

COASTAL CONSERVANCY

Staff Recommendation
May 5, 2022

**CACHAGUA CREEK FISH PASSAGE
WESTON-CHAMPAGNE PROPERTY**

Project No. 20-019-02
Project Manager: Tom Gandesbery

RECOMMENDED ACTION: Authorization to disburse up to \$290,000 to the Resource Conservation District of Monterey County to replace a concrete ford with a steel bridge on Cachagua Creek, a tributary to the Carmel River, and adoption of findings under the California Environmental Quality Act.

LOCATION: Upper Carmel River Watershed, Monterey County (Exhibit 1)

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Project Photos](#)

Exhibit 3: [Mitigated Negative Declaration for the 2021 Fisheries Habitat Restoration Project](#) (<https://ceganet.opr.ca.gov/2021090528>)

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two hundred and ninety thousand dollars (\$290,000) to the Resource Conservation District of Monterey County (“the grantee”) to replace a concrete ford with a steel bridge on Cachagua Creek.

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.
2. Names and qualifications of any contractors to be retained in carrying out the project.

3. A plan for acknowledgement of Conservancy funding
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project.

Findings:

Based on the accompanying staff recommendation 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 Protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration for the 2021 Fisheries Restoration Grant Program adopted by the California Department of Fish and Wildlife on November 16, 2021, pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibit 4. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the Project may have a significant effect on the environment, as defined in Title 14 of the California Code of Regulations Section 15382.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize a grant for up to \$290,000 to the Resource Conservation District of Monterey County (RCDMC) to demolish a concrete ford and construct a replacement bridge on Cachagua Creek, a tributary to the Carmel River. The crossing is jointly owned as an access road to two private residential properties owned by the Weston and Champagne families. Currently the ford is a partial barrier to fish migration and the proposed project will allow steelhead to migrate through the property in all flow conditions. In June of 2020 the Conservancy provided a \$100,000 grant to RCDMC to complete planning, design and engineering work associated with the project. In late 2021 RCDMC was awarded a \$669,998 grant by California Department of Fish and Wildlife (CDFW) from its Fisheries Restoration Grants Program (FRGP) for implementation of the project. The proposed grant will provide matching funds for that grant using the Carmel River Settlement Account (see “Project Financing” section below).

The 2014 Assessment of Steelhead Passage Barriers In Portions Of Four Tributaries To The Carmel River (Barriers Assessment), prepared by the Monterey Peninsula Water Management District, identified several fish passage barriers along Cachagua Creek, including the subject ford

which it ranked as the third-highest priority fish passage due to jump height, velocity, and depth of flow over the slab. The crossing blocks fish migration at most flow conditions, although some adult fish can pass over the ford during high-flow winter events. Removing this ford will restore fish passage to 10.4 miles of Cachagua Creek and its tributaries, which contain high-quality spawning and rearing habitat.

Under the proposed project, the existing concrete ford will be demolished and replaced with a 45-foot single span “low-flow” bridge located in the existing crossing alignment. The proposed bridge design will improve upstream migration conditions for adult and juvenile steelhead trout in accordance with CDFW design standards. Associated work will include drainage improvement of the approaching road, bank protection immediately adjacent to the bridge abutments, regrading of the channel to match the crossing’s downstream channel grade, and a simple revegetation project in the floodplain immediately downstream of the bridge to mitigate for willow trees removed for the bridge construction. In addition to improving fish passage conditions, the project will improve flood conveyance and provide safe vehicle access across Cachagua Creek (Exhibit 3).

RCDMC will engage several consultants to help secure the permits and undertake required biological and cultural monitoring. The Esselen Tribe of Monterey County will monitor for tribal resources during excavation and ground disturbing activities. The RCDMC will hire a contractor to carry out the project. RCDMC and residents will carry out post project monitoring of the site and required habitat restoration.

