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**Knightsen Town Community Services District
P.O. Box 763
Knightsen, CA 94548**



February 13, 2020

Contra Costa Board of Supervisors
651 Pine Street, Room 106
Martinez, Ca 94553

Dear Members of the Contra Costa County Board of Supervisors:

On November 14, 2017 the Board of Supervisors adopted Resolution 2017/393 supporting the Knightsen Wetland Restoration and Flood Control Project (enclosed). That resolution noted that the Knightsen Town Community Services District (KTCSD) supported that Project. I am writing to inform you that KTCSD no longer supports the Knightsen Wetland Restoration and Flood Control Project ("Proposed Project"). **We ask that you withdraw your support from the Proposed Project as well.**

On February 6, 2020, the Board of Directors of KTCSD adopted Resolution 2020-1 ("Resolution"). Among other things, this Resolution rejects and nullifies a draft Storm Water Resources Plan (SWRP) that was prepared for the District. The scope of the SWRP included a drainage plan for the community of Knightsen which would direct run off towards the Proposed Project. The Proposed Project involves the East Contra Costa County Habitat Conservancy (ECCCHC), East Bay Regional Parks District (EBBRPD), and Contra Costa Public Works Department – Flood Control District.

Pursuant to the Resolution, KTCSD determined that these drainage projects routing run off towards the Proposed Project will not be implemented.

ECCCHC has used purported drainage and flood control benefits for the small community of Knightsen as a significant justification for the Proposed Project and may continue to use these purported benefits as justification to be awarded future grant funding for the Proposed Project.

We do not believe the Proposed Project benefits the Knightsen community with regard to flood control and drainage. In fact, the Proposed Project may increase the flood hazard for many Knightsen residents. Therefore, any assertion that the Proposed Project provides multi-benefits with regard to drainage and flood control is highly questionable at best.

The KTCSD Board and community members who have attended KTCSD meetings, as well as outreach meetings sponsored by ECCCHC/EBRPD on May 2, 2018 and July 11, 2019, have expressed many questions and concerns about the Proposed Project. Many of these questions and concerns were delineated in a letter KTCSD sent to ECCCHC on September 11, 2019 (enclosed).

Paramount among these concerns is fear that the Proposed Project will impact shallow wells and septic systems of adjacent and nearby property owners and increase the flood risk for adjacent and nearby property owners. Consultants employed by ECCCHC agree that the Proposed Project could increase ground water tables and result in seepage and increased flood risk. In the "Knightsen Habitat Restoration Feasibility Study" prepared by Environmental Science Associates (ESA) dated 1/28/2013 they stated, "Potential constraints to neighbor properties may include a high ground water table and increased flood risk and seepage with restoration." As recently as last year, another consultant hired by ECCCHC, Balance Hydrologics, stated, "Overall the site is extremely well-suited for restoring tidal marsh but not without potential for increased seepage and flood risk to neighboring properties."

There is a proper place for wetlands restoration, however locating a wetlands adjacent to and in very close proximity to a significant number of residences is not the proper place.

To date, ECCCHC has not responded either verbally or in writing to the questions and concerns posed to them during the outreach meetings and in the September 11, 2019 letter from KTCSD. On October 29, 2019, KTCSD voted to take a position in opposition to the Proposed Project. Unless and until KTCSD receives responses sufficient to alleviate the community's concerns, KTCSD remains in opposition to the Proposed Project. Again, we ask that you also withdraw your support from the Proposed Project.

Sincerely,



Trish Bello-Kunkel, Chairperson
Knightsen Town Community Services District
KnightsenCSD@gmail.com
925-551-1410

Enclosures:

Contra Costa County Board of Supervisors Resolution No. 2017/393
KTCSD letter to East Contra Costa Habitat Conservancy, September 11, 2019

Cc: Barbara A. Brenner, Partner, Churchwell White LLP

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 11/14/2017 by the following vote:

AYE:	<input type="text" value="3"/>	John Gioia Candace Andersen Karen Mitchoff
NO:	<input type="text" value="/"/>	
ABSENT:	<input type="text" value="2"/>	Diane Burgis Federal D. Glover
ABSTAIN:	<input type="text" value="/"/>	
RECUSE:	<input type="text" value="/"/>	



Resolution No. 2017/393

In the matter of Resolution No: 2017-393 RESOLUTION OF THE Contra Costa County Board of Supervisors SUPPORTING THE KNIGHTSEN WETLAND RESTORATION AND FLOOD PROTECTION PROJECT.

