

Notice of Exemption

2019048284

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: San Mateo

From: (Public Agency): San Mateo County Resource
Conservation District, 80 Stone Pine Rd, Ste. 100
Half Moon Bay, CA 94019

(Address)

Project Title: Dark Gulch Creek Crossing Stabilization Project

Project Applicant: San Mateo Resource Conservation District (RCD)

Project Location - Specific:

On Old Haul Road in Pescadero Creek County Park at the Dark Gulch creek crossing.

Project Location - City: Pescadero

Project Location - County: San Mateo

Description of Nature, Purpose and Beneficiaries of Project:

The project will reconstruct a failing crossing at Dark Gulch creek on Old Haul Road to establish a stable, safe crossing that prevents current and future excess sediment delivery downstream to Pescadero Creek, which is impaired by excess sediment for listed populations of coho salmon and native steelhead trout.

Name of Public Agency Approving Project: RCD

Name of Person or Agency Carrying Out Project: RCD

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Class 33, 15333; Class 02, 15302
Statutory Exemptions. State code number:

Reasons why project is exempt:

Class 33. Small Habitat Restoration: Project directly enhances critical habitat for protected fish and frog species by preventing current and future excess sediment delivery to the creek network. Project size is <5 acres.

Class 02. Replacement or Reconstruction: The reconstructed Dark Gulch crossing will serve same purpose and capacity on Old Haul Road as the existing, failing crossing.

Lead Agency

Contact Person: Sara Polgar

Area Code/Telephone/Extension: 650-712-7765

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [X] Yes [ ] No

Signature: [Handwritten Signature] Date: 4/10/19 Title: Program Specialist

[X] Signed by Lead Agency [ ] Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: Office of Planning & Research

Governor's Office of Planning & Research

APR 15 2019

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2019048284

April 10, 2019

Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

Dear Sir or Madam,

Enclosed please find 2 copies of the CEQA Notice of Exemption and a self-addressed stamped envelope for the project entitled: Dark Gulch Creek Crossing Stabilization Project.

The San Mateo County Resource Conservation District (RCD) is assisting the San Mateo County Parks Department (Department) to implement a project to improve habitat conditions and water quality in the Pescadero Creek Watershed for the benefit of native fish and other species by reducing sediment sources from Old Haul Road into tributaries of Pescadero Creek. Pescadero Creek is 303(d) listed under the Clean Water Act as impaired by excess sediment for fish habitat, including listed populations of coho salmon (*Oncorhynchus kitsutch*) and native steelhead trout (*Oncorhynchus mykiss*). The project will reconstruct a failing crossing on Old Haul Road to prevent chronic and future soil erosion and sedimentation. The CEQA Categorical Exemption Class 33, Section 15333 (Small Habitat Restoration Projects) applies to this project because it directly enhances critical habitat for protected fish and frog species by preventing current and future excess sediment delivery to the creek network; and the project size is less than <5 acres. Additionally, CEQA Categorical Exemption Class 02, Section 15302 "Replacement or Reconstruction" applies because the reconstructed Dark Gulch crossing will serve same purpose and capacity on Old Haul Road as the existing crossing.

Please let me know if you need additional information to be able to process this request.

Sincerely,

SARA POLGAR  
Conservation Program Specialist  
San Mateo Resource Conservation District  
(650) 669-9077  
[sara@sanmatorcd.org](mailto:sara@sanmatorcd.org)

  
Governor's Office of Planning & Research  
APR 15 2019  
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2019048284

**CERTIFICATE OF DETERMINATION OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW**

Project Title: Dark Gulch Creek Crossing Stabilization Project  
Project Location: Dark Gulch Creek crossing on Old Haul Road is located in Pescadero Creek County Park Complex, near Loma Mar, San Mateo County, California  
Assessor's Parcel Numbers: 084-130-110 and 084-130-120  
City and County: Pescadero, San Mateo County

Description of Nature and Purpose of Project:

The San Mateo Resource Conservation District (RCD), in partnership with San Mateo County Parks Department, proposes to improve habitat conditions and water quality in the Pescadero Creek Watershed for the benefit of native fish and other species by reducing sediment sources from Old Haul Road into tributaries of Pescadero Creek. Pescadero Creek was listed in 1998 by the San Francisco Bay Regional Water Quality Control Water Board as impaired by excess sediment for fish habitat, including listed populations of coho salmon (*Oncorhynchus kitsutch*) and native steelhead trout (*Oncorhynchus mykiss*).

