

COASTAL CONSERVANCY

Staff Recommendation
November 9, 2006

FRENCHMAN'S CREEK FISH PASSAGE

File No. 06-033
Project Manager: Janet Diehl

RECOMMENDED ACTION: Authorization to disburse up to \$60,000 to the San Mateo County Resource Conservation District for removing a fish barrier and restoring habitat on Frenchman's Creek, which flows into the ocean near the city of Half Moon Bay in San Mateo County.

LOCATION: Frenchman's Creek (approximately two miles upstream), near the City of Half Moon Bay, San Mateo County (Exhibit 1)

PROGRAM CATEGORY: Integrated Coastal and Marine Resources Protection

EXHIBITS

- Exhibit 1: Project Location and Site Map
 - Exhibit 2: Supplemental Mitigation Measures and Mitigation Monitoring Program
 - Exhibit 3: Mitigated Negative Declaration and Notice of Determination
 - Exhibit 4: Photos
 - Exhibit 5: Statement of Work (DFG contracts)
 - Exhibit 6: Letters of Support
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Section 31220 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed sixty thousand dollars (\$60,000) to the San Mateo County Resource Conservation District (RCD) for removing a fish barrier and restoring habitat on Frenchman's Creek. Consistent with the California Environmental Quality Act, the State Coastal Conservancy

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adopts the supplemental mitigation measures and supplemental mitigation-monitoring plan attached to the accompanying staff recommendation as Exhibit 2.

This authorization is subject to the following conditions:

1. Prior to the RCD's commencement of work, the Executive Officer of the Conservancy shall approve in writing a work program, schedule of completion, project budget, any contractors to be employed, and a signing plan that acknowledges the Conservancy.
2. The RCD shall submit to the Executive Officer evidence of permission from the project site property owners allowing the RCD to implement the project and perform post-project monitoring.
3. The RCD shall enter into a written agreement with the property owners providing for maintenance of both the bridge and the creekside vegetation installed as part of this project for their useful lives.
4. The RCD shall submit to the Executive Officer evidence that all necessary permits have been obtained.
5. The RCD shall implement the applicable requirements of the Mitigated Negative Declaration (attached as Exhibit 3 to the accompanying staff recommendation), adopted on June 7, 2006 by the California Department of Fish and Game under the California Environmental Quality Act for the 2006 Fisheries Restoration Grant Program, and the supplemental mitigation measures attached as Exhibit 2 to the accompanying staff recommendation.
6. The RCD shall implement post-project effectiveness monitoring for three years following construction, according to a monitoring plan approved by the Executive Officer of the Conservancy."

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 set forth in Chapter 5.5 of Division 21 of the Public Resources Code (Section 31220), regarding integrated coastal and marine resources protection.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration (MND) prepared and adopted on June 7, 2006 by the Department of Fish and Game, attached as Exhibit 3 to the accompanying staff recommendation, and finds that there is no substantial evidence that the Frenchman's Creek project, with the mitigation

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measures in the MND and the additional mitigation measures attached to this staff recommendation as Exhibit 2, will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.

4. There is no evidence before the Conservancy that the Frenchman's Creek project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code 711.2.
5. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in 14 California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources of the Frenchman's Creek project as defined under California Fish and Game Code Section 711.2."

PROJECT SUMMARY:

The San Mateo County Resource Conservation District (RCD) seeks funding to improve fish passage on Frenchman's Creek by replacing an existing perched culvert at an agricultural tractor/creek crossing with a clear-span bridge and boulder cross-vane weirs. Current conditions prevent all steelhead migration above the culvert, which effectively eliminates access to the upper 2.1 miles of the creek – the most valuable spawning and rearing habitat within this stream system (Exhibit 4, photos). When this barrier is removed, fish will have access to about 4.4 miles of the creek, from the ocean to a natural waterfall that blocks passage high in the hills.

Recognizing the significance of the proposed project, the California Department of Fish and Game (DFG) awarded the RCD a \$130,195 grant in 2003 to remove the culvert and build the new bridge. Until recently, however, the RCD has not had all the resources needed to see the project through to completion. By filling the funding gap, the Conservancy would enable the RCD to obtain permits and build the project in the next dry season (June through October).

Designed in accordance with NOAA and DFG guidelines, the project's work plan (Exhibit 5) includes the following elements:

- Submit and secure all permits.
- Comply with pre-project monitoring requirements.
- Implement plans for listed species removal and water diversion (conditions to be established by agency consultations and DFG streambed alteration permits).
- Provide biological monitoring during construction.
- Remove the existing perched culvert.
- Install a clear-span bridge 12 feet wide and 65 feet long, sufficient for continued vehicular agricultural access for cultivation and harvest of crops. Current plans call for using a railcar with two spread-footing abutments to build the new bridge, which will be privately owned and used by the agricultural operators and landowners.
- Construct approximately 8 cross-vane boulder weirs to stabilize the channel grade.
- Grade channel banks to design slope.
- Implement re-vegetation measures.

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- Comply with post-project monitoring and evaluation requirements.

The proposed project also includes removing and eradicating invasive plant species (mostly Cape ivy) within the half-acre project area. The RCD will re-plant the site with native riparian species.

The creek divides the ownership of the project site, with one tenant farmer growing row crops on both properties. One side is owned by a local resident and the other side is owned by Allied Waste of San Mateo County (formerly BFI, or Browning Ferris Industries), which operates two landfills in the county, including one in Half Moon Bay. These parties share ownership of the culvert to be replaced, as well as the private road that crosses the creek over the culvert. Both owners and the tenant farmer have agreed to provide access to the RCD to construct the project and perform post-project monitoring. Long-term maintenance of the new bridge will be provided by the property owners.

Site Description:

The proposed project site is approximately 2.3 miles up Frenchman's Creek, where a private, agricultural road traverses fields of row crops. It is a rural area with traffic almost exclusively limited to tractors and other farm vehicles. The creek marks the property line between two owners, and also serves as the boundary between the City of Half Moon Bay and unincorporated San Mateo County.

Frenchman's Creek is a perennial stream located approximately three miles north of the town of Half Moon Bay. It originates on the west slope of the coastal mountains, drains approximately 1,000 acres of watershed and empties directly into the Pacific Ocean. The mouth of Frenchman's Creek is often linked to Pilarcitos Creek to form a small lagoon. Both creeks are closed by sandbar formation typically in late April to late May, reopening after early winter rains and runoff in December.

The creek bed, banks and valley floor are predominately silt and sand (the parent material in this geologic setting). Few spawning, summer rearing or holding areas are evident on the lower valley floor channel areas, but more significant pools and spawning habitat exist at the upper reach of the valley floor, just prior to and after gaining elevation. That valuable spawning and rearing habitat is currently inaccessible due to the culvert that the RCD aims to remove.

Willow and alder trees provide bank stability and solar protection for the full length of the channel. Cape ivy and eucalyptus are invading the lower watershed, but are less present in the upper reaches. About 4.4 miles up the creek, a waterfall provides the final natural barrier to migrating fish.

Land uses in this watershed include public recreation at Half Moon Bay State Beach, day-rental equestrian facilities near the Highway 1 crossing, some residential subdivision in the lower reaches, and row crop agriculture in the middle reach. The upper portion of the watershed remains undisturbed.

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Frenchman's Creek has historically supported a sustaining native steelhead population and also contains a population of non-native brown trout (per DFG records and local knowledge). Rare and endangered species known to live in nearby areas include California red-legged frog and San Francisco garter snake.

Project History:

A culvert was placed along the flow line of Frenchman's Creek in the early to mid-1980s by the agricultural operator in order to move farming equipment from the south side of the valley across the creek to production fields on the north side of the creek. The culvert was placed with permission from DFG, on grade in the channel of the stream. Fill material was placed over the culvert to facilitate the vehicle crossing.

Over a period of years, the culvert has caused a down-cut of the stream bed at the outlet, resulting in a five-foot vertical jump, which is considered by DFG to be a total barrier to migration of both adults and juveniles. Although the culvert has caused problems for the steelhead migration, it continues to function as a road crossing for the agricultural operations.

This project was identified by the Coastside Creek Restoration Association about eight years ago, which brought it to the attention of the San Mateo County RCD, the San Mateo County Fish and Wildlife Advisory Committee and the California Dept of Fish and Game. After discussions with the landowners and tenant farmer, the RCD included this project in a portfolio of beneficial projects in the district; advocated for its implementation and sought funds to accomplish it.

Partial funding came about five years ago, when a grading violation on nearby property resulted in an agency settlement with the parties responsible for the violation (not the owners of the proposed project site). Part of that settlement was the establishment of an off-site mitigation fund. DFG earmarked those funds for design of the Frenchman's Creek Culvert project, considered the closest beneficial off-site project. The RCD was selected to receive the funds and an engineering firm was selected to design the improvement project. After review by NOAA and DFG, those plans have been completed (paid for by the mitigation funds and further supported by a grant to the RCD from the American Rivers/NOAA partner program). The engineer's cost estimates also have been completed.

In order to implement the project, the RCD submitted a grant request to the DFG. The project was awarded \$130,195 in 2003 and the contract DFG and the RCD has been executed. The RCD now seeks the final portion of the funds needed to implement the project.

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PROJECT FINANCING

Coastal Conservancy	\$ 60,000*
CA Dept. of Fish and Game	<u>130,195</u>
Total Project Cost	<u>\$193,195</u>

*The anticipated source of Conservancy funds for the proposed projects is a 2002 appropriation from the Watershed, Clean Beaches, and Water Quality Act of 2002 (Proposition 40). These particular funds are to be used for coastal watershed protection projects consistent with Section 31220 of the Public Resources Code (see next section).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 5.5 (Section 31220) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code, regarding Integrated Coastal and Marine Resources Protection.

Section 31220(a) authorizes the Conservancy to undertake and award grants for projects that meet one or more criteria of Section 31220(b). Consistent with Section 31220(a), staff has consulted with the State Water Resources Control Board to ensure consistency with Chapter 3 of Division 20.4 of the Public Resources Code [Watershed, Clean Beaches and Water Quality Act].

The project meets the following criteria of Section 31220(b): Consistent with Section 31220(b)(2), the project will help restore fish habitat within a coastal watershed by removing a significant barrier to anadromous fish migration; and consistent with Section 31220(b)(6), the project will help restore the riparian area in this sensitive watershed lands by removing invasive plants and replanting the creekbanks with native vegetation.

Consistent with Section 31220(c), the project includes a monitoring component for three years following construction to evaluate project effectiveness. Section 31220(c) states that the project shall be consistent with the three types of watershed plans, if available and relevant to the project. The project's consistency with these sections is described in the "Consistency with Local Watershed Management Plans" section, below.

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

Consistent with **Goal 5, Objective C** of the Conservancy's Strategic Plan, the project will result in the removal of invasive species from the project site, which will be recontoured and planted with native species.

Consistent with **Goal 10, Objective A** of the Conservancy's Strategic Plan, the project will implement a watershed restoration project in an area identified as a priority, by restoring anadromous fish passage to 2.1 miles of spawning and rearing habitat.

**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:** Supporters of this project include State Senator Jackie Speier, Assemblymember Gene Mullin, County Supervisor Gordon, the Department of Fish and Game, the National Marine Fisheries Service and others. Letters of support are included in Exhibit 6.
4. **Location:** The project is located on Frenchman's Creek within the coastal zone. By removing a significant fish passage barrier to restore access to 2.1 miles of spawning and rearing habitat, the project will benefit coastal and marine anadromous fish.
5. **Need:** The proposed project would improve access to 2.1 miles of habitat and ensure the timely implementation of an important steelhead restoration opportunity. No other funding sources are available to allow the project to be constructed next dry season.
6. **Greater-than-local interest:** Restoration of anadromous fisheries is widely recognized as a local, state and federal goal and the project is supported by both DFG and NMFS. The proposed project will restore access for steelhead throughout the Frenchman's Creek watershed.

Additional Criteria

7. **Urgency:** The passage barrier blocks all anadromous fish access to 2.1 miles of habitat on Frenchman's Creek. It is critical for this barrier to be modified in a timely manner in order to restore access to the best habitat in the creek for the threatened steelhead.
8. **Resolution of more than one issue:** In addition to improving fish passage, this project would establish the RCD as a viable participant in future fish passage projects with willing agricultural landowners.
9. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** Project designs are complete and permit applications are being written. The RCD is ready to start construction, within the constraints of working only in the dry season (June through October).
13. **Realization of prior Conservancy goals:** See "Project History" above.
15. **Cooperation:** This project was developed cooperatively by the RCD, the Coastside Creek Restoration Association, the San Mateo County Fish and Wildlife Advisory Committee, DFG, NMFS, and the landowners and tenant farmer along the creek.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The project is consistent with the June 1998 certified Local Coastal Program (LCP) of San Mateo County as follows:

- Section 7.8 of the LCP designates riparian corridors such as Frenchman's Creek as "sensitive habitats requiring protection." By removing a significant barrier to fish migration and restoring passage to 2.1 miles of steelhead spawning and rearing habitat on Frenchman's Creek, the proposed project is consistent with the LCP goal of protecting riparian habitat.
- "Fish and wildlife management activities" are listed as permitted uses in riparian corridors in LCP Section 7.9.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN(S):

Projects undertaken pursuant to Chapter 5.5 of Public Resources Code Division 21 (Section 31220) must be consistent with local watershed management plans, if available, and with water quality control plans, adopted by the state and regional water boards. The proposed plan is consistent with the Water Quality Control Plan for the San Francisco Bay Basin adopted by the Regional Water Quality Control Board because the project will remove a barrier to fish migration, addressing a goal of the plan, which states: ". . . particular attention must be paid to maintaining zones of passage. Any barrier to migration or free movement of migratory fish is harmful." There is no watershed management plan for Frenchman's Creek, specifically. This project was identified in the San Mateo County RCD's "Portfolio of Watershed Improvement Projects" in 1999 and was found to be consistent with the Watershed Restoration Plan for the nearby Pilarcitos Creek, developed by the RCD and the Pilarcitos Creek Advisory Committee. NOAA Fisheries staff has indicated that the Frenchman's Creek Culvert Project is consistent with the Central California Coast Steelhead recovery plan (under development).

COMPLIANCE WITH CEQA:

In order to implement projects to improve fish spawning and rearing habitats through its statewide Fisheries Restoration Grant Program, the Department of Fish and Game (DFG) developed a Programmatic Mitigated Negative Declaration (MND) for all of its 2006 projects, including the proposed Frenchman's Creek Fish Passage Improvement Project. The MND addresses all of the anticipated environmental effects of the funded projects by providing mitigation measures for the various types of projects that would be implemented throughout the state. This includes standard protocols for avoiding impacts to species of concern, including State and Federally-listed threatened and endangered species (Appendices B and C of the MND (Exhibit 3)).

DFG found that all potentially significant impacts associated with the funded projects, including the Frenchman's Creek project, would be avoided or mitigated below a level of significance

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under CEQA. DFG approved the MND and filed a Notice of Determination on June 7, 2006. The Notice of Determination and the MND for this project are included as Exhibit 3.

The mitigation measures and species protocols that are applicable to each project implemented under the Fisheries Restoration Grant Program vary depending on the proposed restoration activities. The project in Frenchman's Creek includes removal of a perched culvert under an agricultural road, to be replaced with a 65-foot clear-span bridge. About 8 cross-vane boulder weirs would be installed to stabilize the channel grade, and the banks would be graded and revegetated with native species.

DFG approved the Frenchman's Creek project for funding in 2003, but it was not included in the Department's MND for that year. It was subsequently included in the 2006 MND, as work had not yet begun on the project.

