

COASTAL CONSERVANCY

Staff Recommendation

September 20, 2007

**SANTA MONICA BAY RESTORATION PLAN:
TOPANGA CREEK RODEO GROUNDS BERM REMOVAL**

File No. 00-117

Project Manager: Kara Kemmler

RECOMMENDED ACTION: Authorization to disburse up to \$440,000 to the California Department of Parks and Recreation (DPR) and up to \$60,000 to the Resource Conservation District of the Santa Monica Mountains for removal of a berm and restoration of riparian habitat in Topanga Canyon State Park, to implement the Santa Monica Bay Restoration Plan approved by the Conservancy in August 2001.

LOCATION: Topanga Canyon, Santa Monica Mountains, Los Angeles County (Exhibit 1)

PROGRAM CATEGORY: Resource Enhancement

EXHIBITS

Exhibit 1: [Regional Location Map](#)

Exhibit 2: [Project Area](#)

Exhibit 3: [SMBRC Resolution 06-07 \(April 20, 2006\)](#)

Exhibit 4: [NOD and Mitigated Negative Declaration](#)

Exhibit 5: [Letters of Support](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution, pursuant to Sections 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes 1) disbursement of an amount not to exceed four hundred forty thousand dollars (\$440,000) to the California Department of Parks and Recreation (DPR); and 2) disbursement of an amount not to exceed sixty thousand dollars (\$60,000) to the Resource Conservation District of the Santa Monica Mountains (RCDSMM) for berm removal and riparian habitat restoration in Topanga Canyon State Park, to implement the

Santa Monica Bay Restoration Plan (the “Bay Plan”), approved by the Conservancy on August 2, 2001. This authorization is subject to the following conditions:

1. Prior to the disbursement of Conservancy funds to DPR or RCDSMM, each entity shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A work program, including schedule and budget;
 - b. The names of any contractors it intends to employ for the project; and
 - c. Documentation that the grantee has obtained all required permits and approvals for the project.
2. DPR and RCDSMM shall implement all applicable mitigation and monitoring measures and the mitigation monitoring and reporting program as identified in the Mitigated Negative Declaration for the Rodeo Grounds Berm Removal and Restoration Project, adopted by DPR on December 20, 2006, which is attached to the accompanying staff recommendation as Exhibit 4.
3. DPR and RCDSMM shall construct the project in accordance with all permits and additional approvals for the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria of Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding enhancement of coastal resources;
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001; and
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration adopted by DPR on December 20, 2006 and attached as Exhibit 4 to the accompanying staff recommendation and finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

PROJECT SUMMARY:

Conservancy staff recommends that the Conservancy authorize disbursement of up to \$440,000 to the California Department of Parks and Recreation (DPR) and up to \$60,000 to the Resource

Conservation District of the Santa Monica Mountains (RCDSMM) for removal of a berm and restoration of riparian habitat along Topanga Creek in Topanga State Park in coastal Los Angeles County (Exhibits 1 and 2).

The proposed project will restore the natural floodplain, creek channel, and sediment transport functions at the southern end of Topanga Creek, approximately 2,500 feet upstream from the Pacific Ocean. The project is designed to enhance habitat for endangered southern steelhead trout by improving fish passage opportunities and providing summer rearing habitat for juveniles. Topanga Creek is one of only three watersheds in the Santa Monica Bay with a reproducing population of these fishes. This project will be undertaken to implement the Santa Monica Bay Restoration Plan, approved by the Conservancy in August 2001.

The project will remove a concrete-covered earthen berm that was installed without a permit by local residents following the 1980 flood. Adjacent to the berm is approximately 12 acres of floodplain area that has been disturbed and developed with residences and driveways. DPR purchased this area in 2001 as part of 1600-acre acquisition in lower Topanga Creek watershed. The residences have been vacated and the structures and associated improvements will be removed prior to removal of the berm. DPR is planning to restore the lower creek, floodplain and lagoon areas.

