

COASTAL CONSERVANCY

Staff Recommendation

December 2, 2004

**SANTA MONICA BAY RESTORATION PROJECT:
SAN NICHOLAS CANYON CREEK RESTORATION PROJECT**

File No. 00-117

Project Manager: Marc Beyeler

RECOMMENDED ACTION: Authorize the disbursement of funds to the Wishtoyo Foundation to complete the San Nicholas Canyon Creek Restoration Project, to implement the Santa Monica Bay Restoration Plan, approved by the Conservancy on August 2, 2001.

LOCATION: Santa Monica Bay-Santa Monica Mountains-Nicholas Canyon watershed, L.A. County (Exhibit 1)

PROGRAM CATEGORY: Resource Enhancement

EXHIBITS

Exhibit 1: Regional Location

Exhibit 2: Project Location

Exhibit 3: Negative Declaration

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 disbursement of funds not to exceed one hundred eighty-eight thousand two hundred fifty dollars (\$188,250) to the Wishtoyo Foundation to complete the San Nicholas Canyon Creek Restoration Project, which implements the Santa Monica Bay Restoration Plan, approved by the Conservancy on August 2, 2001, subject to the following condition: Prior to the disbursement of funds, the Wishtoyo Foundation shall (a) submit for the review and approval of the Conservancy’s Executive Officer a work plan, budget, the names of any contractors it intends to employ

for the project and a signing plan acknowledging the Conservancy’s Proposition 12 funding; and (b) enter into an agreement protecting the public interest in the property pursuant to Public Resources Code Section 31116(c).”

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 Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001;
2. The Wishtoyo Foundation is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code;
3. The Conservancy has independently reviewed the Negative Declaration prepared by Los Angeles County for the project, and finds that the project will not have the potential for a significant effect on the environment.”

PROJECT SUMMARY:

The proposed project is to authorize funding to the Wishtoyo Foundation for the San Nicholas Canyon Creek Restoration, which implements the Santa Monica Bay Restoration Plan (Bay Plan). The Wishtoyo Foundation proposes to restore a reach of Nicholas Canyon Creek on land owned by Los Angeles County, part of Nicholas Canyon County Beach. The restoration of the lower reach of Nicholas Canyon Creek will include the removal and control of non-native plants, and the replanting of native species through manual removal and replanting. The Wishtoyo Foundation has received a right-of-entry permit from Los Angeles County for the project.

The Wishtoyo Foundation will also construct a Chumash Discovery Center at the Nicholas Canyon site, which will consist of a demonstration village of replicas of Chumash grass huts, a ceremonial dance ground and canoes. The Chumash Discovery Center is not part of the project being considered by the Conservancy for funding but will complement and enhance the Nicholas Canyon County Beach project area.

PROJECT FINANCING:

| | |
|---------------------------------|------------------|
| Proposition 12-Santa Monica Bay | \$188,250 |
| Matching Funds | <u>\$75,000</u> |
| Total Project Cost | \$263,250 |

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. The state budgets for FY 2000/01, FY 01-02, and FY 02-03 include the full \$25,000,000 for implementing the Santa Monica Bay Restoration Plan.

Site Description: The Santa Monica Bay watershed 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. The Santa Monica Bay watershed is one of the nation's most highly urbanized regions.

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.

The proposed San Nicholas Canyon Creek Restoration Project is located at Nicholas Canyon County Beach in the City of Malibu. It is approximately 1.8 miles east of the Ventura County line along Pacific Coast Highway (PCH) in Los Angeles County. The proposed restoration area is located on the south side of PCH and includes the lower portion of San Nicholas Canyon Creek watershed. The reach of the creek runs from PCH to the Pacific Ocean, about 1,000 feet in total length.

The Nicholas Canyon Creek watershed rises approximately 1,700 vertical feet from Santa Monica Bay to the coastal ridgeline, .9 miles from Santa Monica Bay. Nicholas Canyon Creek is a perennial stream (flowing year round) which is heavily vegetated.

Project History: The Wishtoyo Foundation has been working on the San Nicholas Canyon Creek Restoration project and the related Chumash Discovery Center for the past three years, creating the "only living Chumash Cultural Center of its kind in Southern California." In 2002, the Santa Monica Bay Watershed Council recommended funding for the creek restoration project from Proposition 12 funds. Working with the Los Angeles County Department of Beaches and Harbors, the Wishtoyo Foundation has prepared a Master Plan for the combined project.

In October 2004, the Los Angeles County Board of Supervisors adopted a Negative Declaration for the combined project and authorized a Right-of-Entry Permit to the Foundation to allow "the Wishtoyo Foundation access for ceremonial and site visitations, habitat restoration, construction and operation of a demonstration village, Indian studies, and an archeological program."

