

- d. Immediate vegetative plantings of disturbed slopes at finished grades.
- e. Control of runoff through controlled water and drainage systems with dissipated discharges and receiving stream bank protection.
- f. Diversion of runoff away from graded areas and areas traveled during project development.
- g. Temporary and permanent sediment control through use of dikes, filter berms, and sediment basins.

3.41 F. EEL RIVER

*** 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

1. Protection of Water and Fisheries Resources

a. Water Diversions

The Eel River is the principal coastal resource of this Planning Area. The County finds that the diversion of water from the Eel River, either individually or cumulatively will have a significant adverse impact on coastal resources. Specifically, diversion of water out of the Eel River basin could result in detrimental changes to coastal resources including: fisheries (both marine and freshwater), riparian systems, wildlife, wetlands systems, agriculture, recreation opportunities, sediment transport in the channel, disposition of sediment on farmlands, and increase the potential for saltwater intrusion in coastal aquifers.

For these reasons:

- (1) All projects in and out of the Coastal Zone which may have a significant impact on instream flow regimes and coastal resources, shall overall, maintain in-basin beneficial uses of water, where feasible enhance instream beneficial uses of water, and prevent significant adverse effects to coastal resources.
- (2) The County shall continue to pursue opportunities to restore and enhance, if possible, in-stream flows through such activities as participating in the re-licensing of the Potter Valley Dam.
- (3) Any project not in conformance with these policies, in or out of the Coastal Zone, is inconsistent with this Local Coastal Plan and Section 30200 of the Coastal Act of 1976.

b. Eel River Fishery

The Department of Fish and Game, in consultation with the County, local sports and fishing clubs, and property owners adjacent to the Eel River, should investigate opportunities and implement measures to augment and enhance anadromous fish runs in the Eel River. This should include: channel improvements, revision of fishing season opening day to better correlate to the fishery and hydrological conditions, and further study of harbor seal impacts on the fishery.

3.41 F. 2. Development and Uses Within the Eel River

New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:

- a. Wetlands, fishery, and wildlife enhancement and restoration projects.
- b. Road crossings, consistent with the provisions of Section 3.41F4c.
- c. Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands Policies and within areas planned for agriculture.
- d. Maintenance of levees, roads, fences, dikes, drainage channels, flood gates and tidegates including replacement.
- e. Development consistent with 3.41F below.
- f. Surface Mining and Bank Protection.

(1) Within the Eel River stream transition line, the following conditions apply to all surface mining projects and operations whether they are covered by the County Surface Mining and Reclamation Ordinance No. 1373 or not:

- (a) Removal shall be from unvegetated bars.
- (b) Disturbance of banks shall be avoided or minimized.
- (c) Excavations shall not leave holes or pits which could adversely effect aquatic life.
- (d) Sediment settling ponds shall be used for fine silt trapment when a crusher is used at the gravel site.
- (e) In order to minimize adverse impacts to migrating anadromous fish, the Department of Fish and Game guideline for removal of gravel only from May to November of each year, except for emergency purposes, shall apply.

- (f) River crossings, or drainage crossing on the gravel bar, should use temporary culverts or removeable bridges to minimize impacts to water quality.
 - (g) Sand and gravel projects emphasizing flood control, bank protection, or anadromous fishery enhancement shall be encouraged.
- 3.41 F.2. f. (2) Bank protection shall be permitted to:
- (a) Maintain necessary public or private roads.
 - (b) Protect principal structures in danger from erosion.
 - (c) Protect lands designated Agriculture Exclusive from erosion.
- (3) It is the policy of the County, based on the effectiveness of protection, costs, and habitat protection, to prefer:
- (a) Piling fence to rock hard points.
 - (b) Rock hard points to continuous revetment.
- (4) Bank protection projects, including design and materials shall minimize adverse effects on fisheries, wildlife, and recreation.
- (a) Mitigation for rock hard points or continuous revetment shall include as a minimum:
 - (i) Where feasible, planting of riparian vegetation shall be included within the revetment itself.
 - (ii) Where feasible, planting and maintaining riparian vegetation within the riparian corridor.
- (5) Bank protection projects require permits from the Department of Fish and Game and the Army Corps of Engineers.

3. Definition of Riparian Corridor and Riparian Forest

a. Riparian Corridor

- (1) The Eel River riparian corridor shall be at a minimum, the larger of the following:
 - (a) 100 feet, measured as the horizontal distance from the stream transition line on both sides.
 - (b) 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of the river.

- (c) 200 feet, measured as the horizontal distance from the stream transition line within mapped Riparian Forests.
- (d) If either the County or the landowner requests, they may agree to expand the width of the riparian corridor to protect significant areas of vegetation or special habitat areas adjacent to the corridor described above in 3(a)-(c).

The width of the riparian corridor, as described in 3(a)-(d) above, may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor width will not result in a significant adverse impact to the habitat.

b. Riparian Forest

- (1) The Eel River Riparian Forests are typically comprised of older age class cottonwoods and alders. These forests, located near the Loleta Oxbow, Sandy Prairie, and Cock Robin Island, are significant wildlife habitats and are also critical for flood protection of adjacent prime agricultural lands and maintenance of the present river channel location. Riparian Forests are mapped based on 1976 aerial photos.

