

COASTAL CONSERVANCY

Staff Recommendation

June 25, 2015

**FIVE COUNTIES SALMONID CONSERVATION PROGRAM FISH PASSAGE  
IMPROVEMENT: SIDNEY GULCH IMPLEMENTATION**

Project No. 08-146-03

Project Manager: Michael Bowen

**RECOMMENDED ACTION:** Authorization to disburse up to \$50,000 to the Northwest California Resource Conservation and Development Council (“Council”) to implement the Sidney Gulch-Bally Loop fish passage and habitat quality improvement project in Trinity County.

**LOCATION:** Trinity River watershed in Weaverville, Trinity County.

**PROGRAM CATEGORY:** Resource Enhancement

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**EXHIBITS**

Exhibit 1: [Project Maps, Graphics and Plans](#)

Exhibit 2: [Conservancy Staff Recommendation of December 4, 2008](#)

Exhibit 3: [Five Counties 2015 Progress Report](#)

Exhibit 4: [Project Letters](#)

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**RESOLUTION AND FINDINGS:**

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

“The State Coastal Conservancy hereby authorizes the disbursement of up to fifty thousand dollars (\$50,000) to the Northwest California Resource Conservation and Development Council (“Council”) for the implementation of the Sidney Gulch-Bally Loop fish passage improvement and water quality improvement project, subject to the following conditions:

1. Prior to the disbursement of funds, the Council shall submit for review and approval by the Executive Officer of the Conservancy:
  - a. A work program including a schedule and budget for the project.
  - b. All contractors to be retained for the project.
  - c. Documentation that all funding required for the project has been secured.
2. Prior to the commencement of construction of the project:

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- a. The Council shall submit for review and approval by the Executive Officer documentation that all necessary permits and approvals have been obtained.
- b. The Council shall record an agreement between the Council, the owner of the project site and the Conservancy pursuant to §31116 (c) sufficient to protect the public interest in 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 authorization is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, regarding resource enhancement.
3. The Northwest California Resource Conservation & Development Council is a nonprofit organization existing under section 501(c)(3) of the Internal Revenue Service, and whose purposes are consistent with Division 21 of the Public Resources Code.”

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**PROJECT SUMMARY:**

Staff recommends the Conservancy authorize the disbursement of up to \$50,000 to the Northwest California Resource Conservation and Development Council (“Council”) to implement the Sidney Gulch fish passage improvement project near Weaverville in Trinity County (Exhibit 1). This authorization will enable the Council to implement a high priority fish passage barrier that was designed and permitted using Conservancy funds granted under a prior award to the Council (Exhibit 2).

A partially urbanized tributary to the Trinity River, Sidney Gulch surprisingly supports coho, steelhead, lamprey eel, Klamath small mouth sucker, speckled dace and resident rainbow. The project proposes to replace the 7’ degraded culvert with a 12’ x9’ embedded box culvert and a large swale/critical dip that will facilitate fish passage during higher flows. This final design element is important because Sidney Gulch receives high flow events resulting from rain falling on and melting snowpack and consequently is subject to episodic high storm flows. The box culvert is designed to provide some metering of small floods while allowing higher flows from large storms to pass through the crossing and over the swale/dip.

Sidney Gulch has four significant passage issues but the Bally Loop barrier is the most significant and only complete barrier in the system. The second most significant, the creek crossing at the U.S. Forest Service (“Forest Service” or “USFS”) staging area is in design for channel widening, floodplain restoration and passage improvement. Above the Forest Service site is a partial barrier owned by the California Department of Transportation (“CalTrans”). If this site is fixed in combination with the Forest Service site the only remaining impediment within the watershed will be a Caltrans crossing between the Bally Loop and Forest Service crossing. The CalTrans barrier is a partial barrier under consideration for future remediation. The Bally Loop barrier removal will have three major benefits: it will open 1.2 miles of winter rearing and spawning habitat; it will improve sediment and bedload routing downstream; and it will integrate with the other Sidney Gulch restoration projects.

