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5/22/96

**CALIFORNIA COASTAL COMMISSION**

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**STAFF REPORT  
REGULAR**

APPLICATION NUMBER: 3-96-033

APPLICANT: **CALTRANS** (California Dept. of Transportation)  
Gary Ruggerone, Environmental Planner

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: Restore approximately 6 acres of wetland and 37 acres of riparian habitat by removing portions of levee along south bank of lower Carmel River and along east side of Carmel River Lagoon, excavating sediment from south arm of Carmel River Lagoon, landscaping with native vegetation, and constructing a berm to protect adjacent agriculture. Applicant intends to establish this site as the Carmel River Mitigation Bank (which will be subject to future Commission review and action).

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

SUBSTANTIVE FILE DOCUMENTS: *Initial Study (CEQA) Environmental Assessment (NEPA) Carmel River Mitigation Bank..., Point Lobos State Reserve and Carmel River State Beach General Plan (as amended), Draft Restoration Plan for the Carmel River Mitigation Bank, Draft Agreement on a Mitigation Strategy for the Implementation and Operation of the Carmel River Mitigation Bank, Federal Consistency Certification CC-48-88 CALTRANS (Hatton Canyon Freeway), Coastal permit 3-95-38 to CALTRANS for replacing Highway 1 Carmel River bridge*

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission, after public hearing, **approve** the proposal with conditions addressing final plans and future monitoring and maintenance. The project will

provide substantial public benefits, in terms of both flood protection and environmental benefits --especially for riparian and wetland enhancement. The principal issue involved with this permit application is the tradeoff between agricultural land preservation and riparian/wetland 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. Recommended conditions address the need to crystallize specifics of the project design, final authorizations, monitoring, on-going maintenance, and this project's relationship to the proposed Carmel River Mitigation Bank. The proposed project location on State Parks land between the nearest public road and the sea also necessitates the consideration of public access, pursuant to Coastal Act Sections 30210 -14. The standard of review for this project is the Coastal Act (Chapter 3 policies) because the project is located in an area where the Coastal Commission retains coastal development permit jurisdiction.

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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 Authority and Public Access**

- a. **PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall provide to the Executive Director a copy of the cooperative agreement and/or memorandum of understanding (or equivalent instrument) which will allow the proposed use of lands within Carmel River State Beach. The agreement shall be non-exclusive, so as to not preclude the Calif. Dept. of Parks and Recreation's right to provide for and manage public recreational use on the site. Reasonable limits on existing 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.
- b. The permittee must also provide evidence of permission to do any of the proposed work that may be located on any other property, such as from the Carmel Area Wastewater District for their levee reinforcement.

## **2. Final Plans**

**PRIOR TO COMMENCEMENT OF CLEARING OR GRADING**, the permittee shall submit for review and approval by the Executive Director a final set of plans and specifications that incorporate the following:

- existing wetlands and other sensitive area delineations;
- final grading plans including number of cubic yards;
- retention of major riparian canopy trees;
- disposal sites for excavated materials, segregated according to type of materials (see condition #3);
- Best Management Practices to prevent polluted runoff;
- measures to prevent stranding of migratory fish;
- limits of construction activity and staging areas, to avoid riparian or crop damage.

The plans shall be accompanied by evidence of approvals by the Department of Parks and Recreation, Monterey County Water Resources Agency, Monterey Peninsula Water Management Agency, U.S. Army Corps of Engineers, the Department of Fish and Game, and State Lands Commission (if needed).

## **3. Excavated Spoils Re-Use and Disposal**

The final plans required by Condition #2 above shall provide for re-use and/or disposal of all excavated spoils. Excavated materials shall be segregated according to their suitability for re-use. Sediments excavated from the Carmel River Lagoon and topsoil from former diked agricultural lands shall be tested for contaminants in accordance with any applicable Regional Water Quality Control Board requirements. Materials which are suitable for horticultural or landscape restoration purposes shall be used accordingly within project limits; such materials in excess of project needs shall be offered to neighboring agricultural operations and any remainder stockpiled for future landscaping use.

Sand and gravel materials excavated from the levees or elsewhere on the site, if in excess of project needs shall be offered to the Carmel Area Wastewater District and to the Monterey County Water Resources Agency, for use in reinforcing the levees around the wastewater treatment plant and/or along the north bank of the Carmel River. Any remaining such sand and gravel materials shall be stockpiled in a manner that will allow for replenishment of beach sand supply by the natural river transport mechanism. All contaminated materials shall be separately stockpiled and disposed in conformance with Regional Water Quality Control Board requirements.

## **4. Wetland Monitor**

CALTRANS's environmental monitor (see condition #5) shall be present on-site during any work within the delineated wetland, with authority to suspend any construction activity that is not being performed in accordance with plans or that is harming any wildlife.

## **5. Maintenance of Habitat Restoration Measures**

The permittee shall be responsible for the following:

- replanting in accordance with the submitted phasing plan;
- installing and irrigating restoration plantings for up to five years or until they become established, whichever is first;
- maintaining 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.);
- providing, and conforming to, a schedule for the above steps.

## **6. Monitoring Program**

**PRIOR TO COMMENCEMENT OF CLEARING OR GRADING**, the permittee shall submit for review and approval by the Executive Director the final performance monitoring criteria, methodology, and schedule. At a minimum there shall be: (a) the "time-zero" report including as-built drawings, produced immediately after project completion and (b) three annual reports, the first due one year from the date of the required submittal of the "time-zero" report. An environmental monitor, contracted with and paid for by the permittee or other responsible agency (or qualified CALTRANS personnel), and acceptable to the Executive Director, shall be responsible for submitting the monitoring reports and ensuring conformance with these permit requirements. This condition can be superseded by a future action of the Coastal Commission (e.g., a subsequent permit) allowing alternative monitoring and maintenance responsibility for the site and without the necessity to amend this permit.

## **7. Proposed Carmel River Mitigation Bank (CRMB)**

This permit allows the habitat restoration work needed for the proposed Carmel River Mitigation Bank; but, a future, separate action by the Commission will be required to authorize signature of the CRMB agreement document or to use the CRMB for off-site mitigation credits for any particular project elsewhere within the Commission's jurisdiction. The applicant is advised that no specific mitigation ratios are herein applied to the proposed "Mitigation Bank" site. They will be determined through future Coastal Commission action based on consideration of the habitat quality and quantity of both the impacted and mitigation areas.

Any such request for future Coastal Commission action shall be submitted to the Executive Director for determination of the appropriate type of review. Such a request shall be accompanied by:

- a final mitigation agreement which conforms with the federal guidelines for mitigation banks (*Federal Guidance for the Establishment, Use and Operation of Mitigation Banks, Federal Register Notice; March 6, 1995*); which embodies the concepts of conformance with Coastal Act Section 30233a and avoidance of wetland impacts, like-for-like mitigation, no credits for existing wetlands, and no double counting of credits; and, which also specifies permanent maintenance responsibilities;
- a final Carmel River Lagoon Enhancement Plan or equivalent that includes breaching criteria for the River mouth (see condition #8).

## **8. Final Carmel River Lagoon Enhancement Plan**

Permittee shall agree to participate in developing a final *Carmel River Lagoon Enhancement Plan*, which shall include, in addition to the elements already completed in the *Draft Plan* and the elements of this project as conditioned (i.e., restoration plans, maintenance, and monitoring), the following:

- a public access and interpretation component;
- a river mouth breaching (and/or breaching alternatives) component, which both addresses the flooding issue and establishes standards to minimize the risk of premature breaching that would harm the juvenile steelhead population;
- an implementation component listing the responsibilities of all relevant agencies.

## **9. Project Limits**

This permit authorizes only the described work (in the *Draft Restoration Plan for the Carmel River Mitigation Bank (CRMB)*) to excavate and increase the size of the lagoon, remove lagoon and river levees and install an agricultural berm, and establish and maintain riparian plantings. Any additional development of the site, such as expansion of flood control levees along the north bank of the Carmel River, requires a separate coastal development permit or permit amendment.

## **10. Environmental Mitigation Measures**

All conditions of the *Negative Declaration* (see Exhibit 3) are incorporated as conditions of this coastal development permit. The required final plans (Condition #2) shall incorporate the measures stated in the *Negative Declaration*.