WHEREAS, the Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1) was approved by voters of the State of California to implement three broad objectives including: more reliable water supplies, the restoration of important species and habitat, and a more resilient, sustainable managed water resources system; and

WHEREAS there is a history of severe flooding in the Community of Knightsen in Contra Costa County that has caused damage to property, contamination of drinking water and degradation of Delta water quality; and

WHEREAS, the East Contra Costa County Habitat Conservancy worked with the East Bay Regional Park District to support the District's acquisition of a 645-acre parcel in January 2016 with the purpose of restoring habitat, addressing local flood control issues, improving water quality and providing recreation opportunities; and

WHEREAS, the East Contra Costa County Habitat Conservancy with support from the Knightsen Community Services District has received funds for the Knightsen Wetland Restoration and Flood Protection Project (Project) and from Proposition 1 funding from the California Department of Fish and Wildlife through a competitive grant process for (FY) 2015-16; and

WHEREAS, in Proposition 1, \$50 million is appropriated to the Sacramento-San Joaquin Delta Conservancy "for competitive grants for multi-benefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities (Cal. Water Code sec. 79730 and 79731)"; and

WHEREAS, the Knightsen Wetland Restoration and Flood Protection Project is positioned to move forward with a subsequent project phase of design and permitting that is appropriate to compete for funds from the Delta Conservancy's 2017-18 open grant solicitation; and

WHEREAS, this grant award will provide the resources needed to complete the design and initial permitting of a large-scale multi-objective habitat restoration project that is important to the implementation of the East Contra Costa County Habitat Conservancy's Conservation Strategy and will also provide critical flood protection for the Community of Knightsen.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa County Board of Supervisors does hereby support the East Contra Costa County Habitat Conservancy's application for up to \$1,500,000 in funds from the Sacramento-San Joaquin Delta Conservancy for the Knightsen Wetland Restoration and Flood Control Project.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Abigail Fateman, DCD-ECCCHC

ATTESTED: November 14, 2017

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc:



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P.O. Box 763
Knightsen, CA 94548**

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September 11, 2019

Ms. Abigail Fateman
East Contra Costa County Habitat Conservancy
Contra Costa County, Department of Conservation and Development
30 Muir Road
Martinez, Ca 94553

Dear Ms. Fateman

I am responding to your email request on August 13, 2019, asking to attend a Knightsen Town Community Services District (KTCSO) meeting. On Thursday, September 5, 2019, the KTCSO board met and decided to **extend an invitation to you and members of your team to attend our next regularly scheduled meeting on Thursday, October 3, 2019.**

Please let me know whether you will be attending that meeting by no later than Friday, September 27, 2019.

As you are aware from the feedback you received at the two community meetings held on May 2, 2018, and on July 11, 2019, members of the Knightsen community have many questions and concerns about the proposed wetlands project. **The KTCSO board and members of this community expect answers to these questions and responses to our concerns when you are present at the KTCSO meeting.**

Questions and concerns are numerous and include the following:

- 1) In the "Knightsen Habitat Restoration Feasibility Study," prepared by Environmental Science Associates (ESA) dated 1/28/2013, it states, **"Potential constraints to neighbor properties may include a high ground water table and increased flood risk and seepage with restoration"** (page 7). In the "Knightsen Wetland Restoration and Flood Protection Project Baseline Soils Evaluation and Hydrologic Monitoring" document prepared by Balance Hydrologics dated June 2019, it states, **"Overall, the site is extremely well-suited for restoring tidal marsh but not without a potential for increased seepage and flood risk to neighboring properties"** (page 2).

It is absolutely critical for the KTCSO board and members of this community to know whether the proposed wetlands will INCREASE the flood risk and impede existing groundwater/surface water drainage patterns for property owners in the vicinity of the proposed wetlands. We need to know specifically what the Habitat Conservancy (ECCHC)/East Bay Regional Parks

(EBRPD) will do to ensure the proposed wetlands will not increase the flood risk. We need proof regarding the effectiveness of any measures ECCHC/EBRPD will implement to eliminate this risk.

