



COUNTY OF HUMBOLDT

Legislation Text

File #: 24-1042, **Version:** 1

To: Board of Supervisors

From: Public Works

Agenda Section: Departmental

Vote Requirement: Majority

SUBJECT:

Redwood Creek Estuary Ecosystem Restoration Feasibility Study

RECOMMENDATION(S):

That the Board of Supervisors:

1. Receive a staff report regarding the Redwood Creek Estuary Ecosystem Restoration Feasibility Study; and
2. Approve, and authorize the Chair to sign, the attached General Agreement for creation of the Redwood Creek Estuary Collaborative;
3. Approve, and authorize the Chair to sign, the attached resolution approving the Feasibility Cost Share Agreement with the U.S. Army Corps of Engineers and the grant agreement with the California Department of Fish & Wildlife;
4. Approve, and authorize the Public Works Director to sign, the attached consultant services agreement with California Trout for the provision of services to support the feasibility study; and
5. Authorize the Public Works Director to execute any and all future amendments to the attached consultant services agreement with California Trout that do not cumulatively exceed 50,000.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Sustainable Natural Resources & Infrastructure Stewardship

Strategic Plan Category: 5001 - Enhance climate adaptation landscapes and communities

DISCUSSION:

The Redwood Creek Flood Control Project was constructed by the U.S. Army Corps of Engineers from 1966 to 1968 to protect the community of Orick from floodwaters following flood events in 1953, 1955, and 1964. The Flood Control Project is comprised of two earthen levees along the banks of Redwood Creek for a total length of 3.4 miles. The County of Humboldt is the Non-Federal Sponsor for the Flood Control Project and is responsible for operation and maintenance activities, which are funded by the Humboldt County General Fund.

Construction of the Flood Control Project caused major physical changes to the lower reach of Redwood Creek and its estuary. The estuary volume has been reduced by over one-half of its pre-levee size due to sediment deposition, and fish habitat and water quality have been severely impaired. The net result has been a reduction in the ecological function of the estuary and diminished productivity and survival of fish and other aquatic species. Sediment deposition also impairs drainage and causes flooding on roads and private property. Restoration of physical processes that maintain habitat diversity and complexity is needed to help the estuary regain some of its former form, function, and resiliency. Opportunities to restore the estuary have been pursued since the 1980s due to the estuary's importance for salmon and steelhead productivity within the Redwood Creek watershed.

In 2014, the Humboldt County Department of Public Works completed a three-year planning study which developed conceptual designs for a multiple-objective project on lower Redwood Creek and estuary that would achieve estuary restoration and levee rehabilitation. Funding was provided by the California Department of Fish and Wildlife (formerly Department of Fish and Game) through the Fisheries Restoration Grant Program. Planning efforts were paused at that time because there was no consensus among stakeholders on the scope and footprint of a restoration project.

In 2017, California Trout organized a stakeholder group with the goal of reaching consensus on a project to address the long-term issues regarding ecological conditions within the estuary and flooding on private property and public roads. The group developed the attached General Agreement (Attachment 1) which is a non-binding statement of intent by the signatories to collaborate on developing a project.

On March 2, 2021, at the request of the stakeholder group, the Humboldt County Board of Supervisors approved a letter requesting a new start for a feasibility study by the U.S. Army Corps of Engineers under their Continuing Authorities Program, which authorizes modification of federal flood control projects for specific purposes, including ecosystem restoration.

On March 28, 2022, the U.S. Army Corps of Engineers issued a Federal Interest Determination Document (Attachment 2) which concluded that there is federal interest in pursuing a project to restore the Redwood Creek estuary by modifying the Flood Control Project. The next step is to prepare a feasibility study to evaluate alternative plans for project implementation. Under the Continuing Authorities Program, the Non-Federal Sponsor is required to contribute 50% of the study costs pursuant to a Feasibility Cost Share Agreement (Attachment 3). Forms associated with this agreement include the Certification Regarding Lobbying (Attachment 4), Non-Federal Sponsor's Self-Certification of Financial Capability for Agreements (Attachment 5), and the Certificate of Authority (Attachment 6). The Corps of Engineers provided a letter (Attachment 7) outlining the procedures for advanced payment as required in the Feasibility Cost Share Agreement.

The California Department of Fish and Wildlife has offered the County of Humboldt a grant agreement (Attachment 8) for a maximum amount of \$1,084,237 to financially support and assist the county's implementation of the feasibility study. In order to execute the grant agreement, the Department of Fish and Wildlife requires certification (Attachment 9) that the County of Humboldt complies with Government Code Section 8355 relating to providing a drug-free workplace.

