

6

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DIVISION

Date: April 24, 2001

To           Honorable Board of Supervisors

From        Marcia Raines, Director, Environmental Services Agency *MR*

Subject     Review the FishNet 4C Assessment of the Effects of County Land Use Policies,  
Ordinances and Practices on Anadromous Salmonids and Their Habitats

**RECOMMENDATION**

That the Board of Supervisors:

1. Open the public study session.
2. Review and endorse the FishNet 4C assessment of the effects of County land use policies, ordinances, and practices on anadromous salmonids and their habitats, and the actions recommended by the assessment as they affect County departments.
3. Refer the recommendations to the County's Watershed Protection and Restoration Coordinating Council as it pursues implementation of the actions recommended by the assessment, provided any additional funding requests are submitted and considered as part of the County budget process.

**BACKGROUND**

The FishNet 4C program 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. These counties lie geographically within the Central California Coastal Evolutionary Significant Unit (ESU), as defined by the National Marine Fisheries Service and defined by the Coho salmon and Steelhead trout populations. Both of these species are listed in the region as Threatened under the Federal Endangered Species Act (ESA) with Coho salmon listed as Endangered in San Mateo and Santa Cruz Counties under the California State ESA. In light of the listings and recognizing the need to address County land management regulations and practices which affect salmonid populations, the six counties decided to take a proactive stand for fisheries protection and restoration and formed FishNet 4C in 1998. Members of the FishNet 4C Steering Committee include County Supervisors, planning and public works staff, local, State and Federal agencies and other key players within the Counties such as RCDs and watershed groups. The Steering Committee meets bi-monthly to facilitate the completion of the workplan by the Program Director in coordination with members of the group. The National Marine Fisheries Service and the California State Resources Agency have funded the first three and a half years of work to date, with substantial in-kind share from the six involved Counties. The FishNet 4C works in close collaboration with the Northern Five Counties Transboundary ESU, which

includes the Counties of Mendocino, Humboldt, Siskiyou, Trinity, and Del Norte, which began a similar process in 1995

During the past three and a half years, the Environmental Science, Policy and Management Department of the University of California at Berkeley has been conducting an assessment, the results of which you are reviewing today. This assessment involves a comprehensive review of the policies, ordinances and practices of the following County departments: Planning, Public Works, Parks, Environmental Health, and the Agriculture Commissioner.

For the past eight months, Supervisors Gordon and Hill have chaired bimonthly meetings of a Watershed Protection and Restoration Coordinating Council (WPRCC) involving the Directors of the affected County Departments and County Counsel. The purpose of the WPRCC has been to discuss a consistent County approach to watershed issues and to address the National Marine Fisheries Service's new mandates to protect Endangered Coho salmon and Threatened Steelhead trout. The WPRCC has jointly reviewed the draft assessment, and made recommendations on the final assessment before you. It is staff's recommendation that following the Board's review of the FishNet 4C Assessment that the Assessment be forwarded to the WPRCC to plan a strategy for each County department to address those issues affecting their departments. The affected departments either support or have no objection to the recommendations in the assessment.

## DISCUSSION

### A. Impact of listing of Coho salmon and Steelhead trout under the Endangered Species Act

The Coho salmon has been listed as "endangered" under the Endangered Species Act and the Steelhead trout has been listed as "Threatened" under the Act. The Act and regulations adopted under the Act, prohibit, with limited exceptions, actions that would result in a "take" of protected species. In September 2000, the County became subject to a 4(d) rule affecting Endangered Coho salmon and Threatened Steelhead trout. The rule (with limited exceptions) prohibits the "take" of Steelhead in San Mateo County, and other Central Coast Counties. There may be exceptions from the prohibition on "take" of Steelhead in San Mateo County if an activity falls within one of the 13 "limits" set out in the Section 4(d) rule. The limits fall into broad categories: those referring to a specific agency (i.e., Oregon Department of Transportation (ODOT) program for routine road maintenance), and those for which criteria are established for review of programs submitted by any affected government agency (i.e., Municipal, Residential, Commercial and Industrial Development and Redevelopment Activities (MRCI)). Any program proposed by a governmental agency must be approved by NMFS before it becomes effective.

