

4/17/96

CALIFORNIA COASTAL COMMISSION

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Commission Action:
3-96-07.DOC

STAFF REPORT
REGULAR

APPLICATION NUMBER: 3-96-007

APPLICANT: CARMEL AREA WASTEWATER DISTRICT
Ray von Dohren, General Manager

AGENT: Frank Tedesco, Wilsey & Ham Engineers

PROJECT LOCATION: "Odello West" portion of Carmel River State Beach; seaward of Highway One Bridge over Carmel River, 0.9 mile south of Carmel, Monterey County.

PROJECT DESCRIPTION: Construction of 0.4 mile replacement road across former agricultural lands within Carmel River State Beach, to provide administrative access from Highway One to wastewater treatment plant; and removal of part of defunct south levee along Carmel River and adjacent area, using it as fill material for replacement road (up to 16,000 cubic yards).

LOCAL APPROVALS RECEIVED: None necessary (retained jurisdiction of the Coastal Commission)

SUBSTANTIVE FILE DOCUMENTS: Carmel Area Wastewater District Contract Documents and Specifications for Access Road, Notice of Intent to Issue Negative Declaration Wastewater Treatment Facility Access Road, Point Lobos State Reserve and Carmel River State Beach General Plan (as amended), Draft Restoration Plan for the Carmel River Mitigation Bank

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, approve the proposal with conditions addressing erosion control and public access. The project will provide both public

benefits in terms of flood protection and environmental benefits in terms of riparian enhancement. The principal issue involved with this permit application is the tradeoff between agricultural land preservation and riparian habitat restoration, which can be resolved in favor of the latter, pursuant to Coastal Act Sections 30007.5 and 30200(b), the balancing provisions for resolving policy conflicts. The proposed project location on State Parks land between the nearest public road and the sea also necessitates the provision of public access, pursuant to Coastal Act Sections 30210 -14. The standard of review for this project is the Coastal Act because the project is located in an area where the Coastal Commission retains coastal development permit jurisdiction.

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- 2. Site Plan
- 3. Area to be Graded
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STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of

chapter 3 of the California Coastal Act of 1976, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

A. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for this permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. Evidence of Easement Authority and Public Access

BEFORE THE NEW ACCESS ROAD IS PLACED IN SERVICE, the permittee shall provide to the Executive Director an updated easement to allow this use on State of California lands. The updated easement shall be non-exclusive, so as to not preclude the Calif. Dept. of Parks and Recreation's right to allow public recreational use (pedestrian or bicycle) on or over those portions of the replacement road located on State Park System lands. Reasonable limits on public use may be established so as not to interfere with construction, revegetation activities, park management needs, public health requirements, or wastewater plant security, subject to

the concurrence of the Executive Director. This condition can be superseded by a future action of the Coastal Commission involving alternative access provisions on the site and without the necessity to amend this permit.

2. Final Plans

PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT the permittee shall submit for review and approval by the Executive Director a final set of plans that incorporate the following:

- Best Management Practices to prevent polluted runoff
- installation and maintenance of erosion control and landscape screening plantings on the road embankment
- riparian revegetation of the area where the river levee is to be removed
- species selected for erosion control, landscape screening and revegetation
- limits of cut and fill
- any gates, located and designed consistent with the public access condition #1 above
- any signing, consistent with the public access condition #1 above
- limits of construction activity and staging areas to avoid riparian or crop damage
- possible future relocation of overhead utility lines.

The plans shall be accompanied by evidence of approvals by the Department of Parks and Recreation, Monterey County Water Resources Agency, and the Department of Fish and Game as well as by California Dept. of Transportation (CALTRANS) with regard to the encroachment onto Highway One.

3. No Future Mitigation Credits

The area where the river levee is to be removed must be replanted prior to the winter season after project construction, according to specifications in *Draft Restoration Plan for the Carmel River Mitigation Bank* or comparable procedures submitted to and approved by the Executive Director. As-built plans, accompanied by photographic documentation, showing the extent of riparian vegetation removed, shall be submitted within 30 days after project construction. Although another agency, such as CALTRANS, can assume responsibility for this restoration as part of a larger project, this area shall not be available for mitigation credits for any other project, since its replanting is necessary mitigation for this project.

