



# **Staff Report & Riparian Exception and Grading Permit**

## **Level 3 – Administrative Review**

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Application Number: **201191**

APN: **065-013-34**

Applicant: **San Lorenzo Valley Water District (SLVWD) c/o James Mueller**

Owner: **San Lorenzo Valley Water District**

Site Address: **545 Fall Creek Drive, Felton CA 95018**

### **Exhibits**

**Exhibit A:** Biotic Report (Mike Podlech, 5/1/2020)

### **Proposal & Location**

The proposed project consists of the repair of a fish ladder and water intake structure by modifying four concrete weirs, constructing three additional weirs, excavation of 300 cubic yards (cy) of sediment from the creek bed, installation of 80 cy new rock slope protection (RSP), removal/reroute of existing 6-inch diameter water line to underside of existing pedestrian bridge, replacement of the existing ladder, catwalks, railings and upgrading the existing foundation elements exposed during excavation work. The project is necessary to improve fish passage conditions and repair structural deficiencies on the fish ladder and water intake structure to comply with current CDFW and NOAA fish passage design standards.

This project is located in unincorporated Santa Cruz County, in the Town of Felton. The San Lorenzo Valley Water District operates a water diversion facility and associated fish ladder structure, approximately 0.41 miles upstream of the confluence with the San Lorenzo River.

Santa Cruz County Code Chapters 16.30 and 16.20 require issuance of a riparian exception permit and grading permit for the proposed scope of work within the riparian corridor.

### **Project Description**

The proposed project includes modifying the four existing concrete weirs and constructing two additional concrete weirs downstream of the existing weirs with twelve-inch drop height between each to meet the new design standards, excavation of 300 cubic yards of sediment from the creek bed and replacing the associated distribution pumps and pipes. The project also includes replacing the existing ladder, catwalks, and railings to maintain access for operations and maintenance, removing an existing 6-inch diameter water line from the site and rerouting it to the underside of the existing pedestrian bridge.

A fisheries biologist will be present during cofferdam construction and dewatering and periodically throughout construction to ensure there are no adverse effects to listed salmonids or other aquatic species. Sediment retention features such as silt fencing and/or wattles will be

installed at the water's edge prior to excavation to isolate the coarse sediment augmentation area from the wetted channel. The work is proposed to be completed during the 2021 low flow season (June 15 – October 15).

## **Analysis**

The subject reach of Fall Creek has been designated as critical habitat for Central California Coast (CCC) steelhead and CCC coho salmon, and delineated Essential Fish Habitat (EFH) for the Pacific Coast Salmon Fisheries Management Plans (FMP), represented by coho salmon, although coho salmon have not been detected there since 1981 (Exhibit A). Other Federally Listed and special-status wildlife with potential to exist at the project site include California Red-Legged Frog (CRLF), California Giant Salamander (CGS); and San Francisco dusky-footed woodrat (SFDFW) -footed woodrat (SFDFW).

The San Lorenzo Valley Water District's (SLVWD) Fall Creek Fish Ladder has been in operation in its current location for over 30 years and has served to improve adult salmonid passage and provide potential juvenile summer and fall rearing habitat. However, the fish ladder has been suffering from performance issues related to subsurface piping below the existing concrete slabs. In addition, under low flow conditions, the average drop height between existing concrete and timber flashboard weirs is approximately 18 inches, limiting fish passage for both juvenile and adult salmonids.

The proposed improvements will improve hydraulic conditions that are beneficial to fish passage. The upstream concrete grade control weir will be placed upstream of the intake screen location and is designed to concentrate flow toward the center of the channel and promote plunging flow into the pool. This will help to maintain sediment transport through the pool and a scoured zone along the intake screens.

The project scope has been limited to the minimum work necessary to restore the functionality of the fish ladder and improve access for maintenance and operation of the facility. Although the proposed project is located within Fall Creek, the proposed excavation activities will be limited to within the artificial structure of the fish ladder. Measures to avoid and minimize impacts to special-status species have been incorporated into the project scope and required as Conditions of Approval. These measures include a training session by a NMFS-approved biologist for all construction personnel, the presence of a qualified fisheries biologist during temporary dam construction, dewatering, and construction/maintenance activities, and erosion/sediment control detention devices have been incorporated into the project design to help protect water quality and slope stabilization.

While construction activities may temporarily alter water quality for designated critical habitat, after project completion, fish passage conditions in this area will be improved over the current conditions and will rehabilitate the summer/fall rearing habitat of the ladder, as well as help to maintain access for operations and maintenance of the facility. As such, the action is expected to result in a net benefit to designated critical habitat for steelhead and coho salmon.