The installation of the berm has resulted in several adverse impacts on the creek including: re-direction of the thalweg (the line defining the lowest points along the length of a river bed), obstruction of flows, sediment accumulation upstream of the berm, colonization of the disturbed area by *Arundo donax*, and sub-surface stream flows which interrupt fish passage and reduce potential rearing habitat for steelhead smolts. The berm is approximately 1,000 feet long and 1.8 acres in area. Once the berm is removed this will allow for a natural re-adjustment of the creek channel through this floodplain area and allow for riparian habitat restoration in the disturbed areas. These actions are anticipated to result in direct benefits to endangered steelhead trout which will be able to access 3.3 miles of suitable habitat that is now seasonally restricted due to the sub-surface flows associated with the berm.

RCDSMM and DPR have been collaborating on this project for several years. RCDSMM has managed the preparation of the Rodeo Grounds berm removal study and a hydrogeologic study of lower Topanga Creek, funded by a grant from the Conservancy authorized on January 27, 2005. RCDSMM will continue to manage aspects of the implementation, such as monitoring and in-stream mapping. DPR, as the landowner, will manage the construction for the berm removal.

SITE DESCRIPTION:

The Santa Monica Bay watershed, one of the nation's most highly urbanized regions, encompasses approximately 400 square miles subdivided into separate sub-watershed drainages. The Santa Monica Bay watershed is divided into two major topographic areas: the Los Angeles coastal plain and the Santa Monica Mountains. Bordered on the north by the Santa Monica Mountains divide, on the east by Griffith Park, on the south by Point Fermin, and on the west by the eastern portion of Ventura County, the watershed encompasses residential areas, commercial

and industrial areas and undeveloped open space lands, primarily within the Santa Monica Mountains. There are 28 separate drainage basins within the Santa Monica Bay watershed.

Topanga Creek Watershed covers 18 square miles (12,400 acres) on the southeastern side of the Santa Monica Mountains. It is the third largest of the 28 watersheds draining into Santa Monica Bay. Populations of endangered steelhead trout and tidewater goby have been documented in the watershed since 2001. Topanga Creek is one of only three watersheds in the Santa Monica Bay with a reproducing population of these fishes. However, the berm constricts passage for steelhead during low flow periods, potentially inhibiting the migration of fish.

The Southern California Wetland Recovery Project, the Santa Monica Bay Restoration Commission's Bay Restoration Plan, and the Topanga Creek Watershed Management Study have each identified restoration of the Topanga Creek and Lagoon system as a priority action.

PROJECT HISTORY:

RCDSMM, with grants from the Coastal Conservancy and several other cooperating agencies, has been leading efforts to plan for the restoration of Topanga Lagoon and its watershed. Phase I of this effort produced the *Topanga Creek Watershed and Lagoon Restoration Feasibility Study*. This study provides detailed summaries of overall watershed conditions, describes the watershed's critical problems, analyzes several potential solutions, and summarizes feasible alternatives. At the same time that study was being developed, DPR acquired the whole of the Lower Topanga Canyon area as an addition to Topanga State Park. Following the acquisition of the Lower Topanga Canyon area in 2001, an Interim Plan was adopted for the area, and efforts begun to end existing private leases and resolve the private tenancies on the land. DPR has vacated the residences and initiated the process to remove those structures.

Phase II of the Topanga Creek and Lagoon feasibility study was funded through a \$233,000 Santa Monica Bay Restoration Project (SMBRP) grant. In January 2005, the Conservancy provided \$180,000 for the preparation of the Rodeo Grounds berm removal study and a hydrogeological study of lower Topanga Creek. The proposed project is the next step toward the larger Topanga Creek and Lagoon Restoration effort. The Rodeo Grounds berm removal is considered to be one of the key actions needed to restore suitable passage for steelhead.

In recognition of the need to protect Santa Monica Bay and its sub-watersheds, in May, 1988, the State of California and the U.S. Environmental Protection Agency (US EPA) included Santa Monica Bay in the National Estuary Program (NEP). Established under the Water Quality Act of 1987 and managed by the US EPA, the NEP includes more than two dozen significant estuaries and coastal water bodies nationwide.

As a NEP, the Santa Monica Bay Restoration Project (SMBRP) is charged with assessing the Bay's pollution problems, and with producing the Bay Restoration Plan to serve as the blueprint for the Bay's long-term recovery. In 1995, the Santa Monica Bay Restoration Plan was approved by the State of California and the US EPA. The Bay Plan includes 250 actions, including specific actions focused on habitat conservation, enhancement and restoration, pollution prevention and treatment control, and assessment, education and monitoring.

