

COASTAL CONSERVANCY

Staff Recommendation

May 18, 2005

**SOLSTICE CREEK FISH PASSAGE RESTORATION**

File No. 05-019

Project Manager: Kara Kemmler

**RECOMMENDED ACTION:** Authorization to disburse up to \$200,000 to National Park Service to remove fish passage barriers and restore habitat conditions to facilitate passage for southern steelhead trout in the Solstice Creek, Santa Monica Mountains.

**LOCATION:** Solstice Creek Canyon, a portion of the Santa Monica Mountains National Recreation Area in the City of Malibu, Los Angeles County (Exhibit 1).

**PROGRAM CATEGORY:** Resource Enhancement.

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**EXHIBITS**

Exhibit 1: Regional Location

Exhibit 2: Project Area

Exhibit 3: RCD Board Resolution and Mitigated Negative Declaration

Exhibit 4: Letters of Support

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**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 an amount not to exceed two hundred thousand dollars (\$200,000) to the National Park Service (NPS) to remove fish passage barriers and restore habitat conditions to facilitate passage for southern steelhead trout in the Solstice Creek watershed, subject to the condition that prior to disbursement of funds, the NPS shall submit for the review and approval of the Executive Officer of the Conservancy a work plan, budget, the names of any contractors the it intends to employ, evidence that all permits and approvals necessary to implement the project have been obtained, and a signing plan for the project which acknowledges Conservancy funding.”

## *SOLSTICE CREEK FISH PASSAGE RESTORATION*

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 Division 21 of the Public Resources Code, specifically Chapter 6 (Sections 31251-31270) regarding enhancement of coastal resources;
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed and considered the Initial Study and Mitigated Negative Declaration adopted by the Resource Conservation District of Santa Monica Mountains on March 30, 2005 and attached as Exhibit 3 to the accompanying staff recommendation and finds that the project, as mitigated, avoids, reduces or mitigates any potential significant environmental effects such that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

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### **PROJECT SUMMARY:**

Staff recommends that the Conservancy authorize disbursement of up to \$200,000 to National Park Service (NPS) to remove fish passage barriers and restore habitat conditions to facilitate passage for southern steelhead trout in the Solstice Creek watershed. The Conservancy grant to NPS will support the removal of human-made fish passage barriers (Exhibit 2), and restore stream habitat to both facilitate steelhead restoration and serve as a location for environmentally sensitive educational outreach and public use.

The proposed project involves the removal of three check dams and four Arizona crossings. The removal of the two lowest barriers, at Pacific Coast Highway and Corral Canyon Road, are not part of the proposed project. The removal of the three check dams and Arizona crossings will ensure that when the two lower barriers are removed at a later date, steelhead will have a significant length of streambed available for spawning.

The concrete surfaces and the sheer faces of the downstream portions of the Arizona crossings inhibit steelhead passage up the creek. The first Arizona crossing in the proposed project area is located at an access point to an historic structure referred to as the Keller House. This crossing would be removed and replaced with a clear span bridge. Two additional upstream Arizona crossings would be removed without replacement bridges. Upstream there are several small masonry summer dams and other structures that produce impassable waterfalls and other structural barriers. These small masonry dam structures would also be dismantled and the adjacent stream habitat restored using hand labor and tools.

The Conservancy funded an enhancement plan and associated design and environmental compliance work for the proposed barrier removal and habitat restoration activities generally outlined above. The proposed authorization would complement that project along with two other

## SOLSTICE CREEK FISH PASSAGE RESTORATION

projects in the watershed funded by other sources. The first project would involve modification of the Corral Canyon Road bridge downstream of the proposed project area. The California Department of Fish and Game (DFG) approved a grant to the City of Malibu for a proposal to design, permit, and install a pre-fabricated bridge that eliminates the restrictions created by the existing culvert. This project totaling \$613,000 includes in-kind contributions (approx. \$70,000) from Heal the Bay, the City of Malibu and NPS. The second project, a pending Caltrans Environmental Enhancement and Mitigation program (EEM) project, would modify the culvert at Pacific Coast Highway (PCH) downstream of the proposed project area. Together, the Caltrans, City of Malibu, NPS and proposed Conservancy projects would provide steelhead with a continuous, unobstructed fish passage route to the rich upstream spawning areas of Solstice Canyon.