4. Maintenance of Erosion Control Measures and Environmental Monitor

PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT the applicant shall submit for review and approval by the Executive Director a binding agreement to:

- install and irrigate restoration plantings for up to five years or until they become established, whichever is first;
- maintain mitigation planting areas by annual (or more frequent) inspection for and eradication of, invasive exotic vegetation (e.g., pampas grass, broom, German ivy, Kikuyu grass, etc.).

The applicant shall also submit for Executive Director review and approval the planned performance monitoring criteria and methodology. An environmental monitor, contracted with and paid for by the permittee or other responsible agency, and acceptable to the Executive Director, shall submit annual reports to the Executive Director describing the permittee's conformance with these permit requirements. This condition can be superseded by a future action of the Coastal Commission involving alternative monitoring and maintenance responsibility for the site and without the necessity to amend this permit.

5. Project Limits

This permit authorizes only the described work to relocate the access road and replant the area where the levee is removed. Any additional development of the site, such as implementation of other components of the *Draft Restoration Plan for the Carmel River Mitigation Bank*, requires a separate coastal development permit or permit amendment. A separate permit or permit amendment will not be required for relocation of overhead utility lines, if hidden from Highway One views.

6. Environmental Mitigation Measures

All conditions of the *Negative Declaration* (see Exhibit 5) are incorporated as conditions of this coastal development permit, except as modified by conditions #1 -5 above.

II. FINDINGS AND DECLARATIONS

The Coastal Commission hereby finds and declares:

A. Project Description and Background

The proposed project consists of removing part of the defunct south levee along Carmel River and using it and the adjacent area (up to 16,000 cubic yards; see Exhibit 3) as fill material for constructing a 0.4 mile replacement road across former agricultural lands located within Carmel River State Beach. The road will lead from Highway One to the existing Carmel Area Wastewater Plant to provide access for facility personnel. The existing levee was breached during the 1995 winter storms. The existing access road to the wastewater plant was also destroyed during these storms. The current proposal would address multiple flood control and environmental objectives. The new road would be elevated (the old road was not) and located further from the river. The river levee would be removed to help alleviate residential flooding as discussed below. The old levee material can be used for the new road. The area of the old levee and between it and the new access road is planned to be restored as riparian habitat in the future. Planning for flood control and riparian and wetland restoration has been an ongoing exercise for all the various agencies involved. Coastal Commission staff has provided input at meetings with all the parties. Future projects include establishing a mitigation bank for CALTRANS of restored wetlands at Carmel River State Beach (see *Draft Restoration Plan for*

the Carmel River Mitigation Bank) and removal of more of the levee by the Monterey County Water Resources Agency.

The subject project is located in an area of potential public trust land, which remains under the Coastal Commission's jurisdiction for coastal permit processing pursuant to the Coastal Act. The standard of permit review is the Coastal Act; Chapter 3 policies. Monterey County thus does not have coastal permit jurisdiction over the project. However, the County does have a certified local coastal program. Relevant local coastal program policies are contained in *Notice of Intent to Issue Negative Declaration Wastewater Treatment Facility Access Road*.

B. Applicable Coastal Act Policy Analysis

1. Agricultural Lands

The following excerpts from the Coastal Act are applicable:

Section 30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:...*

Section 30001.5 *The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:*

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

Section 30007.5. *The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources...*

Section 30200(b) *Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.*

Loss of Some Agricultural Land: The proposed project would facilitate a loss of agricultural land. The approximately 20 acre area between the existing Carmel River levee and the proposed road levee is prime soils. It was farmed between 1876 and 1995. While the proposed project alone would not preclude renewed farming, soil from the former field will be used for the new road embankment, access by farm equipment would be more difficult, and another heavy rain could wipe out the fields if they were replanted since the Carmel River levee is no longer intact. Furthermore, it is not the intent of the Department of Parks and Recreation to renew an agricultural lease on this part of the property; rather the intent is to have the land revert to natural riparian habitat (see *Draft Restoration Plan for the Carmel River Mitigation Bank*). Riparian habitat is a very valuable coastal resource that has been diminished over time.

