

ITEM: VII B ACTION ITEMS -- CONSIDER CARMEL RIVER
ADVISORY COMMITTEE RECOMMENDATIONS FOR
EXPANDED SCOPE OF RESPONSIBILITY

MEETING DATE: FEBRUARY 23, 1995

SUMMARY: Since 1984, the Carmel River Advisory Committee (Committee) has focused primarily on the District's streambank protection, restoration, and enhancement program. The Committee met on November 3, 1994 and voted to recommend an expansion of the scope of the Committee's responsibilities, to include: a complete review of the District's Five-Year Mitigation Program, develop plans to reduce mitigation activities, develop protection measures against flooding, explore "public trust maintenance," and examine the practical difficulties of carrying out restoration projects. An expansion of the Committee's responsibilities would likely increase the amount of staff time required to support the Committee's activities. Staff recommends some changes to the Committee's responsibilities, but to a lesser extent than recommended by the Committee. The Board should review the recommendations by the Committee and staff, and provide direction as to what the Committee's responsibilities should be.

STAFF RECOMMENDATIONS: Staff recommends that the responsibilities of the Carmel River Advisory Committee be expanded from what they have been since 1993, but not to the extent that the Committee recommended at their November 3, 1994 meeting. Staff recommends that the Board set a Mission Statement for the Committee as follows:

1. Review the portion of the Five-Year Mitigation Program plans, activities, and budgets related to erosion protection, channel restoration, and protection and enhancement of the riparian corridor along the Carmel River. Make recommendations regarding priorities, suitability, and scheduling of these activities.
2. Review the effectiveness of the District's streambank restoration program, and make recommendations regarding design standards and techniques.
3. Examine the practical difficulties of implementing erosion protection and riparian corridor restoration projects, and make recommendations to streamline the project development process and to encourage property owners to participate in streambank restoration.
4. Assist staff in gaining the cooperation of riverfront property owners for carrying out District erosion protection and riparian corridor restoration projects.
5. Assist staff in public education related to matters for which the Committee has responsibility.

The Board of Directors should review the Committee's recommendations and staff's recommendations and should direct the Committee as to what their goals and responsibilities will be.

BACKGROUND: The Committee was created in 1984 to advise the Board of Directors about matters relating to the Carmel River. Between 1984 and 1993, the Committee focused on implementation of the Carmel River Management Plan (CRMP), which was created to protect, restore, and enhance the riverbed, riverbanks and associated riparian corridor of the Carmel River. During the ten-year CRMP program, the Committee reviewed and approved annual budgets, made recommendations about project priorities, and advised staff on enforcement of riparian rules and regulations.

At their December 3, 1992 meeting, the Committee made the following recommendations about the responsibilities and role of the Committee in preparation for the sunset of the ordinances that created the CRMP (see Exhibit A, minutes of the meeting of December 3, 1992):

- A. The Committee should set priorities and review the progress of river management activities, but not lose oversight of the entire Five-Year Mitigation Program.
- B. The Committee should not participate in budget preparation, but should review the use of User Fee funds for the purposes of river management projects.

At their November 3, 1994 meeting, the Committee unanimously passed a motion to expand the Committee's responsibilities and goals (see Exhibit B, draft minutes of the November 3, 1994 Committee meeting). The following activities were recommended:

- C. Review all active District mitigation plans, activities, and budgets for the Carmel River.
- D. Develop plans to reduce District mitigation activities for the Carmel River.
- E. Develop planning and erosion protection measures for floods with a return interval of greater than ten years. [The District currently focuses on flows with a return interval of ten years and less.]
- F. Explore "public trust maintenance."
- G. Examine the practical difficulties of implementing erosion protection and channel restoration projects.

