

## COASTAL CONSERVANCY

Staff Recommendation  
May 24, 2007

### FIVE COUNTIES FISH PASSAGE IMPROVEMENT PROGRAM

File No. 05-109-03  
Project Manager: Michael Bowen

**RECOMMENDED ACTION** Authorization to disburse to the County of Trinity up to \$375,000 of previously authorized Conservancy funds to implement fish-passage improvement projects at Ryan Creek (\$160,000) and Little Brown's Creek (\$215,000) within the counties of Mendocino and Trinity, respectively.

**LOCATION:** Ryan Creek, tributary to the Eel River, and Little Brown's Creek, tributary to the Trinity River, within the counties of Mendocino and Trinity, respectively (Exhibit 1).

**PROGRAM CATEGORY:** Resource Enhancement and Integrated Coastal and Marine Resources Protection

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#### **EXHIBITS**

- Exhibit 1: [Project Location and Site Maps](#)
  - Exhibit 2: [March 2, 2006 Staff Recommendation](#)
  - Exhibit 3: [Letters of Support](#)
  - Exhibit 4: [2003 Mitigated Negative Declaration \(Ryan Creek\)](#)
  - Exhibit 5: [Mitigation Monitoring and Reporting Plan \(Ryan Creek\)](#)
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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 the disbursement of previously authorized Conservancy funds for the County of Trinity’s Five Counties Salmonid Conservation Program to implement fish passage improvement projects at Ryan Creek (up to \$160,000) and Little Brown’s Creek (up to \$215,000) within the counties of Mendocino and Trinity, respectively, subject to the following conditions:

1. Prior to the implementation of and the disbursement of funds for either project, the County shall submit for the review and written approval of the Executive Officer of the Conservancy:

- a. A work program, including schedule, budget and detailed site plans for each of the projects and a plan for post-implementation monitoring to evaluate the success of each of the projects.
  - b. A sign plan to acknowledge Conservancy and any Proposition 12 funding for the project.
  - c. The names and qualifications of any contractors to be employed on the project.
  - d. Documentation that all permits and approvals necessary to the completion of the project have been obtained.
2. All project work shall be undertaken in full compliance with the requirements of all permits and approvals and the County of Trinity shall assure implementation of all relevant mitigation measures and the relevant portions of the mitigation monitoring and reporting program for the implementation of the Ryan Creek fish passage project contained in the County of Mendocino's 2003 Mitigated Negative Declaration for the Ryan Creek Project, and the Mitigation Monitoring and Reporting Program (MMRP) (attached to the accompanying staff recommendation as Exhibits 4 and 5, respectively), adopted by the County of Mendocino on March 6, 2003." Additionally, the County shall ensure compliance with all necessary Best Management Practices appropriate to comport with the Categorical Exemption filed by the County December 7, 2006."

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 projects are consistent with the purposes and criteria set forth in Chapter 5.5 of Division 21 (section 31220) of the Public Resources Code, regarding watershed enhancement, and set forth in Chapter 6 of Division 21 (sections 31251 – 31270) of the Public Resources Code, regarding the enhancement of coastal resources.
2. The project areas identified for action are directly and adversely impacting coastal areas and resources identified in the certified local coastal programs for Del Norte, Humboldt and Mendocino counties as requiring public action to resolve existing or potential resource protection problems;
3. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
4. The Conservancy has independently reviewed the Mitigated Negative Declaration and the MMRP (Exhibits 4 and 5) with respect to the implementation of the fish passage project at Ryan Creek. The Conservancy finds 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.
5. The projects will have no adverse effect on fish and wildlife as defined by Fish and Game Code §711.2"

## **PROJECT SUMMARY:**

At its March 2, 2006 meeting, the Conservancy authorized the disbursement of up to \$700,000 for the County of Trinity's Five Counties Salmonid Conservation Program to implement several fish passage improvement projects. The March 2, 2006 staff recommendation is attached as Exhibit 2. A condition of that authorization was that, prior to implementation of any specific fish passage improvement project, the County would return to the Conservancy for approval.

The proposed authorization would enable the County to implement two fish passage improvement projects under the Five Counties Salmonid Conservation Program. The proposed projects are located at Ryan Creek and Little Brown's Creek, within the counties of Mendocino and Trinity, and would require the disbursement of up to \$160,000 for the Ryan Creek project and up to \$215,000 for the Little Brown's Creek project. The purpose of these projects is to improve fish passage in streams where barriers to fish passage have resulted from the inappropriate design and construction of road crossings, tidegates, or other instream structures. Historically, road crossings, culverts, and other structures were inappropriately constructed, inadvertently preventing the upstream passage of anadromous fish, such as salmon, steelhead and coastal cutthroat trout.

