



Permitting Restoration Case Study Frenchmans Creek Fish Passage Improvement

Central Coast, CA

Located on the border of San Mateo County and the City of Half Moon Bay, Frenchmans Creek has traditionally served as a migration route for steelhead trout. With agricultural operations on both sides of the creek, a culvert had been installed that channelized the creek and eroded the bed below. Ultimately, the culvert became perched, preventing steelhead access to the upper 2.1 miles of the creek - the most valuable spawning and rearing habitat within the stream system.

The goal of the project was to restore steelhead passage in Frenchmans Creek by replacing the culvert with a clear-span bridge and boulder weir step pools. The project also sought to restore a more natural hydrologic regime, protect existing species and habitat, and improve in-stream and riparian habitat in reaches directly affected by the project.

Both the local watershed plan and local ordinances recognized the project as a priority. Designed in accordance with National Oceanic and Atmospheric Administration (NOAA) and California Department of Fish and Game (CDFG) guidelines, the project incorporated the need for continued agricultural access to both sides of the creek. The San Mateo County Resource Conservation District (SMCRCD) acted as the project manager throughout the process, and project advisors included NOAA, CDFG, the San Mateo County Farm Bureau, the engineering consultant, the landowners, and the tenant farmer.

Hurdles

In spite of the high-priority nature of the project, several hurdles were encountered:


- A. *Multiplicity of agencies and permits:* Because the project was part of CDFG's Fisheries Restoration Grant Program, it was automatically included in programmatic permits and environmental review. However, because the creek forms the boundary between two jurisdictions, the project was required to get two sets of local permits, including Coastal Development Permits mandated under the two different Local Coastal Plan (LCP) regulations, grading permits, and building permits. The city issued a grading permit and the county issued a grading permit exemption. After some negotiation, the city agreed to accept a building permit issued by the county.

The Coastal Development Permit proved to be more difficult. The SMCRCD applied to the California Coastal Commission (CCC), which oversees all LCPs in the state, for a single Coastal Development Permit. The city protested CCC issuance of this permit because of concerns that CDFG's programmatic permits and biological surveys did not sufficiently comply with the terms of the city's

LCP. Their argument was based on the fact that the state's resource agency was not on the city's list of approved biologists, as the city is accustomed to permitting development rather than restoration projects.

B. Intra-and inter-agency coordination: During a site survey, the consulting biologist for SMRCD found dusky-footed wood rat nests on the site. The San Francisco garter snake was also presumed to be present or potentially present. CDFG required hand removal of vegetation to look for snakes, but CCC responded that removing vegetation would disturb the wood rats. In the end, the snake had a higher level of protection, and the issue was resolved.

Resolution

 esolving these hurdles took a great deal of negotiation and additional biological surveys, and resulted in substantial additional costs. Both construction and permitting costs increased significantly over the 5 years it took to bring the project to construction, and the unanticipated expenses required the SMCRCD to seek substantial additional funds for completion. However, the hurdles were eventually overcome, and by completion of the project, fish passage had been restored in Frenchmans Creek, allowing access to about 4.4 miles of the creek, from the ocean to a natural waterfall.

Note: Case study based in part on documentation provided by Kellyx Nelson, San Mateo County Resource Conservation District.

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