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**Site Description:**

Sidney Gulch bisects Weaverville, the largest community in Trinity County. See Exhibit 1. Weaver Creek and its tributary Sidney Gulch are among the few low gradient streams in the Trinity River watershed that consistently support multiple cohorts of coho. The first mile of Sidney Gulch bisects the community of Weaverville and upstream of the community the watershed is within National Forest lands. The first 0.5 stream mile is located in open space areas within the Weaverville Community Forest, two parks and a few private parcels. The next 0.5 mile of the stream (Oregon Street Bridge to Bally Loop Road) bisects the center of Weaverville. The stream in this reach is channelized and narrow but fish continue to utilize the available habitat. Sampling upstream of the Oregon Street Bridge consistently finds two age classes for coho and steelhead, as well as Klamath small mouth sucker, Pacific lamprey, and speckled dace.

Limiting factors for salmonid production in the watershed are water quantity and temperature (summer/fall) and access to the upper reaches of the watershed when conditions downstream deteriorate due to high temperatures. Water quantity is limited in the lower reaches, so it is important that juvenile salmonids have the ability to access pools in the upper reaches. Two partial barriers downstream of the Bally Loop Road (USFS and CalTrans) limit access to spawning and rearing habitat, but they are planned for near-term remediation, and the crossing at Bally Loop Road is a complete barrier to upstream migration.

**Project History:**

Sidney Gulch has been a high priority for enhancement for decades. An urban stream plan was developed for Sidney Gulch in 1990 and adopted by the Trinity County Board of Supervisors. That same year the Board of Supervisors adopted strict floodplain zoning to prevent any additional development within the mapped 100 year floodplain of the stream within the community.

The Coastal Conservancy, along with the Council's Five Counties Salmonid Conservation Program (5C Program), Trinity River Restoration Program, Trinity County, and the Forest Service, undertook plans to restore migration throughout all reaches of the watershed. The Conservancy earlier assisted with designs for the Lower Sidney Gulch habitat and floodplain enhancement project in Lee Fong Park and the fish passage and floodplain enhancement project within the Forest Service compound, and the design to replace the complete migration barrier at Bally Loop Road. The Forest Service has initiated substantial floodplain restoration efforts at their site, and Caltrans has initiated review of its crossing of the stream as well.

Several years ago the Trinity River Restoration Program ("TRRP") designated funds to replace the Bally Loop barrier with a fish friendly crossing. Unfortunately, the TRRP was unable to mobilize for the project in sufficient time and the funds were scheduled to revert. At that point, the Yurok Tribe interceded, and requested that the funds be transferred to them so that the project could proceed. The Yurok Tribe will now provide this funding to the Council for the project, and the project is scheduled for construction by the Council this season, prior to reversion of funds at the end of this federal fiscal year. The proposed Conservancy authorization will provide the remaining funds needed to complete the project.

The Coastal Conservancy has invested heavily in both the design and implementation of fish passage improvement projects throughout California, and particularly on the North Coast. Prior grants to the Council alone have resulted in the reopening of more than 100 miles of high quality salmon and steelhead habitat formerly blocked by poorly constructed road-stream crossings. This

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in turn has resulted in numerous observations of salmon in previously inaccessible areas such as in Ryan Creek (Eel River) and Lindsay Creek (Mad River) Indeed, the Council is one of the few grantees that has invested in post-project monitoring to demonstrate efficacy of their activities. Through their subcontracting work to fishery biologists, the Council has documented numerous instances of juvenile and adult salmonids above remediated barriers. A more extensive description of this success may be found in the 5C Progress Report of 2015. (Exhibit 3).

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$50,000</b>
Trinity River Restoration Program (from Yurok Tribe)	\$146,937
Trinity County Department of Transportation	\$48,852
Trinity Public Utilities District (utility relocations)	\$12,500
<b>Project Total</b>	<b>\$258,289</b>

The anticipated source of the Conservancy's funds is the fiscal year 2014/2015 appropriation to the Conservancy from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12). These funds are generally available for the enhancement, restoration, and protection of coastal resources in accordance with the Conservancy's enabling legislation. The specific Proposition 12 funds proposed for financing the project are designated for use on projects in coastal areas north of the Gualala River. (Public Resources Code § 5096.352(c)(2)). The proposed project will serve to restore and enhance a coastal-draining northcoast creek by improving barriers to fish passage and providing instream habitat and favorable water temperatures.

