

**MONTEREY PENINSULA REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING**

DATE: October 4, 2023
TO: Board of Directors
FROM: Rafael Payan, General Manager
Kelly Donlon, Acting Legal Counsel
Christian Marsh, Special Outside Counsel
SUBJECT: Review and Approval of Resolution #2023-11, Adopting License with Lombardo Land Group I for Access and Restoration of Lot I (a Part) for the Rancho Cañada Floodplain Restoration Project (Negotiators, Payan and Marsh)

SUMMARY:

Staff and Legal Counsel wish to advise the Board on the proposal by the District to acquire from the neighboring landowner, Lombardo Land Group I, a California limited partnership (LLG I), a Property Access and Restoration License involving a portion of the neighboring property for the purposes of the Rancho Cañada Floodplain Restoration Project, and ask that the Board approve the License.

FISCAL IMPACT:

No fiscal impact

FUNDING SOURCE:

Not applicable

FUNDING BALANCE:

Not applicable

DISCUSSION:

Since acquisition of the Rancho Cañada property in 2018, the District has pursued efforts to acquire possession and control of a portion of the neighboring Rancho Cañada Village property that encompasses a stretch of the Carmel River. The District's General Manager and Legal Counsel have been in active and ongoing negotiations regarding several real estate elements, including an easement for public access to Bridge 5, transfer of certain water rights, completion of a lot-line adjustment, and potential acquisition of approximately 36 acres adjacent to or within the Carmel River floodplain.

Separately, the District acquired the Rancho Cañada property, in part, to help facilitate and implement the Rancho Cañada Floodplain Restoration Project (Restoration Project), which would restore and enhance portions of the Carmel River floodplain for the benefit of fish, wildlife, native vegetation, and their associated habitats. Specifically, the Restoration Project seeks to restore approximately 40-acres of floodplain by excavating soil to lower the ground surface surrounding the Carmel River to allow this area to be inundated by streamflows each winter. Within this new inset floodplain, the Restoration Project seeks to create two new backwater channels that would connect to the mainstem of the Carmel

River, where winter base flows can inundate the channel areas and provide low-velocity refugia for salmonids and other sensitive species.

A small portion of the Restoration Project, as currently designed, would encompass lands currently within neighboring ownership (referred to commonly as Lot I). However, in order to continue with the current floodplain design and seek the necessary state funding, the District must show that it has secured access to Lot I, including the rights to restore this area of floodplain if the Restoration Project moves forward. Consequently, the District and neighboring landowner have negotiated a license for access and the ability to conduct the restoration work. Absent the license, the Restoration Project would lose the opportunity to consider this alternative design to enhance the secondary backwater channel and provide significant habitat benefits.

RECOMMENDED ACTION:

That the Board receive this report and adopt the attached Resolution (**ATTACHMENT 1**) approving the Property Access and Restoration License (**Exhibit A in ATTACHMENT 1**) between the Owner and District.

ATTACHMENTS:

1. [Resolution #2023-11 Authorizing Property Access and Restoration License](#)
 - [Exhibit A: License Agreement](#)