

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> August 10, 2005, 9:40 am	<b>Agenda Item:</b> 3
<b>Project Description:</b> Combined Development Permit including a Coastal Development Permit for construction of a steelhead habitat restoration/enhancement project including fish ladder, large woody debris placements, and spillway modifications for ongoing operation of existing flash board dam for summer scout camp use and ongoing operation of existing maintenance activities, Coastal Development Permit for development in riparian ESHA, Coastal Development Permit for the creation and regular maintenance of channel habitat feature in impound area above dam, including grading of 1050 cubic yards of cut and 345 cubic yards of fill, and a Coastal Development Permit to allow the removal of one tan oak tree with two main trunks measuring 22 and 16 inches in diameter (dbh).	
<b>Project Location:</b> eastern end of Palo Colorado Rd., <b>APN's:</b> 418-021-056-000, 418-181-021-000, & 418-181-022-000	
<b>Planning Number:</b> PLN050303 <b>Name:</b> Monterey Bay Area Council (Boy Scouts)	
<b>Plan Area:</b> Big Sur Coast Land Use Plan <b>Flagged and Staked:</b> No	
<b>Zoning Designation:</b> PQP-D (CZ) at development site (also WSC/40-D [CZ] and PQP within parcels)	
<b>CEQA Action:</b> Statutorily Exempt, pursuant to §15261(b) of the CEQA Guidelines	
<b>Department:</b> Planning and Building Inspection (PBI)	

### **RECOMMENDATION**

Staff recommends approval of the proposed project based on Findings and Evidence (**Exhibit "C"**) and subject to proposed conditions (**Exhibit "D"**).

### **OVERVIEW**

The applicant proposes to install a fish ladder and other improvements to an existing dam along the Little Sur River to benefit threatened steelhead trout at Camp Pico Blanco. Camp Pico Blanco was established in 1954. A flashboard dam was constructed in 1955 and has been continuously operated and maintained since that time.

The County has worked closely with the California Department of Fish and Game (DFG) and the National Marine Fisheries Service (NOAA Fisheries) in reviewing this application. DFG is the lead agency for CEQA purposes and has determined that the project is statutorily exempt due to the continued use of the dam and their possession of a "license for diversion and use of water" dating from 1958. DFG will be regulating the operations of the dam and the dam improvements through a "Section 1602 Lake and Streambed Alteration Agreement." The biological mitigations required for this project will be accomplished as conditions of the DFG Agreement with the applicant. A draft of the conditions to this agreement is attached as Exhibit "I."

Staff has determined that the project is consistent with the Big Sur Land Use Plan and the Little Sur Protected Waterway Management plan regarding the protection and

enhancement on natural resources. In addition, staff concurs that no significant environmental impacts will occur from the project and that a statutory exemption from CEQA is appropriate given the ongoing nature of the project and that measures have been incorporated into the project to protect natural resources.

The proposed project comprises five elements designed to enhance in-stream habitat for steelhead:

- Installation of a bi-directional fish ladder to allow free movement of juvenile steelhead during the summer season when water is impounded behind the flashboards,
- Installation of concrete weirs into the existing dam spillway to improve passage for spawning adult steelhead,
- Installation of two large woody debris structures adjacent to the existing dam to provide refuge for spawning adult and rearing juvenile steelhead,
- A recontouring of the channel bed behind the dam to: reestablish bankfull<sup>1</sup> channel geometry improving fish passage conditions; maximize available habitat during a range of streamflows, and enhance sediment transport.
- Annual installation and removal of flashboards from the dam on a programmed schedule that protects downstream resources from sudden streamflow fluctuations.

### **OTHER AGENCY INVOLVEMENT**

- ✓ Water Resources Agency (WRA)
- ✓ Environmental Health Division (EHD)
- ✓ Public Works Department (PWD)
- ✓ California Division of Forestry / Fire (CDF)

All have reviewed the project. Only the Water Resources Agency has recommended a condition of approval. This recommendation is included within thi staff report.

The Big Sur Coast Land Use Advisory Committee will review this project at their August 9, 2005 meeting. Their recommendation will be presented to the Planning Commission at your meeting.

**Note:** This project is appealable to the Board of Supervisors and the California Coastal Commission.

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cc: County Counsel; Health Department; Public Works; Monterey County Water Resources Agency; California Division of Forestry/Fire; Scott Hennessy; Dale Ellis; Jeff Main; Thom McCue; Zena Zeres; Applicant/Representative; Owners

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<sup>1</sup> The term "bankfull" indicates the entire area below the mean annual flood level of the river. Anything below this level is considered to be in the "floodplain."