- 2) What risk does the higher ground water table discussed above and acknowledged by your consultants pose with regard to wells and septic systems on properties in the vicinity of the proposed wetlands? We need to know specifically what ECCHC/EBRPD will do to ensure the proposed wetlands will not negatively impact wells and septic systems. We need proof regarding the effectiveness of any measures ECCHC/EBRPD will implement to eliminate this impact.
- 3) The January 28, 2013 feasibility study also states, **“With a low gradient slopes and no barriers to estuarine transgression, there is potential for tidal wetlands to transgress landward as sea level rises”** (page 7). Some of the proposals you presented at the community meeting on July 11, 2019, included plans for the installation of gates that would allow tidal flow to transgress on to the parcel. During the community meeting concern was raised about the future impact of global warming/sea level rise if tidal wetlands is a feature of the proposed wetlands, but that concern was not addressed.

As you know, there are developed real estate parcels including homes that are immediately adjacent to the proposed wetlands property. **It is absolutely critical for the KTCSD Board and community members to know whether the proposed wetlands project will put Knightsen residents at increased risk with regard to global warming/sea level rise. We need to know specifically what ECCHC/EBRPD will do to ensure the proposed wetlands does not increase the likelihood of Knightsen being impacted by global warming/sea level rise. We need to know how the gates will be monitored and who will be accountable for maintaining that monitoring (including the funding source) to ensure that they open and close in a timely and effective manner. We need proof regarding the degree to which any measures ECCHC/EBRPD implement will negate any increased risk of impact from global warming/sea level rise.**

- 4) The wetlands proposal includes plans for regrading and altering the topography of the wetlands parcel. As you are aware, storm water naturally flows towards and onto the proposed wetlands. **Will ECCHC/EBRPD plans to regrade and alter the topography of the site change the way storm water flows on to and/or through the property? Will the ECCHC/EBRPD plans impede, or limit the natural flow of storm water from the outlying areas in any manner?**
- 5) At the outreach meeting on July 11, 2019, ECCHC/EBRPD presented aerial photos from 1998 which purportedly showed accumulated water in the Knightsen community caused by storm water run-off. These aerial photos were presented as evidence of flooding and evidence regarding how storm water moves in Knightsen.

A community member testified that this accumulation of water did not entirely result from storm water run-off and that much of the water came from irrigation district facilities. Other community members have also stated that excess water accumulation in 1998 was largely due

to other causes aside from direct storm water run-off. **Has ECCHC/EBRPD looked in to this matter to ascertain what caused the accumulated water shown in the pictures? Has ECCHC/EBRPD verified that these aerial photos truly depict how rainfall run-off moves in Knightsen?**

- 6) Community members have expressed concern about the proposed wetlands possibly resulting in future water quality regulations. In particular, at the outreach meeting on July 11, 2019, concern was raised that as protected species (plants and/or animals) migrate to the proposed wetlands parcel, water that naturally flows there, or water that may in the future be routed to the property will be regulated and/or be subject to some form of water quality treatment.

During the outreach meeting ECCHC/EBRPD officials stated that no such regulations or treatment requirements would be implemented. **Nevertheless, there are concerns that if the proposed wetlands are created, at some future date, ECCHC, EBRPD, Contra Costa County, or some other entity (e.g. EPA, Fish and Wildlife, etc.), may implement such regulations and/or treatment requirements.**

Are these concerns warranted? If no, what assurances, if any, can you provide that such concerns are unwarranted?