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) nominated and 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 an 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 twenty-five million dollars (\$25,000,000) to the Coastal Conservancy for restoration of Santa Monica Bay in accordance with the goals and priorities of the Bay Plan.

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 recommended for funding in this authorization has been approved for funding by the Bay Watershed Council (Exhibit 2).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION

The proposed project would be undertaken pursuant to Chapter 6 of the Conservancy's enabling legislation, Public Resource Code Sections 31251-31270.

Pursuant to Section 31251, the Conservancy may award grants to enhance coastal resources. The project proposed for funding will enhance fish and wildlife habitat in coastal wetlands and coastal watersheds in Santa Monica Bay, and is consistent with this section.

Consistent with Section 31252, the project area has been identified in the certified local coastal plan as requiring public action to resolve existing or potential resource protection problems or so identified in other local plans. See the "Consistency with Local Coastal Program Policies" section for details.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOALS & OBJECTIVES

Consistent with **Goal 5 Objective A**, the proposed project will increase Coastal Resource Conservation by restoring and enhancing stream corridor resources within the Nicholas Canyon watershed within the Santa Monica Mountains. The Nicholas Canyon Creek project will enhance coastal water quality and the health of aquatic resources in Santa Monica Bay. Consistent with **Goal 5 Objective C**, the proposed project will remove invasive plants along the Santa Monica Bay watershed and allow for their replacement with native vegetation.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES

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

Required Criteria

Promotion of the Conservancy's statutory programs and purposes: See the "Consistency with Conservancy's Enabling Legislation" section above.

Consistency with purposes of the funding source: This project will be funded with monies appropriated to the Conservancy from Prop.12 for implementing the Santa Monica Bay Plan.

Support from Public: The Nicholas Canyon Creek Restoration project implements the Santa Monica Bay Restoration Plan, which has widespread public and agency support. The Santa Monica Bay Watershed Council includes members from private industry, the general public, community environmental organizations, as well as local, regional, state and federal agencies.

Location: The proposed project is located within Santa Monica Bay and the Santa Monica Mountain sub-watershed drainage of Nicolas Canyon Creek.

Need: The Santa Monica Bay Restoration Plan identifies the significant natural coastal resources that require public action to conserve, enhance and restore natural resources of statewide interest.

Greater-than-local interest: Santa Monica Bay has been identified by both the State of California and the US EPA as a coastal water body of national significance. The Santa Monica Bay watershed contains much of the remaining wetlands within Los Angeles County, a priority of the Southern California Wetlands Recovery Project.

Additional Criteria

Realization of Prior Conservancy Goals: The Coastal 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 remaining coastal wetlands within the Bay. Implementation of this project at this time will contribute to the fulfillment of long-standing Conservancy goals.

The Coastal Conservancy has also been involved in enhancement and restoration planning for the Santa Monica Mountain watersheds for the past several years.

Cooperation: The Nicholas Canyon Creek restoration project is part of the greater Santa Monica Bay Restoration Project, a cooperative venture involving a broad range of interested and affected stakeholders including private industry, citizens, environmental groups, and local, regional, state and federal agencies.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES

The project proposed for funding in this authorization is to be undertaken within the Santa Monica Mountains portion of the Santa Monica Bay watershed. This project is consistent with the Malibu Local Coastal Program Land Use Plan (LUP). In Section 4.2 MARINE AND LAND RESOURCE PROTECTION, the LUP recognizes the importance of both sensitive marine and land resources, including the terrestrial riparian, wetland and associated upland habitats. The LUP includes several policies requiring the conservation, restoration and enhancement of these important coastal resources. The proposed project in the Nicholas Canyon Creek watershed would enhance natural values within the creek and riparian areas of Nicholas Canyon Creek and Nicholas Canyon County Beach.

COMPLIANCE WITH CEQA: On October 5, 2004, the Los Angeles County Board of Supervisors adopted the Negative Declaration for the San Nicholas Canyon Creek Restoration Project, finding that the project does not have the potential for a significant effect on the environment. No mitigation measures were made a condition of approval of the project. The County filed its Notice of Determination on October 13, 2004.

The Conservancy staff, upon review of the County's Negative Declaration, concurs in the County's finding and therefore recommends that the Conservancy find that the Nicholas Canyon Creek Restoration Project does not have the potential for a significant effect on the environment. Upon approval, staff will file a Notice of Determination for the project.

EXHIBIT 1

EXHIBIT 3

Bay Watershed Council Resolution