Attachments:	Exhibit "A"	Project Data
	Exhibit "B"	Overview
	Exhibit "C"	Recommended Findings and Evidence
	Exhibit "D"	Recommended Conditions of Approval
	Exhibit "E"	Vicinity Map
	Exhibit "F"	Project Plans
	Exhibit "G"	Biological Assessment
	Exhibit "H"	Post-Construction BMP's
	Exhibit "I"	Draft Amendment to DFG Project Description & Project Conditions
	Exhibit "J"	Notice of Exemption

This report was reviewed by Jeff Main, Planning & Building Services Manager

## **EXHIBIT "B"**

### **OVERVIEW OF PROPOSED ACTION** **PLN050303**

#### **A. Background**

##### **History of Pico Blanco and dam**

Camp Pico Blanco was established in 1954. A focal point of the Camp has been the Little Sur River waterfront, where children learn swimming, life-saving, water sports, boating and canoeing. Each summer since 1955, these waterfront activities have been sustained by the operation of a flashboard dam facility that creates a deep pool on the Little Sur River. The facility was constructed in 1955 and has been continuously operated and maintained since that time. The dam structure opening is approximately 9 feet 9 inches wide. The dam is approximately 11 feet in height and approximately 75 feet in length bank to bank. When filled the reservoir is approximately 75 feet wide and 300 feet long. Camp users include Boy Scouts, Girl Scouts, Boys and Girls Clubs, church groups and school groups.

##### **County Permits**

The County has issued emergency permits to allow the Camp to dredge built-up fill behind the dam. These permits were most recently issued in 1999 (PLN990268) and 2002 (PD000079). The County has urged the Boy Scouts to formalize the maintenance dredging into a on-going Coastal Development Permit because the activity is on-going and not truly an emergency. This application includes the on-going maintenance activities necessitated by the dam and its modifications.

##### **Little Sur River Protected Waterway Management Plan**

In 1973 the State Legislature, with the support of the Monterey County Board of Supervisors, designated the Little Sur River a protected waterway. The Little Sur River Protected Waterway Management Plan was prepared by the California Department of Fish & Game and the County of Monterey to provide a framework for this designation. The Board of Supervisors approved this plan on November 5, 1985. The California Coastal Commission certified the plan on April 9, 1986.

##### **DFG & NOAA Fisheries permits**

There is a disagreement concerning whether installation of Camp Pico Blanco's flashboard dam in the summer of 2002 might have caused unauthorized take of juvenile steelhead. As a result of a settlement agreement with NOAA Fisheries, the Boy Scouts agreed to install a fish ladder capable of bidirectional juvenile passage. Implementation of this plan was delayed in 2004 because of the Paso Robles earthquake, which necessitated an analysis of the seismic safety of the dam and the feasibility of adding the ladder structure. NOAA Fisheries has therefore allowed the site to remain without a ladder until October 15, 2005. If a ladder is not installed by this date the flashboards shall not be put in place for the 2006 summer camp season. The Boy Scouts have been in ongoing consultation with NOAA Fisheries and DFG in the development of this

Steelhead Passage and Habitat Enhancement Project. DFG's involvement includes approval of Streambed Alteration Agreements for installation and removal of the flashboards during the summer recreation season and periodic maintenance of the impoundment area by removing accumulated deposits behind the dam. NOAA Fisheries is currently drafting a Biological Opinion to allow the issuance of a Section 404 (Clean Water Act) certification from the US Army Corps of Engineers for the discharge of dredged or fill material into the waters of the United States. The Regional Water Quality Control Board will be issuing a Section 401 Water Quality Certification (Clean Water Act).

## **B. Detailed Description of Project**

The bi-directional fish ladder will be constructed adjacent to the existing flashboard dam facility and will consist of a series of step pools designed to allow all size classes of juvenile steelhead to move freely in the upstream and downstream direction. Design elements were developed through a close working relationship with NOAA Fisheries fish passage engineers. The fish ladder will only be operational during the summer season when the flashboards are in place and will be removed in the winter months to avoid potential damage during storm events.

When the flashboards are not in place adult and juvenile fish passage will be enhanced through modifications to the dam spillway. These modifications consist of installing a series of concrete weirs on the spillway. These enhancement measures will increase flow depth through the apron and reduce velocities, thereby increasing the amount of time that the structure is passable to steelhead for upstream migration to spawning and rearing habitat.

Large woody debris (LWD) structures will be installed both upstream and downstream of the flashboard dam to enhance migratory, rearing, and overwintering habitat for adult and juvenile steelhead. During the winter months, the LWD structures will provide cover for adult and juvenile steelhead during high winter flows, resting areas for adult steelhead as they migrate to spawning areas upstream, and cover habitat for rearing juvenile steelhead. During the summer months, the LWD structures will provide rearing habitat for juvenile steelhead.