The Bay Plan includes several goals, including: (1) reducing pollutant loadings to and prevent degradation of the waters of Santa Monica Bay; (2) reducing human health risks associated with swimming in or harvesting seafood from the Bay; and (3) restoring, rehabilitating and protecting the marine ecosystem, living resources and biodiversity of the Bay and its watersheds. Specifically, the Bay Plan has identified the protection, restoration, and creation of wetlands within the Bay as a major goal of the project.

The Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12) earmarked \$25,000,000 to the Coastal Conservancy for restoration of Santa Monica Bay in accordance with the goals and priorities of the Bay Plan. The Coastal Conservancy approved the Bay Plan on August 2, 2001.

Proposition 12 requires the Bay Watershed Council, the stakeholder board of the Restoration Project, to determine project eligibility and grant priorities. Working with Conservancy staff, the Santa Monica Bay Restoration Project staff has solicited project proposals that would achieve the goals of the Bay Restoration Plan and address its water quality and natural resource protection objectives. The project being recommended for funding here has been approved for funding by the Bay Watershed Council and Santa Monica Bay Restoration Commission (Exhibit 3).

In addition, the proposed project has been adopted as a Tier 1 priority of the Southern California Wetland Recovery Project (SCWRP) Work Plan.

PROJECT FINANCING:

Proposition 12: Santa Monica Bay Restoration Plan	\$500,000
Wildlife Conservation Board (WCB)	\$1,591,300
CA Dept. of Fish and Game (DFG)	\$250,000
Mountains Recreation and Conservation Authority (in-lieu fees)	\$90,000
DPR (in-kind)	\$367,700
RCDSMM (in-kind)	\$24,700
DPR (pending)	<u>\$454,300</u>
Total Project Cost	\$3,278,000

The source of Conservancy funds is an appropriation to the Conservancy from Proposition 12, the "Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000," for projects to implement the Santa Monica Bay Restoration Plan.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) provides for the Conservancy's participation in a program of coastal resource enhancement. The proposed authorization for implementation of the berm removal and habitat restoration project would

facilitate the restoration and enhancement of fish migration corridors and spawning habitat and riparian resources in the Topanga Creek watershed of Santa Monica Bay that have become degraded due to development, invasive exotic plants and other intrusive activities. The proposed project would also lead to the enhancement of the natural and scenic character of the area, and the ability of the watershed to support steelhead salmon and other wildlife species.

Accordingly, the proposed project is consistent with Section 31251, under which the Conservancy may award grants to public agencies and nonprofit organizations for projects that seek to remedy loss of natural and scenic values because of natural or human-induced events.

Public Resources Code Section 31253 provides that the Conservancy “may provide up to the total cost of any coastal resource enhancement project. . . .” Staff is recommending that the Conservancy contribute 15 percent of the funds needed to carry out the project. The Conservancy funds are leveraged with funds provided by WCB, DFG, and the Mountains Recreation and Conservation Authority, as well as the in-kind services of the DPR and RCDSMM.

CONSISTENCY WITH CONSERVANCY’S STRATEGIC PLAN GOALS & OBJECTIVES:

Consistent with **Goal 5 Objective A**, the proposed project will help protect, restore and enhance biological diversity in coastal areas by restoring sensitive habitat along Topanga Creek, an important watershed of Santa Monica Bay and by promoting a partnership among various local, state and federal public agencies in the efforts to restore Topanga Creek.

Consistent with **Goal 5 Objective B**, the proposed project will help protect, restore and enhance biological diversity in coastal areas by restoring an important section of the Topanga Creek stream corridor linking the ocean with upstream habitat in the watershed. In addition, the restored habitat contiguous with existing native vegetation along Topanga Creek will provide suitable habitat and important wildlife movement connectivity to other areas of the Santa Monica Mountains.

Consistent with **Goal 5, Objective C**, the proposed project will help protect, restore and enhance biological diversity in coastal areas by eradicating non-native invasive species that threaten native coastal habitats and by removing exotic invasive species and replacing them with native riparian vegetation. Additionally, the project will utilize volunteers to conduct non-native species removal, native planting and post-project monitoring.