The Council has additional commitments for the Bally Loop project of \$208,289: \$146,937 from the Trinity River Restoration Program; \$53,100 from Trinity County Department of Transportation; and \$12,500 from Trinity Public Utilities District derived from utility relocations.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed authorization is undertaken pursuant to Chapter 6 of Division 21 of the Public Resources Code, as follows:

Pursuant to §31251, the Conservancy may award grants to local public agencies and nonprofit organizations for the purpose of enhancement of coastal resources which, because of human-induced events, or incompatible land uses, have suffered loss of natural and scenic values. Consistent with this section, the proposed authorization provides funds to the Council to enhance coastal fishery resources disturbed by incompatible land uses, such as inappropriate culvert installation or legacy landslide events resulting from historic timber operations.

Pursuant to §31251.2(a), "In order to enhance the natural or scenic character of coastal resources within the coastal zone, the Conservancy may undertake a project or award a grant . . . to enhance a watershed resource that is partly outside of the coastal zone. . . ." Consistent with this section, the Council, which operates inside and outside of the coastal zone, requested

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Conservancy assistance to implement this fish passage project that is located outside the coastal zone. This assistance was sought in order to implement a project intended to enhance and benefit salmon populations known to travel many miles upstream of the coastal zone boundary in order to fulfill their life history patterns. Indeed, salmon depend on unimpeded access to high quality habitat both within and outside of the coastal zone in order to survive. If salmon and other highly prized aquatic resources are to be maintained and restored to historic levels, projects to improve salmon habitat must be undertaken both within and outside the coastal zone. Section 31251.2 also requires the review and approval of the California Department of Fish and Wildlife. The Department is a frequent co-funder of Council projects, and supported the design of this project as well as its proposed implementation.

Pursuant to §31253, “[t]he Conservancy may provide up to the total of the cost of any coastal resource enhancement project . . . .” Consistent with this section, staff has proposed the funding amount in light of the fiscal resources of the applicant, the urgency of the matter, and the application of other factors relevant to project eligibility, as detailed in the “Consistency with Conservancy’s Project Selection Criteria & Guidelines” section, below.

**CONSISTENCY WITH CONSERVANCY’S 2013  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 5, Objective E** of the Conservancy’s 2013-2018 Strategic Plan, the proposed authorization will implement one project to improve barriers to fish passage and provide instream habitat and favorable water temperatures.

**CONSISTENCY WITH CONSERVANCY’S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed authorization is consistent with the Conservancy’s Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

**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:** See the “Project Financing” section above.
3. **Promotion and implementation of state plans and policies:** The proposed project is consistent with the following state plans and policies concerning restoration of riparian habitat and increasing natural production of the coastal salmon populations that depend upon that habitat for certain life history stages.
  - a. The proposed project is consistent with the themes for habitat restoration identified in the *Steelhead Restoration and Management Plan for California* (California Department of Fish and Wildlife, 1996). Specifically, that plan advises that “(h)abitat improvement projects should be focused on the many areas throughout the State where steelhead habitat is severely degraded and restoration work is sorely needed” (p. 74). Providing unimpeded access to support the growth

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and survival of juvenile salmonids is one of the highest priority habitat improvement actions known.