Preparation of the feasibility study will be a collaborative effort among several entities. The U.S. Fish and Wildlife Service will lead the restoration design and hydraulic modeling. The Corps of Engineers will perform a variety of technical studies. California Trout will continue to organize and facilitate stakeholder engagement under a consultant services agreement (Attachment 10) with the County of Humboldt. California Trout has an existing master agreement with the Yurok Tribe, and the Yurok Tribe will lead the civil design work for the feasibility study as a subcontractor to California Trout. Adjacent private landowners, National Park Service, and the State Lands Commission retain authority to make decisions regarding restoration activities and other improvements on land under their respective ownership. National Marine Fisheries Service will provide technical assistance.

Public Works recommends that the Humboldt County Board of Supervisors approve, and authorize the Chair to sign, the attached General Agreement for creation of the Redwood Creek Estuary Collaborative. Public Works also recommends that the Board of Supervisors approve, and authorize the Chair to sign, the attached resolution (Attachment 11) approving the Feasibility Cost Share Agreement with the U.S. Army Corps of Engineers and the grant agreement with the California Department of Fish & Wildlife. Public Works recommends that the Board of Supervisors approve, and authorize the Public Works Director to sign, the attached consultant services agreement with California Trout for the provision of services to support the feasibility study. Finally, Public Works recommends that the Board authorize the Public Works Director to execute any and all future amendments to the attached consultant services agreement with California Trout that do not cumulatively exceed \$50,000.

The decision whether or not to move forward with construction of a project to modify the Flood Control Project would be brought back to the Board of Supervisors following the completion of the feasibility study.

SOURCE OF FUNDING:

Water Management (1100251) - Grant from California Department of Fish and Wildlife

FINANCIAL IMPACT:

| Expenditures (Fund, Budget Unit) | FY24-25 | FY25-26 Projected* | FY26-27 Projected* |
|---|----------------|---------------------------|---------------------------|
| Budgeted Expenses | \$650,542 | \$433,695 | |
| Additional Appropriation Requested | | | |
| Total Expenditures | \$650,542 | \$433,695 | |

*Projected amounts are estimates and are subject to change.

| Funding Sources (Fund, Budget Unit) | FY24-25 | FY25-26 Projected* | FY26-27 Projected* |
|--|----------------|---------------------------|---------------------------|
| General Fund | | | |
| State/Federal Funds | \$650,542 | \$433,695 | |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Funding Sources | \$650,542 | \$433,695 | |

*Projected amounts are estimates and are subject to change.

Narrative Explanation of Financial Impact:

The estimated total cost for the U.S. Army Corps of Engineers to conduct the feasibility study is \$1,740,000, of which the County of Humboldt would pay \$738,900 to the Corps of Engineers. The total amount for the grant with California Department of Fish and Wildlife is \$1,084,237, which includes \$738,900 for the cost-share to the Corps of Engineers; \$242,040 for California Trout and Yurok Tribe; and \$103,297 to cover the county’s staff time, operating expenses, and indirect costs.

As described in the letter contained in Attachment 7, the Corps of Engineers will submit a funding request letter to the county for advanced payment on a quarterly basis. Within three weeks following the end of each quarter, the Corps of Engineers will submit a financial summary to the county documenting their actual expenditures, which Public Works will incorporate into an invoice to California Department of Fish and Wildlife for reimbursement.

The proposed actions in this staff report would not affect the Humboldt County General Fund because the county’s expenditures would be reimbursed under the grant with California Department of Fish and Wildlife. Implementation of the feasibility study does not commit the County of Humboldt to construct a future project.

STAFFING IMPACT:

Narrative Explanation of Staffing Impact:

Approval of the proposed actions will not require creation of new staff positions, but will create a significant commitment to the workload of existing Public Works staff.

OTHER AGENCY INVOLVEMENT:

U.S. Army Corps of Engineers, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, Yurok Tribe, National Park Service

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion

ATTACHMENTS:

- 1 General Agreement among the Hufford Family, Zuber Family, Yurok Tribe, California Department of Fish and Wildlife, California Trout, County of Humboldt, National Marine Fisheries Service, National Park Service, Northcoast Regional Land Trust, and U.S. Fish and Wildlife Service for the Creation of the Redwood Creek Estuary Collaborative
- 2 Federal Interest Determination Document
- 3 Feasibility Cost Share Agreement between County of Humboldt and U.S. Army Corps of Engineers
- 4 Certification Regarding Lobbying
- 5 Non-Federal Sponsor’s Self-Certification of Financial Capability for Agreements

- 6 Certificate of Authority
- 7 Letter (dated May 17, 2024) from U.S. Army Corps of Engineers
- 8 Grant Agreement between County of Humboldt and California Department of Fish and Wildlife
- 9 Drug-free Workplace Certification Form
- 10 Consultant Services Agreement between County of Humboldt and California Trout
- 11 Resolution No. _____ of the Humboldt County Board of Supervisors approving the Feasibility Cost Share Agreement with the U.S. Army Corps of Engineers and the Grant Agreement with the California Department of Fish and Wildlife for the Redwood Creek Estuary Ecosystem Restoration Feasibility Study

PREVIOUS ACTION/REFERRAL:

Meeting of: 3/2/2021

File No.: 21-245