Within the impoundment area the river channel will be recontoured. The purpose of this activity is to restore a single thread channel from a braided condition resulting from sediment deposition within the impoundment. The bankfull channel will improve fish passage through the impoundment area, maximize available instream habitat during a range of streamflow levels. In addition, the channel recontouring will create appropriate hydraulic conditions to improve sediment transport through the impoundment area behind the flashboards, and maintain the pool volume required for ongoing summer use of the impoundment area. Coarse sediment removed from the impoundment area will be placed downstream to facilitate continued transport of this material downstream during subsequent high flow events. No coarse sediment will be placed in areas that support existing native vegetation.

The juvenile fishway material is made of ADS Nyloplast (a type of plastic) which is greenish blue in color. Woody debris logs will be from existing stockpiles on site. They include a minimum of 4 redwood logs and one fir log. Imported granite boulders will also be used to secure the logs. The retaining will be made of grey Allen Blocks. Some concrete work will be required which will be standard grey in color, matching the existing dam.

## **C. Studies**

### **Geotechnical Investigation**

A limited geotechnical investigation was prepared for this site (Haro, Kasunich and Associates, Inc., July 2005). This report developed geotechnical design criteria for the proposed improvements which include retaining walls and general site grading. Consistency with the geotechnical report will be required as a Project Condition.

### **Geologic Hazards Report**

A geologic hazards screening study was completed by Nolan Associates on July 29, 2005. This study indicates that the existing location of the dam appears to be approximately 500 feet from the mapped location of the Palo Colorado Fault which is considered potentially active. Due to this fact the report concludes that "slope instability could present a potential hazard to the project" and there is a potential "for surface ground rupture to damage the proposed fish ladder and habitat improvements."

According to the geologic hazards study the construction of the proposed improvements will not constitute a hazard. The study specifically states that "we do not expect the proposed project [improvements] to result in any increase in hazards posed to persons or structures over that pertaining to the existing dam site."

In order to protect the improvements the study recommends that the geologist conduct field mapping to complete the geologic hazards assessment and that "the probabilistic accelerations contained in this report<sup>2</sup> be considered by the project engineers in project design." The project engineer has written that he has reviewed these criteria and that the proposed design takes into consideration, and exceeds, the seismic criteria<sup>3</sup>. The engineer also stated, in a personal conversation with staff on August 2, 2005, that design measures proposed will actually increase the structural integrity of the existing dam structure.

### **Archaeological Report**

A Preliminary Archaeological Reconnaissance was conducted for this property by Archaeological Consulting (April 29, 2005). While the report noted that there are five recorded archaeological sites located within a kilometer of the current project area, none of these were located within or immediately adjacent to current project impact

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<sup>2</sup> The Geologic Hazards Screening Study lists specific measures of probabilistic ground motion which have a 2% probability of being exceeded in 50 years. It also states that the ground acceleration factor contained in the geotechnical report exceeds the geologist's probabilistic peak ground acceleration by almost a factor of two.

<sup>3</sup> Letter from Rodney Cahill, RCE, Swanson Hydrology + Geomorphology, to Thom McCue, dated August 1, 2005.

areas. Following an April 26, 2005 field reconnaissance the report states that there was no evidence of historic period archaeological resources found. The report concludes that “the current project area does not contain evidence of potentially significant archaeological resources.” Pursuant to the recommendations of the report a standard Project Condition requiring a cessation of construction if cultural remains are found is being required.

### **Historic Assessment**

A “Preliminary Historical Assessment for the Little Sur River Dam” was prepared by Sheila McElroy, of Circa Historic Property Development” on June 30, 2005. This assessment concluded that the dam “does not meet the criteria for National Register of Historic Places, California Register of Historic Places, or Monterey County Register. The dam is not considered an historic resource and therefore the addition ... will not have an adverse effect on the dam.”

### **Biological Assessment**

A biological assessment on the project was prepared jointly by Swanson Hydrology + Geomorphology and Dana Bland & Associates July 11, 2005.<sup>4</sup> This assessment included surveys within the project area that included the bed and bank of the Little Sur River extending approximately 120 feet downstream from the dam and several hundred feet upstream including the impoundment area and west beyond the footbridge. Seven distinct biotic habitats were identified within this area: coast redwood/mixed evergreen forest, white alder riparian woodland, herbaceous vegetation, aquatic habitat, bare alluvium, bare ground, and Sur Complex bedrock.

The March assessment states that a total of 168 special status plant species were disclosed through queries to the California Natural Diversity Database and the California Native Plant Society Inventory. From this list only 4 plants<sup>5</sup> were regarded as potentially occurring within the project boundaries. A survey was conducted of the project area in May 2004 which was within the appropriate blooming period for each of these four plants. No federal or state listed plant species or other special-status species were identified during this survey.