The project addresses a failing crossing on Old Haul Road at Dark Gulch Creek, a tributary to Pescadero Creek which is 0.06 miles downstream from the crossing. Erosion at the Dark Gulch crossing is shedding an estimated 600 cubic yards of soil annually. In addition, the site is at risk for complete failure, which would result in delivery of as much as 37,000 cubic yards of soil into the Pescadero Creek network. A catastrophic failure would result in significant damage to the downstream channel, streamside habitat, downstream assemblages of native fish and wildlife, and possible impacts to structures (e.g. bridges). Furthermore, catastrophic failure of the crossing would result in loss of a critical piece of infrastructure, Old Haul Road, used for emergency response, fire-fighting, and recreation. The proposed project removes the eroding crossing and collapsed box culvert, and reconstructs a stable crossing with drainage features that have been designed for proper, long-term function that prevents future erosion. Stabilizing the crossing will also ensure that crucial vehicle access is maintained on Old Haul Road for recreation, administrative and emergency purposes for San Mateo County Parks Department and CalFire.

Name of Person, Board, Commission or Department Proposing to Carry Out Project:

San Mateo Resource Conservation District, 80 Stone Pine Road, Suite 100, Half Moon Bay, CA 94019

EXEMPT STATUS:

Categorical Exemption, Class 33 [CEQA State Guidelines, Section 15333]

Categorical Exemption, Class 02 [CEQA State Guidelines, Section 15302]

REMARKS: See next page.

Governor's Office of Planning & Research

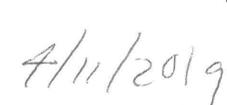
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Contact Person: Sara Polgar Telephone: (650) 712-7765

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
\_\_\_\_\_  
Kellyx Nelson, Executive Director  
San Mateo Resource Conservation District

  
\_\_\_\_\_  
Date of determination

## REMARKS:

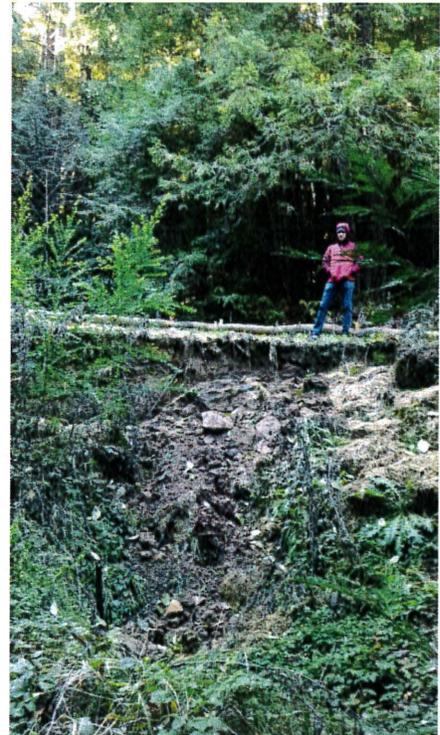
The project will reconstruct the failing crossing and culvert at Dark Gulch creek with a stable crossing and properly-sized culvert drainage. It is exempt under Article 19, Sections 15300 to 15333, which lists classes of projects that have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA as categorical exemptions. This project is exempt under Class 33, identified in "Section 15333. Small Habitat Restoration Projects." Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife. The areas directly impacted (both temporarily and permanently) in this project encompass less than 5 acres and the project directly improves conditions in Pescadero Creek for fish and wildlife by stopping chronic sediment delivery (approximately 600 cubic yards, annually) and preventing as much as 37,000 cubic yards of future sediment delivery from impairing habitat. The project is additionally, and independently, exempt under Class 02, "Section 15302. Replacement or Reconstruction." Class 02 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Pescadero Creek is listed under the Clean Water Act Section 303(d) as impaired by sediment, harmful to salmonids including steelhead trout and coho salmon. The State Water Resources Control Board has developed a Total Maximum Daily Load (TMDL) to address the sediment impairment, which directly references this project to help achieve its goals for source control and protection of downstream public trust resources. In addition to the 303d listing and TMDL, NOAA Fisheries has designated Pescadero Creek as critical habitat for Central California coast steelhead (NMFS 2005) and is listed as a Phase 1 expansion area on the Central California Coast Coho Recovery Plan (NMFS 2012). U.S. Fish and Wildlife Service (USFWS) designated the project area as critical habitat for two federally-threatened species: California red-legged frog (*Rana draytonii*) and marbled murrelet (*Brachyramphus marmoratus*) and (USFWS 2010; USFWS 2011). Of these four federally listed species, the two salmonids and the red-legged frog will directly benefit from this project.

Old Haul Road was built along the south side of Pescadero Creek as a railroad grade in the early to mid-1900s for timber operation. (Figure 1) It was constructed using what would today be considered primitive construction technology, without concern for water quality impacts or long-term stability. The road crosses multiple tributaries to Pescadero Creek, and at these stream crossings, large crib logs were used to buttress and build up large fill embankments, and to form box culverts to convey stream flow through the bottom of the fill embankment. (See Figure 2)

Over the past 70 to 100 years the logs that make up the structural integrity of the crossings have decayed and the box culverts that convey stream flow through the fill embankment have collapsed to varying degrees. At Dark Gulch, the largest of these crossings, the original crib logs have decayed and collapsed and infilled the watercourse.