## **II. FINDINGS AND DECLARATIONS**

The Coastal Commission hereby finds and declares:

### **A. Project Description and Background**

The proposed project is a wetland and riparian restoration project. It is to consist of removing part of the defunct south levee along Carmel River, excavating sediment from the south arm of the Carmel River lagoon, enlarging the lagoon by additional excavation, removing part of the levee around the lagoon, installing a berm at the border of the remaining agricultural fields, and replanting riparian vegetation over former agricultural lands. The project is located within the boundary of Carmel River State Beach. It will be undertaken by CALTRANS pursuant to a memorandum of understanding with Calif. Dept. of Parks and Recreation and a follow-up cooperative agreement. It helps implement the *Draft Carmel River Lagoon Enhancement Plan* and the amended *Point Lobos State Reserve and Carmel River State Beach General Plan*.

Future related projects may include removal of more of the Carmel River levee by the Monterey County Water Resources Agency and repairing the north bank levee. The proposed project plans and narrative description are still in draft form (*Draft Restoration Plan for the Carmel River Mitigation Bank*). Thus, recommended conditions require final plans and more details as to future responsibilities, such as maintenance and monitoring.

A final *Carmel River Lagoon Enhancement Plan* would be the appropriate document to govern all the contemplated work and future use and management within the lagoon environs. It would be a mechanism to show coordinated responsibilities of all the relevant agencies. As landowner and as sponsor of preparation of the *Draft Plan*, the Department of Parks and Recreation is the logical agency to complete the Plan. CALTRANS should assist in this effort, as it is proposing to implement this major restoration project. If CALTRANS is ready to use the project as mitigation for a particular off-site project before the Final Enhancement Plan is completed, then it would have to take responsibility for completion, as conditioned. This is because the success of the proposed restoration plan is at least partly dependent upon the hydrologic regime of the lagoon and its consequent ability to sustain juvenile steelhead, as explained in subsequent findings.

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; particularly, the 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. Therefore, the local coastal program policies cited in *Notice of Intent to Issue Negative Declaration Wastewater Treatment Facility Access Road* (in permit file 3-96-007) and in *Initial Study (CEQA) Environmental Assessment (NEPA) Carmel River Mitigation Bank*, must be understood as advisory rather than the legal standard of review.

## **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 perpetuate a recent loss of agricultural land. The approximately 143 acre site "Odello West" artichoke field operated on prime floodplain soils at the mouth of the Carmel River, on leased lands within Carmel River State Beach. The area to be restored as riparian habitat comprises about 43 acres. It was farmed between 1876 and 1995. It has not been farmed since it was damaged in the spring floods of 1995. Both agricultural lands and wetlands and riparian habitat are considered significant coastal resources under the Coastal Act. In this particular case, the proposed riparian restoration project is most protective of coastal resources, and can be distinguished from other agricultural conversion situations, because:

- the area in question historically comprised riparian and wetland habitat;
- a higher percentage of coastal wetlands have historically been lost than coastal agricultural lands;
- the levee has already been breached, agricultural use has already been abandoned (after the Spring 1995 flood damage), the agricultural lease has been revised to omit this area,, and with comparatively little grading or hydrologic manipulation, the site is anticipated to return and maintain its historic riparian and wetland characteristics (this is not a new riparian or wetland habitat being created in the middle of an agricultural area);
- the project will expand the existing Carmel River lagoon ecosystem; the lagoon is a designated Natural Preserve supporting migratory waterfowl, and is a nursery area for anadromous fish; the restored areas will provide both improved wetland function and increased wetland acreage, as well as a substantial riparian buffer.

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

**Flooding of Fields:** The area to be retained for artichoke growing comprises about 100 acres, under a revised State Parks lease. The proposed project includes removing the levee along the south side of the Carmel River. It also entails constructing a new berm linking the permitted road embankment (coastal dev. permit 3-96-07) and an existing levee. The new berm will be roughly parallel to the river, but much further away than the existing defunct levee. In normal years, this new berm will limit the total inundation area to 46 acres, which would be restored to riparian and wetland habitat. However, the berm will not prevent substantially more (up to approximately 100 acres) of the artichoke fields being inundated. This is because "the berm is intended to provide protection for up to a 10 year storm event. Larger storm events will overtop this small berm and the agricultural field would provide additional floodway capacity" (*Initial Study...*, p. 7). However, this could also occur absent the proposed project since the River levee has already been breached. Although such periodic inundation would temporarily impact agricultural operations, it would be from a natural occurrence and no mitigation is necessary through this project.

## 2. 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 30233.** (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:...*

(7) *Restoration purposes.*

(8) *Nature study, aquaculture, or similar resource dependent activities.*

(b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*

(c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary*

**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.*

**New Habitat:** The proposed project would accommodate restoration of environmentally sensitive habitat. With the removal of the levee, additional areas can flood. An approximately 37 acre area would convert to woody riparian habitat (see *Draft Restoration Plan for the Carmel River Mitigation Bank*). The proposed project includes excavation of approximately 6 acres which is expected to become seasonal (1 acre) and permanent (5 acre) freshwater wetland. This is thus a beneficial project that can be approved as helping satisfy the goals of the Coastal Act, provided mitigation measures are incorporated, as discussed below.

**"Dredging" Wetlands:** The proposed project also includes excavating sediment from the south arm of the Carmel River Lagoon, a brackish/freshwater coastal wetland. The purpose is to deepen to more historic levels this portion of the lagoon, which has been filled with sediment. The greatest benefit is expected to be in terms of fishery resources, in particular the winter-run steelhead. This steelhead run has declined from tens of thousands of adult fish to a recent report of only 200. A major problem has been the loss of deeper, cool-water summer habitat for the juvenile fish. This project is a critical step in restoring the Carmel River's steelhead run. Dredging for such restoration purposes is a permitted use under Section 30233a(7) of the Coastal Act.

However, such excavation work could have some potential environmental impacts that must be mitigated under Section 30233. The *Initial Study* contains the following mitigation measures:

- work in the lagoon is restricted to July-November, when water surface levels are lowest;
- any Southwestern pond turtles or steelhead will be relocated out of the construction area and prevented from returning during construction;
- sensitive areas will be marked on plans and in the field;
- no construction is allowed in sensitive areas without prior concurrence from the District Biologist or Mitigation Monitor.
- the project design will include a low flow channel and ponded areas which could act as temporary holding areas to facilitate the rescue of stranded steelhead.

Based on the Commission's experience with similar projects where construction workers ventured beyond authorized areas, a supplemental measure should be added which requires the biologist to be on-site during excavation, with the authority to halt any unauthorized work.

Final detailed plans have not yet been prepared showing the exact area and method of excavation work. As conditioned to require final plan review, and to have on-site supervision, the proposed dredging can be found consistent with the relevant Coastal Act sections for work within a wetland and non-disruption of habitat.

**Spoils Disposal:** The Coastal Act requires that dredge spoils suitable for beach replenishment be placed accordingly. No sediment analysis was submitted with this application. CALTRANS indicates that the excavated material would be used to construct the already permitted road embankment (CDP 3-96-07), and to reinforce the existing agricultural and wastewater plant levees. Given that the sediments and/or levees may be beach or river sand, they may be suitable for beach replenishment. As conditioned for contaminant analysis of excavated lagoon sediment and agricultural soils; segregation, stockpiling and re-use of soils, sand and gravel according to their respective suitability; proper disposal of any contaminated materials which are discovered; and, for any suitable spoils in excess of project needs, placement in a manner to facilitate beach replenishment by natural processes, the proposed project is consistent with cited Section 30233b.

**River Mouth Breaching:** Although CALTRANS expects that the project will be established and self-sustaining after five years, it may not fully function as designed in isolation. Rather its long-term functionality is likely dependent on resolving the issue of lagoon breaching. If, when, and how the river mouth is breached affects the ability of the Carmel River Lagoon to function as a steelhead habitat. For example, if the lagoon is breached and the lagoon empties too quickly or too early in the season, there is a danger that all the juvenile steelhead will be flushed into the hostile marine environment before they are ready to run to sea, or will be stranded on mudflats. Such breaching, done at the wrong time of year or in a manner which quickly empties the lagoon, would obviate the desired benefits of improved steelhead habitat resulting from this project.

