



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

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ALVIN JAMES, DIRECTOR

November 14, 2001

**AGENDA DATE: November 20, 2001**

Santa Cruz County Board of Supervisors  
701 Ocean Street  
Santa Cruz, CA 95060

### **ACCEPT FISHNET 4C IMPLEMENTATION PLAN**

Members of the Board,

On May 1, 2001, your Board heard a presentation on findings and recommendations from the FishNet 4C Program Director, Kallie Kull. At that meeting, your Board directed staff to prepare an implementation plan for the fifteen FishNet 4C Goals for County Policies, Planning and Management Practices. On October 16, 2001, your Board received a number of public comment letters regarding the County of Santa Cruz Implementation Plan for FishNet 4C Goals for County Policies, Planning and Management Plan, Final Draft dated October 5, 2001. Your Board requested the Planning Department to consider these public comments and report back on November 20, 2001.

### **Background**

FishNet 4C is a county-based salmonid protection and restoration program that brings together the six California Coastal Counties of Mendocino, Sonoma, Marin, San Mateo, Santa Cruz, and Monterey. FishNet 4C completed a comprehensive assessment of policies and practices in these six counties as they relate to steelhead and coho salmon protection. This report, *Effects of Land Use Policies and Management Practices on Anadromous Salmonids and Their Habitats*, was accepted by your Board on May 1.

Steelhead and coho salmon are listed as threatened under the federal Endangered Species Act (ESA). In addition, coho salmon are listed as endangered under the State ESA. The ranges for these state and federal listings vary throughout Santa Cruz County. For steelhead, all Santa Cruz County watersheds except the Pajaro River watershed are within the Central California Coast Evolutionary Significant Unit (ESU-a genetically similar population group); the Pajaro River watershed lies within the South-Central California

Coast ESU. For coho salmon, the Central California Coast ESU includes Santa Cruz County's North Coast streams and the San Lorenzo River. The State listing of coho salmon includes North Coast streams, San Lorenzo River, Soquel Creek and Aptos Creek.

In July 2000, the National Marine Fisheries Service published its rules for "take" (called the 4(d) rules) for steelhead. "Take" for steelhead is being defined broadly and includes various county activities such as road maintenance and repair, urban development, discharge of fill into stream areas, destruction of riparian corridors, and physical disturbance or alteration of a stream channel, such as dams, channelization and bank stabilization. The FishNet 4C Goals and the associated County of Santa Cruz Implementation Plan are meant to address compliance with the Steelhead 4(d) rules.

## Discussion

This implementation plan was prepared with input and review by staff and management from Planning, Public Works, Environmental Health Services, and Parks, Open Space and Cultural Services (see Attachment 1). In addition, the County Administrative Office and County Counsel reviewed this plan.

This Implementation Plan proposes implementation actions that build on years of effort by the County to address the protection and enhancement of salmonid habitat. For example, among the six FishNet 4C counties, County of Santa Cruz stands out as having several excellent environmental protection ordinances including the Grading, Erosion Control and Riparian Protection ordinances. In the past few years, Public Works has received several grants, including funds to develop written standards for Road Maintenance, provide training for erosion control, and conduct road inventories in the San Lorenzo and Soquel watersheds. Many of the proposed implementation actions came from staff to improve existing policies and programs.

This plan proposes implementation actions for fourteen of the FishNet 4C goals; no implementation actions are recommended for Goal #2 –extending Coastal Zone Protection, because most resource protection policies that exist in the Coastal Zone already extend into the non-Coastal Zone areas.

Implementation actions are proposed over a three-year schedule (see Attachment 1). While most of the implementation actions can be accomplished within one year, a number of actions will require effort over two or more years.

There are several policy-related implications associated with the Implementation Plan. They are as follows:

- Riparian Corridor Protection and Sensitive Habitats Ordinances are proposed to be revised
- Alternatives to conventional bank stabilization are proposed to be promoted
- Design standards and guidelines are proposed to be developed to minimize impervious surfaces and promote surface water retention

- Written standards for county road management practices are proposed to be developed

Implementation of the FishNet 4C recommendations in the County are expected to have environmental and societal benefits beyond the protection of anadromous salmonids. For example, implementation actions should protect and enhance habitat for other sensitive species, and should assist the County with complying with the Endangered Species Act for other species, such as the red-legged frog, western pond turtle and riparian bird species. Measures to improve roads and stream crossings are expected to benefit local residents and could also reduce inconvenient storm-related road closures.

Acceptance of this implementation plan has no immediate fiscal impacts and does not imply approval of County funding for specific actions outlined therein. Any additional funding requirements will be evaluated within the context of the County's normal budget process. Many of the implementation actions can be accomplished with existing staff and resources. Some implementation actions are expected to require the County to apply for outside funding assistance. Additionally, several of the proposed actions would require ordinance changes and the associated public input. Acceptance of the recommendations before you are not intended to short-cut the required public review.

This report is expected to have beneficial fiscal impacts to the extent the County is successful in obtaining grant funding for salmonid enhancement projects, including erosion control, water supply and road improvements. Funding agencies, including California Department of Fish and Game, the Coastal Conservancy, and State Water Resources Control Board, favor funding projects that have been identified in assessment plans, such as the FishNet 4C report, *Effects of County Land Use Policies and Management Practices on Anadromous Salmonids and Their Habitats*.