### CEQA Analysis and Agency Permits

The San Lorenzo Valley Water District is the California Environmental Quality Act (CEQA) Lead Agency for this project and have prepared and filled a Notice of Exemption (NOE) for the proposed project; the project is found to be Categorically Exempt, under CEQA Guidelines Section 15301, 15302, and 15333. As the Responsible Agency for this project, the County of Santa Cruz accepts the findings of the Categorical Exemption.

The Santa Cruz County Resource Conservation District is the California Environmental Quality Act (CEQA) Lead Agency for this project, and as such have prepared and filled a Notice of Exemption (NOE) for the proposed project; the project is found to be Categorically Exempt, under CEQA Guidelines Section 15301. As the Responsible Agency for this project, the County of Santa Cruz accepts the findings of the Categorical Exemption.

Findings are on file in the County Planning Department.

### **Staff Recommendation**

The Planning Department has taken administrative action on your application as follows:

  X          Approved (if not appealed).  
              Denied (based on the attached findings).

NOTE:        This decision is final unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**Please note: This permit will expire unless exercised prior to the expiration date.  
(See the Conditions of Approval below for the expiration date of this permit.)**

If you have any questions about this project, please contact Logan Thompson at:  
(831) 454-2530 or [logan.thompson@santacruzcounty.us](mailto:logan.thompson@santacruzcounty.us)

Report Prepared By: \_\_\_\_\_  
Logan Thompson  
Resource Planner  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **201191** (APN 065-013-34) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APN 065-013-34) must sign this form.

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Signature of Owner

Print Name

Date

(This page is intended for your personal records, please retain this signed page and return the signed Signature Page, included later in this document, to acknowledge acceptance of this permit.)

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### **Appeals**

In accordance with Section 18.10.300 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level III project such as this one. Appeals of administrative decisions of are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

## Conditions of Approval 201191

### Exhibit A: Biotic Report (Mike Podlech, 5/1/2020)

- I. This permit authorizes the excavation of approximately 300 cubic yards of debris from the existing fish ladder. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. A copy of this document must be given to the contractor and biologist of record.
- II. All construction shall be performed according to the scope of work outlined in the staff report prepared for Application 201191. Prior to final inspection by County staff, the applicant/owner must meet the following conditions:
  - A. Erosion control measures must be in place at all times during construction. All disturbed soils shall be stabilized to prevent siltation in the watercourse.
  - B. The property owner, applicant or other responsible party shall contact Environmental Planning at (831) 454-2530 four working days prior to site disturbance.

The following inspections are required (at a minimum) by County staff:

1. Preconstruction Letter: Prior to commencing dewatering and/or construction activities, please submit a letter from the project biologist that provides the results of their pre-construction survey (confirming there are no special-status species in the construction area), outlines the required construction monitoring protocol, and approves the final dewatering plan (include copy of final dewatering plan as an attachment to the letter).
2. Construction Monitoring Reports: Consistent with the construction monitoring protocol outlined in the preconstruction letter, the biologist shall submit monitoring reports, as they become available, via email to:  
[Logan.Thompson@santacruzcounty.us](mailto:Logan.Thompson@santacruzcounty.us).
3. Final Letter: After all maintenance activities are complete, including deposition of the excavated material and removal of the coffer dam, the applicant shall submit a final letter from the project biologist that provides a summary of construction observations and states that the project has been constructed in conformance with the recommendations of the accepted biotic report.
4. Final Inspection by County staff: After County staff have received the final letter from the project biologist (Condition II.A.3), please contact County staff to arrange a final inspection of the project site. All work shall be complete and any permanent erosion control measures shall be in place prior to the site visit.

- C. The project must comply with all recommended measures of the approved biotic report (Exhibit A), including but not limited to:
- (a) A qualified individual approved by the USFWS will conduct a pre-construction survey no more than 48 hours before the start of construction activities. The approved individual shall look for species, evaluate the likelihood of usage, and determine if additional biological monitoring is needed during construction (see Condition II.B.1 for reporting requirements).
  - (b) If California red-legged frogs are observed during pre-construction activities, USFWS shall be contacted immediately and construction will be postponed until formal consultation occurs.
  - (c) A qualified fisheries biologist shall be present during temporary dam construction and dewatering and shall remain on-call and or on-site until the project is completed. The biologist shall also be present during removal of the cofferdam and re-watering of the fish ladder (see Condition II.B.2 for reporting requirements).
  - (d) The dewatering plan shall conform to the specifications outlined in the approved biotic report.
  - (e) Sediment retention features such as silt fencing and/or wattles shall be installed at the water's edge prior to coarse sediment placement downstream of the fish ladder.
  - (f) All inactive areas (defined as a five-day period) shall have all necessary soil stabilization practices in place two days after identification of inactivity and/or before a rain event, whichever comes first.
  - (g) Erosion control and sediment detention devices shall be in place prior to October 15 and the onset of rains for the purposes of minimizing fine sediment input to flowing water, and of detaining water to retain sediment on-site. These devices shall be placed at all locations where the likelihood of sediment input exists. Sediment collected in these devices shall be disposed of away from the collection site and outside riparian areas and flood hazard areas.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