Although it occurs on State Parks property, lagoon breaching has been the responsibility of Monterey County Department of Public Works. The *Draft Carmel River Lagoon Enhancement Plan* failed to address this issue (and thus remained incomplete). The County applied for a coastal permit (Application No. 3-93-11) but it could not be filed as complete because it was missing key information. On December 11, 1995 the Coastal Commission wrote to the responsible agencies outlining the necessary follow-up to address breaching (Appendix I of 12/11/95 letter), including evaluation of alternatives to breaching. The restoration planning being undertaken by CALTRANS, in conjunction with a multi-agency task force, offers opportunities to established river mouth breaching criteria. Once these criteria are set, permit application 3-93-11 can be processed. While not crucial to be completed before this subject project is undertaken, the breaching issue needs to be resolved before the proposed project can be considered a viable mitigation for impacted lagoon/estuarine habitats pursuant to the Mitigation Bank proposal (see following paragraph). For the subject project to be considered permanently viable, there needs to be a finding that this wetland/riparian system (1) can continue to function and (2) will not be compromised by other activities. Such a finding can not be made until the breaching issue is resolved.

**Mitigation Bank:** The proposed project is intended to serve as a mitigation bank for future CALTRANS projects. Instead of having to undertake on-site mitigation for a project that impacts certain freshwater wetlands, CALTRANS would be able to take credit for this work already accomplished to restore like habitats in the lower Carmel River floodplain. **The Commission emphasizes that a future, separate action by the Commission will be required to authorize signature of the mitigation bank agreement document or to use the bank for off-site mitigation credits for any particular project within the Commission's jurisdiction.**

Mitigation banking is a concept being advocated by various officials and wetland experts as a way to ensure successful mitigation; it has advantages over piecemeal restoration projects that might not work. The Commission has previously supported mitigation banking as an appropriate method of mitigating certain wetland impacts. And, federal guidelines have been published to encourage a consistent approach in applying this mitigation technique (*Federal Guidance for the Establishment, Use and Operation of Mitigation Banks, Federal Register Notice*; March 6, 1995).

CALTRANS has prepared draft documents describing how the mitigation bank will work. Coastal Commission staff has and will continue to work with CALTRANS and other agencies to perfect the details of how such a bank will function. Issues to be addressed include: when the mitigation bank can be used, what work can be credited, the value of the credits, and how the credits accounting will work. Also, as noted above, there is concern that the mitigation bank can not work in isolation; the other elements of work proposed at Carmel River State Beach need to be agreed upon as well. Finally, agreement as to long-term maintenance and obligations needs to be finalized, especially since CALTRANS is undertaking this work within a unit of the State Park system.

The draft documents recognize that avoidance of resource loss and on-site replacement have priority. Thus, required mitigation for future CALTRANS projects may have to be accomplished in a manner that the mitigation bank can not provide (e.g., in-kind or in-system mitigation). The documents do not yet explicitly recognize that CALTRANS can not automatically expect to receive approval of projects that disturb wetland or riparian habitat. For example, CALTRANS may propose a project that is not consistent with Section 30233 and 30240 and must be redesigned; this would avoid the need for compensating mitigation.

CALTRANS has not provided a specific list of projects that it hopes to use the mitigation bank for; rather, it identifies a proposed area (from the Pajaro River to Yankee Point) where such projects might occur. Potential projects, by way of example described below, might include the Hatton Canyon bypass, new Carmel River bridge, Highway 1 widening in North Monterey County, and Pajaro River bridge replacement.

CALTRANS has received a consistency determination (CC-48-88) from the Coastal Commission for one project still in the planning stage (the Hatton Canyon freeway) that commits to restoration of at least 20 acres of off-site riparian wetlands to compensate for project related impacts. The Carmel River is mentioned as a mitigation area. CALTRANS prepared a *Conceptual Riparian Wetlands Restoration Plan* (revision of June 1989) showing mitigation areas located along the Carmel River, but the plan was never finalized nor approved. Neither has a necessary follow-up coastal permit been applied for which would address specific restoration requirements.

A subsequent, related coastal permit (CDP 3-95-38) was approved to replace the Highway One bridge over the Carmel River (which was a component of the Hatton Canyon project). Conditions of that permit required a mitigation plan for riparian habitat impacts (less than one acre impacted) at a ratio of at least 2 to 1. CALTRANS indicates that this proposed project could be used to satisfy this mitigation condition. Coastal staff has already concurred (letter of December 11, 1995). Final sign-off would be a condition compliance activity of CDP 3-95-38, once this present permit (CDP 3-96-007) is approved and implemented.

CALTRANS has also prepared an environmental impact report on widening Highway One in North Monterey County. Various alternatives were identified that involve some wetland loss that would require mitigation. Although the certified local coastal program recognizes the widening project, it has stringent policies against filling wetlands. If CALTRANS reactivates this project in the future, it will either have to be redesigned to avoid wetland impacts or the LCP will have to be amended. If any mitigation eventually is required for this project, the appropriate kind and location will have to be determined. The Commission finds that in-kind and in-system mitigation is preferable and, therefore, the mitigation bank would not be appropriate to compensate for any losses of saltmarsh habitat that might result from this project. The proposed Carmel River Mitigation Bank (CRMB) would not include any of this kind of habitat.

CALTRANS also has a pending application before the Commission (3-96-004) to widen the Highway 1 bridge over the Pajaro River. A small area of riparian wetland is to be disturbed. To date, on-site mitigation is being proposed, although the project site falls within the area proposed to be covered by the mitigation bank.

Approval of this permit recognizes that CALTRANS may propose to use the area to be restored as mitigation for some projects, such as one or more of the four mentioned here. However, no such project is specifically requested at this time and the Coastal Commission does not and thus can not commit to use of the restoration area as credit for any particular project. Any such authorization can only come as part of the approval process for the project needing mitigation. If CALTRANS wants advance approval of the rules governing the mitigation bank, which is desirable, then the Coastal Commission will need to separately authorize participation in the final mitigation agreement. With respect to the project's value for mitigation of steelhead habitat impacts, the Commission will need assurance that the lagoon deepening will actually result in improved survival potential for juvenile steelhead. This would involve completion of a comprehensive *Carmel River Lagoon Enhancement Plan* that includes breaching criteria, as conditioned.

Approving the proposed restoration work for the intended use as a mitigation bank would be of concern if there were no known instances where the mitigation bank could be credited in a manner consistent with the Coastal Act or certified local coastal programs. However, (1) given that the proposed restoration work in itself is consistent with the Coastal Act, (2) given that there is one project already at least conceptually approved that may require mitigation within the vicinity such as the proposed bank will hopefully create, (3) given that other projects may occur outside of the Coastal Zone that could potentially use the mitigation bank, (4) given that CALTRANS acknowledges that mitigation would be credited on a like-kind basis only, and (5) given that CALTRANS recognizes that the mitigation bank does not give the agency carte blanche to undertake projects that disturb wetlands or riparian areas, the Coastal Commission

can approve the project independently from knowing the details of how the mitigation bank will work or to what it will eventually apply.

**Mitigate Riparian Loss:** The proposed levee removal will result in at least a temporary loss of up to approximately 4 acres of riparian habitat (central coast riparian scrub and north coast black cottonwood riparian forest) now found on the river and lagoon levees. In order to mitigate this loss, it will be necessary to replace the removed vegetation, as proposed. One way to minimize this loss is to not fully dismantle the levees, but rather to perforate them and let future natural occurrences wash the rest away. The U.S. Environmental Protection Agency (EPA) and the Monterey Peninsula Water Management District recommend this approach. An alternative being considered by CALTRANS is to relocate the mature specimen trees which form a canopy within the riparian habitat. These trees would be dug up in their entirety and replanted within the subject restoration area. According to CALTRANS, this technique has proven successful for the riparian species to be relocated. This approach will ensure that major tree cover is continuously present and will avoid the hydraulic resistance that would result from the perforation approach. As so conditioned to retain mature trees and as further conditioned for more precise final and as built plans, the riparian vegetation removal can be approved as consistent with the cited Coastal Act sections.

**Monitor Revegetation:** In order to ensure that the restoration succeeds and creates no unmitigated adverse impacts of its own, the following should occur, as conditioned:

- replanting in accordance with the submitted phasing plan;
- installing and irrigating restoration plantings for up to five years or until they become established, whichever is first;
- maintaining 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 mechanism to help ensure success is a monitoring program which sets success criteria, along with methods and schedules for measuring performance, and remediation and maintenance responsibilities. According to the *Initial Study...*, "the monitoring program for this project will follow the 'Planning Guidelines for Standard Approaches to Mitigation Site Monitoring and Maintenance' agreed to by Caltrans and USFWS [U.S. Fish and Wildlife Service]." Both project success and habitat values will be determined. A "time-zero" report, including as-built drawings will be produced when the project is completed. There will then be three to five annual reports and subsequent less frequent reports. The first three annual reports are scheduled to be written in September 1998, 1999, and 2000 by the Department of Parks and Recreation. CALTRANS has not yet developed success criteria nor the final monitoring strategy. Thus, this permit is conditioned to require submittal and review of the program when it is developed.