Thus, although the proposed project does not meet the intent of Section 30241, it can be approved, pursuant to the cited balance provisions of the Coastal Act.

Flooding of Fields: The proposed road embankment is also designed with culverts to allow flood water to pass through and inundate additional farmland. A future project would construct a new levee between the proposed road embankment and an existing levee to limit the total inundation area to 46 acres, which would be restored to riparian and wetland habitat. Until such a project is approved and constructed, the subject project to remove the River levee and construct the culverts could result in substantially more (up to approximately 100 acres) of the artichoke fields being inundated. However, this could also occur absent the proposed project since the River levee has already been breached. Although the result would temporarily impact agricultural operations, it would be from a natural occurrence and no mitigation is necessary through this project.

2. Public Access

The following excerpts from the Coastal Act are applicable:

Section 30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30212. *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway....

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30214. *a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter....

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

The proposed project is located between the nearest public road and the sea and has the potential to provide public access. The proposed project is being constructed on State Parks and Recreation Department land by a public agency.

To date the subject site has been in agricultural production. There had been no acknowledged public access nor any planned. However, as noted, agricultural production has been ended on a portion of the property. The State Parks Commission has just approved an amendment to the *Point Lobos State Reserve and Carmel River State Beach General Plan* applicable to the subject site. It calls for eventual restoration as riparian forest and wetlands. It notes that "the proposed land use change...will create an opportunity for establishing public trails through the area." It mentions some possibilities, but commits to no specific public access plans.

The proposed new road would be the main access into this portion of the State Park. (Another unpaved access exists further south leading to an agricultural shed and the remaining artichoke fields). In the short-run it could provide access for Park personnel, those engaged in habitat restoration, flood control district personnel, and other emergency vehicles. It may also be suitable for some public use, such as for birdwatchers.

In the longer-term, the new road could provide public access to view, and walk into, the riparian and wetland restoration area. It could also be continued and/or link to other trails leading to the beach, Carmel River, Carmel River lagoon and/or other amenity areas that may be developed in the Park in the future. Although a trail system could be developed that would not need to make use of the road, it would be unnecessarily disruptive of coastal resources to duplicate functions that the road could provide (e.g., even if a separate, parallel hiking trail is established, the subject road could still serve disabled park visitors and bicyclists).

The proposed project is to be constructed by the Wastewater District over an updated, non-exclusive easement that will be granted to them by the State Parks and Recreation Department. Various types of access can be allowed by the Department of Parks and Recreation for both the short- and long- term with necessary restrictions to protect resources, agriculture, and public safety. As conditioned for submittal of the updated easement, the proposed project is consistent with the cited public access policies.

3. Wetland and Riparian Resources

The following excerpts from the Coastal Act are applicable:

Section 30230. *Marine resources shall be maintained, enhanced, and where feasible, restored...*

Section 30231. *The biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organism and for the protection of human health shall be maintained . . .*

Section 30240. (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The proposed project would accommodate restoration of environmentally sensitive habitat. With the removal of the levee, additional areas can flood. This area would convert to riparian habitat (see *Draft Restoration Plan for the Carmel River Mitigation Bank*).

Mitigate Riparian Loss: The proposed levee removal will result in at least a temporary loss of approximately one acre of riparian habitat now found on the levee. In order to mitigate this loss, it will be necessary to replace the lost vegetation. In order to ensure this, final and as built plans must be prepared to document the loss more precisely than the plans available to date. The *Negative Declaration* states that, "This project is a component of the State mitigation land bank project which will create habitat to replace any lost during levee removal." However, this project must be self-sufficient in mitigating for the habitat loss that it causes. Given that the habitat is on a man-made levee, one-to-one inkind mitigation is an appropriate requirement for this project. CALTRANS' *Draft Restoration Plan for the Carmel River Mitigation Bank* contains specifications to perform such work. While an agency other than the Wastewater District (e.g., CALTRANS) is welcome to perform the work in conjunction with a larger project, such mitigation can not be then used as a credit for other necessary mitigation.