Following a search of the literature, conversations with the California Department of Fish & Game and the US Fish & Wildlife Service, and a site visit, a list of eighteen special status animals in the general project vicinity was compiled. These species are discussed in the July 11, 2005 document and five of these are impacted, or potentially impacted, by the project: Steelhead (Federally threatened), California red-legged frog (Federally threatened, California Species of Concern), Southwestern Pond Turtle (California Species of Concern), Foothill Yellow-legged frog (California Species of Concern), and Coast range newt (California Species of Concern).

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<sup>4</sup> This document has been erroneously dated March 11, 2005. An additional earlier Biological Assessment, dated May 9, 2005, by Swanson Hydrology + Geomorphology, Dana Bland & Associates, and Cleary Environmental Consulting was submitted which includes additional information. This report was created to assist in the preparation of a NOAA Fisheries Biological Opinion.

<sup>5</sup> Dudley’s lousewort (State Rare, CNPS 1B), Cone Peak Bedstraw (CNPS 1B), Hutchinson’s Larkspur (CNPS 1B), and Maple-leaved Checkerbloom (CNPS 1B).

The Biological Assessment also notes the removal of one tan oak with two main trunks measuring 22 and 16 inches in diameter (dbh). This tree is in the footprint of the proposed fish ladder.

The Biological Assessment outlines five potential adverse impacts which may result from this project. A series of “mitigations<sup>6</sup>” are listed in this document which would lesson the impacts of these impacts to an acceptable level. These requirements will be incorporated as project conditions into the Lake and Streambed Alteration Agreement between the Boy Scouts and DFG. These requirements, which are outlined on pages 24 through 28 of the Biological Assessment (Exhibit “G”) and within the proposed Post-Construction BMP’s (Exhibit “H”) include the conditions that the applicant:

- Obtain all necessary permits from the U.S. Army Corps of Engineers, the California Department of Fish and Game and the Regional Water Quality Control Board,
- Implement BMP’s to protect water quality,
- Minimize potential loss of steelhead during construction activities,
- Meet DFG protocols for dam operation,
- Conduct preconstruction surveys for California red-legged frog, Southwestern Pond Turtle, Foothill Yellow-legged frog, and Coast range newt, and take protective measures as needed, and
- Replace the one tree planned for removed by planting three trees of the same species (tan oak).

Staff recommends a condition of approval requiring that all of these mitigations be included within a binding agreement between the applicant and DFG. A draft of these conditions to the DFG Agreement is attached as Exhibit “I.” Additionally there is one additional condition being recommended to insure compliance with County policy. This condition will explicitly require that the felled tree not fall into the river.

#### **D. CEQA Status**

DFG filed a Notice of Exemption with the State Office of Planning and Budget on June 14, 2005. The determined that the project was exempt under Section 15261(b) of the CEQA Guidelines due to the fact that “this is a private project that received approval of a Water Rights License from the State Water Resources Control Board, a public agency, prior to April 5, 1973.”

#### **E. Consistency with Big Sur Coast Land Use Plan and Coastal Implementation Plan**

There are a number of policies within the Land Use Plan, the Protected Waterway Management Plan, and the Coastal Implementation Plan which directly relate to this project. Following is an analysis of the consistency of this project with these policies:

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<sup>6</sup> Due to the fact that this project has been determined to be statutorily exempt from CEQA the project is not required to go through CEQA environmental review.

## Big Sur Coast Land Use Plan (LUP)

- **Policy 3.4.3.B.3** states that “Water quality, adequate year-round flows, and stream bed gravel conditions shall be protected in streams supporting rainbow and steelhead trout.”
  - **Consistent:** The proposed project is consistent with this policy because the fish ladder and concrete weirs will improve the ability of steelhead to navigate the existing river flows. The streambed gravel conditions upstream of the existing dam will be improved through the recontouring of the impoundment area channel bed.
  
- **Policy 3.4.3.B.4, and Policy 5.4.2** incorporate the requirements of the Little Sur River Protected Waterway Management Plan into the LUP. The policies of this plan are outlined separately below.
  
- **Policy 3.4.3.B.5** states that “channelizations, dams, and other substantial alterations of natural streams will be considered generally inappropriate ... Minor alterations may be considered, but only if: a) consistent with the protection of environmentally sensitive habitats; b) no substantial interference with surface water flows, beach sand supply and anadromous fish runs will result; c) the type of use is consistent with Policy 3.7.3.B.2 regarding floodplains; and, d) the project incorporates the best mitigation measures feasible.”
  - **Consistent:** The project consists of alterations to the existing dam which are being required by NOAA Fisheries and DFG specifically to improve conditions for steelhead runs. The biological assessment has reviewed environmentally sensitive habitats and determined that, with recommended conditions of approval, the protection of these habitats are insured. No interference with surface water flows or beach sand supply will occur with the proposed dam modifications. NOAA Fisheries and DFG are reviewing and will need to approve all mitigation measures.
  