## **Response to Public Comment**

On October 16, 2001, your Board received several public comment letters regarding the County of Santa Cruz Implementation Plan for FishNet 4C Goals for County Policies, Planning and Management Plan, Final Draft dated October 5, 2001. The greatest number of specific comments came from the San Lorenzo Valley Water District (SLVWD) and Citizens for Responsible Forest Management (CRFM). The SLVWD had five comments that covered code compliance, floodplain protection, countywide strategy for fishery protection and enhancement, grading, and erosion control. CRFM had fifteen comments covering nine FishNet 4C goals, and included riparian, erosion control, grading, and public works issues.

Both SLVWD and CRFM were interested in increasing staff support for environmental code compliance. SLVWD recommended that new staff positions specialize in the enforcement of County environmental ordinances such as grading, erosion control, riparian and sensitive habitats. Presently, staff is cross-trained in building, zoning, and environmental code compliance. However, since there is an on-going process evaluating code compliance, staff proposes that this issue be reviewed more closely in the coming months.

The County also received two letters that stated concerns that Implementation Actions could violate private property rights. After a review of these letters and the proposed Implementation Plan, County Counsel identified no significant legal issues. The majority of implementation actions concern permitting process, implementation of existing ordinances, and Public Works' practices, and do not affect private property. Any proposed changes to existing ordinances or laws will be considered only with public review, which would include public comment and discussion at a public hearing.

Additionally, the Farm Bureau submitted a letter on October 14, 2001, and attended the Board meeting on October 16, 2001, voicing general concern about the Implementation Plan. Staff contacted the Farm Bureau repeatedly to schedule a meeting and to request specific concerns. However, the Farm Bureau was unable to schedule a meeting with staff and has not yet submitted detailed comments for staff to prepare a response for inclusion in this Board letter.

In response to public comment, staff has proposed a number of changes to the implementation Plan which have been incorporated in Attachment 1 including the following:

- An introduction page to the Implementation Plan that explains background and public review process for any changes to existing ordinances has been added.
- References to the need for additional resources have been added.
- Clarification of actions proposed on grading and erosion control has been included.
- The Resource Conservation District and the Natural Resource Conservation Service projects have been added in the section on Watershed Groups.
- Clarification of language on spoils storage has been added.
- Minor editorial changes have been made.

## **Conclusion and Recommendations**

The attached Implementation Plan continues County efforts to protect and enhance salmonid habitat, and was developed through consensus with county staff and managers. The County of Santa Cruz has contributed substantially to the success of FishNet 4C, the county-based salmonid protection and restoration program that developed the 15 Goals on which this Implementation Plan is based.

It is therefore RECOMMENDED that your Board:

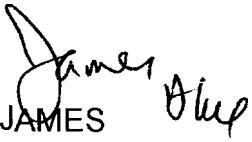
- (1) Accept and file this report on *County of Santa Cruz Implementation Plan for FishNet 4C Goals for County Policies, Planning and Management*;
- (2) Approve the Implementation Plan, as revised (Attachment 1);
- (3) Direct Planning, Public Works, Environmental Health Services, Parks, Open Space and Cultural Services, and County Counsel to incorporate proposed implementation actions into their work programs.

- (4) Direct the Planning Department to report back on November 19, 2002, with a progress report on the Implementation Plan.

Sincerely,

ALV

ALVIN D. JAMES  
Planning Director



RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

ATTACHMENTS:

- (1) *County of Santa Cruz Implementation Plan for FishNet 4C Goals for County Policies, Planning and Management*

cc: Public Works  
Parks, Open Space and Cultural Services  
Environmental Health Services  
County Counsel  
FishNet 4C

KS/FishNet 4C/Board Letters/FishNet Brd Nov 2001

# County of Santa Cruz Implementation Plan For FishNet 4C Goals for County Policies, Planning and Management Practices

That Emerged from  
Recommendations in the FishNet 4C Study:

## *EFFECTS OF COUNTY LAND USE POLICIES AND MANAGEMENT PRACTICES ON ANADROMOUS SALMONIDS AND THEIR HABITATS*

### ***Background***

FishNet 4C is a county-based salmonid protection and restoration program that brings together the six California Coastal Counties of Mendocino, Sonoma, Marin, San Mateo, Santa Cruz, and Monterey. FishNet 4C completed a comprehensive assessment of policies and practices in these six counties as they relate to steelhead and coho salmon protection. Your Board accepted this report, *Effects of Land Use Policies and Management Practices on Anadromous Salmonids and Their Habitats*, on May 1.

Steelhead and coho salmon are listed as threatened under the federal Endangered Species Act (ESA). In addition, coho salmon are listed as endangered under the State ESA. The ranges for these state and federal listings vary throughout Santa Cruz County. For steelhead, all Santa Cruz County watersheds except the Pajaro River watershed are within the Central California Coast Evolutionary Significant Unit (ESU—a genetically similar population group), the Pajaro River watershed lies within the South-Central California Coast ESU. For coho salmon, the Central California Coast ESU includes Santa Cruz County's North Coast streams and the San Lorenzo River. The State listing of coho salmon includes North Coast streams, San Lorenzo River, Soquel Creek and Aptos Creek.

In July 2000, the National Marine Fisheries Service published its rules for "take" (called the 4(d) rules) for steelhead. "Take" for steelhead is being defined broadly and includes various county activities such as road maintenance and repair, urban development, discharge of fill into stream areas, destruction of riparian corridors, and physical disturbance or alteration of a stream channel, such as dams, channelization and bank stabilization. The FishNet 4C Goals and the associated County of Santa Cruz Implementation Plan are meant to address compliance with the Steelhead 4(d) rules.