Monitor Revegetation: In order to ensure that the restoration succeeds monitoring is necessary. According to the *Negative Declaration*, "Development of the performance monitoring criteria and methodology, and development of the ongoing monitoring program will occur after preparation of the Restoration Plan." While it is logical to eventually have one overall monitoring program covering the Park's entire restoration area, provisions of monitoring of the revegetation of the River levee area disturbed pursuant to this project must be incorporated into this permit. This does not preclude the applicant from transferring such responsibility to another entity upon approval of the Executive Director, provided that other entity has responsibility and capability to do the monitoring and any necessary maintenance or remediation.

Prevent Adjacent Impacts: This work will occur adjacent to the Carmel River. In order to ensure that materials or personnel do not enter or damage the river, it will be necessary to set construction limits and employ best management practices to prevent non-point source pollution. Mitigation measures incorporated into the project through the *Negative Declaration* include:

- levee areas to be removed and grading areas will be marked in the field to prevent damage to habitat areas;
- all grading will be done from the south side of the levee, equipment will be kept off of the river bank and dust control is required in the specifications;
- a stormwater pollution prevention plan will be prepared and followed during construction;
- construction will take place during a period when impact to wildlife is minimal.

This work will also occur within and adjacent to a State Park. The noted measures along with erosion control plantings of native vegetation are necessary to avoid degrading the park lands. Mitigation measures incorporated into the project through the *Negative Declaration* include:

- the roadway embankment will be covered with a geotextile erosion control mat and planted.

As conditioned for final plans, mitigation specifications, not using mitigation credits twice, monitoring, avoiding indirect riparian impacts, and incorporating *Negative Declaration* mitigations, the proposed project is consistent with Sections 30230, 30231, and 30240.

4. Flood Hazard

The following excerpts from the Coastal Act are applicable:

Section 30253: (a) *New development shall: (1) Minimize risks to life and property in area of high geologic, flood, and fire hazard.*

Flood Protection Benefits: The proposed project would help minimize risk to life and property in two ways. First, by removing a portion of the dike along the Carmel River, flood waters could flow onto the State Park. This would help protect residences on the other side of the River that currently experience flooding when the levees break or overtop. Second, by moving and elevating the plant's access road, it will be protected from future flooding. This also means that access to the treatment plant will be less likely to be interrupted during a flood. Mitigation measures incorporated in the project through the *Negative Declaration* include:

- the County Water Resources Agency will be consulted to ensure the project is consistent with their floodway management plans;
- culverts have been designed to carry flows up to a ten year event.

The County wants the culverts designed for larger events for ease of maintenance which the agency would perform. If the culverts are built as designed (24" diameter), then the County is requesting that the Wastewater District maintain the culverts. The final culvert sizing and maintenance responsibilities can be addressed in the required final plan sign-off by the responsible parties. Culvert size should not affect overall flood hazards as the road embankment is designed to be overtopped by large floods.

Facility Protection: The wastewater plant itself is protected from flooding by a surrounding levee. The proposed project includes some work to connect the levee with the new road embankment and fill in a gap. Any other future flood protection work at the plant would need separate review.

Based on this discussion, the proposed project, as conditioned for final plan sign-off and future permits for additional work, is consistent with Section 30253a(1).

5. Structural Integrity

The following excerpts from the Coastal Act are applicable:

Section 30253: *(a) New development shall: (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed project has the potential to be structurally unstable. The new road will be constructed over a levee made of fill. To guarantee structural stability the roadbed project has been designed by an engineering firm and includes soil compaction and a revegetation mat. As noted, the levee sides will be planted with erosion control landscaping. This should be permanently maintained to prevent future erosion or instability. As so conditioned, the proposed project is consistent with Section 30253a(2).