**Prevent Adjacent Impacts:** This work will occur adjacent to the Carmel River, Carmel River lagoon, and a popular public beach, all within Carmel River State Beach. In order to ensure that materials or personnel do not enter or damage the river or lagoon, it is necessary to set construction limits and employ best management practices to prevent polluted runoff.

Mitigation measures incorporated into the project through the *Initial Study* include:

- construction and sensitive habitat areas will be marked on plans and in the field to prevent damage to habitat areas;

- every reasonable precaution will be taken to prevent fuels, oils, and other harmful materials from entering the Carmel River and lagoon;
- operations will be scheduled and conducted to minimize siltation of the River and lagoon;
- temporary pollution control measures will be installed as necessary;
- 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.

As conditioned for final plans, mitigation specifications, monitoring, avoiding indirect riparian impacts, and incorporating *Negative Declaration* mitigations, the proposed project is consistent with Sections 30230, 30231, 30233 and 30240.

**Other Agency Approval:** The proposed project will require approval from other agencies who also have wetland protection responsibilities: California Department of Fish and Game, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board (RWQCB). The RWQCB has already issued its "401" authorization letter (April 8, 1996). All such agencies' concerns should be incorporated into the final plans and all agencies should sign-off on the same project plans, as conditioned.

### 3. 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.*

(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 ...*

(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. It has the potential to provide public access to the sandy beach, to view the lagoon, and along the

coastline. The proposed project is being constructed on State Parks and Recreation Department land by a public agency.

To date most of 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 the portion of the property which is planned for restoration.

Carmel River State Beach also contains the Carmel River Lagoon natural preserve. According to the *Initial Study* (p. 26), "this land is managed as natural habitat and offers opportunities for hiking along designated trails, nature study, and related passive recreational activities...[It] is accessed via an existing day use parking area off Scenic Road." There is also shoreline access available in the vicinity of the proposed extension of the south arm of the lagoon. Detailed construction plans are not yet available to determine if there will be any public access interference. Any planned restrictions on these existing public access opportunities resulting from this project need to be reviewed and authorized, as conditioned.

The State Parks Commission recently 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. No public access improvements have been incorporated into CALTRANS's plans to date. Trails could be constructed through, and to view, the restored area. Completion of the *Carmel River Lagoon Enhancement Plan* offers an opportunity to define public access and interpretive improvements.

CALTRANS plans to eventually turn over responsibility to the Parks Department for this project. The MOU between agencies provides that all public access (including access restrictions) and use of the site will be coordinated and approved by the Parks Department. As conditioned, this permit requires submittal of final signed MOU and interagency agreement. This will provide an opportunity to verify that appropriate public access and recreational use will be allowed within the project area.

#### 4. Flood Hazard

The following excerpt from the Coastal Act is applicable:

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

The proposed project would help minimize risk to life and property by creating a vegetated floodway between Highway 1 bridge and the Carmel River Lagoon. By removing a portion of the already-breached south bank levee along the Carmel River, flood waters will be allowed to more freely flow across the river's historic floodplain within undeveloped land at Carmel River State Beach. This would help protect residences on the other side of the River that currently experience flooding when the north bank levees break or are overtopped. The County Water Resources Agency is responsible for flood protection. Therefore, the Agency should be consulted to ensure that the proposed project is consistent with their floodway management

plans, especially as to the timing and method of levee removal. As conditioned for final plan sign-off and future permits for additional work, this permit is consistent with Section 30253a(1).

## 5. Visual Resources

The following excerpt from the Coastal Act is applicable:

**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.*

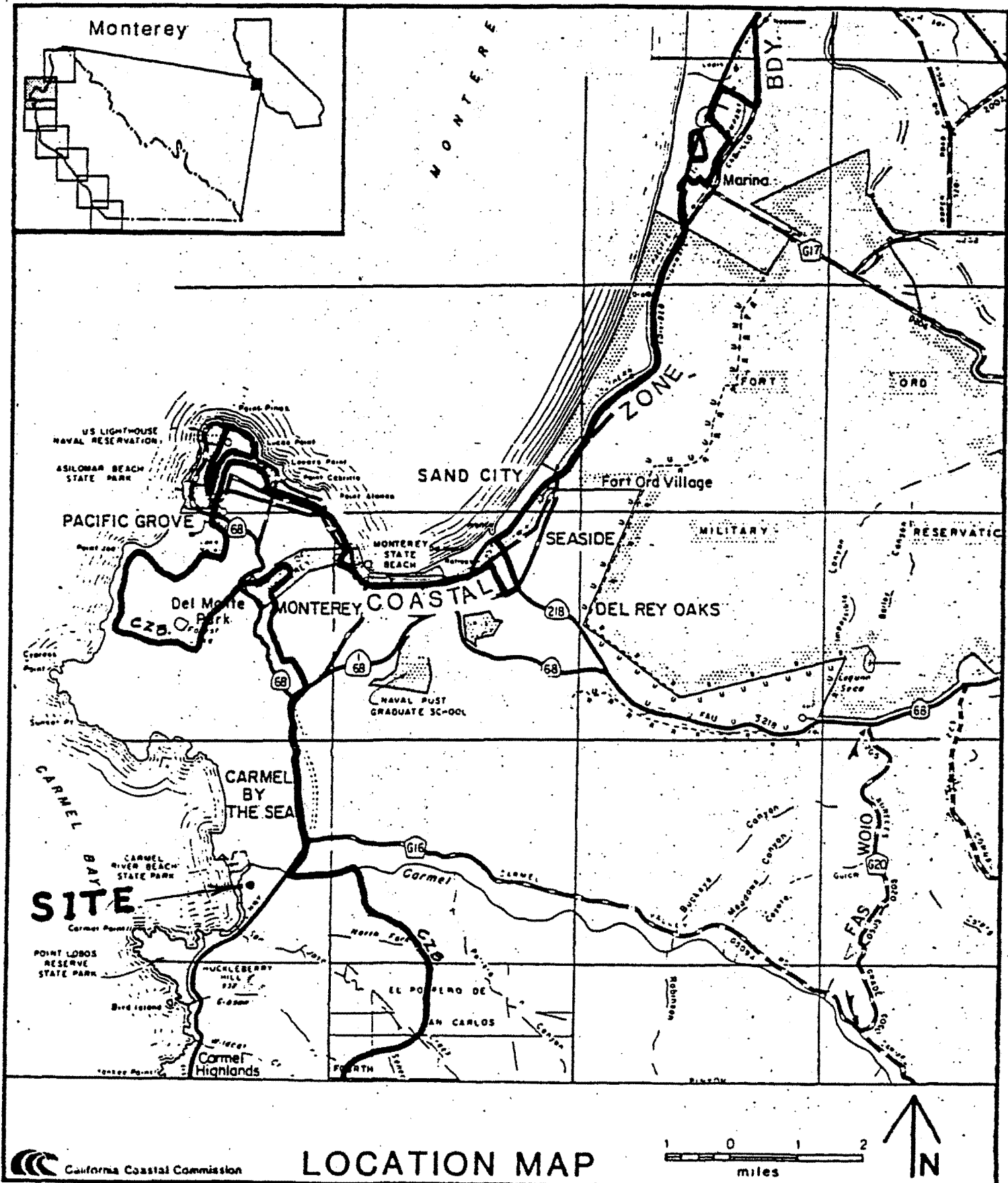
The proposed project is located on highly scenic land. It is an area so designated in the *California Coastline Preservation and Recreation Plan*. It is at the gateway to the Big Sur Coast; the beginning of the rural coastal area south of the urbanized Monterey Peninsula. To date, scenic protection has 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 of riparian forest and wetlands. This action 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."

For the stated reasons, given the cited balancing provisions of the Coastal Act, 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 shortly after May 23, 1996. The *Negative Declaration* was prepared in compliance with CEQA and mitigation measures are recommended to reduce significant impacts to a level of insignificance (see Exhibit 3). The document will also satisfy National Environmental Policy Act (NEPA) requirements. 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 draft *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.