- 7) As you are aware, KTCSD is currently considering a number of drainage projects. **Is the development of the wetlands project dependent upon KTCSD implementing some, or all of these drainage projects? If yes, which projects in particular?**
- 8) **If KTCSD does not implement any of the seven proposed drainage projects under consideration, what impact will that have on the proposed wetlands project? If KTCSD does not implement any projects, what impact will that have with regard to storm water which naturally flows towards and onto the wetlands parcel?**
- 9) **Liquefaction.** The proposed wetland parcel is in a zone that has been identified by US Geological Survey as subject to liquefaction in the event of an earthquake. Increasing the saturation of surface sands will worsen the impact of liquefaction on neighboring properties. **Is the proposed wetlands project being designed to take liquefaction into account in regard to wetland flood control designs as well as impact to structures on neighboring properties? If soils that are prone to liquefaction are converted to wetlands, what impact does that have in the event of an earthquake? Is the potential for liquefaction increased? If liquefaction occurs on the proposed wetlands parcel, does that pose increased risk to neighboring properties?** This was brought up by a community member during the outreach meeting on July 11, 2019. This concern was not addressed during that meeting.

We need to know specifically what ECCHC/EBRPD will do to ensure the proposed wetlands will not increase the risk to neighboring properties in the event of seismic activity.

10) Do you have any knowledge of, or information regarding wetlands restoration projects that have been implemented in other places where the wetlands are in such close proximity to private residences and/or in an area requiring above grade septic systems? What have you learned from studying those projects?

11) During the community outreach meeting on July 11, 2019, many community members expressed concern that ECCHC/EBRPD had not done a sufficient job notifying community members about the outreach meetings and involving community members in the planning process. Several people felt your consultant team lacked the technical knowledge of Knightsen to accurately design the wetlands. Several people suggested that a citizen advisory group be formed, but that suggestion did not seem to be well received by ECCHC/EBRPD.

Since that meeting, you have created a website and made several documents available on the website. This information is very helpful with regard to informing the community.

Nevertheless, community members expressed interest in having ECCHC/EBRPD increase efforts to include community members in the planning process. What immediate steps are you taking to do this? How will you advertise future outreach meetings? Will you consider establishing a citizen advisory group or some other mechanism for involving the community in your project planning?

12) In April 2016, property owners in the vicinity of the proposed wetlands project received a letter from you “re: East Contra Costa County HCP/NCCP Preserve System Neighboring Landowner Assurances Program.” That letter stated, in part, that **neighboring farmers, “may be concerned that populations of state or federally listed species in the Preserve System may expand and colonize or use their lands, potentially restricting land use activities.”** The letter addressed a permit program of some type for farmers.

The letter was not clear regarding what limitations the proposed wetlands may impose on farming activities and what the extent of such limitations may be. The letter was not clear with regard to what farmers can or should do to exempt themselves from such limitations.

Knightsen residents ask for more information and clarification regarding what limitations, if any, may be placed on farming activities as a result of creation of the proposed wetlands, and what farmers can do, if anything, to exempt themselves from such limitations.

13) What is the proposed timeline for implementation (i.e., design, permitting, EIR/EIS, and construction) of the proposed wetlands project? What are the steps (phases) and specific currently proposed dates for that implementation process? At what steps (phases) in the process will community input be solicited and incorporated into the proposed project?

14) What other agencies (public, private, not for profit) are involved in providing input regarding the proposed wetlands project? What other agencies (public, private, not for profit) are involved in funding the proposed wetlands project? What is the Delta Conservancy’s role and involvement in this proposed project?

15) Contra Costa County has capital improvement plans that include improving and/or widening roads in the vicinity of the proposed wetlands including Delta Road and Byron Highway. Will these roadway improvements impact the proposed wetlands project? If yes, what will those impacts be and how will they be addressed?

16) What impact will the proposed wetlands have with regard to mosquitos and vector control issues in the community? If there is any adverse impact, what steps will ECCHC/EBRPD take to address those impacts?

I know that community members have other questions about the wetlands that may arise during the meeting. For instance, there has been conflicting information presented about the recreational opportunities the proposed wetlands may or may not afford the community. In any case, **besides responding to all the questions/concerns addressed above, the Knightsen community and the KTCSD board seek information to help us determine whether the proposed wetlands will be an overall benefit or burden to the community.**

I hope that you and other members of your team are able to attend the KTCSD meeting on Thursday, October 3, 2019. **Again, please verify your attendance no later than Friday, September 27, 2019.** We look forward to your presentation and to getting responses to the community's questions and concerns.

Sincerely,



Trish Bello-Kunkel, Chairperson
Knightsen Town Community Services District
KnightsenCSD@gmail.com
925-551-1410