6. Visual Resources

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project is located on highly scenic land. It is an area so designated in the *California Coastline Preservation and Recreation Plan*. It is at the gateway to the Big Sur Coast; the beginning of the rural coastal area south of the urbanized Monterey Peninsula. To date, scenic protection has been achieved by promoting and retaining the cultivation of low-growing crops (artichokes). Recently, as noted, the State Parks Commission approved an amendment to the *Point Lobos State Reserve and Carmel River State Beach General Plan* applicable to the subject site. It calls for eventual restoration as riparian forest and wetlands. This was consummated with the acknowledgment that the view would be permanently altered to a more natural, but more ocean-obscuring vegetative complex. The Negative Declaration on the Plan amendment concluded, "Although the viewing distance will be reduced, the complexity and natural character of the view will be enhanced." It went on to state:

The proposal to realign the Carmel Area Wastewater plant access road could create potential for a degradation of the view from Highway One. The road will need to be designed to minimize its visibility from the Highway. In addition, vegetation will quickly become established that will screen the new road from view of the Highway.

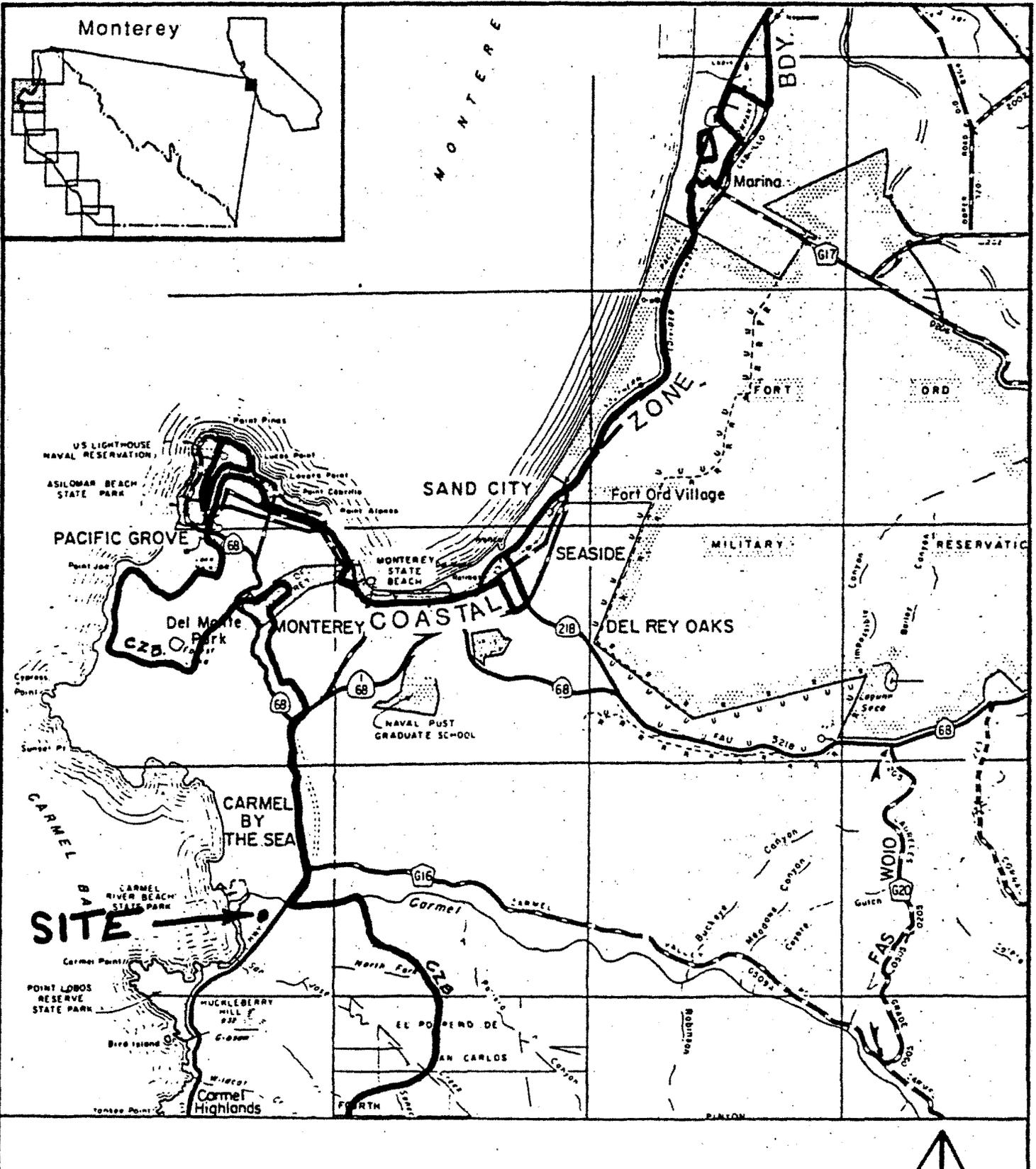
In the interim, until the *Restoration Plan for the Carmel River Mitigation Bank* is successfully implemented, the proposed project will be plainly visible from Highway One and somewhat obtrusive. Therefore, it needs to be landscaped to mitigate this impact. Over time, as the vegetation grows on the road levees as well as on the remaining of the property, the project will blend into the surroundings.

