

COASTAL CONSERVANCY

Staff Recommendation
June 1, 2023

BRADLEY (RINGER) CACHAGUA CREEK FISH PASSAGE PROJECT

Project No. 23-027-01
Project Manager: Irvin Tang

RECOMMENDED ACTION: Authorization to disburse up to \$406,900 to the Resource Conservation District of Monterey County to replace a concrete ford with a bridge spanning Cachagua Creek to improve fish passage in the upper Carmel River watershed, and adoption of findings under the California Environmental Quality Act.

LOCATION: Upper Carmel River watershed, Monterey County (Exhibit 1)

EXHIBITS

- Exhibit 1: [Project Location Map](#)
- Exhibit 2: [Photos of Project Site](#)
- Exhibit 3: [Mitigated Negative Declaration for the 2022 Fisheries Restoration Grant Program](#)
(<https://ceqanet.opr.ca.gov/2022090444>)
- Exhibit 4: [Project Letters](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed four hundred six thousand nine hundred dollars (\$406,900) to the Resource Conservation District of Monterey County (“the grantee”) to replace a concrete ford with a bridge spanning Cachagua Creek to improve fish passage in the upper Carmel River watershed.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.

2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project; and that the grantee has recorded an agreement pursuant to Public Resources Code 31116(d) sufficient to protect the public interest in the project.

Findings:

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

1. The proposed authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resource protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Conservancy has independently reviewed and considered the 2022 Fisheries Restoration Grant Program's Mitigated Negative Declaration Project adopted by California Department of Fish and Wildlife on November 14, 2022 pursuant to the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 3. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a \$406,900 grant to the Resource Conservation District of Monterey County (RCDMC) to replace the concrete Bradley (Ringer) ford with a bridge spanning Cachagua Creek to improve fish passage in the upper Carmel River watershed. The Bradley (Ringer) ford is the last known fish passage barrier in the Cachagua Creek watershed. The RCDMC was awarded a \$712,674 grant by California Department of Fish and Wildlife (CDFW) from its Fisheries Restoration Grants Program (FRGP) for implementation of the project. The proposed grant from the Conservancy will provide matching funds for that grant using the Carmel River Settlement Account (see "Project Financing" section below).

A 2014 assessment by the Monterey Peninsula Water Management District of steelhead migration barriers identified the Bradley (Ringer) ford as the third-most significant barrier to steelhead passage in the Carmel River watershed. The second-most significant barrier, which is also located on Cachagua Creek, is planned for removal in 2023 as part of the Conservancy-

funded Weston-Champagne project. Removing the Bradley (Ringer) ford will restore fish passage to eight miles of Cachagua Creek and its tributaries, which contain high-quality spawning and rearing habitat. The Bradley (Ringer) ford is considered a barrier to fish migration due to jump height, velocity, and depth of flow over the ford (Exhibit 2).

The proposed project includes the following activities. The existing 43-foot-long and 13-foot-wide low-lying concrete ford within the streambed will be removed and replaced with a raised 37-foot-long and 12-foot-wide slab bridge at the same location. A total of 50 feet of the concrete driveway leading up to the new bridge on both sides will be removed and replaced with new concrete in a very similar footprint to the existing driveway. A 28-foot section of the existing concrete driveway will remain near Cachagua Road. The bridge design will improve upstream migration conditions for adult and juvenile steelhead trout at all streamflow levels, in accordance with CDFW design standards. Rock slope protection will be placed on the upstream and downstream sides of the new crossing to prevent scouring. The stream bank will be revegetated with willow stakes and white alders for creek-side erosion control. Site preparation and pre-project construction will take place in late 2023 but the majority of the construction will take place in 2024.

Site Description: The Carmel River, which empties into the Monterey Bay National Marine Sanctuary, has a large watershed of over 255 square miles and was once one of the premier steelhead trout fishing rivers in California. Cachagua Creek joins the Carmel River approximately six miles upstream of the site of the former San Clemente Dam, which is approximately 18 miles upstream of the Pacific Ocean. Cachagua Creek and its tributaries Finch and James Creeks, drain the most easterly reaches of the Carmel River watershed in the Coast Mountain range of Monterey County.

