

COASTAL CONSERVANCY

Staff Recommendation

June 18, 2020

**CACHAGUA CREEK FISH PASSAGE – WESTON-CHAMPAGNE PROPERTY
PLANNING AND DESIGN**

Project No. 20-019-01

Project Manager: Tom Gandesbery

RECOMMENDED ACTION: Authorization to disburse up to \$100,000 to the Resource Conservation District of Monterey County to plan, design, conduct environmental analyses, and prepare grant and permit applications to remove a fish passage barrier on Cachagua Creek by replacing a concrete ford with a bridge at the Weston-Champagne Property.

LOCATION: Cachagua area, unincorporated Monterey County.

PROGRAM CATEGORY: Integrated Coastal and Marine Resources Protection

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Maps and Photos](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Chapter 5.5 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the Resource Conservation District of Monterey County (“the grantee”) to plan, design, conduct environmental review, and prepare grant and permit applications to remove a fish passage barrier on Cachagua Creek by replacing a concrete ford with a bridge at the Weston-Champagne Property in unincorporated Monterey County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
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2. Names and qualifications of any contractors to be retained in carrying out the project.”

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 Chapter 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resources.
 2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”
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PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$100,000 to the Resource Conservation District of Monterey County (RCDMC) to develop plans and designs, conduct environmental review, and prepare grant and permit applications to demolish a concrete ford creek crossing and construct a replacement bridge on Cachagua Creek, a tributary to the Carmel River. The crossing is part of an access road to two private residential properties owned by the Weston and Champagne families. These families jointly own the property on which the crossing is located. (See Exhibit 2).

The South-Central California Coast (SCCC) distinct population segment of steelhead is listed as threatened under the federal Endangered Species Act. In 2005, the National Marine Fisheries Service (NMFS) designated the Carmel River as critical habitat for SCCC steelhead, and NMFS has consistently ranked the river as one of the most viable watersheds for recovery of SCCC steelhead. The South-Central California Steelhead Recovery Plan (NMFS, 2013) identifies removal or modification of fish passage barriers as a critical recovery action in the Carmel River Watershed. In 2014, the Monterey Peninsula Water Management District (MPWMD) completed its Assessment Of Steelhead Passage Barriers In Portions Of Four Tributaries To The Carmel River (Assessment) which identifies locations of significant barriers to migration of juvenile and adult steelhead trout and ranks them in priority by location in the watershed, the amount of spawning habitat upstream and severity of blockage (full or partial).

A ford, also referred to as an “Arizona crossing” is a concrete slab that is built through the waterway intended for motor vehicles to drive over. This ford is located on a road that provides access to two private parcels on the south side of the Creek (see Exhibit 2). The Assessment identified this ford as the third-highest priority fish passage due to jump height, velocity, and depth of flow over the slab. The ford blocks fish migration at most flow conditions, although at high-flow winter events some adult fish can pass over the ford. Removing this ford will restore fish passage to 35 miles of Cachagua Creek and its tributaries, which contain high-quality spawning and rearing habitat.

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The proposed project is to develop plans and designs for replacement of the existing concrete ford with a single-span bridge; conduct environmental review of the project; and prepare a permit application and grant applications for the construction phase of the project. The majority of grant funding for the construction phase is anticipated to come from California Department of Fish and Wildlife’s Fisheries Restoration Grant Program (FRGP).

Site Description: The Carmel River, which empties into the Monterey Bay National Marine Sanctuary, has a large watershed of over 255 square miles and was once one of the premier steelhead trout fishing rivers in California. Cachagua Creek joins the Carmel River approximately six miles upstream of the site of the former San Clemente Dam, which is approximately 18 miles upstream of the Pacific Ocean. Cachagua Creek and its tributaries, Finch and James Creeks, drain the most easterly reaches of the Carmel River watershed in the Coast Mountain range of Monterey County.

The subject crossing is located on private property and provides access to two properties. It is jointly owned by the Weston and Champagne families. The crossing is located downstream of the confluence of Boronda Creek with Cachagua Creek and about 2.3 miles upstream of Cachagua Creek’s confluence with the Carmel River (Exhibit 2).

Cachagua Creek contains 12.6 miles of steelhead habitat which is more potential spawning habitat, in terms of river miles, than any other tributary in the Carmel River Watershed (Exhibit 2). The Creek is in turn fed by two tributaries: Finch and Boronda. The watershed above this location is largely ranch land with some small parcels and ranchette development including several vineyards. The watershed is dominated by oak woodlands and steep chaparral covered hills and portions were impacted by the Soberanes Fire of 2018.

Although lower Cachagua Creek is known to lose continuous surface flow during the summer months in dry years and some “normal” years, the upper reaches and the water in upper tributaries of Finch and James remain perennial and cool. According to the Assessment, “Even though lower Cachagua Creek dries up most years, this tributary system is one of the most productive in the Carmel River watershed.”