The levee to be removed contains overhead wiring leading to the wastewater plant. The applicant is not planning to disturb the power poles which over time would become less obtrusive as riparian restoration occurs. Nevertheless, if plans change, the less obtrusive options of relocating the lines to come in from across the Carmel River should be available to the applicant.

For the stated reasons, given the cited balancing provisions of the Coastal Act, and as conditioned for landscaping maintenance and utility line relocation, the project is consistent with the Coastal Act.

C. California Environmental Quality Act (CEQA)

The applicant will be certifying a *Negative Declaration* for the proposed project on April 18, 1996 (see Exhibit 5). The *Negative Declaration* was prepared in compliance with CEQA and mitigation measures are recommended to reduce significant impacts to a level of insignificance. Due to the urgency of this request, the permit was filed before final action on the *Negative Declaration*. It is the Commission's finding that, with the mitigation measures specified in the *Negative Declaration* along with the additional measures specified in this permit, this proposal can be found consistent with CEQA in that all significant impacts will be reduced to a level of insignificance.



 California Coastal Commission

LOCATION MAP

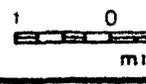
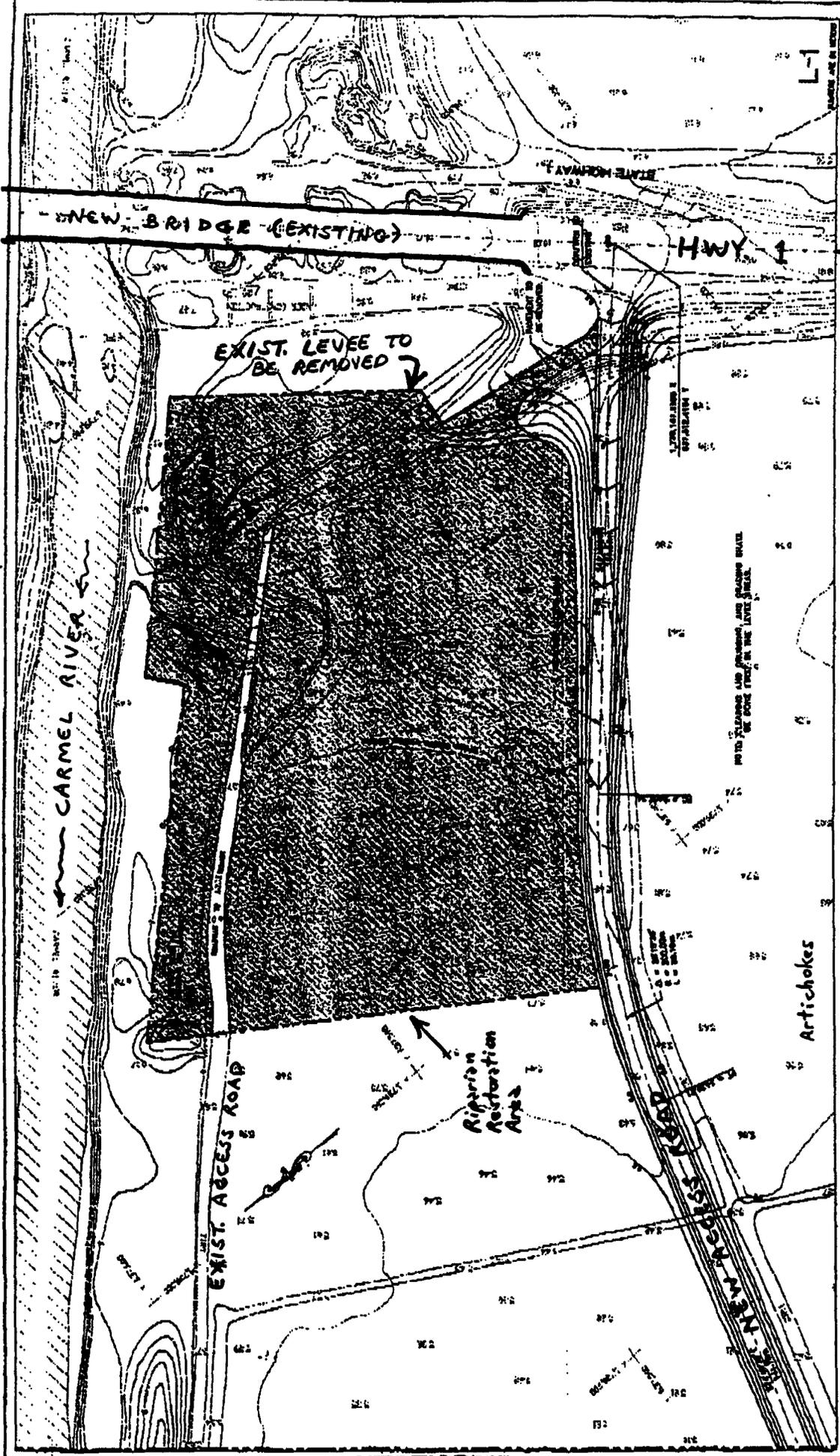