Like many such fish passage barrier structures, both the Ryan Creek and Little Brown's Creek structures have fragmented stream habitat, and prevented fish from ascending streams due to excessive heights between culvert outlets and plunge pools below, impassably high flow velocities within the culverts themselves, or outright blockage by tidegates. Fish capable of ascending barriers are often too fatigued to spawn. Fish prevented from ascending such structures typically congregate in discharge pools or other areas below the structure, where they may fall prey to predators or poachers. Moreover, culvert failures often result in road failure, mass failure of slopes, resultant erosion, property damage, and the degradation of waters and Salmonid habitat downstream.

These and thousands of other such barriers to fish passage have been identified, and are cited in the Conservancy's report, "Inventory of Barriers to Fish Passage in California's Coastal Watersheds."

The opportunity to recover fish populations while improving local roads and infrastructure and diminishing future maintenance costs has made county governments keen participants in fish passage improvement projects. However, the ability of county governments or private entities to implement fish passage improvement projects is limited. This grant would implement two high priority fish passage improvement projects, thereby expediting the recovery of habitat for anadromous fish and other aquatic species found in coastal watersheds.

### Ryan Creek

Ryan Creek, a tributary to the Eel River, in Mendocino County near Willits, is a small but biologically important stream that enters Outlet Creek, one of the Eel River's most productive tributary streams. Ryan Creek supports populations of coho salmon, Chinook salmon, steelhead trout and increasingly rare lamprey eel, for which the Eel River was named. The declines of aquatic species in this watershed are largely the result of three migration barriers, the County road crossing being the lowermost. This County crossing was ranked as the second highest fish passage barrier

on County roads in Mendocino County. The proposed project would replace the existing concrete structure with a bridge, thereby improving fish passage and encouraging more natural fluvial processes.

Designs for the remaining three barriers on north and south fork Ryan Creek have been completed under a separate Conservancy planning grant administered by the Five Counties Program. Five Counties and Conservancy staff anticipate that with additional funding and CalTrans cooperation that by 2010 the entire watershed will be fully reopened to migrating salmonids, and other aquatic species. The two barriers upstream of the County road crossing site are barriers caused by Highway 101, and thus are owned by CalTrans. There is also one private crossing immediately upstream of Highway 101 on South Fork Ryan Creek. Remedy of all South Fork Ryan Creek barriers is planned for the 2008 field season. Implementation of the South Fork Ryan/Highway 101 crossing will be achieved by Five Counties after they secure a CalTrans encroachment permit. The property owner immediately upstream, who owns the next and final barrier, has indicated his willingness to work with the Five Counties Program to remedy his barrier, as planned. Furthermore, since plans for the North Fork project are complete, Five Counties and Conservancy staff are working with CalTrans to establish the North Fork site as a CalTrans priority, and to assign a specific date for completion. The proposed project would restore a natural stream channel in the project area, and reopen 500 feet of high quality habitat on Ryan Creek. Removing all four barriers as planned will improve salmonid access to almost three miles (15,000 feet) of high quality habitat within the watershed.

#### Little Brown's Creek

Little Brown's Creek, a tributary to the Trinity River, which is a major tributary to the Klamath River, is located near Weaverville, the County Seat of Trinity County. Far from the coast, Little Brown's Creek is nonetheless essential to the recovery of Pacific Salmon populations, a vitally important coastal resource. This barrier was assessed during the migration barrier inventory completed by Ross Taylor and Associates for the 5C Program. The barrier is ranked as the highest priority project not completed to date within Trinity County and it is the second highest priority project in the entire Program Area. This crossing represents the only migration barrier on this stream and the completed project will significantly improve access to the upper third of the watershed for rearing juveniles and spawning adults, ultimately leading to the recovery of a viable population of coho and steelhead in the watershed. Under the proposed action, the three existing undersized metal culverts at Roundy Road, currently perched eight feet above the stream channel, will be excavated and replaced with a 30-foot long, two-lane concrete bridge, restoring access to 3 miles of upstream rearing and spawning habitat for juvenile and adult coho salmon and steelhead.

**Site Description:** Both projects are located outside of the Coastal Zone, but nonetheless host important coastal salmon populations.

Ryan Creek is located several miles north of Willits and one mile west of Highway 101. Ryan Creek is a tributary to Outlet Creek, which is tributary to the mainstem Eel River, in Mendocino County. (Exhibit 1)

Little Brown's Creek, tributary to the Trinity River, is located in Trinity County seven miles north of Weaverville. The project site is located at the crossing of Little Brown's Creek and Roundy

Road. (Exhibit 1)

**Project History:** The history of the Five Counties Salmonid Conservation Program (“FCSCP”), of which the proposed projects are a part, was described in detail in the March 2, 2006 staff recommendation (see Exhibit 2).

### **PROJECT FINANCING:**

#### Total for Five Counties Salmonid Program

Coastal Conservancy ( <i>prior authorization</i> )	\$700,000
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<b>Total</b>	<b>\$700,000</b>
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#### Ryan Creek Project

Coastal Conservancy ( <i>from prior authorization</i> )	\$160,000
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#### Little Brown's Creek Project

Coastal Conservancy ( <i>from prior authorization</i> )	\$215,000
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The expected source of Conservancy funds for the Ryan Creek and Little Brown's Creek implementation projects, \$160,000 and \$215,000, respectively, is the Conservancy's fiscal year 2002-2003 appropriation from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40). As discussed in detail in the March 2, 2006 staff recommendation, these projects are consistent with this funding source because they will improve hydraulic connectivity and habitat quality in coastal watersheds, thereby improving coastal salmon populations, in accordance with Division 21 of the Public Resources Code.

