

ORDINANCE NO. 69

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING ITS RULES AND REGULATIONS TO CONTINUE IMPLEMENTING
CERTAIN CARMEL RIVER MANAGEMENT ACTIVITIES**

FINDINGS

WHEREAS, the Board of Directors of the Monterey Peninsula Water Management District (District) finds as follows:

1. The California Legislature has charged the District with the integrated management of water resources and problems affecting the Monterey Peninsula and the Carmel River basin.
2. The District desires to protect and restore the riparian resources of the Carmel River and its surrounding environs.
3. The District has defined the limits of the riparian corridor of the Carmel River for the purposes of this ordinance.
4. The District has promulgated its Carmel River Management Plan to promote the balanced uses of these resources to protect the water course, the watershed, public ways, life and property in the zone; promote the restoration of river banks and scenic resources; reduce environmental degradation; and enhance the fish and wildlife habitat.
5. Ordinance No. 10, which established the Carmel River Management Program to facilitate the protection and restoration of riparian resources of the Carmel River, will sunset on July 1, 1993.
6. The District desires to continue activities within the riparian corridor to facilitate the protection and restoration of riparian resources of the Carmel River.
7. This ordinance shall amend the Rules and Regulations of the District.
8. The following District Rules shall be deleted by this ordinance: Rule Nos. 121, 122 and 130.
9. The following District Rules shall be amended by this ordinance: Rule Nos. 20, 120, 123, 124, 127, and 129.

NOW THEREFORE, be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the "Carmel River Management Ordinance" of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The purpose of the ordinance is to protect and restore the natural values and beneficial uses of the Carmel River and its riparian corridor, including: (1) protection of existing riparian vegetation; (2) protection from riverbank erosion and flood related hazards; (3) protection of aquatic and wildlife habitats; (4) protection of water quality; and (5) protection of open space and aesthetic values.

Section Three: Scope

This ordinance amends existing District Rules and Regulations to perform and manage various activities in the riparian corridor.

Section Four: District Rule Deletions

The following District Rules shall be deleted: Rule Nos. 121, 122 and 130.

Section Five: District Rules Modifications and Additions

Rule No. 20 and Regulation XII of the Rules and Regulations of the Monterey Peninsula Water Management District shall be amended as follows:

RULE 20. PERMITS REQUIRED

Sections 20 (A) and 20 (B) [No change to existing text.]

C. PERMIT TO UNDERTAKE WORK ON PROJECTS WITHIN THE RIPARIAN CORRIDOR

Before any individual may undertake any work or project within the riparian corridor, including but not limited to channel modification, riverbank works, or vegetation removal, such person shall obtain a prior written river work permit from the District in accord with Rule 127 A (1) or meet the emergency river work permit criteria of Rule 126 C, or be expressly exempt from the river work permit requirement pursuant to Rule 126 B.

REGULATION XII. CARMEL RIVER MANAGEMENT

RULE 120. CARMEL RIVER ADVISORY COMMITTEE

A. COMMITTEE PURPOSE

The Carmel River Advisory Committee is a standing committee of the District. The committee shall advise the Board of Directors with regard to management of the Carmel River and its riparian corridor and to any matter referred to this committee.

B. COMMITTEE ORGANIZATION

1. The Carmel River Advisory Committee shall be comprised of seven (7) members. Each Director of the District shall appoint one member to this advisory committee. Appointed committee members shall serve a term of two (2) years, which term shall expire on June 30, provided, however that the first seven (7) appointees shall, by lot, determine that four (4) members shall serve for one (1) year, and three (3) members shall serve for two (2) years. Appointment to any vacancy shall be made by the Board of Directors for the remainder of the unfulfilled term. A vacancy shall be created by resignation or in the event a committee member fails to attend three (3) consecutive regular meetings without good cause as determined by the Board of Directors. Nomination to fill any vacancy or to reappoint any committee member shall be made by the Director's seat which exercised the original appointment to that position.
2. [No change to existing text.]
3. Committee members shall be required to reside within the boundaries of the Monterey Peninsula Water Management District and shall be knowledgeable about issues relating to the Carmel River. Carmel Valley residents shall be given priority in the selection of committee members. Any committee members currently sitting in a position on the committee shall be allowed to complete their term of duty, regardless of their place of residence.

RULE 123. RIVER MANAGEMENT ACTIVITIES

The following activities fall within the purview of the Carmel River Management Plan and may be undertaken by the District as discretionary acts to the extent that funds are reasonably available.

A. EROSION PROTECTION AND PREVENTION

1. Formulation of Standards

[No change to existing text.]

2. Annual Review

Review aerial photos taken each spring; walk the entire alluvial reach of the river from Camp Steffani to the Carmel River lagoon. Review areas that may be subject to erosion during the next storm season.

3. Removal of Hazardous Trees

[No change to existing text.]

4. Snag Removal

[No change to existing text.]

5. Technical Assistance

Provide technical assistance through staff as follows:

(a) Permits

Coordinate issuance of river work permits with the requirements of the County of Monterey, the California Department of Fish and Game, and the U.S. Army Corps of Engineers.

[No change to existing text in Rule 123, Sections A. 5. (b) through Rule 123, Section A. 8.]