EXHIBIT NO. 1
APPLICATION NO. 3-96-007
Carmel Area Wastewater Road: Location

County of Monterey



WILSEY & HAM
 ENGINEERS AND ARCHITECTS
 101 LINDSEY DRIVE, SUITE 1
 PORTLAND, OR 97202
 TEL: 503-253-1100

LAYOUT
 SHEET 1 OF 5

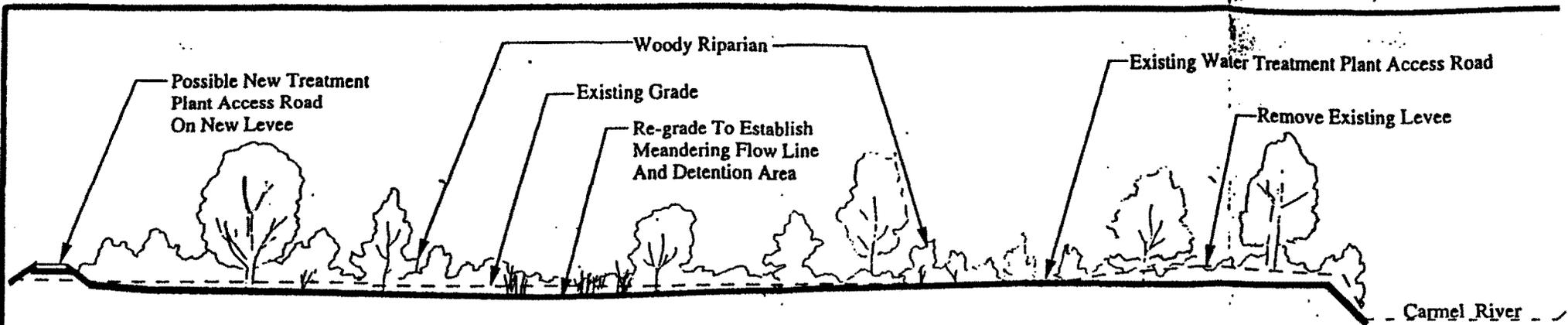
CARMEL AREA WASTEWATER DISTRICT
 CALIFORNIA PERMITS TEL: (408) 624-1248

EXHIBIT NO. 3

APPLICATION NO.
 3-96-007

*Carmel Area Wastewater
 Road: Site Plan + Grading*

MATCHLINE SEE SHEET 2



Section A-A

Approximately 15 hectares (37 acres) of woody riparian habitat will be created at the CRMB. Proposed vegetation is modeled after the North Coast Black Cottonwood Riparian Forest adjacent to the CRMB. That habitat is dominated by the following species:

<u>Common Name</u>	<u>Scientific Name</u>
Black cottonwood	(<i>Populus trichocarpa</i>)
Arroyo willow	(<i>Salix lasiolepis</i>)
Red willow	(<i>Salix laevigata</i>)
Sandbar willow	(<i>Salix Hindsiana</i>)
Coulter's Willow	(<i>Salix Coulteri</i>)
Sycamore	(<i>Platanus racemosa</i>)
White alder	(<i>Alnus rhombifolia</i>)
Dogwood	(<i>Cornus X californica</i>)
Wild blackberry	(<i>Rubus ursinus</i>)
Poison oak	(<i>Toxicodendron diversilobum</i>) .

This habitat will be located on Pacheco Clay Loam and Metz Fine Sandy Loam soils which are periodically flooded. Historically, these riparian habitats were flooded for a longer duration than under current conditions. In an attempt to emulate the historic hydrological conditions, portions of the south overbank levee will be removed and flooding and soil saturation conditions from natural winter runoff will be restored to the CRMB. The presence of a shallow water table in these areas will also encourage faster growth and greater seedling survivability.

EXHIBIT NO. 4
APPLICATION NO. 3-96-07
Carmel Area Wastewater Road: Draft Restoration Plan Excavate

FINAL NEGATIVE DECLARATION

PROJECT NAME: Wastewater Treatment Facility Access Road

LOCATION: 26900 State Route One, at the SW abutment of the Carmel River Bridge.

ENTITY UNDERTAKING PROJECT: Carmel Area Wastewater District, P.O. Box 221428, Carmel, CA 93922

