

RESOLUTION NO. 2023-27

A RESOLUTION AS AMENDED ADOPTING A MEMORANDUM OF AGREEMENT (MOA)
BETWEEN COUNTY OF MONTEREY AND CARMEL AREA WASTEWATER DISTRICT
("District") REGARDING CARMEL RIVER FLOOD PLAIN RESTORATION AND
ENVIRONMENTAL ENHANCEMENT PROJECT

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WHEREAS, the lower reach of the Carmel River Basin was the site of multiple flooding incidents in 1958, 1995 and 1998. Since 1995, landowners and local agencies have been working collaboratively to address a restoration concept for the lower Carmel River Basin to address flood control, and environmental and habitat issues in the area; and

WHEREAS, beginning in 2007 the Big Sur Land Trust began to develop conceptual design plans for the next phase of the lower Carmel River restoration, connecting the floodplain west of State Route 1 with proposed restoration east of the highway corridor. The resulting plan is referred to as the Carmel River Floodplain Restoration and Environmental Enhancement Project ("CRFREE"); and

WHEREAS, the final certified Environmental Impact Report/Environmental Assessment ("EIR/EA") on the CRFREE Project concluded that, under the proposed Project conditions, increases in flood elevation, flow velocities and debris flow forces during a 10-year flood event have potentially adverse impacts, made less than significant with the Mitigation Measures on the CAWD Pipelines set forth in the EIR/EA as Mitigation Measures HF-3, HF-4 and HF-5. The Final Certified EIR/EA identified the preferred approach to protect the CAWD Pipelines from the potential increased flow velocity and woody debris is to place the CAWD Pipelines underground ("Undergrounding Project") below the south arm of the Carmel River Lagoon, and


WHEREAS, the County of Monterey and the District agree to set forth the parties mutual understandings and interim agreements during the Term of this Agreement with respect to County's contribution to funding of the Undergrounding Project, the payment procedures, and coordination of construction.

The District and Monterey County intend to negotiate a "Funding Agreement" and upon execution of said Funding Agreement the obligations of the parties under the Memorandum of Agreement shall be superseded by the Funding Agreement and this Agreement shall terminate.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Carmel Area Wastewater District that they approve of the attached Memorandum of Agreement and authorize the General Manager to execute said agreement.

PASSED AND ADOPTED by the Board of Directors of the Carmel Area Wastewater District on March 30, 2023 by the following vote:

AYES:	BOARD MEMBERS: PRESIDENT WHITE, DIRECTORS: D'AMBROSIO, RACHEL, SIEGFRIED AND URQUHART
NOES:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:
ABSTAIN:	BOARD MEMBERS:



Ken White, President of the Board

ATTEST:


Domine Barringer, Secretary to the Board