B. MAINTENANCE OF VEGETATION

1. Monitoring

[No change to existing text.]

2. Planting and Revegetation

Replant areas as needed and prioritize areas for planting. Costs of planting may be borne fully or partially by the District.

[No change to existing text in Rule 123, Sections B. 3. through Rule 123, Section B. 5.]

6. Channel Clearing

Monitor reaches where vegetation has become established in the low flow channel or on gravel bars. Maintain adequate channel capacity to reduce or prevent damage to property and riparian habitat due to storm flows with a magnitude that is less than or equal to the once in ten (10) year runoff event.

C. INSPECTION

1. Change title of this section to: Erosion Protection Works

[No change to existing text in Rule 123, Sections C. 1. through Rule 123, Section E.]

F. EASEMENTS AND AGREEMENTS

Accept and acquire easements or agreements needed to provide right-of-way for irrigation systems and access to undertake works, and accept other property interests deeded to the District.

G. EMERGENCY

[No change to existing text.]

H. OTHER RELATED ACTIVITIES

[No change to existing text.]

RULE 124. RIVER MANAGEMENT AND REGULATIONS

[No change to existing text except for the following:]

- D. Damage, remove, or otherwise injure any tree within or upon the riverbank or riverbed of the Carmel River except for the purpose of planting local willow and cottonwood cuttings which do not exceed two inches in diameter.
- G. Drive, ride, park or travel in a motorized vehicle upon the riverbank, riverbed, or riparian corridor of the Carmel River without a valid river access permit issued by this District.

RULE 127. PERMIT PROCESS

A. RIVER WORK PERMITS

- 1. [No change to existing text.]
- 2. Any application which appears to propose an activity regulated pursuant to the National Flood Insurance Program, including but not limited to:
 - (a) grading or changes in land forms that might alter channel hydraulics or the configuration of the floodway, or
 - (b) levees or other flood control works that might alter channel hydraulics or the configuration of the floodway,

shall be referred for review and comment to the Monterey County Water Resources Agency.

[No changes to existing text in Rule 127, Section A. 3. through Rule 127, Section A. 7.]

- 8. When a property owner wishes to maintain the river channel and/or riverbank on a regular basis, a river work permit may be issued by the General Manager or District Engineer upon the approval of an appropriate management plan. Permits granted for such ongoing activity under this rule shall state this basis for termination as follows:

"This permit shall terminate on the date set forth below; and if no date of termination is set, shall terminate one year after the repeal of this rule or regulation".

B. EMERGENCY WORK PERMITS

[No changes to existing text.]

C. PERMIT APPEALS

[No changes to existing text.]

RULE 129. EFFECTIVE DATES

Rule Nos. 20, 120, 123, 124 and 127 as amended by Ordinance No. 69 shall be given effect at 12:01 a.m. July 21, 1993.

Section Six: Definitions

A. Unless the context specifically indicates otherwise, the following words or phrases shall be given the definitions set forth below for the purpose of this ordinance.

"River Work" - shall mean:

- (a) Grading: Excavation or filling or a combination thereof; dredging or disposal of dredge material; mining; installation of rip-rap and bank protection materials.
- (b) Vegetation Clearing: The removal, topping or felling of any riparian vegetation and any parts thereof.
- (c) Building and Paving: The construction or alteration of any structure or part thereof, including access across the river, parking areas, bank protection structures, fencing, or any other such activity.
- (d) Disposal of Refuse Material: The deposition of refuse or debris.
- (e) Use of Chemicals: The use and application of herbicides, or any synthetic chemical substances.
- (f) Other Activities: Any other activities determined by the District Engineer to have significant impacts on the riparian corridor.

B. The words and phrases defined above in this Section shall further be set forth as defined terms within Rule 11 of the District's Rules and Regulations.

Section Seven: Publication and Application

The provisions of this ordinance shall cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District. This ordinance shall be read in conjunction with and compliment those provisions of the District's Rules and Regulations, provided, however that the provisions enacted by this measure shall take precedence and supersede any contradictory provision of those rules. Section titles and captions are provided for convenience and shall not be construed to limit the application of the text.

Section Eight: Effective Date

This ordinance shall be given effect at 12:01 a.m., July 21, 1993.

Section Nine: Severability

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director Farina and second by Director Karas, the foregoing ordinance is duly adopted this 21st day of June, 1993, by the following votes:

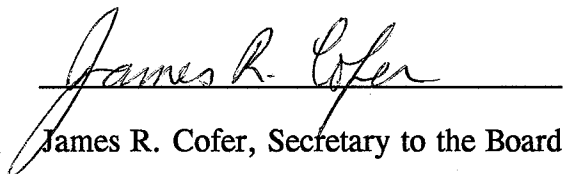
AYES: Directors Long, Hughes, Heuer, Karas, Pendergrass, Hekhuis and Farina

NAYS: None

ABSENT: None

I, James R. Cofer, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a full, true and correct copy of an ordinance duly adopted on this 21st day of June, 1993, and now is of record in my office.

Witness my hand and seal of the Board of Directors this 28 day of June, 1993.


James R. Cofer, Secretary to the Board