County of Monterey

EXHIBIT NO. 1

APPLICATION NO.  
3-96-7 CALTRANS

Lagoon Enhancement

# Carmel River Mitigation Bank VICINITY

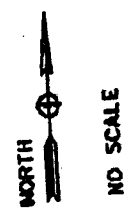
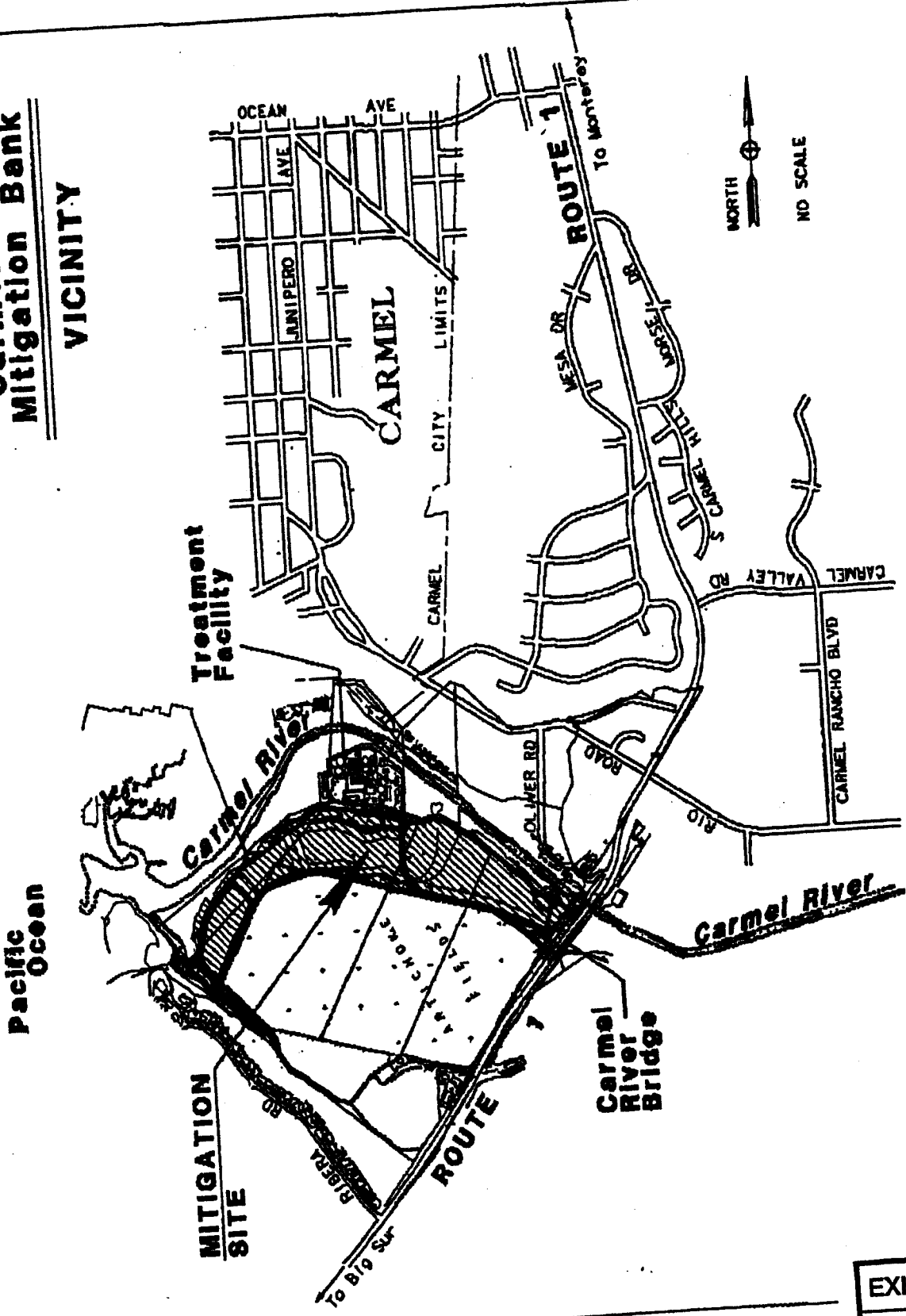
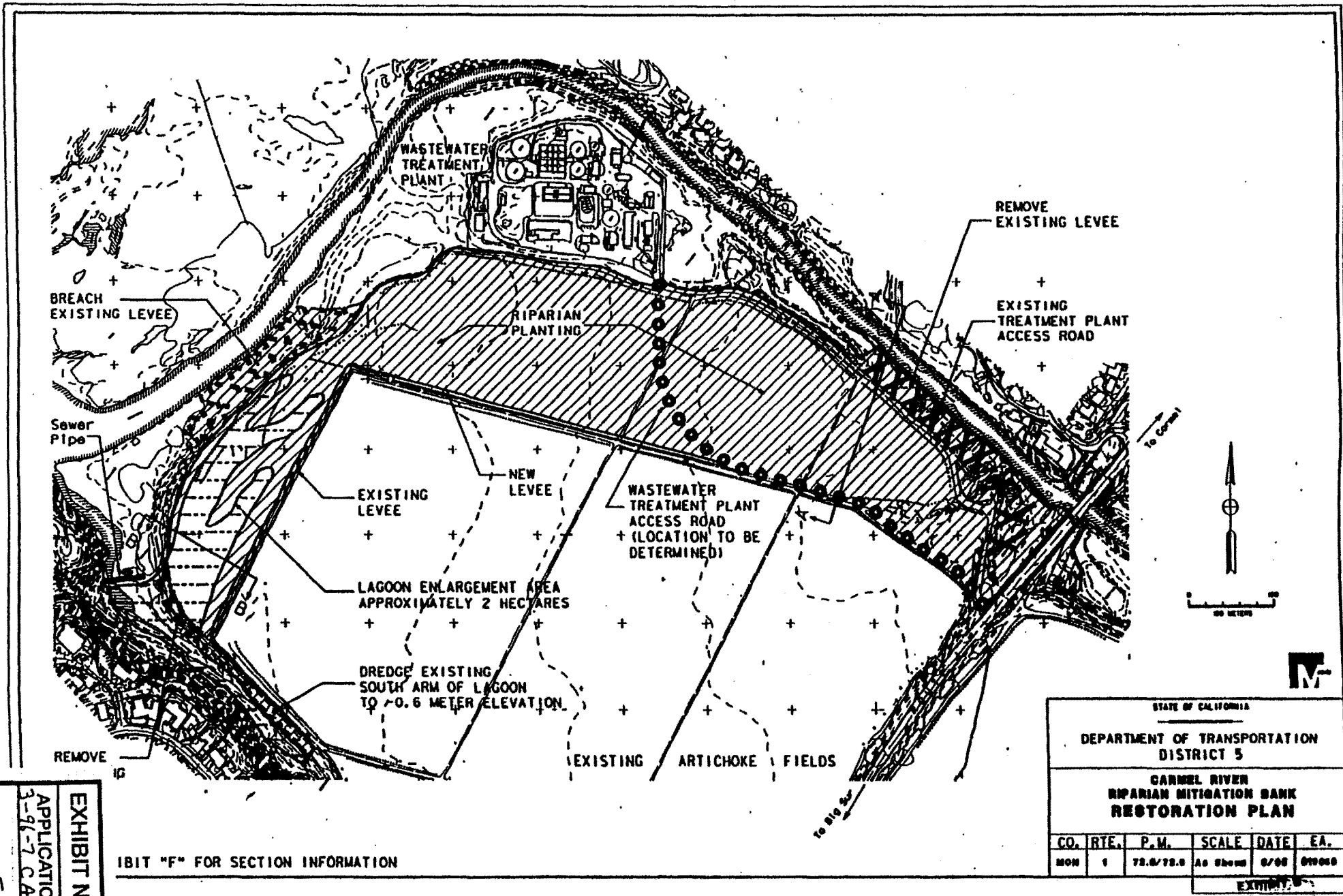


