

Board of Directors
Trish Bello-Kunkel, Chairperson
Gilbert Somerhalder, Vice Chairperson
Linda Matteri, Treasurer
Curt Caldwell, Director
Angie de Fremery, Director

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



November 8, 2019

Karen Mitchoff, Chair
Board of Directors
Sacramento – San Joaquin Delta Conservancy
1450 Halyard Drive, Suite 6
West Sacramento, Ca 95691

Dear Chairperson Mitchoff and Members of the Board:

I am writing to advise you of a significant change regarding the Knightsen Town Community Services District's (KTCSD) position with regard to the Knightsen Wetland Restoration and Flood Protection Project (hereinafter referred to as the "Project"). **On October 29, 2019, the Board of Directors of KTCSD voted to take a position in opposition to the proposed Project. Furthermore, KTCSD no longer supports ECCCHC/EBRPD or any other agency receiving grant funding towards the development of the proposed Project.** This represents a significant change in the District's position and is a result of additional information that has come to KTCSD's attention since Project inception.

In 2016, the East Contra Costa County Habitat Conservancy (ECCCHC) and the East Bay Regional Park District (EBRPD) secured funding to acquire a 645-acre property in our Knightsen community. The land acquired comprises approximately 13% of the acreage in our small community. Following the land acquisition ECCCHC/EBRPD secured grant funding to begin design and permitting for the proposed Project. Along with ECCCHC and EBRPD, the Contra Costa County Public Works Department – Flood Control District is also a partner in the Project.

Initially the Knightsen Town Community Services District (KTCSD) supported this proposed Project. KTCSD was formed in 2005 to provide enhanced flood control and water quality improvements for Knightsen. Initially, KTCSD believed the proposed Project would assist in achieving these goals for the community. ECCCHC/EBRPD claims that the proposed Project will provide multiple benefits including wetlands/habitat restoration and recreational opportunities, in addition to flood protection and water quality improvement. The claims of multiple benefits have been essential aspects with regard to them obtaining grant funding for the proposed Project.

Citizens in the community of Knightsen have become increasingly concerned about the proposed Project. ECCCHC/EBRPD have held two public outreach meetings in Knightsen, one on May 2, 2018, and one on July 11, 2019. An inadequate job was done to notify community members about these outreach meetings, nevertheless many people in our small community attended those meetings and voiced numerous and varied questions and concerns. Community members believe that ECCCHC/EBRPD representatives have been unresponsive regarding many of these questions and concerns and community members have voiced dissatisfaction with responses that have been provided.

KTCSO has been attempting to get answers from ECCCHC/EBRPD. On September 11, 2019, the enclosed letter was sent to Abigail Fateman, Executive Director, ECCCHC (Enclosure 1). KTCSO invited Ms. Fateman and members of the Project team to attend a KTCSO board meeting on October 3, 2019. That invitation was declined. Following that, an invitation was extended to attend a KTCSO special meeting on October 29, 2019. That invitation was also declined.

The September 11th letter includes a description of questions and concerns the KTCSO board and members of the Knightsen community have about the proposed Project. We requested written responses to these questions, but to date we have not received any responses to these questions, nor have we been told when written responses will be forthcoming.

If and when satisfactory responses to our questions and concerns are received, the KTCSO board remains open to again reconsidering the District's position with regard to the proposed Project. Until then, with community support, **the District has adopted a position opposing the ECCCHC/EBRPD Knightsen Wetlands Restoration and Flood Protection Project and KTCSO no longer supports ECCCHC/EBRPD or any other agency receiving grant funding towards the development of the proposed Project.**

Sincerely,



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

Enclosure: Letter to Abigail Fateman, Executive Director, East Contra Costa County Habitat Conservancy, September 11, 2019.

**Enclosure Letter to
East Contra Costa County Habitat Conservancy**

Board of Directors
Trish Bello-Kunkel, Chairperson
Gilbert Somerhalder, Vice Chairperson
Linda Matteri, Treasurer
Curt Caldwell, Director
Angie de Fremery, Director



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

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 (KTCS D) meeting. On Thursday, September 5, 2019, the KTCS D 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 KTCS D board and members of this community expect answers to these questions and responses to our concerns when you are present at the KTCS D 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 KTCS D 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