Since the Committee's inception, staff has received advice and input from the Committee in the following areas:

1. Restoration project priorities and designs
2. Riverfront property owner concerns
3. Education/public information
4. Ordinance enforcement
5. Program funding

In addition, the Committee has performed a "watchdog" function in reviewing expenditures for erosion protection and channel restoration projects, irrigation programs, and other selected mitigation program expenses. During the 1991 channel clearing project, several Committee members called reluctant property owners to urge them to grant the District access for channel

clearing. Committee members have also been helpful in educating and persuading property owners to cooperate with the District in implementing restoration projects.

The Committee is scheduled to meet five times in 1995 (every other month, beginning in March). Staff time for research and preparation of the Committee meeting packet and for attendance at the Committee meetings varies, but averages 45 to 50 hours per meeting.

STAFF ANALYSIS: The Committee's November 3, 1994 recommendations would result in oversight of all of the District's activities related to the water resources and riparian corridor of the Carmel River. An expansion of the Committee's responsibilities would be consistent with a goal of integrated management of the Carmel River; however, for the Committee to take on this role would be a complex, time consuming process that was not envisioned in developing either the Carmel River Management Plan or the Five-Year Mitigation Program, that resulted from the District's 1990 Final EIR for the Water Allocation Program. Staff questions whether the Committee and staff have the resources to tackle all of the activities that the Committee would like to undertake.

Committee Recommendations *A* and *C* are directly in conflict with each other, but staff notes that the Committee underwent a change in membership between the time they adopted the two recommendations. Committee Recommendation *B* is encompassed within Recommendation *C*.

As proposed by the Committee, Recommendation *C*, "Review all active District mitigation plans, activities, and budgets for the Carmel River," would encompass not only the projects the Committee has reviewed in the past, but also the District fisheries programs, activities related to the Carmel River Lagoon, water conservation programs, and measures to maintain surface flows in the Carmel River (the Quarterly Water Supply Strategy and Budget and the Memorandum of Agreement process among Cal-Am Water Co., the California Department of Fish and Game, and the District). Staff believes that the Committee's purview could be expanded to include a portion of the District fisheries activities: those that would be affected by erosion protection and riparian vegetation projects, but not fisheries projects that are flow-related, such as population surveys and the fish rescue program. The Committee would likely need additional staff support to review fishery activities; however, the Committee could serve as a forum for integrating erosion protection, riparian corridor enhancement, and fisheries protection. To add review of fisheries activities to the Committee's purview, additional staff time is estimated at between 10 and 15 hours per meeting, since it would be necessary for District Fisheries Biologist Dave Dettman to participate in preparing for and attending Committee meetings.

Staff does not agree with Committee Recommendation *D*, which is to develop plans to reduce District Mitigation Program activities. In developing this recommendation, Committee Chair Roy Thomas suggested that many of the District's mitigation activities would not be required if greater Carmel River surface flows were available. Again, oversight of the Water Supply Budget and Strategy and the MOA process by the Committee, was not envisioned as part of either the 1984 Carmel River Management Plan or the 1990 Five-Year Mitigation Program.

Staff is in favor of reviewing and improving the Mitigation Program at the end of the first five years, but a reduction of mitigation activities at this time could set the Mitigation Program back.

Regarding Recommendation E, Staff does not recommend that the Committee explore the construction of projects designed to contain flows in excess of the ten-year streamflow event within the active channel. The District's existing streambank restoration program focuses on reducing erosion from flows of a ten-year magnitude or less (for reference, the recent high flow in January 1995 was between a 10-year and a 20-year event). In many areas of the river, flows in excess of the ten-year event will overtop the riverbanks and spread out over the floodplain. Flood control and floodplain management is the responsibility of the Monterey County Water Resources Agency and the Federal Emergency Management Agency. However, staff believes it would be prudent for the District to examine the possibility of developing erosion protection and channel restoration projects that can withstand flows that are greater than the ten-year event. Damage to restoration projects from flows in 1993 and 1995 may have been reduced or prevented by designing the projects to resist damage at higher flows. Restoration projects that are capable of withstanding higher flows will likely be more costly to install, but less costly to maintain.