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 crossing is located on private property and provides access to two properties. It is jointly owned by the Weston and Champagne families. The property can also be accessed by a small footbridge which runs parallel to the ford over the creek (see Exhibit 2). The crossing is located about 2.3 miles upstream of Cachagua Creek’s confluence with the Carmel River (Exhibit 1). 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. The watershed above the project 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. Portions of the watershed 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 Barriers Assessment, “even though lower Cachagua Creek dries up most years, this tributary system is one of the most productive in the Carmel River watershed.”

Grant Applicant 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.

CONSISTENCY WITH CONSERVANCY’S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy’s Project Selection Criteria and Guidelines, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the “Consistency with Conservancy’s Strategic Plan” section below.

2. Project is a good investment of state resources.

The project is a good investment of state resources because it will enhance habitat for South-Central California Coast steelhead, a threatened species, by implementing one of the actions in the federal recovery plan. The project is also 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 will be primarily funded by a grant from the CDFW’s FRGP and is very similar to several other creek crossings in the Carmel River Watershed which have been successfully remediated. The estimated costs are consistent with similar projects in the region. Project costs are influenced by the remote location of the site.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

The Coastal Conservancy notified local tribal groups of the project in advance of the project. In general, tribes have been supportive of projects that seek to restore salmonid populations. An archeological survey of the site will be completed prior to construction and mitigation measures taken if artifacts are observed. In addition, a representative of a local tribe will monitor the site during construction.

4. Project benefits will be sustainable or resilient over the project lifespan.

The new bridge will be built to modern engineering standards and will be designed to withstand extreme flow events such as a one-in-one-hundred-year storm. The existing-conditions hydraulic model results show that the existing elevated pedestrian bridge adjacent to the concrete ford is overtopped during 10-year (2,850 cfs) and larger events. Thus the new bridge was designed to allow flows during extreme events to pass over it without damaging the bridge.

Cachagua Road adjacent to the bridge site is overtopped in the 100-year event to depths of about one foot. The river-left floodplain in the vicinity of the residences is also completely inundated in the 100-year event, with flows fully surrounding the residences. The most notable result of the existing conditions flood modeling is the fact that Cachagua Road is overtopped at the 100-year peak. This makes it impossible to construct a bridge that would conform to the Cachagua Road grade and still span over the 100-year water surface.

5. Project delivers multiple benefits and significant positive impact.

The main project benefit is to facilitate steelhead migration to upstream spawning and rearing habitat with perennial flows. The project will also facilitate natural stream processes including sediment transport and migration by other aquatic species.

6. Project planned with meaningful community engagement and broad community support.

The Carmel River Task Force (CRTF) is a group that meets three times a year to share information, discuss Carmel River watershed issues, and to prioritize projects to preserve and restore the watershed. The CRTF includes representatives from local, state, and federal agencies, non-governmental organizations (NGOs), and individuals with a special interest in the watershed, such as researchers and graduate students. The CRTF has developed and periodically updated a list of priority actions for the restoration and enhancement of the river, the last update being in 2021. CRTF has consistently identified removal of fish passage barriers as one of the highest priorities actions. The proposed project is supported by the Carmel River Watershed Conservancy, the Carmel River Steelhead Association, the Carmel River Task Force Committee, and the Monterey Peninsula Water Management District.

PROJECT FINANCING

Coastal Conservancy	\$290,000
California Department of Fish and Wildlife (FRGP)	\$669,998
Project Total	\$959,998

The anticipated source of Conservancy 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. 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 tributaries and will thereby help mitigate the impacts on SCCC steelhead from CAW’s water withdrawals. Therefore, the proposed project is consistent with the funding source.

The settlement also directs the Conservancy to, when possible, maximize the value of the funds by seeking cash or in-kind matching contributions. As discussed above, RCDMC has also obtained a grant from FRGP, which will pay for the bulk of the project and for which this grant provides the funding match. Although for this project the settlement funds have been maximized through this other project grant, staff is not recommending that this other source of funds be required as a condition of the Conservancy grant, and such a requirement is not necessary under the settlement agreement. Therefore, staff will not require documentation of expenditures from the FRGP grant. Typical grant conditions require grantees to provide any funds needed to complete the project.

