

COASTAL CONSERVANCY

Staff Recommendation
May 5, 2022

FINCH CREEK FISH PASSAGE - UC HASTINGS RESERVE

Project No. 20-004-01
Project Manager: Tom Gandesbery

RECOMMENDED ACTION: Authorization to disburse up to \$850,000 to the University of California, Berkeley, to replace a concrete ford with a bridge spanning Finch Creek, located within the University of California's Hastings Natural History Reservation in Monterey County.

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

EXHIBITS

Exhibit 1: [Project Location Maps](#)

Exhibit 2: [Photos of Project Site](#)

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 eight hundred and fifty thousand dollars (\$850,000) to the Regents of the University of California for the University of California at Berkeley ("the grantee") to replace a creek ford through Finch Creek, located within Hastings Natural History Reservation, in the upper Carmel River watershed, 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.
 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.
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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 restoration of coastal resources.
 2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
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STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize a grant of \$850,000 to the Regents of the University of California (UC) for UC Berkeley to replace a concrete ford through Finch Creek, located within Hastings Natural History Reservation (UC Hastings Reserve), in the upper Carmel River watershed. UC Hasting Reserve is located in the upper Carmel River watershed and was created in 1937, making it the oldest of the approximately 40 field reserves owned and managed by the University of California Natural Reserve System.

A 2014 assessment by the Monterey Peninsula Water Management District (MPWMD) of steelhead migration barriers identified the Finch Creek ford as the sixth most significant barrier to steelhead passage in the four major tributaries of the Carmel River (Exhibit 2). Nearly four miles of excellent spawning and rearing habitat exist upstream of the ford. In the last few years, the other barriers listed in the report have been removed, while the Finch Creek ford remains a major impediment to steelhead migration in the upper watershed.

During high flow events water flows over the ford but during low flows the creek runs through four small (8"-10") culverts imbedded in the concrete under the surface of the ford. Central California coast steelhead migrate from the ocean to spawning grounds in Finch Creek annually and during some high-water conditions fish can swim over the ford; however, during low-flow conditions it is a complete barrier to fish migration (Exhibit 2).

In 2019 the Monterey Peninsula Water Management District (MPWMD) granted \$100,000 for UC Hastings Reserve to undertake the planning, engineering, and permitting of a new crossing. The 65% design was completed in late 2021 and it proposes removing the existing ford and replacing it with a low steel bridge that will allow for fish passage in all flow conditions including extreme events.

UC Berkeley Capital Projects staff will work with UC Hastings Reserve and a consulting engineer to carry out the project. In 2022 and 2023 UC Berkeley, in partnership with the Resource Conservation District of Monterey County, will complete engineering and permitting for the project with a planned construction in 2024.

The proposed project includes preparation of final engineering and permit applications, demolition of the current concrete vehicle ford, fabrication and installation of concrete

abutments and wingwalls, and installation of a 446-square foot slab bridge, with railings. The project will also require earthwork, revegetation, road resurfacing, and a biological monitor during construction. While some site preparation can take place earlier in the 2024, the majority of construction will take place in the late summer and fall of 2024 to avoid impacts to the creek.

Site Description: UC Hastings Reserve is one of forty natural reserves owned and managed by the UC Natural Reserve System. Attached to the UC Berkeley Department of Vertebrate Zoology, UC Hastings Reserve is 2,373 acres of former ranch land located high in the Carmel River watershed. Finch Creek runs along the southwestern portion of the reserve and is a tributary to Cachagua Creek and the Carmel River. There are approximately 4.3 miles of additional spawning and rearing habitat upstream of the Finch Creek ford. The project site is located approximately 2 miles upstream from the confluence of Finch and Cachagua Creeks and 1/4 mile downstream from the confluences of Big Creek and Robertson Creek. It lies in a canyon situated between Haystack Hill (to the north), Poison Oak Ridge (to the southeast), and Lambert Flats (to the south) in the Sierra de Salinas. The landscape surrounding the project area is dominated by coast live oak and California sycamore woodland, and chaparral.