**Project History:** Solstice Creek historically supported a population of southern steelhead trout (*Oncorhynchus mykiss*). In 1947, the Pacific Coast Highway was widened and a bridge was constructed spanning the creek just upstream from the ocean. The consequence of this construction was the elimination of stream passage for steelhead trout into the Solstice Creek watershed. Also during this time, a short distance upstream, Corral Canyon Road bridge was constructed, further limiting fish access. Finally, in the upper watershed, numerous human-made check dams, Arizona roadway crossings, and other barriers were constructed, eliminating steelhead from the creek and ensuring that passage was impossible for any fish coming from the ocean.

Over the past few years, the NPS and the RCD have partnered with a number of other agencies and organizations in working toward the goal of restoring the Creek habitat and its value for steelhead. Through this combination of participants, they have secured or anticipate securing substantial in-kind services, matching grants, and other support to implement this project.

The NPS has already completed a project in Solstice Canyon that incorporates creek restoration, public access, education and outreach. The NPS project invested approximately \$1,200,000 to rehabilitate and improve visitor and educational facilities in the Canyon to support public access and environmental education activities around the restored Creek. As a component of the project, NPS modified one Arizona crossing downstream of the proposed project area. Other improvements included resurfacing the park entrance road, relocating water lines under the road surface, redesigning visitor parking, providing for a school bus turnaround, constructing an outdoor classroom and other educational shelters, constructing restrooms, and completing other general site improvements. The NPS effort will facilitate educational outreach, provide access to the canyon in a more environmentally sensitive manner and showcase the outstanding natural resources of the watershed. The proposed project will fully link steelhead restoration efforts to NPS and other education and outreach programs conducted in Solstice Canyon. The visitor improvements will also provide opportunities to publicize interagency efforts to restore endangered steelhead trout to Solstice Canyon and southern California.

In 2001, the Conservancy approved a grant to fund part of the planning phase of the proposed project. When this project is completed and the downstream barriers at Pacific Coast Highway and Corral Canyon are removed, the federally endangered southern steelhead will have access to Solstice Creek from the ocean to the waterfall by Tropical Terrace (approx. 1.8 miles). Therefore, the proposed project would, in combination with removal of the downstream barriers,

*SOLSTICE CREEK FISH PASSAGE RESTORATION*

have a substantial beneficial effect on southern steelhead. This proposed project would be an integral element of the overall fish passage barrier removal and creek restoration program.

The proposed project is on the Southern California Wetland Recovery Project (SCWRP) Work Plan, Tier 2.

**PROJECT FINANCING:**

Coastal Conservancy	\$200,000
National Parks Service	\$100,000
California Conservation Corps (American Rivers Grant)	\$34,000
Other sources TBD	<u>\$166,000</u>
<b>Total Project Cost</b>	<b>\$500,000</b>

Funding for the proposed project would come from a grant from NOAA Fisheries to the Conservancy to carry out a Southern California Steelhead Improvement Program, the purpose of which is to facilitate steelhead recovery by increasing habitat quality and availability in southern California coastal streams. The proposed project is one component of the program for the removal of several fish passage barriers in the Solstice Creek watershed.

**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 fish passage barrier removal and restoration project would facilitate the restoration and enhancement of fish migration routes and riparian resources at Solstice Creek that have become degraded due to road building. 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 endangered 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 40 percent of the implementation phase of the NPS portion, or approximately 11 percent of the overall coordinated multi-agency restoration program for Solstice Creek.

