




**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	July 30, 2024
TITLE	Authorization to Execute a Reimbursement Agreement with Contra Costa County for Pumping Expenses at the Knightsen-Nunn Property: Delta Access Regional Recreation Area
DIVISION	Acquisition, Stewardship, and Development
FROM	Brian Holt, Chief of Planning, Trails & GIS Ken Wysocki, Assistant General Manager of Acquisition, Stewardship & Development
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

Staff recommends that the Board of Directors authorize the General Manager to execute a reimbursement agreement between Contra Costa County (CCC) and the East Bay Regional Park District (Park District) for pumping expenses at the Park District's Knightsen-Nunn property.

BACKGROUND

The Knightsen-Nunn property (Property) includes two parcels comprising approximately 646 acres within the Delta Access Regional Recreation Area in unincorporated Contra Costa County, located approximately two miles north of the City of Brentwood and two miles east of the unincorporated Knightsen community (Figure 1). The southern parcel is bordered by Eagle Lane to the south, Byron Highway to the west, and Delta Road to the north. The northern parcel is north of Delta Road. The Park District purchased the Property in 2016 (Board Resolution 2015-12-372) in part with funding provided by the East Contra Costa County Habitat Conservancy (Conservancy). The Conservancy's Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP) prioritized this Property because it offers a key opportunity to protect rare dune habitat and associated plant and animal species, as well as restore freshwater tidal wetland, seasonal wetland, and upland habitats. Because the Conservancy provided funding for the Park District's acquisition, the Property is subject to the restrictions set forth in the HCP/NCCP.

The Property lies on a broad, gently sloping plain adjacent to No Name Slough, a tributary of the Sacramento-San Joaquin Delta. The Property is bounded by roadside ditches operated by Contra Costa County Public Works. The ditches have no natural outlet and function as linear retention basins designed to hold water from adjacent roadways for percolation or evaporation. Though not designed to flow, the ditches convey water consistent with the overall topography in the area. During extreme storms, the ditches can overflow and create substantial sheet wash those discharges onto the property. Flooding of the Property has been exacerbated by actions taken by neighboring property owners during high-water years, including use of hoses and generators to transfer water from private property to the roadside ditches and cutting notches to drain the ditches onto the Property.

The Park District has previously, and may continue to, pump excess water from the Property into No-Name Slough during high-water years. Pumping is intended primarily to prevent water from flowing from the Property onto neighboring properties. The Park District can incur significant costs related to these pumping activities. During the winter of 2022-2023, the Knightsen area experienced exceptionally wet weather over a sustained period, causing stormwater to accumulate on the Property. The Park District pumped water off the Property into No Name Slough, incurring direct costs totaling approximately \$107,000 and indirect costs and staff time totaling approximately \$63,000.

Previously, the Park District, as well as the previous landowner, would be partially reimbursed for these pumping costs by the Knightsen Town Community Services District (KTCSD). The KTCSD was formed in 2005 to provide flood control, water quality, and drainage enhancement services across approximately 5,100 acres and 600 parcels within the KTCSD service area. However, KTCSD was dissolved in 2023. Following the dissolution of the KTCSD on May 10, 2023, the Alameda County Local Agency Formation Commission (LAFCO) appointed Contra Costa County as the successor agency. As the successor agency, Contra Costa County is able to use remaining KTCSD funds for the benefit of lands within the Knightsen area.

The purpose of this reimbursement agreement between the Park District and the County is to provide for the reimbursement of Park District costs to pump stormwater from the Property into No Name Slough for the benefit of the Property and neighboring properties in the Knightsen area.

ANALYSIS

The recommended action is for the Board to authorize the General Manager to enter into a reimbursement agreement between Contra Costa County and the Park District for pumping expenses at the Knightsen-Nunn property. Per the agreement, costs would be partially reimbursed to the Park District from the remaining KTCSD funds held by the County.

For costs previously incurred by the Park District during the 2022-2023 rainy season, \$86,789.86 would be reimbursed to the Park District for pump rental and fuel costs. In subsequent years, no annual reimbursement request may exceed \$25,000. Each reimbursement request must be in the format of an invoice that lists, in sufficient detail, the labor, equipment, contractors, and rentals used for the pumping activities.

ALTERNATIVES	
Alternative I	The Park District could choose not to move forward with this reimbursement agreement.
Pros	There are none.
Cons	The Park District would not be able to partially recoup expenses related to pumping activities for high-water years on the Property.
Reason for not recommending	Depending on the amount of rainfall and water accumulation in adjacent properties and roadside ditches, expenses related to pumping activities can be much higher than the normal operating budget for Delta Access Regional Recreation Area. The KTCSD funds were collected to benefit the community of Knightsen.

FISCAL IMPACT

The reimbursement agreement will be in effect until the remaining KTCSD funds held by Contra Costa County are exhausted. The reimbursement agreement will allow the Park District to partially recoup costs related to stormwater pumping activities. The revenue will be credited to the General Fund. The reimbursement agreement does not require the Park District to disperse funds to any other entity.

ATTACHMENTS

- I. Attachment A: Delta Access Knightsen-Nunn Property Map



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 07 -
JULY 30, 2024**

**AUTHORIZATION TO EXECUTE A REIMBURSEMENT AGREEMENT WITH
CONTRA COSTA COUNTY FOR PUMPING EXPENSES AT THE KNIGHTSEN-
NUNN PROPERTY: DELTA ACCESS REGIONAL RECREATION AREA**

WHEREAS, in 2016, the East Bay Regional Park District (Park District) purchased the Knightsen-Nunn property in part with funding provided by the East Contra Costa County Habitat Conservancy (Conservancy). The property is within the Delta Access Regional Recreation Area in unincorporated Contra Costa County and subject to the restrictions set forth in the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan by Board Resolution 2015-12-372; and

WHEREAS, Contra Costa County Department of Public Works operates roadside ditches surrounding the property which, during extreme storms, may overflow and flood the Knightsen-Nunn property; and

WHEREAS, the Park District has previously and may continue to pump excess water from the Knightsen-Nunn property into the adjacent slough to attempt to prevent flooding of neighboring properties in the Knightsen area; and

WHEREAS, the Park District has previously and may continue to incur significant costs related to such pumping activities at the Knightsen-Nunn property;

WHEREAS, the Knightsen Town Community Services District (KTCSD) was dissolved in 2023 and Contra Costa County was appointed the successor agency,

WHEREAS, as the successor agency, Contra Costa County is able to use remaining KTCSD funds for the benefit of lands within the Knightsen area until the remaining KTCSD funds held by Contra Costa County are exhausted;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes the General Manager to enter into a reimbursement agreement between the Park District and Contra Costa County for reimbursement of pumping expenses at the Knightsen-Nunn property as presented to the Board on July 30, 2024 until such time as the KTCSD funds are exhausted; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and adopted July 30, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: