

COASTAL CONSERVANCY

Staff Recommendation
May 24, 2007

SOLSTICE CREEK BRIDGE REPLACEMENT PROJECT

File No. 07-038
Project Manager: Kara Kemmler

RECOMMENDED ACTION: Authorization to disburse up to \$145,000 to the City of Malibu to remove the culvert at the Corral Canyon Road crossing and replace it with a clear span bridge over Solstice Creek to restore passage for southern steelhead trout in the Solstice Creek watershed, Santa Monica Mountains.

LOCATION: Corral Canyon Road in Solstice Creek Canyon, City of Malibu, Los Angeles County (Exhibit 1).

PROGRAM CATEGORY: Resource Enhancement.

EXHIBITS

Exhibit 1: [Regional Location](#)

Exhibit 2: [Project Area](#)

Exhibit 3: [Notice of Determination and Mitigated
Negative Declaration](#)

Exhibit 4: [Letters of Support](#)

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 one hundred forty-five thousand dollars (\$145,000) to the City of Malibu (City) to remove the Corral Canyon Road crossing and replace it with a clear span bridge over Solstice Creek to restore passage for southern steelhead trout in the Solstice Creek watershed, subject to the condition that prior to disbursement of funds, the City 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

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have been obtained, and a signing plan for the project which acknowledges Conservancy funding.”

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 California Department of Fish and Game (DFG) on May 19, 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 and 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.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$145,000 to the City of Malibu (City) to remove the existing box culvert at the Corral Canyon Road crossing and replace it with a clear span bridge over Solstice Creek to restore passage for southern steelhead trout in the Solstice Creek watershed. The Conservancy grant to the City will support the removal of a human-made fish passage barrier and restoration of stream habitat to facilitate migration for the federally endangered southern steelhead trout.

The project involves the removal of the Corral Canyon Road crossing, which is a box culvert acting as a barrier to steelhead migration, installation of a new prefabricated clear span bridge to provide unimpeded fish passage, and restoration of riparian habitat. Upstream of the proposed project, the National Park Service (NPS), with previous funding from the Conservancy and the Wildlife Conservation Board, and with help from the Resource Conservation District of the Santa Monica Mountains (RCDSMM), Heal the Bay, and the California Conservation Corps, has removed eight in-stream barriers in Solstice Canyon: four low-water Arizona crossings and four check dams (A1-4 and D1-4 on Exhibit 2).

The proposed project is located about 0.25 miles upstream of Pacific Ocean, on the southern border of the Santa Monica Mountains National Recreation Area and downstream of the eight previously removed barriers on NPS land (C2 on Exhibit 2). The previous barrier removals opened up approximately 1.5 miles of perennial stream habitat for the endangered steelhead trout. The removal of the crossing at Corral Canyon Road will increase the available habitat to approx. 1.6 miles of unimpeded streambed and will ensure that upon removal of the last barrier, steelhead will have a significant length of high-quality stream habitat available for spawning (approx. 1.8 miles).

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There is one final fish passage barrier between the proposed project and the Pacific Ocean, however, the removal of the lowest barrier, at Pacific Coast Highway (PCH), is not part of the proposed project. This project, a pending CalTrans Environmental Enhancement and Mitigation program (EEM) project that would modify the culvert at PCH downstream of the proposed project area (C1 on Exhibit 2), is expected to be implemented in 2008. Once completed, the outcome of the CalTrans, City of Malibu, and NPS projects will be a continuous, unobstructed fish passage route for steelhead to access 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 crossing 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 several years, the Conservancy has partnered with a number of agencies and organizations in working toward the goal of restoring Solstice Creek habitat and its value for steelhead, including NPS, California Department of Fish and Game (DFG), CalTrans, the City, RCDSMM, Heal the Bay and others. Through this combination of participants, funds, matching grants, and substantial in-kind services have been secured and are pending in order to support the implementation of the above-described projects.

The Conservancy has played an integral role in the enhancement of the Solstice Canyon watershed. In March 2001, the Conservancy approved a grant to fund part of an enhancement plan and associated design and environmental compliance work for the eight barrier removals and habitat restoration activities on NPS owned land. Subsequently, in November 2006, the Conservancy provided funding for implementation of the plan within the National Recreation Area, including the removal of eight barriers and restoration of adjacent habitat

For the proposed project, the City has received a grant from the DFG in the amount of \$637,815 to design, permit, and install a pre-fabricated bridge that eliminates the restrictions created by the existing culvert. In addition, the project will benefit from in-kind contributions (approx. \$70,000) from Heal the Bay, the City of Malibu, and NPS. To fill the remaining gap in the project budget, the City is providing \$145,000 and requesting \$145,000 each from the Conservancy and the Wildlife Conservation Board. As a continued partner in the mission to restore passage for southern steelhead trout in the Solstice Creek watershed, the Conservancy would be providing essential funding for this next step in the overall fish passage barrier removal and creek restoration program.

When the proposed project is completed and the downstream barrier at PCH is modified, the federally endangered southern steelhead will have access to approximately 1.8 miles of prime stream habitat in Solstice Creek, from the ocean to the waterfall near Tropical Terrace. The proposed project would, in combination with removal of the last downstream barrier, have a

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substantial beneficial effect on southern steelhead. This proposed project would be an integral element of the larger Solstice Creek watershed restoration program.

The proposed project is on the Southern California Wetland Recovery Project Work Plan, Tier 1.

PROJECT FINANCING:

California Dept of Fish and Game (Fisheries Restoration Grant)	\$637,815
Coastal Conservancy	\$145,000
Wildlife Conservation Board	\$145,000
City of Malibu (cash)	\$145,000
City of Malibu (in-kind)	\$16,135
National Park Service (in-kind)	\$27,350
Heal the Bay (in-kind)	\$12,800
CalTrans (in-kind)	<u>\$12,000</u>
Total Project Cost	\$1,141,100

The anticipated source of Conservancy funds is an appropriation to the Conservancy from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50). Consistent with the purposes of this funding source, the proposed project would be carried out in accordance with the provisions of the Conservancy’s enabling legislation and would involve enhancement of coastal watershed habitat and restore anadromous fish passage.

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 span bridge construction project would facilitate the restoration of fish migration in Solstice Creek that has been obstructed for six decades.

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 less than 13 percent of this implementation phase. The Conservancy’s total contribution to the coordinated, multi-agency restoration program for Solstice Creek is less than 25% of the total costs to date.

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,

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removing a fish passage barrier to provide access to sensitive fish migration routes and spawning habitat. Additionally, the Conservancy is partnering with local, state and federal public agencies in the efforts to fully restore Solstice Creek. The ultimate outcome of the proposed project will be to help provide southern steelhead, a federally endangered species, a continuous, unimpeded 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 is a key part in the overall restoration of Solstice Creek, which will provide significant habitat for the federally endangered southern steelhead, as well as other species of concern.

The proposed project fulfills **Goal 6, Objective A** (preserve and restore coastal watersheds) by implementing a project that improves habitat for anadromous fish and enhances riparian habitat. The removal of barriers and revegetation of native riparian habitat will serve to enhance habitat and natural and scenic resource values of the canyon.

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 Julia Brownley and Los Angeles County Supervisor Zev Yaroslavsky, public agencies, including the National Park Service, Resource Conservation District of the Santa Monica Mountains, CalTrans 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 project area 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 City to coordinate efforts with multiple regulatory agencies, environmental organizations and landowners (NPS, DFG, CalTrans, Heal the Bay and adjacent private landowners) as part of an integrated interagency effort to implement a complete restoration plan.

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- 6. Greater-than-local interest:** The restoration of salmonid 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 resource protection issues make the restoration of Solstice Creek a goal of greater than local interest.

Additional Criteria

- 7. Urgency:** The DFG funding for the implementation of this project has already been extended and is currently due to expire at the end of this year; thus, approving the grant at this time is necessary to allow the barrier removal to be completed with secured funding. Ideally, the subject barrier would be removed prior to the last downstream barrier to avoid any potential harm to the fish from instream construction. Delaying the proposed project would postpone the next barrier removal and consequently, the migration of the fish upstream to Solstice Canyon prime spawning habitat.
- 9. Leverage:** See Project Financing above.
- 12. Readiness:** The City has secured the bulk of the funding, completed final project design and expects to be ready to begin construction in June 2007.
- 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 and implementation of the fish passage barrier removals in Solstice Creek on NPS-owned lands. 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 City has been working very closely with numerous agencies and organizations (NPS, DFG, Coastal Conservancy, CalTrans, RCDSMM, Heal the Bay), landowners and elected officials to gather support, funding and cooperation for the restoration of steelhead migration and spawning habitat in the Solstice Creek watershed. Through this combination of participants, they have secured 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.

CONSISTENCY WITH COASTAL ACT AND LOCAL COASTAL PROGRAM POLICIES:

The project proposed for funding in this authorization is to be undertaken within the Malibu/Santa Monica Mountains area in the coastal zone. The Commission certified the Malibu

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LCP on September 13, 2002 and adopted a map of the post-LCP certification jurisdiction as part of that action. The proposed project lies within the City of Malibu's certified LCP area.

The Malibu Local Coastal Program Land Use Plan (LUP) contains several policies related to ESHA, park and stream protection. In Chapter 3- MARINE AND LAND RESOURCES, the LUP recognizes the importance of both sensitive marine and land resources, including the terrestrial riparian, wetland and associated upland habitats. The LUP policies require the conservation, restoration and enhancement of these important coastal resources. The proposed project would enhance natural resource values within the creek and adjacent riparian habitat of Solstice Canyon and is therefore, consistent with the LUP policies.

The following Coastal Act policies speak to resource protection and are incorporated into the LCP: 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 above policies and consistent with the City of Malibu LCP.

COMPLIANCE WITH CEQA:

The DFG adopted the Mitigated Negative Declaration for its 2005 Fisheries Restoration Grant Program, of which the Solstice Creek Bridge Replacement Project is a part, on May 19, 2005. The DFG filed its Notice of Determination on May 19, 2005. The DFG's Mitigated Negative Declaration is attached as Exhibit 3.

DFG found that there the only possible significant effects of the Solstice Creek project was on ambient noise levels (page 25, Exhibit 3). To address the project's possible impact on ambient noise levels from heavy equipment used to implement the proposed project, personnel shall wear hearing protection while operating or working near noisy equipment. (Appendix B of Exhibit 3)

The Conservancy staff has independently reviewed the DFG's Mitigated Negative Declaration, concurs in the DFG's finding and therefore recommends that the Conservancy find that there is no substantial evidence that the Solstice Creek Bridge Replacement Project, as mitigated, will have an adverse impact on the environment. The Department of Fish and Game adopted a Mitigation Monitoring and Reporting Program for the mitigation required (see Appendix B, p. B-24 of Exhibit 3). Upon approval, staff will file a Notice of Determination for the project.