- **Policy 3.4.3.C.1** states that “the County encourages restoration of streams and their immediate natural environment... Restoration projects may include: ... improvement of fish habitat, installation of fish ladders...”
  - **Consistent:** A major component of the project is the installation of a fish ladder. Other components are also aimed at improving the ability of steelhead to pass along the river and live in it.
  
- **Policy 3.5.3.3 states that** “all salvage or selective logging activities shall take place outside the riparian corridor except the felling of trees. Felling and bucking shall not occur where trees, logs or debris could be deposited in the stream. Where a tree might fall into or across a stream it shall be cabled so that it falls at a right angle to the stream.”
  - **Consistent as conditioned:** A condition of project approval will insure that during tree felling, trees will not fall into the river.

- **Policy 3.7.3.B.2** prohibits new development within 100-year floodplains except as needed for a specific list of activities including outdoor recreation, wildlife habitat, and water resource developments pursuant to the Protected Waterways Plans.
  - **Consistent:** The project is designed as a wildlife habitat improvement as coordinated by NOAA Fisheries and DFG. It is consistent with the Little Sur Protected Waterway Management Plan. The project consists of improvements to an existing dam which allows for outdoor recreation activities at Camp Pico Blanco.

### **Little Sur River Protected Waterway Management Plan**

The primary purpose of the waterway management plan is: “to protect and enhance the outstanding natural values of the Little Sur River and its watershed as prime fish and wildlife habitat and for scenic and passive outdoor recreation and to support continued ranching use and those visitor-serving uses and limited resource-dependent uses which are compatible with protection of these natural values.”

The plan further lists eleven objectives to carry out this primary goal. Four of these particularly relate to this Pico Blanco project:

- 6. “Maximize stream habitat values and optimize productivity for the anadromous fishery, resident fishes, and other aquatic organisms, by preventing and mitigating adverse impacts to the aquatic ecosystem and restoring degraded or damaged areas.”
  - **Consistent.** The proposed project is consistent with this objective and has been designed to maximize stream habitat values for steelhead trout.
- 7. “Protect unique, endangered and sensitive wildlife species and maintain and enhance wildlife habitat values throughout the watershed.”
  - **Consistent.** The proposed project is designed to protect steelhead trout and to enhance their habitat.
- 8. “Protect and, where necessary, restore riparian woodland vegetation along the streambanks and on the floodplain of the Little Sur River and its tributaries and thereby seek to enhance riparian wildlife habitat values.”
  - **Consistent, as conditioned.** Construction and installation of the juvenile fish ladder and associated retaining walls will require removal of one tan oak (2 main trunks w/ 22” and 16” DBH), comprising 435 sq-ft (< 0.001 acres) of coast redwood/mixed evergreen forest is located adjacent to the existing flashboard dam facility. This tree is directly in the footprint of the proposed fish ladder. A Project Condition requires that this tree be replaced by three trees to be planted along the riparian corridor.
- 9. “Guide the development and management of appropriate river-oriented recreational activities and facilities in a manner consistent with the maintenance and protection of the recreational resource and the natural environment.”

- **Consistent.** Enhancement of steelhead habitat is being required by NOAA Fisheries and DFG in order to allow the continued existence of the recreational dam at Camp Pico Blanco.

### Coastal Implementation Plan (CIP)

- **§20.145.040.B.1** states that “all development ... shall be prohibited in the environmentally sensitive habitat areas if it has been determined through the biological survey ... that the development’s impact cannot be reduced to a level which the long-term maintenance of the habitat is assured.”
  - **Consistent:** The Biological Assessment contains mitigations which will assure the long-term maintenance of the riparian habitat. A condition of approval requires that these mitigations be included as project conditions within the streambed alteration agreement between the applicant and DFG.
- **§20.145.050.B.3** states that “development shall not cause significant adverse impacts to water quality, year-round flows, and/or stream bed gravel conditions of ... [the] Little Sur River ... where such changes may cause significant adverse impact on the rainbow and/or steelhead trout populations.”
  - **Consistent:** The project will improve conditions along the Little Sur River for steelhead trout populations.
- **§20.145.050.B.2** applies to projects which involve the development of water diversions beyond year-round entitlements.
  - **Consistent:** The proposed project is consistent with the water diversions approved by the State Water Rights Board in 1958, so that this section does not apply.
- **§20.145.060.D.3, 5, and 6** limit the removal of native trees to that which is necessary for the proposed development, prohibits the removal of trees within the riparian corridor, and required the replacement of native trees removed which are 12 inches in diameter and larger.
  - **Consistent:** The removal of this tree is necessitated by the project as it lies within the footprint of the fish ladder, which is clearly a resource dependent use. A condition of project approval will require that the tree be replaced within the riparian corridor on a 3:1 basis with the same species (tan oak).