The Bradley (Ringer) concrete ford is located on a private property owned by Justin Bradley and Halleh Entekhabi. The crossing is located approximately 2.7 miles upstream of Cachagua Creek's confluence with the Carmel River (Exhibit 1). Cachagua Creek contains 12.6 miles of steelhead habitat, which is more miles of potential spawning habitat than any other tributary in the Carmel River Watershed. The Creek is fed by two tributaries: Finch and James Creeks. The watershed above this location is mostly ranchland with small parcels and several vineyards and the landscape surrounding the project area is dominated by oak woodlands and steep chaparral covered hills. Portions of the watershed were impacted by the Soberanes Fire of 2018.

Although lower Cachagua Creek is known to lose continuous surface flow during the summer months in dry years and some "normal" years, the upper reaches and the water in upper tributaries of Finch and James Creeks remain perennial and cool. Even though lower Cachagua Creek dries up most years, this tributary system is one of the most productive in the Carmel River watershed.

Grant Applicant Qualifications: The Resource Conservation District of Monterey County (RCDMC) is well positioned to execute this project as they have worked on the development, permitting and biological oversight for local fish passage projects since 2012. RCDMC staff have experience developing state, federal, and local agency permits for project implementation and have experience providing contractor oversight, including for several fish passage projects in

the Carmel River watershed. The RCMCD has experience managing Conservancy funding, which includes a similar fish passage project on Cachagua Creek, the Weston-Champagne Project.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

The proposed project is a good investment of state resources because it will enhance habitat for South Central California Coast steelhead, a threatened species, by implementing one of the actions in the federal recovery plan. The project is also identified as a high priority in local plans, including the 2014 Monterey Peninsula Water Management District Assessment of Steelhead Passage Barriers in the Carmel River. The project is very similar to several other creek crossings in the Carmel River Watershed which have been successfully remediated and the estimated costs are consistent with similar projects in the region.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

A Tribe in Monterey County has expressed interest in the proposed project and will be engaged during the final planning stages and implementation of the project. The Tribe will have a tribal monitor on-site during construction as needed, especially during excavation and ground disturbance activities.

4. Project benefits will be sustainable or resilient over the project lifespan.

Removal of the Bradley (Ringer) concrete ford will increase the resiliency of the steelhead population, as the ford is the final steelhead migration barrier identified in the Cachagua and Finch Creek tributaries, and will enable access to eight miles of spawning and rearing habitat.

The new bridge will be built to modern engineering standards and is designed to withstand flow events up to a one-hundred-year storm. Rock slope protection will be placed on the upstream stream and downstream sides of bridge abutments for bank protection from hydraulic forces and stream banks will be revegetated with willow and white alder to restore the project area.

5. Project delivers multiple benefits and significant positive impact.

The main project benefit is to facilitate steelhead migration to upstream spawning and rearing habitat with perennial flows. The project will also facilitate natural stream processes including sediment transport, flood conveyance, and migration by other aquatic species.

6. Project planned with meaningful community engagement and broad community support.

The Carmel River Task Force (CRTF) is a group that meets three times a year to share information, discuss Carmel River watershed issues, and to prioritize projects to preserve and restore the watershed. The CRTF includes representatives from local, state, and federal agencies, non-governmental organizations (NGOs), and individuals with a special interest in the watershed, such as researchers and graduate students. The CRTF has developed and periodically updated a list of priority actions for the restoration and enhancement of the river, the last update being in 2021. CRTF has consistently identified removal of fish passage barriers as one of the highest priorities actions. The proposed project is also supported by Senator John Laird (District 17), Assemblymember Dawn Addis (District 30), Carmel River Watershed Conservancy, Trout Unlimited, Carmel River Steelhead Association, a local Tribe, and the current landowners, Justin Bradley and Halleh Entekhabi.