### ***Public Review Process***

Any proposed changes to existing ordinances and regulations will be reviewed as part of the public process, including public comment and appropriate public hearings. Nothing in this proposed plan is intended to bypass any required procedures for the adoption of new ordinances or regulations.

***FishNet 4C Goal #1 - Critical Fish Streams***

**Identify and map anadromous fish streams and tributaries throughout each county and make this information available to County staff. Develop a county strategy for prioritizing fishery protection and restoration actions within individual watersheds and throughout the county.**

***Discussion for County of Santa Cruz.*** Both state and federal agencies are developing salmonid recovery plans for streams in Santa Cruz County. California Dept of Fish and Game (CDFG) has completed a Draft Coho Recovery Plan; National Marine Fisheries Service (NMFS) has begun work on a recovery plan for steelhead and coho salmon that includes Santa Cruz County.

NMFS has secured funding to develop a Geographic Information Database for steelhead and coho salmon recovery efforts in Santa Cruz and San Mateo counties. While much of this information is available through existing documents and local knowledge, this project may generate new information such as a riparian corridors assessment. This effort should be completed by September 2003. Resources staff is proposed to coordinate the distribution and use of this GIS-based information to Planning, Public Works, Parks, Open Space and Cultural Services, and Environmental Health staff, local watershed groups and watershed partners.

Collaborative watershed assessments are in-progress in Scott, San Lorenzo, Arana, Soquel, Aptos and Lower Pajaro watersheds, which include many of the anadromous salmonid streams in Santa Cruz County. These assessments are in various states of completion; most are expected to be completed by 2003. Each assessment is expected to prioritize fishery protection and restoration actions within individual watersheds. When these assessments are completed, Planning will consult with NMFS, CDFG, local watershed groups and other partners such as the Resource Conservation District and Coastal Watershed Council, on the development of a countywide fishery protection and enhancement plan.

***County of Santa Cruz Implementation Actions for Critical Fish Streams.***

- a. Planning is proposed to work with National Marine Fisheries Service and their contractor to develop a GIS map showing anadromous fish streams and tributaries throughout the county.
- b. Planning is proposed to make this information available to staff in Planning, Public Works, Environmental Health, Parks, Open Space and Cultural Services, local watershed groups and watershed partners.
- c. Fishery enhancement projects from individual watershed assessments are proposed to be summarized into a single, countywide document.
- d. County staff will work with National Marine Fisheries Service, California Dept of Fish and Game, and watershed partners to develop a countywide strategy for fishery protection and restoration, based on existing information from individual watershed assessments. **The countywide strategy is expected to include planning for funding and implementation resources.**
- e. Appropriate elements of this countywide strategy for fishery protection and restoration will be integrated into the County General Plan update.

**Fiscal Impact.** These actions can be completed with existing staff. Implementation of projects identified in a countywide strategy for salmonid protection and restoration would require staff time, county resources and other funding.

***FishNet 4C Goal #2 - Coastal Zone Protections***

Extend coastal zone resource protection policies to non-coastal areas of the counties where applicable and feasible. These policies should include wetland and riparian protection, sensitive habitat protection, and grading and erosion control.

**Discussion for County of Santa Cruz.** In Santa Cruz County, most resource protection policies that exist in the Coastal Zone extend into the non-Coastal Zone areas. These policies include wetland and riparian protection, sensitive habitat protection, and grading and erosion control. Staff does not support extending other resource protection policies, such as the Significant Trees Protection Ordinance, to non-coastal zone areas of the county.

**County of Santa Cruz Implementation Actions for Coastal Zone Protection.** None.

**Fiscal Impact.** None.

***FishNet 4C Goal #3 - Riparian Buffers***

Establish riparian protection areas to protect stream function, wherein new development is prohibited. Where feasible, define these areas on the basis of geomorphic floodplain rather than vegetation, recent flooding or arbitrary distances from streams. Enforce protection provisions with implementation ordinances. Develop policies and promote alternative designs that minimize the number of variances issued for riparian setbacks. Seek funds to purchase property or easements in cases where riparian protections make parcels unbuildable.

**Discussion for County of Santa Cruz.** Riparian areas are protected under the Riparian Corridor Protection Ordinance and the Sensitive Habitats Ordinance. The Riparian Corridor Protection Ordinance protects 50' from the mean high water mark for perennial streams, 30' for intermittent streams, 100' for lakes and wetlands and protects an area on arroyos within the Urban Services Line, depending on slope and site conditions. In areas with riparian woodland, such as the floodplain of lower Soquel Creek, the ordinance protects an area 50' from the extent of riparian woodland. Riparian corridors are also protected under the Sensitive Habitats Ordinance as a sensitive habitat.

The Riparian Corridor Protection Ordinance does not prohibit new development, but requires a Riparian Exception and planning review for all activities in this area. Riparian Exceptions are issued for additions and bank stabilization projects to protect non-conforming homes near streams.

Altering the existing Riparian Corridor Protection Ordinance to include geomorphic floodplain would be a challenging and expensive process that may result in non-conforming development and an ordinance more difficult to implement. Instead, implementation of the existing ordinance



can be strengthened through revisions, clarifying guidelines for issuing exceptions, and creation of a riparian corridor inventory showing existing conditions.