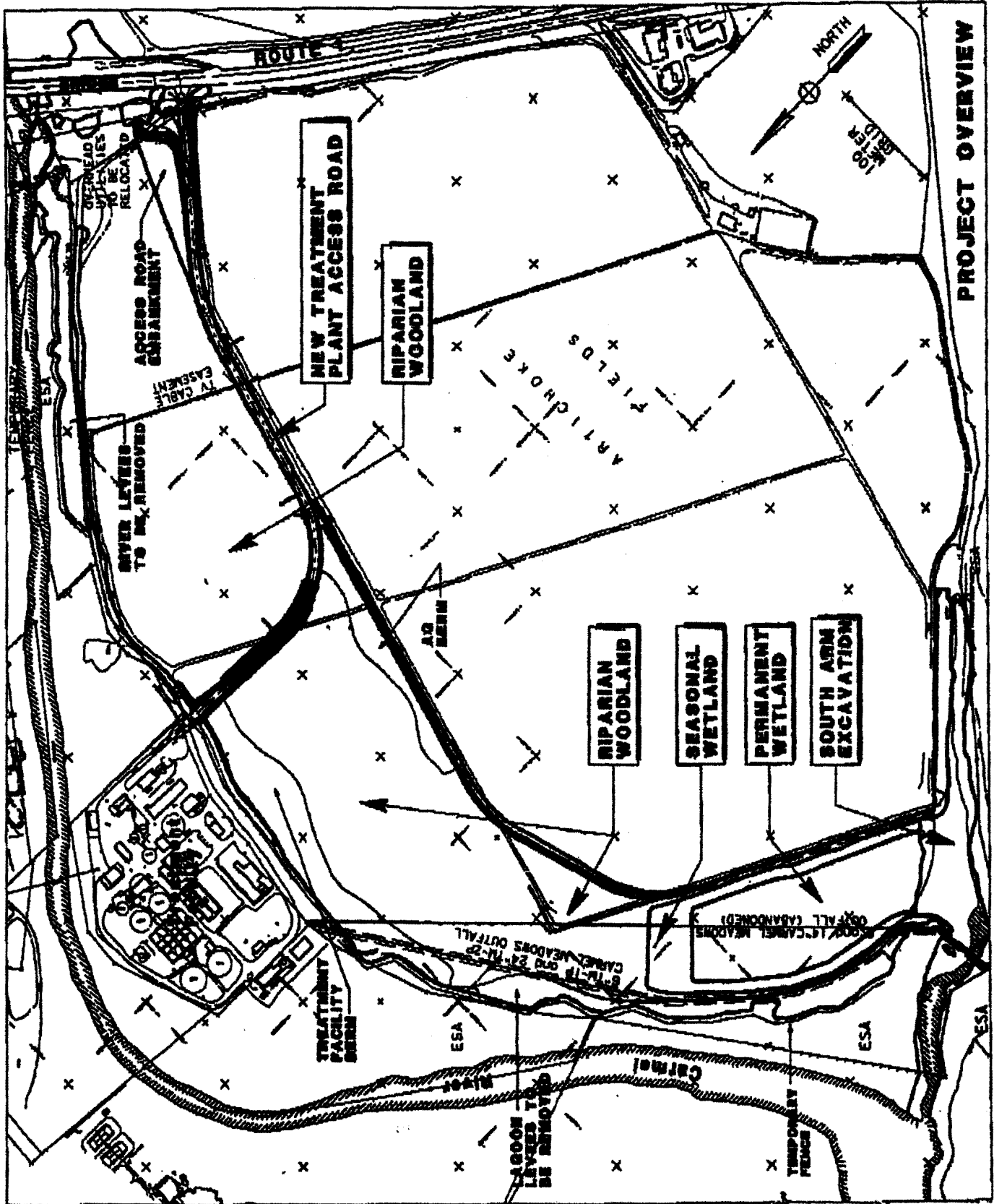
EXHIBIT NO.1 cont  
 APPLICATION NO.  
 3-96-7 Caltrans  
 Lagoon Enhancement  
 location



STATE OF CALIFORNIA					
DEPARTMENT OF TRANSPORTATION DISTRICT 5					
CARMEL RIVER RIPARIAN MITIGATION BANK RESTORATION PLAN					
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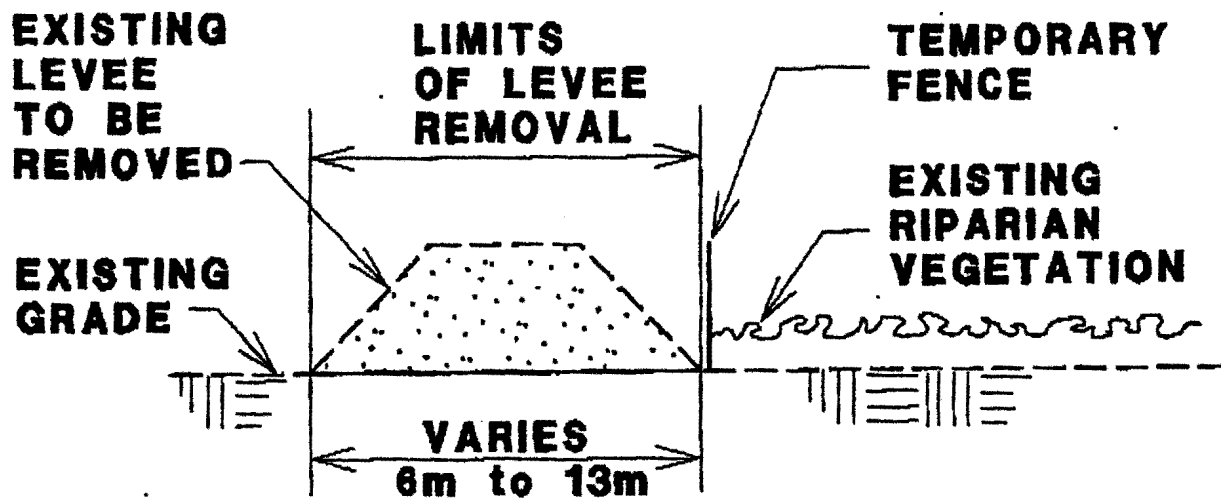
EXHIBIT "F" FOR SECTION INFORMATION

EXHIBIT NO. 2  
 APPLICATION NO.  
 3-91-7 CALTRANS  
 Lagoon Enhancement  
 Plans



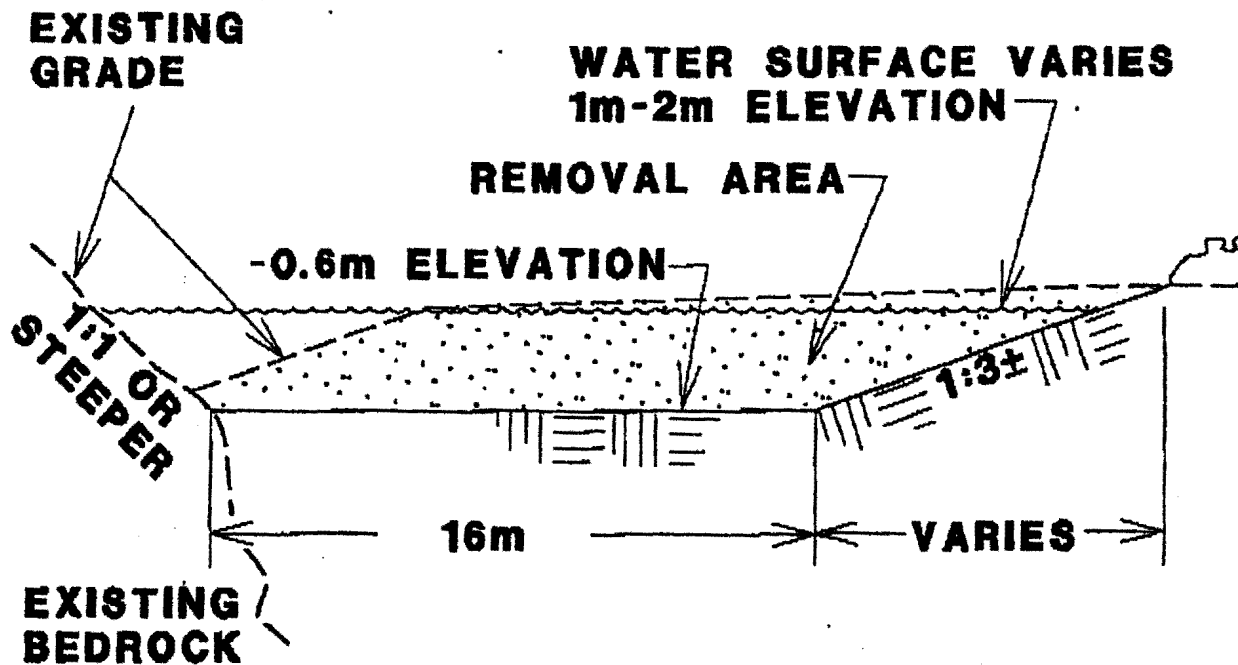
**PROJECT OVERVIEW**

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SECTION  
TYPICAL LEVEE REMOVAL

No Scale



SECTION  
SOUTH ARM DETAIL

No Scale

## II. DESCRIPTION OF THE PROPOSED PROJECT

### RESTORATION PLAN

The CRMB proposes to convert lands currently fallow (recently farmed) to habitats intended to resemble historic natural plant communities. In addition to this primary "restoration" work, the Carmel River Mitigation Bank also includes some "enhancement" of existing habitats by improving plant diversity and wildlife values.