PROJECT FINANCING

Coastal Conservancy	\$406,900
California Department of Fish and Wildlife	\$712,674
Project Total	\$1,119,574

The anticipated source of Conservancy funds for the project is the Carmel River Settlement Account (“Account”) within the Conservancy’s Coastal Trust Fund. The Account consists of funds paid by California American Water Company (CAW) pursuant to a settlement agreement with the National Marine Fisheries Service concerning alleged Endangered Species Act violations. The settlement requires CAW to pay \$16.7 million over a twelve-year period. The settlement funds can only be used to improve habitat conditions for, and production of South-Central California Coast (SCCC) steelhead, or otherwise aid in the recovery of SCCC steelhead in the Carmel River watershed. In addition, these funds can only be expended for mitigation of impacts from well-pumping and water withdrawals by CAW. One effect of CAW’s water withdrawals is the loss of access to rearing habitat in the lower Carmel River, because it dries up in the summer. The proposed project will facilitate improved access to other spawning and rearing habitat in one of the river’s tributaries and will thereby help mitigate the impacts on SCCC steelhead from CAW’s water withdrawals. Therefore, the proposed project is consistent with the funding source.

The settlement agreement directs the Conservancy to, when possible, maximize the value of the settlement funds by seeking cash or in-kind matching contributions. The RCDMC was awarded a \$712,674 grant by CDFW from the FRGP for implementation of the project. The proposed grant will provide matching funds for that grant using the Carmel River Settlement Account. Unless specifically identified as “Required Match,” the other sources of funding described are estimates. The Conservancy does not typically require matching funds services, nor does it require documentation of expenditures from other funders. Typical grant conditions require grantees to provide any funds needed to complete a project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 5.5 of the Conservancy's enabling legislation, Division 21, Public Resources Code (PRC), Section 31220, regarding integrated coastal and marine resources protection. PRC Section 31220(a) authorizes the Conservancy to undertake a project or award a grant for coastal watershed and living marine resources protection and restoration projects that meet one or more of the criteria of Section 31220(b). The proposed project will help achieve the following objectives of the Section 31220(b) subsections: (b)(2) protect and restore fish and wildlife habitat within a coastal watershed; and (b)(7) reduce the impact of population pressures on the coastal resources. The proposed project will help achieve these objectives by removing a fish passage barrier caused by a road crossing. Consistent with §31220(a), staff has consulted with the State Water Resources Control Board and the Central Coast Regional Water Quality Control Board in the development of the project to ensure consistency with Chapter 3 (commencing with Section 30915) of Division 20.4 of the Public Resources Code.

As Section 31220(c) directs, the proposed project is consistent with the Water Quality Control Plan (Basin Plan) prepared by the regional water quality control board as discussed in detail below under "Consistency with Local Watershed Management Plan/State Water Quality Control Plan" The project will include implementation of monitoring and evaluation of the replacement culvert.

CONSISTENCY WITH CONSERVANCY'S [2023-2027 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 3.2 Restore or Enhance Habitats**, the proposed project will enhance anadromous fish habitat in the Carmel River watershed.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/STATE WATER QUALITY CONTROL PLAN:

Projects undertaken pursuant to Section 31220 of the Public Resources Code must be consistent with the following, if available and relevant: Integrated Watershed Management Programs; local watershed management plans; and water quality control plans, adopted by the state and regional water boards.

The proposed project is consistent with the Monterey Peninsula, Carmel Bay, and South Monterey Bay IRWMP, updated September 2019, the scope of which includes the Carmel River. In particular, the proposed project is consistent with the following objectives within the Environment Protection and Enhancement Goal: "protect and enhance sensitive species and their habitats in the regional watersheds," and "minimize adverse effects on biological and cultural resources . . . when implementing strategies and projects".