***County of Santa Cruz Implementation Actions for Riparian Buffers.***

- a. Prepare a revised the Riparian Corridor Protection Ordinance and Sensitive Habitats Ordinance for public review. Revisions should improve definitions and ordinance language for clarity and ease of implementation. Revision should clarify riparian corridors for arroyos within the Urban Services Line and consider incorporating design goals for bank stabilization projects (see Goal #4). The revision should also maintain flexibility to deal with existing development and “real-world” situations. Revisions should be prepared concurrently with the General Plan update and be subject to the associated public review.
- b. Create an inventory of riparian corridors in the county that is updated along with the General Plan.
- c. Clarify guidelines for issuing riparian exceptions for Board consideration and public review.
- d. Consider creation of a conservation easement program that would provide property tax benefits for property owners that protect or enhance the riparian corridor on their properties and develop a proposal for Board and public review.

***Fiscal Impact.*** Improving the implementation of the existing Riparian Corridor Protection Ordinance through revisions and clarifying guidelines for issuing riparian exceptions could be completed with existing staff and resources. The creation of a Riparian Corridor inventory would probably require outside funding and expertise, but these may be available through the National Marine Fisheries Service grant mentioned in Goal #1. Better enforcement of the existing ordinance will require additional code compliance staff for more pro-active enforcement.

A riparian conservation easement program would result in a modest reduction in property tax revenues. However, this investment may be offset by protection of sensitive species, better compliance with the Endangered Species Act and the Clean Water Act (through the Total Daily Maximum Load –TMDL requirements), and other benefits such as reduced bank erosion. Actual fiscal impact should be evaluated as a part of the proposed program plan.

***FishNet 4C Goal #4 - Bank Stabilization***

**Promote alternatives to conventional bank stabilization for public and private projects and require evaluation of alternatives through the County permit process. Consider a review procedure in the form of a post implementation audit to see how projects were done. Address cumulative effects of channel hardening in this review.**

***County of Santa Cruz Implementation Actions for Bank Stabilization.***

- a. Implement the Calif. Dept of Fish and Game's SB271 Grant - Santa Cruz County Stream Habitat Outreach Program - that includes a workshop for county and local engineers to learn about the design and construction of fish-friendly bank stabilization projects.
- b. Develop and implement additional outreach and incentive programs to local engineers and residents for alternative bank stabilization designs. Outreach could include a brochure that describes alternative bank stabilization designs.
- c. Public Works and Parks are proposed to participate in training opportunities for alternative bank stabilization techniques.
- d. Public Works and Parks are proposed to consider alternative bank stabilization techniques on all projects and will implement where feasible and appropriate.
- e. ~~Consider incorporating~~ **Incorporate design standards goals** into revision of the Riparian Corridor Protection Ordinance for Board consideration and public review. **If necessary, pursue grant funding to identify appropriate design goals**
- f. Planning is proposed to utilize intern resources to evaluate Riparian Exceptions and numerate what types of projects are being applied for. This analysis could evaluate cumulative impacts and determine whether certain stream reaches have a greater number of bank stabilization projects.

***Fiscal Impact.*** Most of these actions can be completed with existing staff. Minimal fiscal impact to print brochure for fish-friendly bank stabilization designs. Incorporating woody material and other biotechnical techniques into Public Works bank stabilization projects could increase design and implementation costs initially, but may reduce bank stabilization projects costs over the long-term. These matters should be reviewed as a part of any project plan.

***FishNet 4C &a/ #5 - Grading and Erosion Control***

**Develop grading and erosion control standards supported by ordinances to minimize sediment impacts to anadromous streams. Provide adequate staff to enforce grading and erosion control ordinances.**

***Discussion for County of Santa Cruz.*** The County has both an Erosion Control and Grading Ordinance. With the current level of development applications and code compliance violations, there are limited resources to enforce grading and erosion control ordinances. Grading review has become more complex as development occurs on parcels that are often steep, and have geologic concerns. Grading permits often require the review of a resource planner, civil engineer and geologist.

Public Works has a half-time position responsible for erosion control issues. See Goal #6 - Winter Grading for additional discussion and implementation actions related to grading and erosion control.

***County of Santa Cruz Implementation Actions for Grading and Erosion Control.***

- a. Endeavor to provide an adequate number of trained staff to review grading and erosion control applications in a timely manner.

- b. Endeavor to provide an adequate number of trained staff to resolve grading and erosion control violations.
- c. Revise requirement checklist for grading and erosion control so applicants have a better understanding of requirements.
- d. Require identification of fill disposal site prior to issuing grading permit.
- e. Parks, Open Space and Cultural Services is proposed to address erosion problems at County parks as necessary.
- f. Public Works is proposed to continue to identify staff that is responsible for working on erosion control issues.
- g. Public Works is proposed to pursue funding to address erosion control problems at old road repair sites.
- h. Planning is proposed to evaluate establishing a system for emergency response to large grading and erosion control violations during non-business hours.
- i. Public Works is proposed to refine specifications to improve contractor implementation of mitigation measures
- j. Public Works is proposed to consult with County Counsel regarding opportunities to establish environmental criteria for contractors who bid on County projects. Criteria may include demonstrated ability to follow mitigation measures while working in or near salmonid streams.

**Fiscal Impact.** If permit applications continue at a high rate, providing adequate staff to review grading and erosion control applications may require hiring one additional Resource Planner in the Environmental Planning Section. Revision of the Erosion Control and Grading Application Requirement Checklist and other actions could be completed with existing staff,

#### ***FishNet 4C Goal #6 - Wintertime Grading***

**Minimize winter grading. Improve enforcement to eliminate impacts of wintertime grading. Emphasize erosion control measures over sediment control.**

**Discussion for County & Santa Cruz.** Winter grading is minimized through requirements in the Grading and Erosion Control Ordinances. Environmental Planning has increased the detail required on erosion control plans to adequately evaluate their effectiveness. For example, plans must show the location a proposed silt-fence. This more detailed review will focus on erosion control (preventing soil movement) not sediment control (preventing eroded soil from moving off-site). In the late summer, Environmental Planning creates a list and map of open grading projects which resource planners check on as feasible.