Grantee Qualifications: The RCDMC is well qualified to undertake this project as it has successfully administered millions of dollars of state and federal grants to carry out land conservation work. Recently, the RCDMC implemented a two million-dollar grant for the restoration of riparian habitat on the Salinas River and its tributaries. The RCDMC also manages and oversees a large-scale stream maintenance and Arundo removal program on the Salinas River. The RCDMC is fully staffed with biologists, civil engineers and other experts who can assist in the management of this project.

Project History: Following the ranking of this crossing in the Assessment in 2014 (see above) several members of the Carmel River Steelhead Association (CRSA) met with the property owners to discuss removal of the crossing. The CRSA then coordinated with the Coastal Conservancy and RCDMC in order provide project support and fund raising. Ultimately, the landowners agreed on project objectives to demolish the existing ford and replace it with a new

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vehicular bridge that will meet County of Monterey design standards and provide for improved fish passage conditions in accordance with design guidance provided by NOAA Fisheries and the California Department of Fish and Wildlife (Exhibit 3). The RCDMC is proposing a two-phase project in which the Coastal Conservancy will fund the first phase of planning design and permitting of the project, in anticipation of applying for to FRGP for the majority of implementation funding.

PROJECT FINANCING

Coastal Conservancy	\$100,000
Project Total	\$100,000

The anticipated source of funds for the project is the Carmel River Settlement Account (“Account”) within the Conservancy’s Coastal Trust Fund. The Account consists of funds paid by California American Water Company (CAW) pursuant to a settlement agreement with the National Marine Fisheries Service concerning alleged Endangered Species Act violations. (See Mach. 3, 2009 Settlement Agreement between CAW, NOAA, and CDFG); June 6, 2014 First Amendment to Settlement Agreement between CAW, NOAA, CDFW, and SCC [SCC assumes CDFW’s rights and obligations under the agreement]; and 2017 Memorandum of Agreement between CAW, NMFS, and SCC, executed Jan. 10, 2018.) The settlement requires CAW to pay \$16.7 million over a twelve-year period. The settlement funds can only be used to improve habitat conditions for, and production of, South-Central California Coast (SCCC) steelhead, or otherwise aid in the recovery of SCCC steelhead in the Carmel River watershed. In addition, these funds can only be expended for mitigation of impacts from well-pumping and water withdrawals by CAW. One effect of CAW’s water withdrawals is the loss of access to rearing habitat in the lower Carmel River, because it dries up in the summer. The proposed project will facilitate improved access to other spawning and rearing habitat in one of the river’s most important tributaries and will thereby help mitigate the impacts of CAW’s withdrawals on SCCC steelhead. Therefore, the proposed project is consistent with the funding source.

The settlement agreement directs the Conservancy to seek cash or in-kind matching contributions from grantees and non-State, third parties whenever possible. As discussed above, under the proposed project, RCDMC will apply for implementation funding from the California Department of Fish and Wildlife’s Fisheries Restoration Grant Program (FRGP).

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to the Chapter 5.5 of the Conservancy’s enabling legislation, Division 21, Public Resources Code (PRC), Section 31220, regarding integrated coastal and marine resources protection.

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PRC Section 31220(a) authorizes the Conservancy to undertake a project or award a grant for coastal watershed and living marine resources protection and restoration projects that meet one or more of the criteria of Section 31220(b). The proposed project will help achieve the objectives of the following Section 31220(b) subsections: (b)(2) protect and restore fish and wildlife habitat within a coastal watershed, (b)(6) protect and restore sensitive watershed lands, and (b)(7) reduce the impact of population pressures on the coastal resources. The proposed project will help achieve these objectives by removing a fish passage barrier caused by a road crossing.

Consistent with Section 31220(a), staff has consulted with the State Water Resources Control Board and the Central Coast Regional Water Quality Control Board in the development of the project to ensure consistency with Chapter 3 (commencing with Section 30915) of Division 20.4 of the Public Resources Code concerning protection and restoration of water quality of coastal waters.

As Section 31220(c) directs, the proposed project is consistent with the Water Quality Control Plan (Basin Plan) prepared by the regional water quality control board as discussed in detail below under "Consistency with Local Watershed Management Plan/State Water Quality Control Plan" The project will include development of monitoring and evaluation criteria for removal of the barrier.

CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 6, Objective C** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will prepare a plan to enhance a coastal watershed through removal of a fish passage barrier.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, 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. **Promotion and implementation of state plans and policies:** The proposed project is consistent with the following plans and policies:
 - The project implements the [California Water Resilience Portfolio](#) (Draft 2019) which under the heading "Protect and Enhance Natural Systems" directs agencies to "Reconnect aquatic habitat to help fish and wildlife endure drought and adapt to

climate change” with an associated objective of “...Support a comprehensive culvert and fish passage improvement program along transportation corridors.” (page 20).