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

The proposed project is consistent with **Goal 5, Objective A** (protect, restore and enhance coastal habitats) by implementing a plan for coastal resource enhancement, in this case, removing fish passage barriers and restoring areas of the creek that provide sensitive fish habitat. Additionally, the Conservancy is partnering with local, state and federal public agencies in the

## SOLSTICE CREEK FISH PASSAGE RESTORATION

efforts to restore Solstice Creek. The ultimate outcome of the proposed project will be to provide southern steelhead, a federally endangered species, a continuous, unobstructed fish passage route for 1.8 miles to the rich upstream spawning areas of Solstice Canyon.

The proposed project is consistent with **Goal 5, Objective B** (preserve and restore habitat corridors) because the project proposes permanent restoration of Solstice Creek, which will provide significant habitat for the federally endangered southern steelhead, as well as other species of concern. In addition, the native vegetation along Solstice Creek provides suitable habitat and important wildlife movement connectivity to other areas of the Santa Monica Mountains.

The proposed project fulfills **Goal 6, Objective A** (preserve and restore coastal watersheds) by implementing a project that improves habitat for anadromous fish, increases riparian habitat and promotes public recreation. The removal of barriers and revegetation of native riparian habitat will serve to enhance habitat and public recreation within the park.

### **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**

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. **Support of the public:** The proposed project has the support of elected officials including State Senator Sheila Kuehl, Assemblywoman Fran Pavley and Los Angeles County Supervisor Zev Yaroslavsky, public agencies, including the Resource Conservation District of the Santa Monica Mountains and the Department of Fish and Game, and environmental organizations, such as Heal the Bay and California Trout. Letters of support are included in Exhibit 4. Additional letters will be hand-carried to the Conservancy meeting.
4. **Location:** The proposed project would benefit stream and riparian wetland habitat resources in the Solstice Creek watershed within the coastal zone of the Malibu/Santa Monica Mountains area, the upper portion of which does not have a certified local coastal program (LCP) and the lower portion of which lies in the City of Malibu's LCP area.
5. **Need:** The restoration of Solstice Creek is an important goal that requires coordinated financial support and participation from state, local, and federal agencies and organizations. The grant requested from the Conservancy is a critical part of the funding necessary to accomplish this goal. The Conservancy is working with the RCD and National Parks Service to coordinate efforts with multiple regulatory agencies and landowners (DFG, City of Malibu, Caltrans and adjacent private landowners) as part of an integrated interagency effort to implement a complete restoration plan.
6. **Greater-than-local interest:** The proposed project area of Solstice Creek is entirely within the authorized boundary of the Santa Monica Mountains National Recreation Area, a unit of

## SOLSTICE CREEK FISH PASSAGE RESTORATION

the National Park System that serves regional, statewide, and national interest. Each year more than 33 million visitors enjoy the greater recreation area composed of the beaches and the mountains. In 2003, there were 36,375 vehicles that accessed the park, equating to approximately 90,940 patrons (assuming 2.5 persons per car). In addition, people walk in from outside the park, having parked at the beach or other areas or enter the park via bicycle. Thus, approximately 7,500 people may access the park in a one-month period. The park is highlighted by more than 20 miles of trails from the parking lot in Solstice Canyon. Moreover, restoration of salmon habitat has great priority at both a state and nationwide level. Southern steelhead have been designated as an endangered species under the federal Endangered Species Act. Solstice Creek is within the area designated as critical habitat for this species (termed an Evolutionarily Significant Unit, or ESU, by the National Marine Fisheries Service, which has jurisdiction over the steelhead under the federal Endangered Species Act). The Department of Fish and Game has established restoration of the southern steelhead as a statewide priority. Such statewide and national visitorship and resource protection issues make the restoration of Solstice Canyon a goal of greater than local interest.