#### ***County & Santa Cruz Implementation Actions for Wintertime Grading.***

- a. Create a plan-sheet showing details for a number of erosion control techniques. Checked items on the sheet will be included as part of the permit requirements. Erosion control technique details are available through Public Works' Erosion Control Training Grant.
- b. Each August, Planning Department is proposed to work with Public Works to identify projects that need Winter Grading Approval.
- c. In late summer, Planning is proposed to send out a form letter to applicants reminding them they must have erosion control supplies ready at the site, and that erosion control plans must be implemented prior to October 15<sup>th</sup>.

- d. Provide training to building inspection staff to watch for erosion control problems.
- e. Develop a flyer about erosion control requirements and techniques that building inspectors could leave at properties that need attention.

**Fiscal Impact.** Most of these actions can be implemented with existing staff. Erosion control details are available through the Erosion Control Maintenance Standards grant with Public Works. There may be a cost to producing plan sheets for applicants if this cost is not incorporated in the permit fees. Minimal fiscal impact to produce and send out letters on active development permits. If flyer about erosion control requirements and techniques cannot be completed with existing staff, Planning Department should consider applying for a grant.

#### ***FishNet 4C Goal #7 - Watershed Groups***

**Counties should support and be active members of multi-stakeholder groups working on watershed issues. Identify County staff to participate in these collaborative processes.**

**Discussion for County of Santa Cruz.** Planning, Environmental Health, and Public Works support and are active members of multi-stakeholder groups working on watershed issues. Environmental Health is managing the update of the San Lorenzo Watershed Plan and the San Lorenzo Steelhead Enhancement Plan. Public Works is proposed to conduct a roads inventory as part of the Soquel Creek Watershed Assessment and San Lorenzo Watershed Plan Update. Staff has been identified to participate in these collaborative processes. Swanton Road is the only county- maintained road in the Scott Creek Watershed, which supports a run of coho salmon. The Scotts Creek Watershed Council completed a road inventory in the watershed, which included Swanton Road. The Watershed Council has actively solicited the county to make drainage and road improvements to reduce potential sedimentation into Scott Creek.

#### ***County of Santa Cruz Implementation Actions.***

- a. Continue to support and participate in multi-stakeholder watershed processes.
- b. Public Works is proposed to develop a work program to address drainage and erosion concerns on Swanton Road, identified in a watershed road inventory completed by the Scotts Creek Watershed Council.
- c. Public Works is proposed to work with other watershed groups to implement high priority projects associated with county roads that have been identified in watershed assessments.
- d. County staff is proposed to evaluate proposals from the Santa Cruz County Resource Conservation District and the Natural Resources Conservation Services to develop a streamline permit coordination program for a specific set of projects and management practices.

**Fiscal Impact.** Participation and support can be accomplished with existing staff. Erosion and drainage improvements on Swanton Road should be a component of Public Works' Culvert Replacement Program. Involvement in watershed groups may generate more interest in fishery enhancement projects, which could have an unknown future fiscal impact on the County.

#### ***FishNet 4C Goal #8 - Instream Flows***

**Support efforts and develop county programs to protect and increase instream flows for anadromous fish. County efforts could include base flow monitoring, protesting water rights, and working with water districts on conservation issues. Where appropriate, Counties should participate in regional water management planning. Counties should also have policies to minimize impervious surfaces and promote surface water retention. Counties could require CEQA review for large wells. Counties should condition development which would divert or store surface water, on the applicants having received appropriate rights from the State Water Resources Control Board.**

***Discussion for County of Santa Cruz.*** The County participates in regional water management planning. Planning and Environmental Health participate on both the Interagency Water Resources Working Group and the Santa Margarita Groundwater Basin Advisory Committee. In addition, the County has participated in regional planning efforts with the City of Santa Cruz, Soquel Creek Water District, and the Pajaro Valley Water Management District. The County is helping to fund a joint project with the Soquel Creek Water District to investigate groundwater and streamflow interactions.

Local watershed assessments for San Lorenzo, Soquel and Aptos creeks will address streamflow reductions and its potential impacts on salmonids. Planning and Environmental Health staff contributes to and participates in these watershed assessments.

Through the General Plan, the County requires that, in water supply and groundwater recharge watershed zones, post-project runoff cannot exceed pre-project runoff. Planning and Public Works have begun discussions on developing design standards for retention.

Over the past few years, Public Works has increased their review of drainage plans for development. Public Works plans to remove the drainage fee cap of \$3,000 to encourage property owners to reduce the amount of impervious surface.

The County already requires CEQA review for large wells. The recommendation regarding conditioning development on appropriative rights is not applicable to development within Santa Cruz County because most large development projects rely on established water purveyors instead of their own water supply.

***County of Santa Cruz Implementation Actions for Instream Flows.***

- a. Continue to support regional water management planning.
- b. Continue to work with water districts on conservation issues.
- c. Continue to protest water rights applications so that conditions of approval are incorporated into water rights.
- d. Develop a strategic plan to evaluate baseflow in different stream basins over the next 10 years.
- e. Develop design standards and guidelines to minimize impervious surfaces and promote surface water retention.

