

FLOOD CONTROL ZONE 9 ADVISORY BOARD SPECIAL MEETING
MARCH 19, 2019
ROSS TOWN HALL
STAFF REPORT

Item 1. Corte Madera Creek Flood Risk Management Project

As of the last Flood Zone 9 Advisory Board (AB) meeting on January 15, 2019, Marin County Flood Control and Water Conservation District (District) staff provided an update on the status of the [Corte Madera Creek Flood Risk Management \(CMC FRM\) Project](#) (Project), led by US Army Corps of Engineers (USACE), which was in the feasibility and environmental review phase at that time. District staff reported that the USACE team developed the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and released the document for public review and comment on October 12, 2018. Following a series of community meetings about the Project, the District Board of Supervisors also conducted a public hearing on November 13, 2018 ahead of the close of the public comment period on November 27, 2018.

Further development and design of the flood mitigation measures could be accomplished ahead of the longer, federal approval process through close coordination with the Town of Ross and funded by local storm drainage fee funds and a state grant from the Department of Water Resources (DWR). This effort is referred to as Phase 1 of the larger Project and would be a subset of the selected plan described through the draft EIS/EIR including the Ross fish ladder removal, Allen Park Riparian Corridor restoration and a Granton Park flood barrier.

Following the close of the Draft EIS/EIR public comment period on November 27, 2018, the USACE and District reviewed the approximately 65 public comments/letters received. The public comments revealed the need for additional analysis of the proposed alternatives to ensure that these comments are adequately addressed to maintain compliance with the California Environmental Quality Act (CEQA). The additional work would require supplemental funding and time, beyond the congressionally-approved budget and schedule authorized for the Project feasibility study and as established in the agreement for the "General Reevaluation Report for Corte Madera Creek" (February 19, 2014) between the USACE and District.

The Project budget and schedule are established through formal congressional and USACE Headquarters authorizations and policies and cannot be exceeded without a formal waiver or exemption. One exemption was approved in 2017 to extend the funding and schedule as the complexity of the Project became apparent during the USACE process to develop project alternatives. USACE has stated that another exemption is not possible or at best, highly unlikely, based on current administration priorities and limited federal funding. Additionally, the agreement between the District and USACE authorizes a strict 50%/50% cost share and does not permit the District to exceed the funding that is currently allocated to the project. A renegotiated cost share agreement, supported by the Zone 9 Advisory Board and approved by the District BOS and USACE Division, would be necessary to exceed the current 50% cost share (including in-kind and cash contributions). That said, this action cannot be taken without another USACE exemption, which as stated above, is highly unlikely. The current exemption increased the total project budget to \$3.8 million (\$1.6 million Zone 9 share) with a feasibility

study deadline of September 2019.

The circumstances as outlined above places the AB and District BOS at a critical transition point in planning for a path that meets local priorities for a project that provides flood mitigation and other integrated benefits for the Project area (Town of Ross and unincorporated Kentfield). To formulate a path forward, District staff outlined the draft project planning objectives below to present and discuss with the AB at the Special Meeting on March 19, 2019. The AB is invited to modify and/or propose additional objectives as well. AB support of clear planning objectives will also inform preparation for a community workshop that will be scheduled in the future. The community workshop would offer an opportunity to engage the public in a discussion about the refinement of the scope, schedule and potential costs for a locally-managed project that supports integrated benefits such as flood risk mitigation, ecosystem restoration, improved fish passage for endangered species and recreational enhancements.

District staff plan to use public input, additional evaluation of the Phase 1 project concept and USACE Draft EIS/EIR content to develop a redefined project concept that will be presented to the AB at the May 23, 2019 AB meeting. At this time, the AB can confirm and provide guidance on the project concept, draft schedule and project development process.

Draft Project Planning Objectives:

1. Transition the proposed USACE-led Project concept to a locally-managed project supported by funds that are reserved for the feasibility, design and construction by closing the existing agreement for “General Reevaluation Report for Corte Madera Creek” between the District and USACE.
2. Work with the USACE to transition the Project toward local control and coordinate closely with the development and approval of a USACE-required 408 permit.
3. Retain reserved local funding to support a refined Project utilizing Zone 9 storm drainage fees and DWR grants.
4. Refocus the proposed USACE-led Project toward refinement of the Phase 1 project concept (defined above) to reflect local community interests and priorities through a collaborative public engagement process.
5. Repurpose information and data collected through the USACE Draft Project EIS/EIR to refine the Phase 1 project concept scope and transition to a new Project EIR.
6. Ensure project design integrates multiple benefits including flood risk mitigation, ecosystem restoration, improved fish passage for endangered species and recreational enhancements.
7. Pursue other funding opportunities that could support further design and construction of new restoration opportunities downstream of the conceptual Phase 1 project area in the Town of Ross and at the Granton Park neighborhood in Kentfield.

Marin County Flood Control and Water Conservation District

8. Continue to work with USACE to explore other federal programs that support flood mitigation and local integrated benefits in the future.

The District, as the lead agency for Flood Zone 9 and the Ross Valley Flood Protection and Watershed Program, supports the local priorities and maintains interest in utilizing local funding to transition the USACE Project to incorporate measures as described in the Phase 1 project concept and other restoration opportunities downstream from the Project area. Following consideration of the draft project planning objectives outlined above, District staff request that the AB provide guidance on a transitional path forward through a locally-managed process that requires a recommendation by the AB to close the existing agreement with the USACE as a matter of contractual action. It is important to note that this action would result in no additional USACE funding for further analysis, design or construction of the current Project, unless other federal or grant programs participate in funding the Project.

Recommended Action: Recommend District Board of Supervisors close the agreement between the USACE and District for the “General Reevaluation Report for Corte Madera Creek”.