## EXHIBIT "C"

### RECOMMENDED FINDINGS AND EVIDENCE

PLN050303

1. **FINDING:** **CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, the Big Sur Coast Land Use Plan, the Little Sur Protected Waterway Management Plan, the Coastal Implementation Plan, Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for public recreational uses. Specifically, the proposed project is for restoration and enhancement of a recreational dam and surrounding area used for a youth summer camp which is consistent with Chapter 20.40.

- EVIDENCE:**
- (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Big Sur Coast Land Use Plan, the Little Sur Protected Waterway Management Plan, the Coastal Implementation Plan, and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Big Sur Coast Land Use Plan which designates this area as appropriate for public recreational uses. Staff notes are provided in Project File PLN050303.
  - (b) Project planner conducted an on-site inspection on May 26, 2005 to verify that the project on the subject parcel conforms to the plans listed above.
  - (c) The project is for modifications to a recreational dam which is accessory to the property's use as a youth camp (public recreational use) an allowed use, in accordance with Section 20.40.050(A).
  - (d) The parcel is zoned Public/Quasi-Public in a Design Control District, Coastal Zone ("PQP-D (CZ)"). The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.40.060.
  - (e) The project has been determined consistent with Policies 3.4.4.B.3, 3.4.3.B.5, 3.4.3.C.1, 3.5.3.3, and 3.7.3.B.2 as the project, as designed would provide habitat improvements through the construction of a fishladder and other improvements, has been developed with the cooperation of NOAA Fisheries and DFG, and contains conditions to insure than all environmental impacts are reduced to an acceptable level.
  - (f) The project has been determined consistent with the Primary Goal of the Little Sur Protected Waterway Management Plan, including

its Primary Goal “to protect and enhance the outstanding natural values ... as prime fish and wildlife habitat...” and the relevant objectives of this plan. It is also consistent with Plan Objectives 6, 7, 8, and 9 because it continues the recreational resource of the dam while protecting the habitat of steelhead and other species.

- (g) The project has been determined consistent with the Coastal Implementation Plan, in particular Sections 20.145.040.B.1, 20.145.050.B.3, 20.145.050.B.2, and 20.145.060.D.3, 5, and 7 because mitigations will be required which protect the long-term maintenance of the riparian habitat, the project constitutes a prior approved water diversion, and tree removal is limited to the minimum required and is mitigated.
- (h) LAND USE ADVISORY COMMITTEE: The Big Sur Coast Use Advisory Committee discussed the item at their August 9, 2005 meeting. LUAC meeting minutes will be submitted directly to the Commission.
- (i) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN0050303.

**2. FINDING: SITE SUITABILITY -** The site is suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, and the California Department of Forestry/Fire Protection. Conditions recommended have been incorporated.
  - (b) An archaeological report indicates that there are no cultural resources present on site which would indicate the site is not suitable for the use proposed. “Preliminary Archaeological Reconnaissance” prepared by Archaeological Consulting, Salinas, CA, (April 29, 2005). Report is in Project File PLN050303. Library Number 050303
  - (c) A “Preliminary Historical Assessment for the Little Sur River Dam” was prepared by Sheila McElroy, of Circa Historic Property Development” (June 30, 2005). This assessment concluded that the dam “does not meet the criteria for National Register of Historic Places, California Register of Historic Places, or Monterey County Register. The dam is not considered an historic resource and therefore the addition ... will not have an adverse effect on the dam.” Report is in Project File PLN050303. Library Number 050530
  - (d) A Geologic Hazards Screening Study was prepared by Nolan Associates on July 29, 2005. This report outlined “ground acceleration” standards for the design of the proposed improvements. The project engineer has written that he has

reviewed these criteria and that the proposed design takes into consideration, and exceeds, the seismic criteria<sup>7</sup>. Report is in Project File PLN050303. Library Number 050552. The project engineer, Rodney Cahill, RCE, also stated, in a personal conversation with staff on August 2, 2005, that design measures proposed will increase the structural integrity of the existing dam structure.

- (e) A limited geotechnical investigation was prepared for this site (Haro, Kasunich and Associates, Inc., July 2005). This report developed geotechnical design criteria for the proposed improvements which include retaining walls and general site grading. Consistency with the geotechnical report will be required as a Project Condition. Report is in Project File PLN050303. Library Number 050553
- (f) A Biological Assessment on the project was prepared jointly by Swanson Hydrology + Geomorphology and Dana Bland & Associates July 11, 2005.<sup>8</sup> The Biological Assessment outlines five potential adverse impacts which may result from this project. A series of “mitigations” are listed in this document which would lesson the impacts of these impacts to an acceptable level. Inclusion of these requirements, and those of a subsequent list of BMP’s (“Best Management Practices”), into the Lake and Streambed Alteration Agreement between the Boy Scouts and DFG is required as a condition of project approval. Report is in Project File PLN050303. Library Number 050529
- (g) Project planner conducted an on-site inspection on May 26, 2005 to verify that the site is suitable for this use.
- (h) Necessary public facilities are available and will be provided.