### Additional Criteria

7. **Urgency:** The funding for the implementation of this project is due to expire at the end of this year, thus, approving the grant at this time is necessary to allow the barrier removals to be completed in time.
8. **Resolution of more than one issue:** The effect of the proposed project encompasses stream and riparian resource enhancement, public access, and environmental education, as well as restoring spawning habitat of a federally-listed endangered species.
12. **Readiness:** NPS is preparing a work plan and will be ready to begin work as soon as the proposed project is approved and amphibian breeding activity is over (August). The California Conservation Corps has already obtained a grant from American Rivers to remove 3 of the Arizona Crossings as part of the project and is ready to begin this summer as well.
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 remaining coastal wetlands within the Bay. The Conservancy provided funding and project support for the planning, design and environmental review of the fish passage barrier removals in Solstice Creek. This proposed project will help accomplish the next step toward fulfillment of the Conservancy's goals for the Solstice Creek watershed and larger steelhead recovery efforts.
15. **Cooperation:** The RCD and NPS were partners in the planning and design of the proposed project. Together they have also enlisted the participation of a number of other agencies and organizations including the California Dept. of Parks and Recreation, the National Marine Fisheries Service, the California Department of Fish and Game, the California Department of Transportation, the U.S. Fish and Wildlife Service, the City of Malibu, the Los Angeles County Department of Beaches and Harbors, the California Conservation Corps, Heal the Bay and California Trout. Through this combination of participants, they have secured or anticipate securing substantial in-kind services, matching grants, and other support to implement this project. A broad range of interested and affected stakeholders including environmental groups, and local, regional, and state agencies are all cooperating in this coordinated effort to restore the resources of Solstice Creek.

## *SOLSTICE CREEK FISH PASSAGE RESTORATION*

### **CONSISTENCY WITH COASTAL ACT AND LOCAL COASTAL PROGRAM POLICIES:**

The project proposed for funding in this authorization is to be undertaken within the Santa Monica Mountains area in the coastal zone. The lower portion of the project lies within the City of Malibu's certified LCP area and the upper portion is in an area that does not have a certified LCP. Thus, the project will be analyzed for consistency with Coastal Act policies and Malibu LCP policies.

The proposed project would be consistent with the policies contained in Sections 30230 and 30231 of the Coastal Act. 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. . ." Consistent with these policies, this project would restore the resources of Solstice Creek, sustain and enhance its biological productivity, and allow for healthy populations of steelhead to re-enter and inhabit the creek. For these reasons, the project is consistent with the policies of the Coastal Act.

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 would enhance natural values within the creek and riparian areas of Solstice Canyon.

### **COMPLIANCE WITH CEQA:**

The RCD adopted the Mitigated Negative Declaration for the Solstice Creek Steelhead Restoration Project on March 30, 2005. The RCD filed its Notice of Determination on April 6, 2005. The RCD's supporting environmental documents, including the Mitigated Negative Declaration are attached as Exhibit 3.

Possible significant impacts identified by the RCD include, possible disturbance of human remains, temporary increased risk of wildland fires and safety of park users, and temporary diminished emergency access, parking capacity, and public access to trails. During construction, the park may be partially closed, resulting in minor temporary restrictions to recreational use and vehicle access. There are no known burials in the vicinity of the structures to be removed, however, there is a potential that burials could be encountered during the work effort. Mitigation which reduces these possible significant impact to a level of insignificance are: with respect to possible impact on archeological resources, monitoring by an archaeologist of the minor ground disturbing activities needed for the project and adherence to the requirements of the Native American Graves Protection and Repatriation Act and state law; with regard to safety, fire

*SOLSTICE CREEK FISH PASSAGE RESTORATION*

management mitigation measures shall be employed at the construction site and staging areas shall be separated from public areas by fencing; and signage shall be placed to redirect the public and warn of construction areas as well as reduced parking and accessibility within the park.

The Conservancy staff has independently reviewed the RCD's Mitigated Negative Declaration, concurs in the RCD's finding and therefore recommends that the Conservancy find that there is no substantial evidence that the Solstice Creek Steelhead Restoration Project, as mitigated, will have an adverse impact on the environment. Upon approval, staff will file a Notice of Determination for the project.