- f. Prepare recommendations for Board consideration and public input to remove Public Works' drainage fee cap of \$3,000 to encourage property owners to reduce the amount of impervious surface.
- g. Include Best Management Practices for drainage and retention as part of NPDES phase II compliance, effective in March 2003.
- h. Strengthen and clarify the roles of drainage review between Public Works and Planning.

**Fiscal Impact:** These actions can be implemented with existing staff. Removing the drainage fee cap will increase fee revenues.

***FishNet 4C Goal #9 - Decommissioning***

**Develop a program or policies for identifying especially unsuitable existing development, infrastructure and road segments affecting anadromous fish streams. Consider options and opportunities for gradually eliminating them.**

**Discussion for County of Santa Cruz.** Currently, the County has an informal program to decommission unsuitable infrastructure and road segments. A few road segments have been informally identified as especially unsuitable for anadromous salmonids; however, no work has been done to calculate the costs of mitigating them. Public Works has submitted a grant to evaluate existing road crossings (infrastructure) that are barriers to fish passage.

***County of Santa Cruz Implementation Actions for Decommissioning.***

- a. Public Works is proposed to continue efforts to identify and mitigate existing infrastructure that are barriers to fish passage (see Goal #15).
- b. Parks, Open Space and Cultural Services is proposed to ensure that recreational use of the San Lorenzo River is appropriately mitigated.
- c. Public Works and Planning staff is proposed to prepare a list of especially unsuitable existing development, infrastructure and road segments affecting anadromous fish streams.
- d. The County is proposed to consider options and opportunities for gradually mitigating or eliminating road impacts.

**Fiscal Impact:** The development of a list of especially unsuitable existing development, infrastructure and road segments affecting anadromous fish streams should require a minimum of staff time. Grants to eliminate existing development, infrastructure and road segments would require a match contribution from the County in staff time, funding, or both.

***FishNet 4C Goal #10 - Lagoon Breaching***

**Evaluate lagoon breaching policies where it is conducted within each county. If warranted by study findings, adopt policies and implementation procedures that mitigate impacts to anadromous fish.**

**Discussion for County of Santa Cruz.** The only County property with a lagoon is Scott Creek. It is not the policy of Parks, Open Space and Cultural Services to breach the lagoon under any circumstances. Public Works has a five-year agreement with several agencies, including Army

Corps of Engineers and Coastal Commission, to breach the Pajaro River lagoon under specific circumstances.

***County of Santa Cruz Implementation Actions for Lagoon Breaching.***

- a. Support efforts by the City of Santa Cruz, City of Capitola and State Parks to manage lagoons to benefit anadromous fish.

***Fiscal Impact.*** None expected.

***FishNet 4C Goal #11 - Road Maintenance Standards***

Develop and adopt written standards for county road management practices, under both routine and emergency conditions. These standards should include guidelines for road maintenance and construction that minimize sedimentation and runoff impacts, and address storage and disposal of spoils, stream crossings, culvert diversion potential, fish passage, and landslide and slope repair. County staff should participate in training for the implementation of roads, culverts and maintenance practice standards, developed to minimize impacts to the fishery.

***Discussion for County of Santa Cruz.*** Public Works has received a California Dept of Fish and Game SB271 grant to develop Erosion Control Maintenance Standards and train staff in its implementation. Public Works has an upcoming grant to provide additional training in erosion control techniques. In addition, FishNet 4C has a grant to assist all six counties in the development of road maintenance standards.

***County of Santa Cruz Implementation Actions for Road Maintenance Standards.***

- a. Complete development of written standards for County Road Management Practices, under both routine and emergency conditions.
- b. Participate in training for the implementation of roads, culverts and maintenance practice standards.
- c. Institute a system for annual training for new staff on County Road Management Practices.
- d. Public Works is proposed to seek alternative funding to provide adequate maintenance staff to prevent failures that occur during storm events.
- e. Public Works is proposed to increase maintenance practices, such as the Culvert Replacement Program, to reduce erosion and sedimentation resulting from failures.
- f. Continue to advocate to FEMA for policy changes that would benefit salmonid habitat.

***Fiscal Impact:*** Most of these implementation actions can be accomplished with current grant funding, existing staff and funding (e.g. Culvert Replacement Program). Public Works will need to consider additional maintenance staff to adequately maintain culverts prior to and during storm events.

***FishNet 4C Goal #12 - Emergency Projects***

**Review how storm-damage-related road, culvert, and bank stabilization projects were installed under emergency conditions, compared to non-emergency installations.**

***County of Santa Cruz Implementation Actions for Emergency Projects.***

- a. Public Works and Planning is proposed to review how storm-damage related road, culvert, and bank stabilization projects were installed under emergency conditions, compared to non-emergency installations. This review is proposed to evaluate if written standards for emergency conditions developed under Goal #11 were followed and effective.

***Fiscal Impact.*** If this review is limited in scope, for example, reviewing 15 regular projects and 15 emergency projects, than it could be accomplished with existing staff. A more thorough review may require additional funding, such as a grant, to complete.

***FishNet 4C Goal #13 - Spoils Storage***

**Establish adequate spoils storage sites throughout the counties so that material from landslides and road maintenance can be stored safely away from anadromous streams. Coordinate these efforts with CalTrans.**

***Discussion for County of Santa Cruz.*** By December 21, 2001, Public Works is proposed to coordinate a meeting with Maintenance, Real Property, and Planning Department staff to discuss ideas for locating and permitting a minimum of one spoils disposal site in the County. The meeting is proposed to discuss purchase or lease of quarry property, and will develop an action plan for pursuing ideas. Staff will be identified to conduct follow up tasks and, if appropriate, to apply for a grant. If necessary, Public Works will apply to appropriate funding agencies for a grant to better develop options for spoils site disposal.