Consistent with **Goal 6 Objective A**, the proposed project will implement a project designed to improve habitat for southern steelhead trout, and increase riparian habitat.

The Santa Monica Mountains are cited in the Coastal Conservancy’s *Strategic Plan* (2003, page 56) as a locus for Goals 5 (Coast/Ocean Habitat) and 6 (Wetlands, Rivers & Watersheds) of the Plan.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, adopted on January 24, 2001:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** These projects will be funded with monies appropriated to the Conservancy from Proposition 12 for implementing the Santa Monica Bay Plan. The proposed project is consistent with the Bay Plan and this project has been approved by the Santa Monica Bay Restoration Commission (Exhibit 3).
3. **Support from the public:** The proposed project has the support of elected officials including Senator Sheila Kuehl, Assemblywoman Julia Brownley, Los Angeles County Supervisor Zev Yaroslavsky, public agencies, including the WCB, Santa Monica Mountains Conservancy, and DFG, environmental organizations, such as Heal the Bay, and community groups. (See Exhibit 5, Letters of Support.)
4. **Location:** The proposed project is located in the lower Topanga Canyon watershed which drains into Santa Monica Bay. The project is located within the coastal zone in a portion of the Santa Monica Mountains area that does not have a certified local coastal program (LCP).
5. **Need:** The financial support and participation of the Conservancy is critical for the success of this project. RCDSMM and DPR have raised a significant amount of funding for the project, however, due to the lead contamination in the soils and the associated high cost of hazardous waste disposal, additional funds are needed to ensure the complete removal of the berm.
6. **Greater-than-local interest:** Restoration of coastal wetlands is a priority at both a state and nationwide level. This is especially true where southern steelhead are present and utilize these wetlands, as in Topanga Creek and Lagoon. Southern steelhead has been designated as a federally endangered species, and the range of this designation has been extended south to San Diego County in part because of its presence in the Topanga watershed. DFG has established restoration of the southern steelhead as a statewide priority. Such statewide and national concerns make the restoration of Topanga Creek watershed a goal of greater than local interest.

Additional Criteria

7. **Urgency:** This year is the driest on record in the last several years, which makes it an ideal time to work in the creek and remove the berm with the least amount of potential impacts. DPR will be removing the residences and other improvements in the Lower Canyon and there are costs savings associated with implementing this project at the same time.
8. **Resolution of more than one issue:** This project could help resolve concerns over wetland restoration, protection of groundwater resources and declines in spawning habitat of a federally-listed threatened species.

12. **Readiness:** DPR and RCDSMM have completed CEQA and construction plans, obtained the necessary permits and secured substantial funding for the project. DPR is ready to go to bid for a contractor to implement the project as soon as this grant is in place.
13. **Realization of prior Conservancy goals:** The Conservancy has been involved in resource protection, enhancement, and restoration projects within the Santa Monica Bay watershed for more than a decade, including projects focused on the restoration of the Topanga Creek and Lagoon. The Conservancy provided funding and project support for the overarching framework of planning for the restoration of Topanga Lagoon and its watershed. That effort produced the 2002 *Topanga Creek Watershed and Lagoon Restoration Feasibility Study*. The Feasibility Study analyzed several possible solutions, and summarized potentially feasible alternatives to pursue for further evaluation. Following that, the Conservancy provided funding for evaluation of the berm removal project and out of that effort, plans for the removal and an environmental document for the project were produced. This project is the next step toward realizing the Conservancy's goals for the Topanga watershed and the implementation of the Santa Monica Bay Restoration Plan, adopted by the Conservancy in August 2001.
15. **Cooperation:** The Conservancy, Santa Monica Bay Restoration Commission, RCDSMM, DPR, CalTrans, LA County Department of Beaches and Harbors, Topanga Creek Watershed Committee, and a broad range of interested and affected stakeholders including local residents, environmental groups, and local, regional, and state agencies have all been cooperating in the coordinated effort to restore the resources of Topanga Creek and Lagoon.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project would be consistent with the planning and management policies contained in Sections 30230, 30231, and 30233(a)(7) of the Public Resources Code. Section 30230 states: "Marine resources shall be maintained, enhanced, and where feasible, restored... Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." Section 30231 states "The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored. . ." Section 30233(a)(7) states, "The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects and shall be limited to the following: . . .(7) Restoration purposes. . ." Consistent with these policies, this project would restore the resources of Topanga Creek, enhance its biological productivity, and support optimum populations of marine organisms in the Creek, Lagoon and surrounding waters. Consistent with Section 30233, the Mitigated Negative Declaration for this project identified the project to be the least environmentally damaging feasible alternative and specified feasible mitigation measures to minimize adverse environmental effects. The project objective, restoration of the creek channel and riparian habitat, is a specifically permitted use under Section 30233(a)(7). For these reasons, the project is consistent with the policies of the Coastal Act.