Survey mapping and subsurface investigations indicate that the Dark Gulch crossing has approximately 37,000 cy up to 69 feet deep. Presently, runoff flows and percolates through soil pipes and small cavities in the crossing fill, and erosion around the crib logs and the collapse of cavities has resulted in sediment delivery to the stream and the formation of cone shaped “sinkholes” on the ground surface, as well as several gullies and debris flow failures on both the up and downstream embankments. Most recently, failures occurred in 2015 and 2017. Sinkhole formation has also led to tension cracks, fissures, and overturned trees rooted in the fill, adding to chronic erosion because of the barren soils that are being continuously produced and impacted by seasonal rainfall. The crossing has a high potential for continued slow progressive failure and if no action is taken, excess sediment delivery 0.06 miles downstream to Pescadero Creek (currently estimated at 600 cy/yr) will increase, degrading water quality and aquatic habitat, and potentially impacting fisheries. There is also a risk of catastrophic failure of the crossing which would result in significant damage to the downstream channel, streamside habitat and other structures (e.g. bridges).



*Figure 3. Example of crossing failure: a sinkhole collapsed on the downslope side of Dark Gulch crossing (2015).*

To establish a stable road prism across the drainage, allow for the safe conveyance of stream flow through the crossing, and substantially reduce the risk of the crossing failure and sediment delivery to the stream network the project will:

1. remove the entire crossing, including all unstable fill material;
2. install a large diameter culvert; and
3. reconstruct a smaller crossing embankment with engineered fill.

Approximately 37,360 cy of fill material will need to be excavated from the Dark Gulch crossing, and approximately 22,725 cy of approved clean fill (i.e., non-deleterious material) from the excavation will be used for engineered fill to reconstruct the crossing. This new crossing will be relocated approximately 50 feet upstream with the road lowered by about 15 feet to reduce the size of the crossing. Crossing reconstruction includes installation of a new plastic (HDPE) or heavy gauge steel culvert (60” to 72” inch diameter by 260 foot long) at native channel grade (16%). A rock energy dissipater will be installed at the culvert outlet; a headwall that is rock-armored to the top of the pipe inlet; and a trash rack/pole upstream of the culvert inlet. Installation of final erosion control measures will include drainage dips to hydrologically disconnect the road from Dark Gulch stream. A total of 3.1 acres at the crossing site and a stockpile site will be temporarily disturbed for the crossing stabilization and culvert replacement construction work. (See attached drawings.)

The project does not have the potential to degrade the quality of the environment and will not substantially reduce the habitat or threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of any endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.

Additional requirements of the Class 33 exemption are addressed below:

*(a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065.*

Project activities will not result in a significant impact on endangered, rare or threatened species or their habitat, and implementation of the proposed project will result in improved habitat conditions

impact. The project will not adversely affect farmland, public services, geologic stability, soils, or increase health risks. The project will not result in impacts that are significant when viewed in connection with the effects of potential future projects, which would result in additional benefit to Pescadero Creek and incorporate the same Best Management Practices and permit requirements.

Furthermore, Section 15300.2(c) of CEQA states, "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." There are no unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect.

The Class 02 exemption does not include additional requirements, but it does specify that the new structure will have substantially the same purpose and capacity as the structure replaced. The reconstructed crossing at Dark Gulch creek will serve the same purpose and it will maintain (i.e. not increase) access along Old Haul Road.

#### REFERENCES:

Flosi, G., Downie, S., Hopelain, J., Bird, M., Coey, R., Collins, B. 2010. California Salmonid Stream Habitat Restoration Manual. Fourth Edition. State of California, The Resources Agency, California Department of Fish and Game, Wildlife and Fisheries Division.

Frucht, S.B., Napolitano, M., Ponto, J. 2018. Pescadero-Butano Watershed Sediment TMDL Staff Report. San Francisco Bay Regional Water Quality Control Board.

National Marine Fisheries Service (NMFS). 2006. Biological Opinion. Permitting of Fisheries Restoration Projects within the Geographic Boundaries of NMFS' Santa Rosa, California, Field Office. Issued to USACE, June 21. File Number 151422SWR2006SR00190:JMA.

\_\_\_\_\_. 2005. Steelhead Critical Habitat, Coast - NOAA [ds122]. <http://bios.dfg.ca.gov>

\_\_\_\_\_. 2012. Final Recovery Plan for Central California Coast coho salmon Evolutionarily Significant Unit. National Marine Fisheries Service, Southwest Region, Santa Rosa, California.

U.S. Fish and Wildlife Service (USFWS). 2011. Marbled Murrelet - Critical Habitat, USFWS [ds157]. <http://bios.dfg.ca.gov>

\_\_\_\_\_. 2010. California Red-legged Frog - Final Critical Habitat, USFWS [ds246]. March. <http://bios.dfg.ca.gov>