The Water Quality Control Plan for the Central Coastal Basin, March 2019 (Water Quality Plan), adopted by the Regional Water Quality Control Board, designates several beneficial use

objectives for the Carmel River, including cold fresh-water habitat and habitat for rare, threatened or endangered species. The proposed project will help to ensure survival of SCCC steelhead, a threatened species that require cold freshwater habitat, and is thus consistent with the Water Quality Plan's identified beneficial uses.

In 2004, the Carmel River Watershed Conservancy adopted an Assessment and Action Plan for the Carmel River. The actions recommended in this plan were reviewed and prioritized by the Carmel River Task Force (CRTF) with the most recent update having been done in 2019. One of the priorities identified by the CRTF is to eliminate barriers to steelhead migration and this project would do just that by removing a highly ranked barrier.

CEQA COMPLIANCE:

In order to implement projects to improve fish spawning and rearing habitats through the FRGP, CDFW developed a Programmatic Mitigated Negative Declaration (MND) for its 2022 FRGP funded projects (Exhibit 3). The proposed project is one of the 2022 FRGP funded projects. The MND identifies impacts to biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and tribal and cultural resource elements of the environment related to project construction. CDFW found no potentially significant impacts to Aesthetics, Agricultural Resources, Air Quality, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Population and Housing, Public Services and Recreation, Utilities and Service Systems, Transportation and Traffic, and Wildfire. The MND addresses all of the anticipated environmental effects of the funded projects by providing mitigation measures for the various types of projects that will be implemented throughout the State in a Mitigation Measures, Monitoring and Reporting Program (MMMRP), which is attached as Appendix B to the MND. The MMMRP includes standard protocols for avoiding impacts to species of concern, including state- and federally-listed threatened and endangered species.

The CDFW MND includes a discussion of this project, referred to as the Bradley (Ringer) Cachagua Creek Fish Passage Project, and includes specific mitigation measures for the proposed project in Appendix B to the MND (Exhibit 3). The mitigation measures that generally apply to all FRGP funded projects and which are specific to this project, as contained in the MND, are described as follows:

- **Biological Resources:** Mitigation measures, such as restricting work windows to the summer low-flow dry season, will be incorporated to avoid impacts to aquatic stream habitat. All habitat improvements shall be done in accordance with techniques in the California Salmonid Stream Habitat Restoration Manual or other approved guidelines and manuals for salmon and steelhead habitat restoration. Additional measures will be incorporated to mitigate potential impacts to endangered, rare, or threatened species that could occur at the project site, such as the California tiger salamander and the California red-legged frog.
- **Cultural Resources and Tribal Cultural Resources:** Cultural resource surveys will be completed prior to any ground disturbing activities. Additional protective measures will

be implemented if cultural resources are identified at the project location, and if inadvertent discovery of human remains or cultural resources are found, identified procedures will be undertaken.

- **Geology and Soils:** Temporary increases in surface erosion will be avoided by implementing erosion control measures and limiting the time period excavated materials are stockpiled.
- **Hazards and Hazardous Materials:** Protocols for operating, staging, storing, fueling and maintaining vehicles and equipment will be followed to reduce impacts to the stream including avoiding spills and leaks.
- **Hydrology and Water Quality:** Erosion control best management practices will be implemented and instream work will be conducted during the period of lowest flow.
- **Noise:** Personnel will wear hearing protection while operating or working near noisy equipment.

CDFW found that all potentially significant impacts associated with the funded projects, including this project, Bradley (Ringer) Cachagua Creek Fish Passage Project, will be avoided or mitigated below a level of significance under CEQA. CDFW approved the MND and filed a Notice of Determination on November 14, 2022.

Staff has independently reviewed the MND and concurs with the CDFW finding that there is no substantial evidence that the project, as modified by incorporation of the mitigation measures identified in the MND, Appendix A and the other exhibits, will have the potential for a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance and that there is no substantial evidence that the project will have a significant effect on the environment, as defined by Title 14 California Code of Regulations Section 15382.

Upon approval, staff will file a Notice of Determination.