- b. More recently, and more specifically, the proposed project is consistent with the *Recovery Strategy for California Coho Salmon* (California Department of Fish and Wildlife, 2004) in that Weaver Creek is identified as a “key population to maintain or improve.”
  - c. The project is consistent with federal National Marine Fisheries Service 2014 *Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (Oncorhynchus kisutch)*. That report states that the tributary below Lewiston Dam with the most incidences of high Intrinsic Potential reaches (that is, potential for population recovery) is Weaver Creek and its tributaries” of which Sidney Gulch is one (pg. 39-5). The report goes on to identify high priority barriers, including Sidney Gulch at Bally Loop Road (Table 39-6, pg. 39-21). Later, the report recommends restoring access to historic habitat by removal of high priority barriers (Southern Oregon Northern California Coho – Upper Trinity River Section 5.1.10, pg. 39-30).
  - d. Finally, the project is consistent with the *California Water Action Plan*, a collaborative effort of the California Natural Resources Agency, the California Environmental Protection Agency, and the California Department of Food and Agriculture, issued in 2014. This plan was developed to meet three broad objectives: more reliable water supplies, the restoration of species and habitat, and a more resilient, sustainably manager water resources system. It lays out the state’s challenges, goals and actions needed to put California’s water resources on a safer, more sustainable path. The plan identifies ten overarching strategies to protect our resources, include two particular to this project that the Conservancy can help implement: 4) *Protect and restore important ecosystems (restore coastal watersheds and strategic coastal estuaries to restore ecological health and nature system connectivity to benefit local water systems and help defend against sea level rise, eliminate barriers to fish migration)* and 7) *Increase flood protection (encourage flood projects that plan for climate change and achieve multiple benefits)*. By removing a barrier to fish passage while increasing flood protection by designing a project that increases flood routing through the project area, the project is consistent with this report.
4. **Support from the public:** The proposed project enjoys the support of the County of Trinity, U.S. Congressman Jared Huffman, State Senator Mike McGwire, Assemblyman Jim Wood, and many resource agencies including the Department of Fish and Wildlife, NOAA Fisheries and others. (See Exhibit 4).
  5. **Location:** The project site is outside the coastal zone, but will benefit numerous coastal resources by providing coastal salmon populations with sufficient access throughout a watershed to fulfill their life history patterns.
  6. **Need:** Without this grant funding, the Council could not proceed with the project, and the existing and majority funds for implementation would revert.

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7. **Greater-than-local interest:** The project helps fulfill the objectives of state and federal species recovery plans, and is therefore of greater-than-local interest.
8. **Sea level rise vulnerability:** Located well outside the coastal zone, the proposed project suffer no vulnerability from sea level rise.

**Additional Criteria**

9. **Urgency:** As described above, the TRRP was unable to timely disburse the designated federal funds designated for this project. As a result, the Yurok Tribe accepted the funds to conduct the project with little more than one year to go to construction and will provide those funds for the project. The funds revert this fiscal year, and construction must proceed this summer. Conservancy funds will ensure timely completion in time for the Fall 2015 salmon migration.
10. **Resolution of more than one issue:** Design assessments for Sidney Gulch at Lee Fong Park (downstream of Bally Loop and in the town of Weaverville) indicated that the bedload composition in this reach did not match expected particle distribution sizes. Investigation of upstream conditions suggested that the crossing at Bally Loop road was limiting some larger bedload materials from reaching lower reaches. The NMFS Arcata staff working on the downstream project had expressed concern that without increased habitat access upstream of Lee Fong Park there may not be sufficient areas to relocate fish during restoration work. The Weaver Bally Loop project will double the available habitat in the stream and provide an important link to the planned restoration work at Lee Fong Park.
11. **Leverage:** See the “Project Financing” section above.
12. **Conflict resolution:** The Council effectively harmonizes the demands of the Endangered Species Act with the realities of upgrading and maintaining transportation infrastructure. This compatibility may seem intuitive, but it is not, and the conflict between the two frequently prevents otherwise good projects from proceeding.
13. **Readiness:** The Council retains its ability and desire to commence and complete the project timely.
14. **Realization of prior Conservancy goals:** “See “Project History” above.”
15. **Cooperation:** The proposed project includes the cooperation of the Yurok Tribe, the Council, the Trinity River Restoration Program, and, the Conservancy, who helped develop and fund the design work that enabled the project proponents to go to construction this season with available funds.
16. **Vulnerability from climate change impacts other than sea level rise:** The project site has been selected as a priority in part due to its hospitability to pacific salmon populations in an era of climate change. The upstream portions of Sidney Gulch offer refuge from hot and dry conditions downstream, thereby enabling juvenile salmonids to relocate to higher altitude and more hospitable conditions within the watershed as conditions change.
17. **Minimization of greenhouse gas emissions:** The design work will cause few greenhouse gas emissions. The applicant is committed to ensuring that the contractors will employ best management practices (e.g. low idling rates) during project construction so as to minimize greenhouse gas emissions.