Grant Applicant Qualifications: The University of California, Berkeley, is well positioned to execute this project. The project assessment and design were managed by the UC Hastings Reserve Director with funding from MPWMD. Construction will be managed by UC Berkeley's Office of Capital Projects, as well as the Reserve Director and a consulting project engineer. The Reserve Director and UC students will undertake project monitoring to comply with permit requirements and as part of a larger ecological study.

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 highly feasible, and the budget is reasonable given comparable projects recently completed in the region. The Project advances statewide goals and is consistent with regional and local plans. For example the project implements a recovery action identified for the Carmel River biogeographic group in the 2013 South Central Coast Steelhead Recovery Plan by the National Marine Fisheries Service. The new bridge was designed using current guidance for fish passage restoration issued by California Department of Fish and Wildlife and National Marine Fisheries Service. As a project within the UC Natural Reserve System, this project will have the

added benefit of providing the opportunity for UC students to monitor the project improvements over the long-term.

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. One tribe has requested consultation regarding this project and another barrier removal project in the lower portion of the Carmel River watershed on Potrero Creek. In general, tribes have been supportive of projects that seek to restore salmonid populations. An archeological survey of the site was completed by UC Berkeley last year which did not raise any concerns but mitigation measures will be taken if artifacts are observed 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 is designed to withstand flow events up to a one hundred year storm.

5. Project delivers multiple benefits and significant positive impact.

Not only will the project improve fish spawning and rearing, but it will improve the safety of road access to the Reserve Director’s residence. Under current conditions, the road is impassible in high flows which cuts off the residence from Carmel Valley Road. UC Hastings Reserve serves a diverse community of K-12, undergrad, and graduate-level students from a variety of locations.

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

The proposed project is supported by the National Marine Fisheries, Service, the Carmel River Watershed Conservancy, the Monterey Peninsula Water Management Agency, the Carmel River Steelhead Association, and the Steinbeck Country Chapter of Trout Unlimited.

PROJECT FINANCING

Coastal Conservancy	\$850,000
UC Berkeley	\$101,100
Project Total	\$ 951,100

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 agreement directs the Conservancy to, when possible, maximize the value of the settlement funds by seeking cash or in-kind matching contributions. The University of California will provide staff support and approximately \$100,000 of additional funding towards the project. In addition, the Monterey Peninsula Water Management District provided \$100,000 for planning and design. Although for this project the settlement funds have been maximized through these other project contributions, staff is not recommending that these other sources of funds and in-kind contributions 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 other funders or documentation of in-kind services. 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 following objectives of the 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. Consistent with §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.

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 implementation of monitoring and evaluation of the replacement culvert.

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

Consistent with **Goal 5, Objective C** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will preserve part of a fish corridor between core habitat areas along the coast and inland habitat areas.

Consistent with **Goal 6, Objective E** of the Conservancy's 2018-2022 Strategic Plan, 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 Chapter 5.5 of Public Resources Code Division 21 (Section 31220(c)) must be consistent with the following, if available and relevant: Integrated Watershed Management Programs (IWMP); local watershed management plans; and with 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 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 fresh water habitat, and is thus consistent with the Water Quality Plan's identified beneficial uses.

In 2004, the Carmel River Watershed Conservancy adopted an Assessment and Action Plan for the Carmel River. The actions recommended in this plan were reviewed and prioritized by the Carmel River Task Force (CRTF) with the most recent update having been done in 2019. One of the priorities identified by the CRTF is to eliminate barriers to steelhead migration and this project would do just that by removing a highly ranked barrier.

CEQA COMPLIANCE:

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15333, "Small Habitat Restoration Projects." Section 15333 exempts projects that do not exceed five acres in size that assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife. The proposed project qualifies for this exemption because the project area is less than five acres and will enhance fish habitat. In addition, the project will not significantly impact

endangered, rare or threatened species or their habitat pursuant; there are no hazardous materials at or around the project site that may be disturbed or removed; and the project will not result in significant cumulative impacts when viewed in connection with the effects of past projects. Section 15333(d)(6) specifically cites “culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.”

Upon approval, staff will file a Notice of Exemption.