There is currently no certified Local Coastal Program (LCP) for the proposed project area.

COMPLIANCE WITH CEQA:

DPR, as the lead agency under the California Environmental Quality Act (CEQA), adopted the Mitigated Negative Declaration (MND) for the Rodeo Grounds Berm Removal and Restoration Project on December 19, 2006. DPR filed its Notice of Determination (NOD) on December 20, 2006. The MND, including the NOD, is attached as Exhibit 4.

The project's total area of direct impact encompasses an estimated 1.81 acres, which includes the 80,000 sq. ft. (1.8 acres) of berm and 0.01 acres of delineated wetlands. These acreages are intended as maximum areas of impact for CEQA analysis purposes. As the purpose of the project is to benefit Topanga Creek, these impacts are temporary, and the restoration effort is designed to impact the affected areas of waters and wetlands to the minimal amount necessary to accomplish the berm removal and restoration process.

Possible significant impacts identified by DPR include potential air quality, sensitive habitat disturbance, cultural resource disturbance, noise (wildlife), water quality (sedimentation and erosion during earth moving operations), and traffic (flow of trucks on and offsite during hauling operations). Mitigations measures are proposed to address these potentially significant impacts from the project.

Project related air pollution emissions during removal of the berm will not exceed thresholds, however, NOx exhaust emissions may approach the threshold. Dust and exhaust emissions controls are identified to mitigate this possible impact to less than significant.

In order to remove the fill material of the berm and restore the channel and floodplain area, it will be necessary to remove some native trees, including coast live oak, Fremont cottonwood, California walnut, willows, toyon, Mexican elderberry, and sycamores. Multiples of these tree types will be planted to mitigate the loss of or potential adverse health effects on trees in the project footprint.

Though the project involves only excavation or disturbance of the top surface of site soils and only previously disturbed soils brought from offsite, it is thought that there may be potential for cultural resources to be located in certain identified areas. As such, any subsurface work in those areas will be monitored by an archeologist and a Native American monitor.

Short-term mitigation measures will be implemented to address the potential impact of noise on the surrounding wildlife, such as minimizing the use of earth moving equipment, trucks and other noise generating devices to the extent feasible in order to reduce impacts to wildlife.

During the berm removal, some temporary impacts to water quality may occur. In order to reach restored post-project condition, excavation equipment must be used and as a result, erosion and siltation may occur. A full suite of BMPs and conditions on permits from the Regional Water Quality Control Board, DFG and Army Corps will be adhered to in order to assure less than significant impacts.

During construction, a large number of trips would be required to haul the fill material offsite. Given the size of the project and the short duration (1-2 months), the impact is considered less than significant and the effect lessens as trucks disperse from the site, localizing the impact at the entry/exit point at the site. Mitigation includes a detailed haul route and traffic control plan approved by CalTrans.

In order to evaluate the effectiveness of the project and the mitigation program, annual monitoring will occur until 2012 to document revegetation success, restored creek connectivity and steelhead use.

Pursuant to its responsibilities under 14 California Code of Regulations, Section 15091, Conservancy staff has independently reviewed the DPR's Mitigated Negative Declaration, concurs in DPR's finding and therefore recommends that the Conservancy find that there is no substantial evidence that the Rodeo Grounds Berm Removal and Restoration Project, as mitigated, will have an adverse impact on the environment. Upon approval, staff will file a Notice of Determination for the project.