After approving the project for funding, DFG prepared a contract with the RCD, incorporating the key mitigation measures. The Statement of Work from the contract is attached to this staff recommendation as Exhibit 5.

Based on the scope of the project, there are several mitigation measures in the MND which apply to the Frenchman's Creek project, including: timing of work to avoid impacts to biological resources, including restricting fish relocation and dewatering of streams to the period between June 15 and November 1, or the first rainfall; restricting the period for upslope work to roughly the same period; conducting surveys to determine presence of nesting or breeding birds or terrestrial animals and a further restricting of the construction timing as necessary to avoid impacts; regular removal of trash from the construction site to avoid attracting predators; adherence to work site best management practices to assure equipment and materials do not harm the environment; adherence to policies forbidding the spread or introduction of invasive exotic plants; demarcation of the work area to assure that access routes, staging areas, and the total area of disturbance is kept at a minimum; requiring that any work within the stream channel will be performed in isolation of the flowing stream; work site surveys for endangered, rare or threatened plant species prior to any ground-disturbing activities, and institution of protective measures, if necessary, as prescribed under DFG guidelines. If it becomes impossible to implement the project at a work site without potentially significant impacts to rare plants, then activity at that site will be discontinued.

Additional mitigation measures relating specifically to protection of anadromous salmonids include: requiring fish screen on intakes for dewatering pipes; restoring disturbed banks upon completion of construction; leaving large wood removed from fish passage barriers within the riparian zone; and minimizing the amount of wetted stream channel that is dewatered. If it becomes impossible to implement the project at a work site without potentially significant impacts to anadromous salmonids, then activity at that site will be discontinued.

Additional mitigation measures relating specifically to protection of California Red-Legged Frog (CRLF) include: surveying the site for CRLF prior to construction and removing any CRLF that are found; training construction personnel on CRLF protection measures; having a DFG-approved biologist onsite during removal of CRLF, worker training, and habitat disturbance activities; fueling and maintaining vehicles at least 65 feet from riparian habitat or a water body; requiring frog screens on dewatering intake pipes; limiting ground-disturbing activities in potential CRLF habitat to between July 1 and October 15; and permanently removing any exotic species such as bullfrogs, centrarchid fishes or non-native crayfish from the project area.

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Ground disturbance in the Frenchman's Creek project is not expected to result in effects to cultural resources and no mitigation measures are included. However, the RCD and DFG will report any previously unknown historic or archaeological remains discovered at the site to the appropriate agencies and will comply with approved avoidance procedures. In order to avoid significant impacts to geology and soils, bare soil will be seeded, mulched and planted as necessary using best management practices and soil will be compacted to the extent necessary to reduce any surface erosion that may occur with the first heavy rainfall. Potential impacts from release of hazardous materials associated with heavy equipment operation will be avoided through use of standard measures detailed in DFG's adopted Mitigation Measures, Monitoring and Reporting Program. The RCD and DFG's Contract Manager will inspect the work site before, during, and after completion of the work action to ensure that all necessary mitigation measures to avoid impacts are properly implemented. DFG's adopted Mitigation Measures, Monitoring and Reporting Program for the project is included as Appendix B of Exhibit 3.

Upon its independent review of the MND and the Statement of Work, and based on subsequent discussions and written communications with DFG biologists familiar with the site, staff recommends the imposition on the RCD of supplemental mitigation measures to protect the San Francisco Garter Snake, as provided in Exhibit 2 to this report. Implementation of these measures will be monitored by the RCD, in accordance with the supplemental mitigation-monitoring program attached as Exhibit 2. With the imposition of these additional measures, staff concurs with the DFG finding and recommends that the Conservancy find that the Frenchman's Creek project, as mitigated, does not have a potential for a significant effect on the environment as defined under 14 California Code of Regulations Section 15382, or on wildlife resources, as defined under Fish and Game Code Section 711.2. Upon approval, staff will file a Notice of Determination for this project.