Recommendation F, "Explore public trust maintenance," stems from statements by Committee Chair Roy Thomas that water diversions at San Clemente Dam degrade public trust resources of the Carmel River (i.e., the steelhead fishery and vegetation within the riparian corridor, and other flow-related resources). Diversion of flow by Cal-Am is an issue that is currently being reviewed by the California State Water Resources Control Board (SWRCB). Dr. Thomas was also concerned about degradation of habitat in the Carmel River lagoon and that not enough progress has been made on the Carmel River Lagoon Enhancement Plan. Dr. Thomas stated that implementation of this plan would improve steelhead habitat.

Staff does not agree that the Committee should be responsible for reviewing Cal-Am's diversions at San Clemente Dam and subsurface pumping from the Carmel Valley Aquifer. The SWRCB will decide on Cal-Am's rights to divert water from the Carmel River system. The Committee is also not an appropriate forum in which to discuss implementation of the Carmel River Lagoon Enhancement Plan, since this plan is being developed under the aegis of the California Department of Parks and Recreation, which owns the majority of the property in and surrounding the lagoon. In addition, this plan and other related matters are being discussed by a group of agencies that was convened by Supervisor Karas after the flooding that occurred west of Highway 1 in January 1995.

Staff notes that there are a number of agencies with a mandate to preserve or balance public trust resources, including the California Department of Fish and Game, the California State Water Resources Control Board, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, the National Marine Fisheries Service, and the U.S. Army Corps of Engineers. Staff believes that by complying with existing regulations and by implementing the District's Mitigation Program activities, the public trust is being maintained, and that the Committee can best serve the District by helping to implement the Mitigation Program.

Staff believes that Recommendation G, regarding the practical difficulties of implementing restoration projects, is a particularly good topic for the Committee to pursue. Much staff time and energy has gone into securing permits and access agreements for restoration projects. Time spent to streamline these processes could be beneficial to property owners, District staff, and other government agencies involved in regulating the Carmel River riparian corridor:

EXHIBIT A

MINUTES

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
 CARMEL RIVER ADVISORY COMMITTEE
 THURSDAY, DECEMBER 3, 1992
 2:00 P.M.
 CROSSROADS SHOPPING CENTER COMMUNITY ROOM

MEMBERS PRESENT: Howard Skidmore, Craig Vetter, Tom House, Eric Coburn
MEMBERS ABSENT: Ted Goin, Max Chaplin, Dr. Tom Collins, Joe Madruga
STAFF PRESENT: Andy Bell, Ambessaw Assegued, Larry Hampson
OTHERS PRESENT: Susan Beck (Carmel Pine Cone)

ITEM: I. CONSENT CALENDAR

Skidmore moved to accept the Consent Calendar items. House seconded. Approval was unanimous.

ITEM: II. STATUS REPORT ON THE IRRIGATION PROGRAM AND RIPARIAN PROJECTS

Assegued gave a report on the irrigation program and riparian projects. Skidmore noted that the Carmel River wetted front had moved downstream during October and November to the Robinson Canyon Bridge. Bell stated that, as a result of discussions during hearings in front of the State Water Quality Control Board, Cal-Am had stopped pumping Scarlett Well no. 8 in October as an experiment.

Assegued reported that the District had not cleared the river on the one property (150 feet of river channel) that had not given access. Skidmore stated that 100% cooperation in the clearing project was desirable. Bell stated that in future projects the District will continue to pursue access to all properties, especially those that can influence the effectiveness of the channel clearing operation on nearby upstream and downstream properties.

ITEM: III. STATUS REPORT ON DRAFT RIPARIAN CORRIDOR MANAGEMENT PLAN

Assegued reported that a rough draft of the RCMP should be available for the February 3, 1993 meeting. Vetter requested that landowner's rights be recognized in the RCMP and stated that up to 1981, there were no restrictions on activities near the riverbanks. Assegued stated that no plan

will be successful without the support and cooperation of the landowners.

