood Creek Estuary Stakeholder Group work with regards to County interests

This brief memo is provided to describe the County Public Works interests and how the ongoing work of the Redwood Creek Estuary Stakeholder Group and the CAP 1135 process are expected to address the County's interests. A table is provided with actions, timeline, and County staff and financial commitments in the Feasibility Phase of the CAP 1135 process. The RCE Stakeholder Group has committed to further develop and analyze the concept designs during the time it takes to initiate the CAP 1135 process. In a RCE Stakeholder Group September 2020 meeting the group unanimously supported initiating a new start for CAP 1135 in order to address the environmental degradation and nuisance flooding in the Redwood Creek estuary and adjacent floodplain.

Additional resources:

- ❖ CAP 1135 presentation by Joel Flannery and Tom Kendall (USACE) at the September 21, 2020 Redwood Creek Estuary Stakeholder's meeting (see attachment "USACE CAP Overview dated Sept 2020")
- ❖ CAP 1135 Factsheet (see page 2 Factsheet_USACE_CAP1135)
- ❖ Draft CAP 1135 new start request letter

County Public Works interests as per notes from October 28, 2020 meeting between County and CalTrout re request for a CAP 1135 new start

- Additional description of the primary elements of the project, how it would restore physical processes, how it would achieve restoration objectives, and how it would be sustainable.
- Description of the expected maintenance needs and obligations for the proposed project.
- Input from the Coastal Commission indicating whether the proposed project is likely permissible under the Coastal Act.
- Description of the strategy for funding the non-federal portion of the project.
- Description of a process for securing easements on the affected properties.
- Statements from the affected property owners expressing willingness to accept indemnification/hold harmless provisions.

Stakeholder Group Activities

Within the next 12-18 months the Stakeholder Group will:

- Further define project objectives and project elements;
- Analyze concepts using USACE compatible tools;
- Determine a feasible compliance plan;
- Outline expected maintenance needs & obligations;
- Support CAP 1135 new start launch, if 2021 request is successful.

Within the next 24-36 months:

- Refine project design through special studies (botanical, cultural resources, wildlife etc).
- Determine opportunities and constraints with regard to easements;
- Define indemnification and hold harmless provisions;
- Determine funding and implementation pathway.

County Action	USACE CAP 1135 Action	Expected duration of action	Financial responsibility
Submit letter requesting a CAP 1135 new start	Receive, rank, and approve of requests commensurate with available funding	1 year if accepted	All Federal expense
	Federal Interest Determination (FID): Determine if potential project meets program requirements and Federal participation is justified	Duration included in Project Management Plan and Cost Share Agreement	All Federal expense
Work with Corps and Stakeholder Group to develop Project Management Plan and Cost Share Agreement	Project Management Plan and Cost Share Agreement describes the study cost share arrangement, study scope, schedule, and study cost estimate; Cost share may include cash, work-in-kind, or combination of both	Approximately 12 months	County staff time to develop cost-share agreement
Participate in Corps process	Feasibility Study: Identifies and evaluates alternatives and recommends a project for implementation; Advance project to 30-35% design, define project footprint, staging area and access road points. Includes NEPA/CEQA including public scoping, FONSI signed, water quality cert and Coastal Commission permit. Some permits/compliance can be deferred to Design and Implementation Phase. During Feasibility Study the USACE writes a real estate plan, either fee title or conservation easements.	18-24 months	1 st \$100,000 is all Federal expense; Costs beyond the first \$100,000 towards the Feasibility Study are cost-shared 50/50 Corps/County