**3. FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and Coastal Implementation Plan.

- EVIDENCE:**
- (a) Section 20.145.060.D.3 of the Monterey County Coastal Implementation Plan, Part 3, states that “removal of native trees shall be limited to that which is necessary for the proposed development.” The project proposes to one (1) tan oak with two main branches measuring 22” and 16” in diameter (dbh). This tree is directly in the proposed footprint of the fish ladder and there is no alternative site for the fish ladder. A condition of approval requires that this tree be replaced by three (3) tan oaks to be planted within the riparian corridor.
  - (b) Section 20.145.060.D.5 of the Monterey County Coastal Implementation Plan, Part 3, states that “tree removal shall not be

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<sup>7</sup> Letter from Rodney Cahill, RCE, Swanson Hydrology + Geomorphology, to Thom McCue, dated August 1, 2005.

<sup>8</sup> This document has been erroneously dated March 11, 2005.

permitted within the riparian corridor. Trees located beyond the riparian corridor shall not be felled into the riparian corridor.” The tree proposed for removal is required for the project which is designed to improve the riparian habitat. The tree is located above the bankfull corridor. A condition of approval will require that the tree not be felled into the corridor.

**4. FINDING: ESHA:** The proposed project conforms to the Development Standards for Environmentally Sensitive Habitats of the Coastal Implementation Plan.

**EVIDENCE:** The biological assessment prepared for the project identified potential adverse impacts to species of special concern and environmentally sensitive habitat. Potential adverse impacts were identified for Steelhead (Federally threatened), California red-legged frog (Federally threatened, California Species of Concern), Southwestern Pond Turtle (California Species of Concern), Foothill Yellow-legged frog (California Species of Concern), Coast range newt (California Species of Concern) and the Riparian Environmentally Sensitive Habitat Area (ESHA). Appropriate mitigation measures were outlined and these requirements will be made project conditions of the Streambed Alteration Agreement between the applicant and DFG pursuant to a recommended condition of the County Combined Development Permit. With these conditions there will be no significant impacts.

**EVIDENCE:** (a) Biological Assessment,  
(b) Materials in File,  
(b) Project planner conducted an on-site inspection on May 26, 2005.

**5. FINDING: CEQA (Exempt):** - The project is exempt from environmental review.

**EVIDENCE:** (a) CEQA Guidelines Section 15261(b) statutorily exempts private projects if the project received approval of a lease, license, certificate, permit or other entitlement for use from a public agency prior to April 5, 1973. The recreational dam at Pico Blanco received approval of a Water Rights License from the State Water Resources Control Board on July 15, 1958.

(b) DFG filed a Notice of Exemption for the recreational dam with the State Office of Planning and Budget on June 14, 2005.

**5. FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

**6. FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE** (a) The subject property is not described as an area where the Local Coastal Program requires access.  
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.  
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.  
(d) Staff site visit on July 7, 2004 and September 13, 2004.

**7. FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** (a) Preceding findings and supporting evidence.

**8. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan.  
(b) Section 20.86.080.A.1 of the Monterey County Coastal Implementation Plan.

<b>Exhibit D</b>  <b>Monterey County Planning and Building Inspection</b>  <b>Conditions of Approval</b>	<b>Project Name: <i>Monterey Bay Area Council (Boy Scouts)</i></b>  <i>File No:</i> <u>PLN050303</u> <i>APNs:</i> 418-021-056-000, 418-181-021-000, & 418-181-022-000 <i>Approval by:</i> _____ <i>Date:</i> _____

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
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Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p>This combined permit (PLN050303) allows for construction of a steelhead habitat restoration/enhancement project including fish ladder, large woody debris placements, and spillway modifications for ongoing operation of existing flash board dam for summer scout camp use and ongoing operation of existing maintenance activities, development in riparian ESHA, creation and regular maintenance of channel habitat feature in impound area above dam, including grading of 1050 cubic yards of cut and 345 cubic yards of fill, and a Coastal Development Permit to allow the removal of one tan oak tree with two main trunks measuring 22 and 16 inches in diameter (dbh). The property is located at the eastern end of Palo Colorado Road (Assessor's Parcel Numbers 418-021-056-000, 418-181-021-000, &amp; 418-181-022-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b></p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution PLN050303) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Numbers 418-021-056-000, 418-181-021-000, &amp; 418-181-022-000 on August 10, 2005. The permit was granted subject to eleven (11) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. <b>(Planning and Building Inspection)</b></p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits.	
3		<p><b>BUILDING &amp; GRADING PERMITS REQUIRED (Non Standard Condition)</b></p> <p>A building and grading permit is required for the initial construction of this project. Grading permits are required for maintenance grading of the river channel. <b>(Planning and Building Inspection)</b></p>	Apply and receive the appropriate building and grading permit from Monterey County Planning and Building Inspection.	Engineer/ Owner/ Applicant	Prior to Construction of Project and initiation of maintenance grading of riverbed	