IV. STATUS REPORT ON VALLEY HILLS AND DEDAMPIERRE RESTORATION PROJECTS

Hampson reported on the two restoration projects. As of the date of the meeting, the grading and construction contract on the Valley Hills Project had been completed and the deDampierre Project construction was in progress.

V. CONTINUATION OF THE CARMEL RIVER MANAGEMENT PROGRAM

Bell stated that impacts of ground water pumping in the Carmel Valley on the Carmel River and adjacent vegetation are now better understood than in the past. The concept of groundwater in the Carmel Valley aquifer as underflow to the river was established at the State Water Rights hearing in August and September 1992, which bolsters the argument for all water users to share equally in the burden of restoring the riverbanks. Bell also noted that property owners do receive a direct benefit from riverbank restoration. Bell stated that the District is obligated to carry out the Carmel River Management Program by the Mitigation Program that was adopted as a result of the Water Allocation Program EIR.

House suggested that property owners have more involvement with the Committee.

The committee made the following recommendations (unanimous vote, motion by House, seconded by Vetter):

1. Discontinue the benefit assessment on riverfront property as a revenue source for the Carmel River Management Program.
2. Allow the Carmel River Management Program to cease as a separate program, but continue the activities of the CRMP under the Mitigation Program. CRMP activities should remain separately funded through user fees, and accounted for in a separate fund in the District's budget.
3. Lift the cap on funds generated by the 1.25% CRMP User Fee so that the full amount collected can be applied to CRMP activities.

VI. RESPONSIBILITIES AND ROLE OF THE CRAC

The Committee made the following recommendations (unanimous vote, motion by House, seconded by Vetter):

1. Each District Board member should appoint one Committee member. Committee members should reside within the Carmel River drainage basin. There should also be a representative from the Monterey County Water Resources Agency.
2. The Committee should set priorities and review the progress of river management.

activities, but not have oversight of the entire Mitigation Program.

3. The Committee should not participate in budget preparation, but should review the use of User Fee funds for the purposes of river management projects.

VII. NEW BUSINESS

No new business was brought up.

VIII. A LOOK AHEAD

Staff discussed upcoming projects.

IX. ADJOURNMENT

Committee adjourned at 4:05 p.m. The next meeting was scheduled for Feb. 4, 1993 at Craig Vetter's residence.

[The February 4 meeting was subsequently postponed to March 17, 1993.]

MINUTES

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
CARMEL RIVER ADVISORY COMMITTEE
NOVEMBER 3, 1994

I. CALL TO ORDER/ROLL CALL

Chairman Roy Thomas convened the meeting.

MEMBERS PRESENT: Tom House, Michael Waxer, Roy Thomas, Howard Skidmore, Craig Vetter, Chuck McKay, Dick Ely

MEMBERS ABSENT: None

STAFF PRESENT: Nikki Nedeff and Larry Hampson. Andy Bell was absent.

OTHERS: None

II. PUBLIC COMMENT

Roy Thomas provided copies to the Committee of the minutes of MPWMD's Environmental Advisory Committee meeting of August 15, 1988. He stated that re-plumbing the Cal-Am water delivery system in Carmel Valley could improve environmental conditions in the river. Roy stated that his goal is to reduce expenditures for mitigation programs by increasing flow in the Carmel River.

ITEM III: INTRODUCTION OF CHUCK MCKAY, NEW COMMITTEE MEMBER

Chuck introduced himself and stated that he is concerned that the property rights of riverfront property owners are being violated by fisherman and others using the river for recreation. He commended MPWMD for completing the deDampierre project, but stated that it should have been completed in 1984.

ITEM IV: ELECTION OF CHAIR AND VICE-CHAIR

Vetter nominated Thomas for Chair and House seconded. Waxer nominated Vetter as Vice-Chair and House seconded. Thomas was unanimously elected as chair and Vetter was unanimously elected as vice-chair.

ITEM V: CONSENT CALENDAR

Ely moved to approve the consent Calendar and House seconded. Approval was unanimous, with McKay abstaining, as he was not a part of the Committee at the time.