### III. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- IV. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
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In accordance with Chapter 18.10 of the County Code, minor variations to this permit which do not affect the overall concept, intensity, or density may be approved by the Planning Director at the request of the applicant or staff.

**Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.**

Approval Date: 2/22/21

Effective Date: 2/22/21

Expiration date: 2/22/24

## **Riparian Exception Findings**

1. That there are special circumstances or conditions affecting the property.  
*There are special conditions affecting the property; the fish ladder has been suffering from performance issues related to subsurface piping below the existing concrete slabs. The current average drop height between the concrete and timber flashboard weirs is approximately 18 inches which limits fish passage for both juvenile and adult salmonids under some flows. The proposed improvements are necessary to restore the beneficial function of the fish ladder.*
2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.  
*The San Lorenzo Valley Water District's (SLVWD) Fall Creek Fish Ladder has been in operation in its current location for over 30 years and has served to improve adult salmonid passage and provide potential juvenile summer and fall rearing habitat. The proposed maintenance activities are required to restore the functionality and maintenance of the fish ladder.*
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.  
*The granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located. The proposed excavations are within the artificial structure of the fish ladder itself and are required to update and improve hydraulic conditions for fish passage.*
4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.  
*The project is not located within the Coastal Zone.*
5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.  
*The granting of the exception is in accordance with the purpose of the Riparian Corridor and Wetlands Protection Ordinance, and with the objectives of the General Plan. The impacts to the riparian corridor and associated wildlife will be minimized and mitigated while protecting water quality via implementation of best management practices outlined in the biotic report. The project would improve fish passage conditions to be consistent with the fish passage variance issued by the National Marine Fisheries Service and the California Department of Fish and Wildlife.*



# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 201191

Assessor Parcel Number: 065-013-34

Project Location: 545 Fall Creek Drive, Felton CA

**Project Description: Repair of a fish ladder and water intake structure**

**Person or Agency Proposing Project: San Lorenzo Valley Water District**

**Contact Phone Number: (831) 430-4627**

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☒ **Categorical Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: 15301. Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

15301(i): Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.

### **E. Reasons why the project is exempt:**

The subject fish ladder is existing, and maintenance of the fish ladder (debris removal) is required to reestablish functionality of the fish ladder and protect fish and wildlife resources.

In addition, none of the conditions described in Section 15300.2 apply to this project.

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Logan Thompson

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Date



## County of Santa Cruz Planning Department

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Approval of application **201191 (San Lorenzo Valley Water District)**

Your Riparian Exception has been administratively approved by the Planning Department.

In order to validate this approval, you must sign the permit, affirming that you have reviewed the permit and agree to the conditions imposed by it. Until this occurs, the permit is not active. **This means that no building permit will be issued, nor can the use begin unless and until the permit is signed and returned.** Within this mailing are two separate pages which require your signature to validate this permit. Please sign, detach, and return the separately labeled "Signature Page" for our files, and retain the other signed signature page (that is incorporated within the body of this permit) for your records. **This approval is for the discretionary review of this project only and any additional permits required as Conditions of Approval of this permit (i.e. Building Permits, Grading Permits, Encroachment Permits, etc.) must be obtained prior to beginning construction.** You should carefully review the attached conditions, as these are the terms under which your project can proceed. If you are the agent for the property owner, you may sign the permit only if you provide proof of service by mail that the signed conditions have been provided to the owner.

Please contact the project planner at (831) 454-2530 or [Logan.Thompson@santacruzcounty.us](mailto:Logan.Thompson@santacruzcounty.us) should you have further questions about the processing of your application.



## County of Santa Cruz Planning Department

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### Signature Page

(To be signed and returned to the Santa Cruz County Planning Department to demonstrate acknowledgement of the issuance of this permit and the acceptance of all permit conditions)

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **201191** and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property must sign this form.

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Signature of Owner

Print Name

Date

Please return to:

Logan Thompson  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060

\*(Records room staff: Please file this page with the discretionary application listed above.)