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**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The proposed project is located in the Klamath-Trinity watershed, outside the coastal zone. Nonetheless, it addresses a coastal zone resource and comports to the goals and objectives outlined under the LCPs for Del Norte and Humboldt County, in which the watershed is located. The project is consistent with the applicable LCPs as follows:

Del Norte County

The authorization is consistent with the relevant portions of the Del Norte County Local Coastal Program (LCP), which was certified by the Coastal Commission on October 12, 1983. It is due to the diversity in life history patterns of anadromous fish species that the Del Norte LCP acknowledges the importance of coastal streams and riparian vegetation systems as Sensitive Coastal Habitat, necessary to both the aquatic life and the quality of water courses. Under the LCP, Chapter VI, the following provisions are made:

*“The County shall maintain all existing species of fish, wildlife, and vegetation for their economic, intrinsic and ecological values as well as providing adequate protection of rare and endangered species.”* (App., p. 55)

*“The County should establish riparian corridors along local streams, creeks, and sloughs to maintain their aesthetic appeal, wildlife habitat, control of erosion. . . .”* (App., p. 56)

*“The County encourages programs (e.g., fish hatcheries, habitat rehabilitation) designed to improve the quality of coastal fisheries and other marine resources.”*

(App., p. 57)

*“All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters.”*(App., p. 58)

This recommendation’s goal of improving anadromous fish habitat by removing barriers to fish passage, and providing access to historic habitat, thereby maintaining and enhancing the aquatic resources of the county, is consistent with the LCP.

Humboldt County

The authorization is consistent with the relevant portions of the Humboldt Bay Local Coastal Program (LCP), which was certified by the Coastal Commission on October 14, 1982, and which states:

*“The biological productivity and the quality of coastal waters, (and) streams . . . appropriate to maintain optimum populations of marine organisms . . . shall be maintained, and, where feasible, restored....”* (LCP, 3-55)

*“New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize environmental effects, and shall be limited to . . . wetlands, fishery, and wildlife enhancement and restoration projects. . . .”* (LCP, 3-56)

The proposed authorization will prepare projects designed to re-create riparian habitat where it has been lost; restore the natural meander and in stream habitat of the project area; improve sediment flushing by restoring natural geomorphologic processes; and open up previously

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unavailable habitat; therefore the proposed authorization is consistent with the LCP Policy stated above.

**COMPLIANCE WITH CEQA:**

The Sidney Gulch Fish Passage Project is exempt under section 15333 of the California Environmental Quality Act (CEQA) because this implementation project is a small habitat restoration project that cumulatively does not exceed five acres in size and will assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.

The project meets the additional conditions of this categorical exemption in that there would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to CEQA Guidelines section 15065; there are no hazardous materials at or around the site; and the project will not result in significant impacts when viewed in connection with the effects of past, present, or probable future projects. Each of the project components has been reviewed and endorsed by the California Department of Fish and Wildlife (“CDFW”) and each is intended and designed to have beneficial effect on endangered species. Replacement of the failing, hydraulically deficient, undersized culvert at Sidney Gulch with a 12’ x9’ embedded box culvert and a large swale/critical dip will substantively increase conveyance capacity, improve habitat and reduce sedimentation within this watershed. Riparian planting and restoration along the stream will also measurably improve habitat with no material risk of adverse effect to the environment. In addition to these long-term beneficial effects, by design and approach, this project construction work will not impact the endangered fish species because best management practices identified in the CDFW’s Restoration Manual and in permit terms established by NOAA Fisheries and CDFW will be employed by the grantee and its contractors. Consistent with Section 15333(d)(6), the culvert replacement, the primary purpose of which is to improve habitat and reduce sedimentation, will be undertaken in accordance with these published guidelines and permit terms.

Staff will file a Notice of Exemption upon approval.