***County of Santa Cruz Implementation Actions for Spoils Storage.***

- a. Develop a strategic plan for locating, and permitting, and funding a minimum of one 1-4 spoils disposal site(s) in the County for Board consideration and public input.
- b. Public Works is proposed to identify sites for stockpiling spoils to reuse in projects.

***Fiscal Impact.*** If Public Works is able to devote staff time to develop a strategic plan, than it could be accomplished with existing staff. Most likely, the development of a strategic plan may require funding, such as a grant, which may require a match contribution from the County. The purchase or long-term lease of a spoils disposal site could be a substantial investment; however, over time, this investment could save the considerable cost of disposing of spoils material at landfills. These matters should be reviewed as part of the project plan.

***FishNet 4C Goal #14 - Channel and Riparian Corridor Clearing***

**Reduce native riparian vegetation clearing and sediment removal adjacent to and in anadromous fish streams. Retain large woody debris within streams to the extent possible. When woody material is removed it should be stored and made available for stream enhancement projects.**

***Discussion for County of Santa Cruz.*** Public Works is responsible for any clearing conducted in association with flood control zones, including Zone 4. Public Works has recently hired staff for a new Maintenance IV position responsible for Zone 4 clearing. Public Works has



maintenance agreements with the California Dept of Fish and Game for clearing in association with bridge and flood control maintenance. Soquel Drive Bridge replacement may provide an opportunity to re-evaluate woody material and riparian vegetation management upstream of the bridge.

***County of Santa Cruz Implementation Actions for Channel and Riparian Corridor Clearing.***

- a. Public Works is proposed to obtain necessary permits for riparian vegetation clearing, and sediment and woody material removal, as required.
- b. Public Works is proposed to identify sites for woody material storage to be used in streambank stabilization or restoration projects.

***Fiscal Impact.*** Reduction of native vegetation clearing, and sediment and woody material removal will save maintenance costs. Reduction of native vegetation clearing, and sediment and woody material removal could decrease or increase liability exposure depending on the specific program reforms and agreements with resource agencies.

***FishNet 4C Goal #15 –Fish Migration Barriers***

**Develop a program to identify, evaluate and prioritize County facilities that are barriers to salmonid migration. Develop a systematic program to seek funding for replacement of these identified fish passage barriers. Commit to sending county staff to training on fish passage guidelines and culvert design according to new NMFS and CDFG standards.**

***Discussion for County of Santa Cruz.*** Public Works and Planning have submitted a grant proposal to California Department of Fish and Game to evaluate county road stream crossings for passage problems. The grant proposal includes funding for initial design on a few passage barriers. Public Works is working on the design, permitting and funding of two fish passage mitigation projects on Bonny Doon Road. Community Action Board's Natural Resources Employment Program has received Santa Cruz County Stream Enhancement Fund monies to contract the design of a fish ladder for Valencia Creek at Soquel Drive. The County has submitted a grant proposal to design a fish passage mitigation project at Ben Eomond Dam.

***County of Santa Cruz Implementation Actions for Fish Migration Barriers.***

- a. Public Works staff is proposed to participate in the fish passage training workshops in the fall 2001 sponsored jointly by FishNet 4C, NMFS and California Dept of Fish and Game.
- b. If the County does not receive a grant from the California Dept of Fish and Game, Public Works is proposed to address fish migration barriers with existing staff and/or other grant applications.
- c. When existing permits expire for the Ben Lomond Dam, the County is proposed to evaluate new permit requirements and possible mitigation.

***Fiscal Impact.*** Funding is available to mitigate passage barriers for steelhead and coho. Grants and finding will most likely require a match contribution from the County as staff time, equipment, materials or cash.

# **FishNet 4C Implementation Plan Schedule** **November 14, 2001**

No.	Goal	Completed	In-Progress	Applied for Grant	Responsible Department	Phase I 2001-02	Phase II 2002-03	Phase III 2003-04
<b>1.</b>	<b>Critical Fish Streams</b>							
a.	Identify and map anadromous fish streams				Pln	X	X	
b.	Make this information available to County staff				Pln		X	
c.	Summarize fish enhancement projects into 1 document				Pln		X	X
d.	Develop countywide strategy for prioritizing				Pln		X	X
e.	Integrate elements into General Plan				Pln		X	X
<b>2.</b>	<b>Extend Coastal Zone Protection</b>							
	<i>No implementation actions</i>	X						
<b>3.</b>	<b>Riparian Buffers</b>							
a.	Revis <del>e</del> Riparian Corridor Protection Ordinance				Pln		X	
b.	Develop an inventory of riparian corridors				Pln			X
c.	Clarify guidelines for Riparian Exceptions				Pln	X		
d.	Consider creation of conservation easement program				Pln		X	
<b>4.</b>	<b>Bank Stabilization</b>							
a.	Implement Stream Habitat Outreach Program		X		Pln	X	X	
b.	Develop and implement outreach for alternatives				Pln		X	X
c.	Participate in trainings				PW, POSCS	X	X	X
d.	Consider alternatives to bank stabilization where feasible				PW, POSCS	X	X	X
e.	Incorporate design goals in ordinance				Pln		X	
f.	Evaluate riparian exceptions				Pln		X	
<b>5.</b>	<b>Grading and Erosion Control</b>							
a.	Provide adequate number of trained staff for review				Pln	X	X	X
b.	Provide adequate number of trained staff to enforce				Pln	X	X	X
c.	Revis <del>e</del> requirement checklist				Pln	X		
d.	Require identification of fill disposal site prior to issuing grading permit				Pln		X	