ITEM VI. INFORMATIONAL ITEMS

The Committee requested that staff send the District Board meeting agendas and minutes to each Committee member. The Committee also requested a copy of the District's criteria for establishing a rationing program. Committee members requested that action items be placed before reports.

ITEM VII. REPORTS

Nedeff reported that the District used more water at the District's restoration projects than last year and that two emergency systems were operated during the year (the Manor and San Carlos systems). Thomas asked Nedeff to report on the District's irrigation projects are performing. Nedeff explained that a more efficient irrigation schedule had been implemented for 1994. Thomas asked what the criteria are for initiating irrigation of the riparian corridor in the vicinity of Highway 1. Nedeff described the District's methods, which include photographic monitoring, soil moisture monitoring, and plant stress monitoring.

Thomas suggested that the costs of mitigations for pumping water from Carmel Valley wells be compared with Cal-Am's costs for re-plumbing Carmel Valley to reduce diversions at San Clemente Dam. Thomas stated that diverting water to Cal-Am's filter plant near San Clemente Dam is a waste of water.

ITEM VIII. CARMEL RIVER STREAMCARE GUIDE

Waxer made the following suggestions regarding the streamcare guide:

1. "Do's and Don'ts" should be a principal component.
2. More clarification is necessary.
3. Consider placing a one-page "tear-out" section with rules and regulations for easy display.
4. State MPWMD's role in managing the river.
5. The guide should relate to MPWMD's programs to manage the river.
6. Inform property owners that they can participate in the District's programs along the river.
7. Provide information to property owners about receiving help in managing the river.
8. Assume that the reader is innocent of wrongdoing.
9. MPWMD should be more pro-active in addressing problems along the river.
10. Include emergency numbers.
11. Send the final draft of the Streamcare Guide to CRAC members for review.

Thomas suggested the following :

1. List important phone numbers and information sources.
2. Downplay ordinances.
3. Ask property owners to report damage to streambanks and irrigation systems.

Vetter suggested the following:

1. Display a map of the Carmel River in the background on the cover page.
2. Give signs to landowners that say "Private Access Only."
3. Note that the public may not enter the river over private property without permission of the property owner.

ITEM IX. DISCUSSION OF CRAC RESPONSIBILITIES AND GOALS FOR 1995

The Committee debated at length regarding what topics are relevant to the Committee's purview. The Committee discussed goals and priorities for recommendation to the District Board of Directors. Thomas moved and Waxer seconded a motion to recommend to the Board that the Committee's goals and priorities be the following:

1. Review all active District mitigation plans, activities, and budgets for the Carmel River.
2. Develop plans to reduce District mitigation activities for the Carmel River. [In discussion for this item, Committee Chair Roy Thomas suggested that the need for many of the District's mitigation activities would be reduced if the Cal-Am system were operated so as to provide greater Carmel River surface flows.]
3. Develop planning and erosion protection measures for flows with a return interval of greater than ten years. [The District currently focuses on flows with a return interval of ten years and less.]
4. Explore "public trust maintenance." [This item stems from statements by Committee Chair Roy Thomas that water diversions by Cal-Am at San Clemente Dam degrade the public trust resources of the Carmel River. Dr. Thomas proposed that the Committee review Cal-Am's diversions at San Clemente Dam and Cal-Am's pumping from wells in Carmel Valley.]
5. Examine the practical difficulties of implementing river restoration projects.

The motion passed unanimously.

ITEM X. ITEMS TO BE PLACED ON FUTURE AGENDAS

Thomas asked that the following items be placed on an agenda for a future Committee meeting:

1. Review of the District's Mitigation plan for the Carmel River.
2. An update on the State Water Resources Control Board decision on Cal-Am's diversions from the Carmel River and on the District's water rights for the New Los Padres Dam and Reservoir on the Carmel River.

ITEM XI. ADJOURNMENT

The meeting was adjourned at 5:40 p.m.

/u/larry/wp/crac/395/minutes.1194