

COASTAL CONSERVANCY

Staff Recommendation
September 24, 2009

**ANCESTOR CREEK FISH PASSAGE IMPROVEMENT PROJECT
AUGMENTATION**

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

RECOMMENDED ACTION: Authorization to disburse an amount not to exceed \$192,769 to augment a previous Conservancy authorization to the Northwest California Resource Conservation and Development Council for the Five Counties Salmonid Conservation Program in order to implement the Ancestor Creek Fish Passage Improvement Project in Mendocino County.

LOCATION: Ancestor Creek, tributary to the Mattole River, Mendocino County (Exhibit 1).

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

EXHIBITS

Exhibit 1: [September 25, 2008 Staff Recommendation](#)

Exhibit 2: [March 2, 2006 Staff Recommendation](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31251-31270 and 31220 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$192,769 (one hundred ninety-two thousand seven hundred sixty-nine dollars) in previously approved funds to augment a September 25, 2008 Conservancy authorization to the County of Trinity (subsequently assigned to the Northwest California Resource Conservation and Development Council), for the implementation of the Ancestor Creek Fish Passage Improvement Project in Mendocino County. This authorization is subject to the same conditions enumerated in the September 25, 2008 staff recommendation attached to the accompanying staff recommendation as Exhibit 1.”

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:

ANCESTOR CREEK FISH PASSAGE AUGMENTATION

1. The proposed project is consistent with Chapters 5.5 and 6 of Division 21 of the California Public Code (pertaining to watershed enhancement and enhancement of coastal resources, respectively).
 2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on June 4, 2009.
 3. The Northwest California Resource Conservation and Development Council is a nonprofit organization existing under Section 501(c)(3) of the Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
 4. Except as provided below, the project remains consistent with the Conservancy's authorization and the staff discussion of September 25, 2008."
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PROJECT SUMMARY:

On March 2, 2006, the Conservancy authorized a grant of \$700,000 to the County of Trinity (the "County") to implement the County's Five Counties Salmonid Conservation Program ("5C Program") (Exhibit 2). As a condition of that authorization, the County was required to return to the Conservancy for authorization to fund each specific fish-passage improvement project consistent with a proposed prioritized work program. At its September 25, 2008 meeting, the Conservancy authorized the disbursement of \$105,495 of these funds to the County of Trinity to implement the Ancestor Creek fish-passage improvement project in the Mattole Watershed, Mendocino County, the subject of the current staff recommendation; plus additional funds for one other project (Exhibit 1).

In August 2009, the County and the Conservancy agreed to assign the Ancestor grant agreement to the Northwest California Resource Conservation and Development Council ("RC&D"), a nonprofit organization, to complete the Ancestor Creek project. The currently proposed authorization would increase by \$192,769 the amount of funds granted to RC&D for Ancestor Creek from funds originally approved more generally in March 2006.

This augmentation is necessary because matching funds previously secured for the Ancestor Creek project were withdrawn by the Wildlife Conservation Board due to the recent State budget crisis. Further delays in implementation of the Ancestor Creek project would result in the project being postponed indefinitely.

The RC&D is a well qualified successor to the County of Trinity to complete the Ancestor Creek project and to house the Five Counties Salmonid Conservation Program. First, the RC&D's Five Year Area Plan's Strategic Priorities and Elements provide the same or similar goals, projects and programs as those of the Five Counties Program. Second, the RC&D's costs are substantially lower than those of the County, thereby enabling the Five Counties Program to conduct its enhancement work cost-effectively. Overall, and by mutual agreement, the RC&D will provide an improved shelter for the Five Counties Program's enhancement efforts. In order to complete this high priority project expeditiously, staff seeks authorization to augment the initial authorization. All terms and conditions of the Conservancy's September 25, 2008 authorization and its accompanying staff recommendation (Exhibit 1) remain in effect, except as noted in the current staff recommendation.

ANCESTOR CREEK FISH PASSAGE AUGMENTATION

PROJECT FINANCING:

Ancestor Creek Project

Coastal Conservancy (<i>from prior authorization</i>)	\$105,495
Coastal Conservancy (<i>proposed augmentation</i>)	\$192,769
Mendocino County	\$73,347
National Association of Counties	\$100,000

Total Project Cost for Ancestor Creek: \$471,611

The previously authorized source of Conservancy funds for this project is twofold: \$156,407 in augmented funds will come from the fiscal year 05/06 appropriation to the Conservancy from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12). The project is consistent with Proposition 12 in that it will provide for the development of real property to benefit fish and wildlife, particularly by increasing available habitat for coastal salmon populations. Pub. Res. Code § 5096.352(d).

The source of the remaining Conservancy augmentation funds for the Ancestor Creek implementation project is the Conservancy's fiscal year 05/06 appropriation from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40). As discussed in the September 25, 2008 (Exhibit 1) and March 2, 2006 (Exhibit 2) staff recommendations, this project is consistent with this funding source because it 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 RC&D will ensure that matching funds and in-kind contributions adequate to complete the project are provided.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The project remains consistent with the Conservancy's Project Selection Criteria and Guidelines adopted on September 20, 2007, as discussed in Exhibit 1.

The Conservancy adopted slightly revised criteria on June 4, 2009, notably to require consideration of sea level rise. Since the project is located far inland from the coast, no effects of sea level rise are anticipated.

COMPLIANCE WITH CEQA:

The augmentation proposed by this authorization does not alter the nature of the project and does not affect the conclusions reached in the September 25, 2008 Staff Recommendation (Exhibit 1) regarding its compliance with the California Environmental Protection Act ("CEQA"). As discussed, there is no substantial evidence that this project, as mitigated, or the proposed authorization will have a significant effect on the environment. Although the issue was not addressed in the original Department of Fish and Game Mitigated Negative Declaration at the time, the project is not expected to have a significant effect on global warming in that the activities consist solely of replacing two decaying undersized culverts with one larger embedded arch culvert.