The County will ensure the provision of adequate matching funds and in-kind contributions to ensure project completion at both sites.

### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed projects are undertaken pursuant to Chapter 5.5 and Chapter 6 of Division 21 of the Public Resources Code (Sections 31220 and 31251-31270). For the reasons specified in the March 2, 2006 staff recommendation (Exhibit 2), the projects are consistent with the purposes and criteria of these Chapters. In addition, as required by Section 31220(c), the projects include as a condition of funding the requirement that there be a post-implementation monitoring plan approved by the Conservancy that will evaluate the success of the project. Further, as required by Section 31220(a), the Conservancy has consulted with the State Water Resources Control Board to ensure consistency of the proposed projects with Chapter 3 of Division 20.4 of the Public Resources Code.

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

Consistent with **Goal 6 Objective A(4)** of the Conservancy's Strategic Plan, the proposed

authorization will implement projects that improve habitat for anadromous fish through the removal of existing barriers to fish passage

**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, as detailed in the March 2, 2006 staff recommendation (Exhibit 2).

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The Ryan Creek and Little Brown's Creek projects are both located outside of the Coastal Zone boundary, but are within coastally draining watersheds. However, both are consistent with the Mendocino County Local Coastal Program and the Humboldt Local Coastal Program respectively for the reasons specified in the March 2, 2006 staff recommendation (Exhibit 2).

**COMPLIANCE WITH CEQA:**

**Ryan Creek Project**

The County of Mendocino filed a Mitigated Negative Declaration for the Ryan Creek project on March 6, 2003. The Ryan Creek implementation project was analyzed in the County of Mendocino's Mitigated Negative Declaration. (See Exhibit 4). No comments were received during the comment period. The Ryan Creek Mitigation Monitoring and Reporting Program divided mitigation measures into six categories; 1) Measures to minimize disturbance from instream construction; 2) Measures to minimize degradation of water quality; 3) Measures to minimize impacts to aquatic habitat and species during dewatering of project site; 4) Measures to minimize injury and mortality of fish and amphibian species during dewatering; 5) Guidance to minimize impacts to riparian vegetation during stream crossing remediation construction, and; 6) Guidance to minimize impacts to birds during stream crossing remediation construction. Each specific measure under these broad categories is identified in Exhibit 5. In addition:

- The grantee will adhere to erosion control measures identified in the California Salmonid Stream Habitat Restoration Manual (Flosi et. Al., 1998).
- The project will include a water diversion and fish relocation plan, and will adhere to the guidelines established by the California Department of Fish and Game and the NOAA Fisheries, as described in Volume II, Part IX of the February, 2003, third edition of the California Salmonid Stream Habitat Restoration Manual. Additionally, the proposed structures shall meet the 100-year flow bypass requirements described in the aforementioned manual.
- All work shall take place between July 15 and October 15.

Upon its independent review of the MND, and all conditions therein, staff concurs with the County of Mendocino's conclusion that the proposed Ryan Creek project will not have a major impact on the environment, with the mitigation measures incorporated. Accordingly, staff recommends that

the Conservancy find that the Ryan Creek project does not have a potential for a significant effect on the environment as defined under 14 California Code of Regulations Section 15382.

Upon Conservancy approval of the project, staff will file a Notice of Determination for the Ryan Creek project.

**Little Brown's Creek Project**

Regarding the Little Brown's Creek project, the County of Trinity analyzed the proposed project and determined that the project is categorically exempt from review under CEQA as a project that falls within Class 33, *Small Habitat Restoration Projects*, which do not exceed five acres in size (CEQA Guidelines, Title 14, California Code of Regulations, Section 15333(a-d).). The County filed a Notice of Exemption on December 8, 2006.

Following an independent review of the project, staff concurs with this conclusion. The project, which seeks to replace culverts with a bridge for the purpose of restoration and enhancement of habitat for fish falls within the description of small scale, restoration projects that are exempt under Section 15333. The project will replace culverts in accordance with published guidelines of the Department of Fish and Game, and the primary purpose of the project is to improve instream habitat.

For similar reasons, the project is also categorically exempt from CEQA review under Guidelines Section 15302, relating to the replacement or reconstruction of existing structures and facilities “where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced”. Under the Little Brown's Creek project, the bridge to be installed will replace existing culverts that have deteriorated. The bridge will be in the same general location, will serve the same purpose, but will create more favorable environmental and structural condition than currently exists. In particular, the replacement will result in diminished environmental impact to threatened salmonid species.

Upon Conservancy approval, staff will file a Notice of Exemption for the Little Brown's Creek project.