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.

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; 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, improving fish access to upstream habitat and removing a human-created impact on fish population.

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 E** of the Conservancy’s 2018-2022 Strategic Plan in that the proposed project will improve fish passage by modifying a creek crossing to remove a passage barrier.

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

Projects undertaken pursuant to Public Resource Code Section 31220 must be consistent with the following, if available and relevant: 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 IWRMP, updated September 2019 (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: “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”.

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 freshwater 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:

In order to implement projects to improve fish spawning and rearing habitats through the FRGP, CDFW developed a Programmatic Mitigated Negative Declaration (MND) for its 2021 FRGP funded projects (Exhibit 3). The proposed project is one of the 2021 FRGP funded projects. The MND identifies impacts to biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise elements of the environment related to project construction. CDFW found no potentially significant impacts to Aesthetics, Agricultural Resources, Air Quality, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Population and Housing, Public Services and Recreation, Utilities and Service Systems, Transportation and Traffic, and Tribal Cultural Resources. The MND addresses all of the anticipated environmental effects of the funded projects by providing mitigation measures for the various types of projects that will be implemented throughout the State in a Mitigation Measures, Monitoring and Reporting Program (MMMRP), which is attached as Appendix B to the MND. The MMMRP includes standard protocols for avoiding impacts to species of concern, including state- and federally-listed threatened and endangered species.

The CDFW MND includes a discussion of this project, referred to as the Weston-Champagne Cachagua Creek Fish Passage Project, and includes specific mitigation measures for the proposed project in Appendix B to the MND (Exhibit 3). The mitigation measures that generally

apply to all FRGP funded projects and which are specific to this project, as contained in the MND, are described as follows:

- No equipment maintenance will be performed within or near the stream channel where pollutants (such as petroleum products) from the equipment may enter the channel via rainfall or runoff. Appropriate spill containment devices (e.g., oil absorbent pads, tarpaulins) will be used when refueling equipment. Any and all equipment will be removed from the streambed and flood plain areas at the end of each workday.
- All equipment and gear will be brushed with a stiff brush prior to leaving each stretch of stream to avoid the transport of aquatic invasive species (AIS). All crew members will decontaminate equipment and shoes for AIS according to the standards detailed in the California Department of Fish & Wildlife Aquatic Invasive Species Decontamination Protocol.
- During project activities, all trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.
- The project will follow the National Marine Fisheries Service (NMFS 2001) Guidelines for Salmonid Passage at Stream Crossings and criteria for fish passage as described in Volume II, Part IX, of the California Salmonid Stream Habitat Restoration Manual. The engineered plans for the bridge (culvert) installation will be visually reviewed and authorized by NOAA Fisheries or California Department of Fish and Wildlife engineers prior to commencement of work.
- All habitat improvements will follow techniques described in the California Salmonid Stream Habitat Restoration Manual, Volume I, and Volume II Part XI and Part XII. The Permittee/landowner will maintain the new crossing, inspect the crossing in a timely manner and remove debris as necessary during the storm season.

CDFW found that all potentially significant impacts associated with the funded projects, including this project, Cachagua Creek Fish Passage Project, will be avoided or mitigated below a level of significance under CEQA. CDFW approved the MND and filed a Notice of Determination on November 16, 2021.

Staff has independently reviewed the MND and concurs with the CDFW finding that there is no substantial evidence that the project, as modified by incorporation of the mitigation measures identified in the MND, Appendix A and the other exhibits, will have the potential for a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance and that there is no substantial evidence that the project will have a significant effect on the environment, as defined by Title 14 California Code of Regulations Section 15382.

Upon approval, staff will file a Notice of Determination.