There are a number of activities that could limit County activities to one degree or another. Two of the limits that have the most immediate impact on the County are the Routine Road Maintenance limit and the MRCI limit. The County Public Works Department and Environmental Services Agency are in the process of completing a road and trail maintenance program to satisfy 4(d) and NPDES requirements. Staff has developed a checklist to review development projects to ensure compliance with the 4(d) rule (Attachment E). A memo from County Counsel further assesses the implication of the 4(d) rule (Attachment C). The FishNet 4C assessment of County policies, ordinances and practices makes recommendations for changes that

should be made so that the County can develop a response for implementation to comply with the 4(d) rule.

B. Assessment of San Mateo County Policies, Ordinances and Practices

On Page 44 of Appendix A of the Assessment (Attachment A), you will find information about San Mateo County. While it is clear that San Mateo County already has some policies, ordinances and practices in place to protect our fisheries, more work should be done to ensure that our Coho salmon and Steelhead trout maintain to sustainable levels. A Summary of San Mateo County policies relating to anadromous fish habitat conservation has been provided which identifies specific areas of potential improvement (Attachment B). Of particular interest are Pages 10 and 11 of the Summary, which identify potential policy gaps associated with wildlife habitat, stream flow quantity modification, riparian buffers, floodplain management, sedimentation, channel modification and maintenance, water quality, and migration barriers.

The Assessment points out where some Counties stood out compared to others; however, the FishNet 4C assessment determined that all of the Counties should consider similar improvements. Following review of the final Assessment, the FishNet 4C Steering Committee refined the Assessment's recommendations so that they more clearly spell out the consistent goals for all of the Counties as follows:

1. Critical Fish Streams

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

2. Coastal Zone Protections

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

3. Riparian Buffers

Establish riparian protection areas to protect stream function, wherein new development is prohibited. Where feasible, define areas on the basis of geomorphic flood plain 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.

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.

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

6 Wintertime Grading

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

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.

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 resource management planning. Counties should also have policies to minimize impervious surfaces and promote water retention. 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.

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.

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

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 fisheries and implement the standards.

#### 12. Emergency Projects

Develop standards for how emergency projects should be carried out. Review how storm damage road, culvert, and bank stabilization projects were installed under emergency conditions, compared to non-emergency installations.

#### 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.

#### 14. Channel and Riparian Corridor Clearing

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

#### 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 fish barriers. Commit to sending County staff to training on fish passage guidelines and culvert design according to new NMFS and CDFG standards.

### **FISCAL IMPACT**

The purpose of the FishNet 4C effort is largely to improve the coordination and effectiveness of existing efforts with regard to protection and restoration of salmonid habitat in the Central California Coastal Environmental Significant Unit, which includes San Mateo County. Changes to policies, ordinances, and practices will affect staffing. Some of the recommended actions can be accommodated within normal workloads or budgets, however, there may be significant implementation costs unknown at this time. Because of San Mateo County's participation in the FishNet 4C effort, County departments will become more eligible for grants from Federal and State agencies.

We recommend that the Board clearly state that endorsement of the FishNet 4C Assessment of County Policies, Ordinances and Practices does not imply approval of County funding for specific actions outlined therein. Any additional funding should be proposed and reviewed as part of the County's normal budget process. With that proviso, we can state that your receipt of the recommended actions identified in the assessment involve no fiscal impact at this time.

## ATTACHMENTS

To review or obtain a copy of Attachments A, B, C, D, E, and F, please contact either the Parks and Recreation Division, 455 County Center, 4<sup>th</sup> Floor, Redwood City, CA 94063, (650) 363-4020, or the Clerk of the Board, 400 County Center, Hall of Justice and Records, Redwood City, 94063-1662, (650) 363-4123

- A FishNet 4C Assessment of County Policies, Ordinances, and Practices
- B Summary of San Mateo County Policies relating to Anadromous Fish Habitat Conservation
- C Memo from County Counsel regarding the NMFS 4(d) rule for Coho salmon and Steelhead trout
- D Environmental Services Agency 4(d) Checklist
- E Endangered Species/Watershed Protection Programs and Activities
- F Matrices of County of San Mateo Inter-agency and Watershed Planning Efforts