<b>Permit Cond. Number</b>	<b>Mitig. Number</b>	<b>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</b>	<b>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
4		<p><b>PBD030 - STOP WORK - RESOURCES FOUND</b></p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. <b>(Planning and Building Inspection)</b></p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	
5		<p><b>GEOTECHNICAL CERTIFICATION (Non Standard Condition)</b></p> <p>Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(Planning and Building Inspection)</b></p>	<p>Submit certification by the geotechnical consultant to PBI showing project's compliance with the geotechnical report.</p>	<p>Owner/ Applicant/ Geotechnical Consultant</p>	<p>Prior to Final Building Inspection</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6		<p><b>WR39 - OTHER AGENCY PERMITS</b></p> <p>The applicant shall provide certification to the Water Resources Agency that applications have been submitted for all required local, State, and Federal permits. The Agencies include but are not limited to the California Department of Fish &amp; Game, California Regional Water Quality Control Board, Division of Safety of Dams, and the Army Corps of Engineers. <b>(Water Resources Agency)</b></p>	Submit a letter and any associated permits to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
7		<p><b>STREAM ALTERATION AGREEMENT (Non Standard Condition)</b></p> <ul style="list-style-type: none"> <li>o The applicant shall enter into and implement a binding Section 1602 lake and streambed alteration agreement with the California</li> </ul>	A copy of this signed agreement shall be presented to the County Planning & Building Inspection Department.	Owner/ Applicant	Prior to Issuance of grading and building permits.	

<b>Permit Cond. Number</b>	<b>Mitig. Number</b>	<b>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</b>	<b>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
		<p>Department of Fish &amp; Game (DFG) which incorporates the mitigations listed on pages 24 through 28 of the “Camp Pico Blanco Steelhead Passage Improvement And Habitat Enhancement Project Biological Assessment” prepared by Swanson Hydrology + Geomorphology with Dana Bland &amp; Associates, dated July 11, 2005 (incorrectly printed as March 11, 2005) and the “Camp Pico Blanco Fish Passage and Habitat Improvement Project Post Construction Best Management Practices (BMP’s)” prepared by Swanson Hydrology + Geomorphology (undated). These mitigations include, but are not limited to, the requirements that the applicant:</p> <ul style="list-style-type: none"> <li>○ Obtain all necessary permits from the U.S. Army Corps of Engineers, the California Department of Fish and Game and the Regional Water Quality Control Board,</li> <li>○ Implement BMP’s to protect water quality,</li> <li>○ Minimize potential loss of steelhead during construction activities,</li> <li>○ Meet DFG protocols for dam operation,</li> <li>○ Conduct preconstruction surveys for California red-legged frog, Southwestern Pond Turtle, Foothill Yellow-legged frog, and Coast range newt, and take protective measures as needed, and</li> <li>○ Replace the one tree planned for removed by planting three trees of the same species (tan oak).</li> </ul>	<p>Verification of compliance with this agreement shall be provided to the County Planning &amp; Building Inspection Department.</p>	<p>Owner/ Applicant</p>	<p>One year following issuance of building and grading permit for initial construction and prior to issuance of grading permits for ongoing dam maintenance</p>	

<b>Permit Cond. Number</b>	<b>Mitig. Number</b>	<b>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</b>	<b>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
8		<b>TREE RESTORATION (Non Standard Condition)</b> Replacement of the tan oak shall be accomplished by planting three tan oaks on the slope above the retaining wall. <b>(Planning and Building Inspection)</b>	Submit evidence from a forester, arborist, or biologist that the trees have been properly planted and that a maintenance plan is in place to insure their survival.	Owner/ Applicant/ Forester or Biologist	Prior to final building inspection	
9		<b>TREE REMOVAL (Non Standard Condition)</b> The tree shall not be felled into the river but away from it, or alternately may be felled into the river channel once the channel has been dewatered. <b>(Planning and Building Inspection)</b>	Submit photographs of the tree's removal showing that it was not felled into the river.	Owner/ Applicant	Prior to final building inspection	
10		<b>PBD032(A) - TREE PROTECTION</b> Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits	
11		<b>PBD014 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>	None	Owner/ Applicant	Ongoing	