Until 1995, this portion of the Carmel River State Beach was leased for farming on a 5-year renewable lease basis. The land was farmed on a continuous basis until the winter of 1995 when extensive flood damage resulted in a decision to remove approximately 17.4 hectares (43 acres) from agricultural production. The restoration of the site to wetland and riparian habitat can be accelerated by the proposed landform, drainage, and planting modifications. The availability of water and the soil conditions will allow creation of wetland habitats with moderate grading and planting. The restoration will involve active plant establishment as well as natural recruitment

Landscape modification will require that soil be removed from portions of the site. Material generated by this earthwork will be used to construct small levees to protect the remaining agricultural land and to rebuild the access road to the Carmel Wastewater Treatment Plant. EXHIBIT shows typical cross-sections of the proposed seasonal wetland, permanent wetland, and riparian woodland habitats.

Caltrans District 5 Environmental Planning Branch developed a Restoration Plan which details the plans for creation and management of the habitats to be created at the CRMB. This Restoration Plan is being reviewed by the various regulatory and resource agencies (USFWS, CDFG, COE, and EPA). The Restoration Plan includes the following elements:

#### a) Grading and Earthwork

Extensive landscape modifications will be required to extend the south arm of the Carmel Lagoon and to restore seasonal and permanent freshwater wetland habitats. The following land form changes are proposed:

- \* The South Arm of the Carmel River Lagoon will be excavated to an average elevation of 0.6 meters (2 feet) below mean sea level for approximately 290 meters (951 feet) beyond the existing sewer line bridge.

- \* Connected to the enlarged South Arm of the Carmel Lagoon, a new 2 hectare (5 acre) area would be excavated, lowering elevations an average of 1.8 meters (6 feet) to create new seasonal and permanent freshwater wetlands.
- \* The natural storm water overflows will be restored within the site by partial removal of approximately 360 meters (1,181 feet) of the existing levees, immediately west of the Carmel River Bridge. To increase the area of hydrologic influence from the Carmel River Lagoon, portions of the existing levee along the east side of the lagoon will also be removed.

b) Restoration of Habitat

The following habitat types have been selected for restoration because they presently exist within the lower Carmel River floodplain, are suitable for the existing soil and proposed hydrologic conditions, enhance and compliment each other when combined, and are anticipated mitigation needs.

- \* Seasonal Freshwater Wetlands- Covering approximately 0.4 hectares (1 acre), this habitat is intended to encourage development of a flora which will provide high quality forage and cover for wintering and migrating waterfowl, shore birds, and other wetland dependant species.
- \* Permanent Freshwater Wetland- Covering approximately 1.6 hectares (5 acres), this year-around ponded water provides resting, escape, and foraging habitat, and wintering and breeding benefits for birds. It also provides valuable steelhead habitat.
- \* Woody Riparian- Covering approximately 15 hectares (37 acres), this habitat will be modeled after the North Coast Black Cottonwood Riparian Forest community (Holland) located adjacent to the CRMB, and will provide high quality habitat for a wide range of riparian forest dependent species.

c) Required Operational Improvements

Modifications will be required to the CAWD's treatment plant access road to maintain adequate passage during overflow flooding periods. Design criteria for the access road will be developed in cooperation with the CAWD, MPWMD, and the CDPR.

A small berm will be constructed to protect the remaining agricultural operation, approximately 40 hectares (100 acres). The berm is intended to provide protection for up to a 10 year event. Larger storm events will over-top this small berm and the agricultural field would provide additional floodway capacity.

At some future date, modest modifications in the berms and levees surrounding the agricultural lease could open-up this remaining land up for habitat restoration. Consideration of this future modification will be incorporated into the CRMB design.

d) Early Flood Protection

The existing levee system, damaged by the floods of 1995, is unable to protect the CAWD's treatment plant access road and the remaining agricultural operations from future winter storm events. Site and access road improvements, which are consistent with the CRMB proposal, will be constructed early in 1996 to provide immediate flood protection. These specific improvements are considered the first phase of the CRMB project and will precede the remaining mitigation bank contract work. The CAWD will act as the lead agency for this "first phase" project.

MONITORING

The monitoring program for this project will follow the "Planning Guidelines for Standard Approaches to Mitigation Site Monitoring and Maintenance" agreed to by Caltrans and USFWS. Caltrans will conduct monitoring for the CRMB.

Monitoring will be phased into two components. One component will document progress toward attainment of specific performance criteria for each habitat type (i.e. seasonal wetland, permanent wetland, and riparian woodland) for calculation of mitigation ratios. A community-based Habitat Evaluation Procedures (HEP) method will be utilized to ascertain the performance of the restored habitats for the mitigation ratio determinations. The formal performance determinations using this methodology (community-based HEP) will take place when habitats have become established and Caltrans wishes to reduce the mitigation ratios.

The other component of monitoring will be an ongoing program to document habitat values at the CRMB. Documentation of habitat values will be necessary to assure resource and regulatory agencies that the CRMB provides credits against which future transportation project impacts can be debited. Annual reports documenting site conditions and trends will be prepared by Caltrans and submitted to interested agencies.



# NEGATIVE DECLARATION (EXCERPT--PROPOSED MITIGATION) DRAFT

## VI. MITIGATION SUMMARY

The intent of the CRMB project is to restore riparian and wetland habitat in the lower Carmel River floodplain. The CRMB would serve as a mitigation bank to compensate for unavoidable riparian and wetland impacts associated with projects in the Monterey Peninsula area. The following is a summary of the additional mitigation that will be incorporated into the design to minimize construction impacts associated with the CRMB project:

**Soil Erosion and Water Quality-** Caltrans Standard Specifications are part of every Caltrans construction project. Adherence to the applicable sections of the Standard Specifications and Special Provisions for erosion control and water quality will be required before construction. Some of the specifications that apply to this project include:

1. Every reasonable precaution shall be exercised to protect Carmel River and the Carmel River Lagoon from pollution with fuels, oils, and other harmful materials.
2. Operations shall be scheduled and conducted so as to minimize siltation of the Carmel River and Carmel River Lagoon.
3. Temporary pollution control measures such as dikes, basins, ditches, and application of straw and seed shall be provided as necessary.
4. A "nursery crop" of native grasses will be established immediately following grading activities to minimize the short-term potential for erosion and sedimentation.

Prior to commencement of construction activities, the contractor will be required to submit a Storm Water Pollution Prevention Plan (SWPPP) acceptable to the Caltrans Resident Engineer. The SWPPP will show the schedule for the temporary erosion control work included in the contract, and for all water pollution control measures which the contractor proposes to take in connection with construction of the project to minimize the effects of construction operations on the water quality of the Carmel River and the Carmel River Lagoon.

### Wetland and Riparian Habitat-

1. Environmentally Sensitive Area's (ESA) will be established on project plans and in the field to preserve all wetland and riparian habitat outside of the designated construction area. No construction activities will be allowed within a designated ESA without prior concurrence from the District Biologist or District Mitigation Monitor.

EXHIBIT NO. 3
APPLICATION NO. 3-96-7 Caltrans
Lagoon Enhancement
Neg. Dec. Conditions

2. Levee removal will be designed to retain riparian vegetation cover for the Carmel River and preserve groups of significant native vegetation wherever possible. After removal of portions of the existing levees (Phase 1 and Phase 2 of the CRMB) all disturbed areas will be revegetated with riparian vegetation on a 1:1 ratio. Riparian revegetation mitigation for the access road will not be considered part of the mitigation bank acreage.

3. Native riparian and wetland plant species and seed will be collected from the area to be enlarged prior to disturbance and will be used as part of the revegetation of the enlarged south arm of the Carmel River lagoon. Species specific native plants and seed may also be collected from other areas in the Carmel River watershed and the immediate geographical area surrounding the project site.