PROJECT DESCRIPTION: The project consists of the construction of an asphalt concrete paved access road to replace the existing road which was damaged during flooding in March 1995. The new roadway will be placed on an earthen levee located further to the south of the Carmel River to mitigate the possibility of future damage from flooding and provide a greater level of reliability for personnel to access the treatment facility.

FINDING: It is hereby found that this project will not have a significant effect upon the environment.

INITIAL STUDY: An initial study of this project was undertaken and prepared in accordance with Article V of the District's local environmental guidelines for the purpose of ascertaining whether this project might have a significant effect on the environment. A copy of the initial study is attached hereto and by reference incorporated herein. The initial study documents reasons to support the above finding.

MITIGATION MEASURES: The following mitigation measures have been included in the project to avoid potentially significant effects:

- (a) Levee areas to be removed and grading areas will be marked in the field to prevent damage to habitat areas.
- (b) All grading will be done from the South side of the levee, equipment will be kept off of the river bank and dust control is required in the specifications.
- (c) The roadway embankment will be covered with a geotextile erosion control mat and planted.
- (d) A stormwater pollution prevention plan will be prepared and followed during construction.
- (e) The County Water Resources Agency will be consulted to ensure the project is consistent with their floodway management plans.
- (f) Culverts have been designed to carry flows up to a ten year event.
- (g) The State will either restore or replace habitat lost to levee removal regardless of the final outcome of their mitigation land bank proposal. If they elect to replace habitat, new habitat with an area equal to or greater than that lost during construction will be created.
- (h) Construction will take place during a period when impact to wildlife is minimal.
- (i) Archaeological monitoring will be provided as necessary.

Authorized Signature _____ Date _____

EXHIBIT NO. 5
APPLICATION NO. 3-96-007
Carmel Area Wastewater Road: Negative Declaration