# FishNet 4C Implementation Plan Schedule October 2001

**ATTACHMENT 1** 19

No.	Goal	Completed	In-Progress	Applied for Grant	Responsible Department	Phase I 2001-02	Phase II 2002-03	Phase III 2003-04
e.	Parks will address erosion control problems as necessary		X		POSCS		X	
f.	PW will identify staff responsible for erosion issues		X		PW			
g.	PW will pursue funding to address old erosion problems				PW		X	
h.	Establish emergency response for violations				Pln			
i.	Refine specifications for mitigation measures				PW	X		
j.	Consult County Counsel regarding contractor criteria				Pw	X		
<b>6.</b>	<b>Wintertime Grading</b>							
a.	Create plan sheet with erosion control details				Pln	X		
b.	Identify projects that need Winter Grading Approval		X		Pln, PW	X	X	X
c.	Send out erosion control reminders to applicants				Pln		X	X
d.	Train building inspectors to watch for problems				Pln		X	
e.	Develop informational flyer on erosion control				Pln		X	
<b>7.</b>	<b>Watershed Groups</b>							
a.	Support and be active members		X		Pln, PW, EHS			
b.	Develop Swanton Road work program		X		PW	X		
c.	Work with watershed groups on high priority projects				PW		X	X
d.	Evaluate proposals for streamlined permit coordination				Pln	X		
<b>8.</b>	<b>Instream Flows</b>							
a.	Continue to support regional water management planning		X		Pln, EHS			
b.	Continue work w/ water districts on conservation issues		X		Pln, EHS			
c.	Continue to protest water rights applications		X		Pln			
d.	Develop 10 year strategic plan to evaluate baseflow				Pln, EHS	X		
e.	Develop design standards and guidelines to minimize impervious surfaces and promote surface water retention				Pln, PW		X	
f.	Remove PW drainage fee cap of \$3,000				PW	X		
g.	Include BMPs in NPDES phase II compliance				PW		X	X
h.	Strengthen & clarify drainage review for PW & Pln		X		PW, Pln			
<b>9.</b>	<b>Decommissioning</b>							
a.	Continue to identify and mitigate barriers		X	X	PW	X	X	X

# **FishNet 4C Implementation Plan Schedule** **October 2001**

No.	Goal	Completed	In-Progress	Applied for Grant	Responsible Department	Phase I 2001-02	Phase II 2002-03	Phase III 2003-04
b	Mitigate recreational use of San Lorenzo River		X		POSCS	X		
c.	Prepare list of especially unsuitable infrastructure etc				Pln, PW		X	
d.	Consider options and opportunities for gradually them				Pln, PW			X
<b>12. Lagoon Breaching</b>								
a.	Support efforts to properly manage lagoons				Pln	X	X	X
<b>11. Road Maintenance Standards</b>								
a.	Complete development of written standards		X		PW			
b.	Participate in trainings		X		PW		X	
c.	Institute a system for annual trainings				PW		X	X
d.	Provide adequate maintenance staff				PW			
e.	Increase maintenance practices to reduce failures		X		PW			
f.	Continue to advocate for FEMA policy changes		X		PW			
<b>12. Emergency Projects</b>								
a.	Review how storm-damage related road, culvert, and bank stabilization projects were installed				PW, Pln		X	
<b>13. Spoils Storage</b>								
a.	Develop strategic plan for spoils sites				PW, Pln	X	X	X
b.	Evaluate sites for stockpiling spoils to reuse				PW		X	X
<b>14. Channel and Riparian Corridor Clearing</b>								
a.	Obtain necessary permits for channel and riparian clearing				PW	X	X	X
b.	Identify sites for storage of woody material				PW	X		
<b>15. Fish Migration Barriers</b>								
a.	Participate in trainings in Fall 2001				PW, Pln	X		
b.	Address migration barriers through grants or existing staff			X	PW, Pln		X	X
c.	Evaluate new permit requirements for Ben Lomond Dam		X	X	POSCS	X	X	

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LIBERTY GARDEN  
HUMAN LIBERTY AND A HEALTHY PLANET ARE INSEPARABLE



copy To Each Supervisor

October 16, 2001

Tony Campos  
Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

Dear Supervisor Campos,

I have been briefed of the nature of the Fish Net C program prepared for your adoption, today, by the NGO - The Sierra Club. This extraordinarily aggressive and wholesale attempt to subterfuge private property and the freedom that private property supports can only be justified under the auspices of the United Nations Charter. Adoption of this proposal directly conflicts with Fifth Amendment prohibitions irrespective of any attempted justification based of the existence of lesser law.

I suggest and request that in order to protect the future interests of the community and to immunize you from personal liability that competent civil rights counsel **undertakes** an appropriate Constitutional review. **This** counsel ought be well versed as to the thrust of high court jurisprudence from Nollan to Palazzolo. Since 1987 the Supreme Court has articulated a broadening and consistently reasoned view of private property and an individual's inalienable right to its reasonable use and protection from confiscation. It is my opinion that adoption of this proposal, in any related form, violates your duty and oath of office to uphold and defend the Constitution of the United States.

Very sincerely,

Michael Shaw

JM MANAGEMENT COMPANY

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