4. A "nursery crop" of native grasses will be established immediately following grading activities and maintained for as much as one year to assist in the control of exotic invasive vegetation.

#### **Wildlife Habitat-**

1. Environmentally Sensitive Area's (ESA) will be established on project plans and in the field to preserve all wetland and riparian habitat outside of the designated construction area. No construction activities will be allowed within a designated ESA without prior concurrence from the District Biologist or District Mitigation Monitor.

2. All work in the south arm of the Carmel River lagoon will be restricted to times when the lagoon water surface elevations are at their lowest levels (usually the months of July- November).

3. Pre-construction surveys will be conducted prior to any work on the vegetated levees and south arm of the Carmel River lagoon. If Southwestern pond turtles or steelhead are found within the work area, they will be relocated out of the construction area and their re-entry into the construction area will be prevented by sheetpiling or a similar construction technique.

4. The project design will include a low flow channel and ponded areas within the floodplain which could act as temporary holding areas to facilitate the rescue of stranded steelhead.



Mission Fields Neighborhood Association

P.O. Box 1406

Carmel, CA 93921

408-625-3299 (Phone/FAX)

Tammy Grove, Director, Central Coast District  
California Coastal Commission  
725 Front St., Suite 300  
Santa Cruz, CA 95060  
408-427-4877 (Fax)

5/20/96

Dear Director Grove,

We of the Mission Fields Neighborhood Association, located along the Carmel River in Monterey County, are writing to express our complete support for Phase I and II of Caltrans' "Carmel River Mitigation Bank" project—the proposed wetland and riparian forest mitigation bank within the Carmel River State Beach. The floodway created by this project is absolutely critical for the safety and security of lives and property in homes and businesses located at the mouth of the Carmel River. While we recognize that this project accomplishes many purposes, we want to be sure that you understand how important the flood control aspect is to our neighborhood, even though it represents a relatively small portion of the overall project budget.

The Floods of '95:

Mission Fields is a middle-class neighborhood of about 220 single-family residences, plus one motel (we are the northwest quadrant adjacent to the intersection of Highway 1 and the Carmel River). In January 1995, the Carmel River rose, poured over the inadequate and inconsistent levee we believed was protecting our neighborhood, and unexpectedly flooded most of the homes of Mission Fields during the middle of the night. No advance warning was given, and our families suffered the trauma of panicked evacuation in waist-deep water in the pre-dawn darkness, which was especially stressful for the many elderly residents and families with young children in our neighborhood. We suffered extensive damage to homes and furnishings, but also, due to lack of warning, loss of many valuables that were not able to be raised or removed and loss of hundreds of vehicles. Nevertheless, our community gathered together, and our residents summoned the emotional and financial resources to begin cleaning up and rebuilding.

Then, just two months later, in March 1995, with the ground saturated from the earlier rains and floods, the river rose yet again, with much heavier flows than earlier, and our neighborhood flooded again. This time, considerable damage was also done to the commercial and residential complexes east of Highway 1. Roads were blocked, areas were isolated, businesses were closed for extended periods, jobs were lost, and tourism-oriented businesses suffered for months. As was well-publicized, a span of the heavily trafficked Highway 1 Bridge over the Carmel River was washed away altogether, taking water, telephone and power lines with it. For the motel and many families in Mission Fields, this represented the second devastating flood in 2 months, wiping out all the work, the expenditures and the emotional investment involved in the rebuilding efforts following the January floods. Even now, over a year later, many are still reeling from the effects of the floods. This past winter found us stressed and afraid at every heavy rain storm. It was heartbreaking to hear young children ask, "Daddy, is it going to flood again?"

What We've Done to Help Ourselves:

Following the floods, while rebuilding, many members of our neighborhood participated in endless meetings of Task Forces, Committees, and Coalitions studying how these floods occurred, and what could be done to avoid or mitigate their impact in the future. It came to our attention that the "Lower Carmel River Flood Control Project" (Levee Project) had been developed in the late 1980's, to protect our neighborhood and other nearby areas from up to 100-year flows. Implementation of this project would have prevented the flooding we experienced in 1995. Although engineering studies and plans were done for this project, it was shelved because the projected funding sources disappeared due to the changing priorities of government budgets.

The \$1.2 million Levee Project consists of 4 phases:

1. Repair of the northwest section of the levee protecting Mission Fields (~\$100,000)
2. Removal of most of the southwest portion of the levee, creating a floodway through State Park land (~\$620,000)
3. Lowering the southeast portion of the levee (protecting agricultural land) to a 10-year level (~\$370,000)
4. Creating a tie-back levee at the east end of the northeast levee (~\$110,000)

EXHIBIT 4

3-96-7 CALTRANS  
Lagoon Enhancement  
Correspondence

During 1995 and early 1996, we and many public agencies have been struggling to find a way to implement the *Levee Project* as fully and quickly as possible, recognizing the threats that we face with each winter's rainy season. Among the steps that have already been taken:

1. At emergency speed, our neighborhood has expanded a very small County Service Area (CSA 50) to include the entire neighborhood, with an annual assessment of about \$220 per residence. This assessment (~\$55000) has been used to implement Phase 1 and a segment of Phase 4 of the *Levee Project*: raising the inadequate section of the northwest levee to the proper level and providing a partial tie-back levee at the east end of the northeast levee. This offers us some stop-gap protection from relatively minor floods, and was the best we could accomplish during 1995, given the large budget and complications of the other parts of the *Levee Project*.
2. The CSA 50 advisory committee is working with Monterey County staff to implement a small segment of Phase 3 this summer: lowering 600' at either end of the southeast levee. This will provide a measure of relief by allowing high flows to begin to expand into agricultural land on the southeast quadrant—flowing in at the east end and then out again at the west end, under the bridge at Highway 1.
3. Leaders of our neighborhood have participated in many meetings and planning sessions geared to mobilizing the support and necessary approvals to initiate Phase 2 of the *Levee Project*. The floodway through State Park land will divert flood overflow through undeveloped land to the sea; it's the most critical phase, giving us roughly 60% of the benefit of the entire project. Its implementation is essential to capitalize on any work done on Phase 3, allowing the water from the east overflow area returning to the river channel at the bridge to expand out into the southwest floodway. The Caltrans "Carmel River Mitigation Bank" project will fund and implement this phase of the *Levee project*.
4. Efforts have begun to incorporate the commercial-residential area east of Highway 1 into CSA 50, so owners of those properties will also participate in the flood control efforts. But given the relatively high cost of this project for our community, any assistance in its funding and implementation is greatly appreciated.

We are grateful to Caltrans for coming forward with its mitigation project at this time. This project will finance Phase 2 of the *Levee Project* and implement a significant part this summer: removing about 1000' of levee and rebuilding the access road to the wastewater plant. It is an excellent project, incorporating both the "*Lower Carmel River Flood Control Project*" and the part of the "*Carmel River Lagoon Enhancement Plan*"—two important projects languishing unfunded for many years. It helps to protect the north bank from flooding and restores wetlands to one of the most attractive and visible areas in Carmel. The mitigation bank thus created will offset habitat impacts caused by transportation projects in Monterey County. Caltrans and the many other agencies and individuals involved in bringing this about are to be congratulated for integrating so many important community goals into one project.

We understand that the use of the Mitigation Bank to offset any particular Caltrans project is a separate process, involving separate hearings, permits, and approval of many local, state, and federal agencies. Issues concerning such projects should be decided on their own merits and through their own processes and should not be considered a factor in the approval of the Mitigation Bank. We believe that the flood control / wetlands restoration / mitigation bank created by this Mitigation Bank is a very valuable asset to Monterey County and the State of California, and that it should proceed as planned and scheduled.

Since March '95, we have been holding our breath until the floodway is created on the State Park land. We can hardly express the relief we will feel when the work has begun.

Sincerely,

The Steering Committee, Mission Fields Neighborhood Association

  
Nancy Callahan, President

  
Larry Levine, Flood Control Chair

  
Bob Bogardus, Treasurer/Editor

  
Jim Scholfield, River Watch Coordinator

(On vacation at this time)  
Edna Criscola, Disaster Coordinator

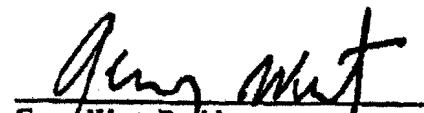
  
Gerry West, Resident

EXHIBIT 4 cont