- The project is consistent with the California Department of Fish and Wildlife’s (CDFW) 2005 California Wildlife Action Plan, which sets forth goals for the Central Coast region that include protecting sensitive species and important wildlife habitat and restoring anadromous fish populations.
 - The project implements a recovery action identified for the Carmel River biogeographic group in NMFS’ 2013 SCCCS Recovery Plan. Specifically, the project will, consistent with CAR-SCCCS-3.2, “implement plan to remove or modify fish passage barriers within the watershed.” The project will also further the overarching Recovery Objective to “restore suitable habitat conditions and characteristics to support all life history stages of viable [steelhead] populations.”
4. **Support of the public:** The proposed project is supported by the National Marine Fisheries Service, the Carmel River Watershed Conservancy and Carmel River Task Force, the Santa Lucia Conservancy, the Carmel River Steelhead Association, and the Steinbeck Country Chapter of Trout Unlimited; and it addresses priority actions defined by the Carmel River Task Force. In addition, the Conservancy has received support letters from State Assemblymen Robert Rivas and Mark Stone and State Senator Bill Monning,
 5. **Location:** The proposed project is located outside of the coastal zone on Cachagua Creek, downstream of the confluence with Boronda Creek (Exhibit 2). The area is within a coastal-draining watershed.
 6. **Need:** The RCDMC does not have the financial capacity to undertake this project on its own. Without the Conservancy’s support, the project will not occur.
 7. **Greater-than-local interest:** SCCC steelhead is a federally threatened species and the Carmel River population has been identified as one of the highest priorities for recovery. The proposed project will enhance spawning and rearing habitat for SCCC steelhead.
 8. **Sea level rise vulnerability:** The proposed project is located well inland at an elevation greater than 500 feet above sea level.

Additional Criteria

9. **Urgency:** SCCC steelhead populations are at historically low numbers in the Carmel River and several years of drought have exacerbated the adverse conditions caused by over-pumping of the river’s water. Immediate steps are needed to help steelhead survive until CAW’s over-pumping of the river stops, which is estimated to be at least three to four years from now.
10. **Readiness:** The RCDMC is ready to start work on the project immediately; it anticipates contracting with an engineering firm in the summer of 2020 with permit and grant applications submitted in 2021.

11. **Realization of prior Conservancy goals:** This project complements several other projects the Conservancy has funded to improve habitat in the Carmel River watershed including restoration of the south arm of the lagoon, removal of the San Clemente Dam, floodplain restoration east of Highway 1 and removal of barriers on lower Potrero Creek.
12. **Cooperation:** The RCDMC has secured the cooperation of the property owners to replace this fish migration impediment (Exhibit 3) and is working with the Carmel River Steelhead Association and Trout Unlimited to identify additional migration barriers and other potential improvements to steelhead habitat.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/ STATE WATER QUALITY CONTROL PLAN:

Under PRC Section 31220(c), projects undertaken pursuant to PRC Section 31220(b) must be consistent with the following, if available and relevant to the project: Integrated Watershed Resource Management Programs (IWRMP); local watershed management plans; and water quality control plans, adopted by the state and regional water boards.

The proposed project is consistent with the Monterey Peninsula, Carmel Bay, and South Monterey Bay Integrated Regional Water Management Plan, dated November 2007 (Monterey IRWMP), the scope of which includes the Carmel River. In particular, the proposed project is consistent with the following objectives within the Environment Protection and Enhancement Goal ES-5: “protect and enhance sensitive species and their habitats in the regional watersheds,” and “minimize adverse effects on biological and cultural resources . . . when implementing strategies and projects”. Monterey IRWMP at page 4-4. The proposed project is also consistent with the regional priority of promoting the steelhead run (Monterey IRWMP at page 6-2) and with the June 2014 Update of the Monterey IRWMP, Objective EV-1 “Protect and enhance sensitive species and their habitats in the regional watersheds; promote the steelhead run.” (*Id.* page 8-4).

The Water Quality Control Plan for the Central Coastal Basin, March 2016 (Water Quality Plan), adopted by the Regional Water Quality Control Board, designates several beneficial use objectives for the Carmel River, including cold fresh-water habitat and habitat for rare, threatened or endangered species. The proposed project will help to ensure survival of SCCC-steelhead, a threatened species that require cold freshwater habitat, and is thus consistent with the Water Quality Plan’s identified beneficial uses.

CEQA COMPLIANCE:

The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to Title 14 of the California Code of Regulations, Section 15262. Consistent with Section 15262, the project will only involve preparation of planning studies and feasibility studies and will consider environmental factors.

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The proposed project is also categorically exempt from CEQA review pursuant to Title 14 of the California Code of Regulations, Section 15306. Consistent with that section, the project will only include basic data collection, research, and resource evaluation which do not result in a serious disturbance to an environmental resource. The proposed project consists of planning and information gathering that may lead to future actions that a public agency has not yet approved, adopted, or funded.

Upon approval, staff will file a Notice of Exemption for this project.