3.41 F. 4. Development and Uses Within the Riparian Corridor

- a. Conversion to agriculture is permitted on soils that are shown to be Class I or Class II, provided that a minimum 200 foot buffer of young aged woody riparian vegetation remains between the boundaries of converted area and the stream transition line.
- b. Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities under jurisdiction of the Department of Forestry shall be exempt from requirements of this section. Other new development within coastal streams and riparian areas shall be consistent with policies and standards of this section (3.41F).
- c. New development within the riparian corridor shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses:
 - (1) Maintenance and replacement of flood control and drainage channels, fences, levees, dikes, flood gate, and tidegate.
 - (2) Wells in rural areas.
 - (3) Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized, where feasible by rights-of-way which cross streams

at right angles and do not parallel streams within the riparian corridor.

- (4) Construction of fences, so long as it would not impede the natural drainage or would not adversely affect the stream environment or wildlife.

- d. Mitigation measures for development within riparian corridors shall, at a minimum, include retaining snags within the riparian corridor unless felling is required by CAL-OSHA or permitted by California Department of Forestry Forest and Fire Protection Regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets. Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall not be required unless natural regeneration does not occur within two years of completion of the project.
- e. The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.

3.41 F. 5. Development and Uses Within the Riparian Forest (located outside of the riparian corridor)

- a. Conversion to agriculture is permitted on soils that are shown to be Class I or Class II, provided that a minimum 200 foot buffer of young aged woody riparian vegetation remains between the boundaries of converted areas and the stream transition line.
- b. Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities under jurisdiction of the Department of Forestry shall be exempt from requirements of this section. Other new development within coastal streams and riparian areas shall be consistent with policies and standards of this section (3.41F).
- c. Within the Riparian Forest areas as described in Section 3.41F, 3b removal of major woody vegetation shall be consistent with the following:
- (1) Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater, provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods or shrubs shall be protected from unreasonable damage.
- (2) Timber management activities, provided:
- (a) In precommercial thinning and release activities, that at least 50 percent of the treecrown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on

the ground inspection, to increase these percentages to protect special habitat values.

- (b) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effect on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.
- (c) In all timber management activities, including precommercial thinning, release activities, and site preparation, that heavy equipment shall be excluded, except where explained and justified as the least environmentally damaging feasible alternative.
- (d) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.

- (3) Removal of firewood for personal use consistent with the applicable forest practice rules for stream protection zones in Coastal Commission special treatment areas.

3.41 F. 6. Other Riparian Protection Measures

- a. The total acreage of riparian vegetation within the corridor will be maintained by the policies of Section 3.41E 5. However, long-term protection of riparian vegetation and adjacent vegetation located outside the corridor should be provided through the following means:

- (1) Purchasing from willing sellers by public or private entities of fee title or easements.
- (2) Providing economic incentives for planting riparian vegetation and, where feasible and consistent with habitat values, providing economic use (e.g., timber harvest) of wood species.
- (3) Encouraging the planting of riparian vegetation as part of bank protection projects and channel improvements.

To achieve these objectives the County should work with property owners and affected State and Federal agencies.

- b. No coastal development permit may be denied under this Plan on the grounds that a public agency is planning or contemplating to acquire the property on, or adjacent to the property on which the proposed development is to be located, unless the public agency has been specifically authorized to acquire such property and there are funds available, or funds which could reasonably be expected to be made available within one year for such acquisition. If a permit has been denied for such reason and the property has not been acquired by a public agency within a reasonable period of time (one year from date of

application), a permit may not be denied for such development on the grounds that such property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.

3.41 G. OTHER COASTAL STREAMS

*** 30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

1. Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities under jurisdiction of the Department of Forestry shall be exempt from requirements of this section (3.41G).
2. Within the Eel River Planning Area the following coastal streams (as mapped on USGS 7.5' Quads) have been identified:

Hawk Slough	Morgan Slough
Quill Slough	Smith Slough
Hogpen Slough	Cutoff Slough
Seven Mile Slough	Centerville Slough
Unnamed stream North of Loleta	Russ Creek
Intermittent streams on Table Bluff	Reas Creek
	Salt River
	Williams Creek
	Coffee Creek
	Perry Creek
	Barber Creek

3. New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:
 - a. Wetlands, fishery, and wildlife enhancement and restoration projects.
 - b. Road crossings, consistent with the provisions of Section 3.41G6e.
 - c. Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands Policies and within areas planned for agriculture.
 - d. Maintenance of levees, roads, fences, dikes, drainage channels, flood gates and tidegates including replacement.
 - e. Development consistent with 3.41G 6, below.
 - f. New fences, so long as it would not impede the natural drainage or would adversely affect the stream environment or wildlife. (Typically,

2-3 strands of barbed wire with fence posts set outside of the stream channel would be consistent with this policy.)

- 3.41 G. 4. The riparian corridor along the Salt River shall be limited to the bankfull channel.
5. Riparian corridors on all other perennial and intermittent streams shall be, at a minimum, the larger of the following:
- a. 100 feet, measured as the horizontal distance from the stream transition line on both sides.
 - b. 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.
 - c. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.

The width of the riparian corridor may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor will not result in a significant adverse impact to the habitat. New structures, including houses, barns, sheds, etc., shall be placed a minimum of 50 feet from the stream transition line.

6. New development within the riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses:
- a. Timber management activities, provided:
 - (1) In precommercial thinning and release activities, that at least 50 percent of the treecrown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.
 - (2) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water, these activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.
 - (3) In all timber management activities, including precommercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line and shall not be permitted in other portions of the riparian