

**EXHIBIT 21-D**

**Draft of Rules 11, 123, and 127 (after Adoption of Ordinance 181)**

**Rule No. 11 - DEFINITIONS**

RIPARIAN CORRIDOR – shall mean:

- a. All that area which comprises the Riverbed and riverbanks of the Carmel River which lies between the Pacific Ocean and the Ventana Wilderness boundary.
- b. All those areas which lie within 25 lineal feet of the 10% chance flood between the Pacific Ocean and the Ventana Wilderness boundary. In those areas where the 10% chance flood is not defined, a constructive line shall be determined by the District Engineer using a generally accepted method of determining the extent of the 10% chance flood. Lawns, landscaping, and cultivated areas as shown on the June 2017 aerial photographs on file with the District are exempt unless a lawn, landscaping, or cultivated area is the subject of a violation of the District Rules as of the day of adoption of this Ordinance.

Added by Ordinance No. 10 (7/26/83); amended by Ordinance 181 (Month/Day/2019)

Added by Ordinance No. 10 (7/26/83); deleted by Ordinance 181 (month/day/2019)

RIVERBED – “Riverbed” shall mean the natural hollow, path or channel over which the 10% chance flow of the Carmel River occurs. The term “channel” includes the riverbanks and shall be synonymous with the term “Riverbed”. The 10% chance flow shall be determined using a generally accepted method of statistical hydrology, such as described in USGS Bulletin 17-B, using historically gaged Carmel River flows. The waterline of the 10% chance flow shall be determined by applying the standard step backwater method using a computer simulation program such as HEC-RAS developed by the U.S. Army Corps of Engineers. Where the lateral extent of the Riverbed cannot be determined using the foregoing criteria, a constructive limit of the Riparian Corridor shall be determined by the District Engineer based upon historical analysis of aerial photographs and other data as appropriate.

Added by Ordinance No. 10 (7/26/83); amended by Ordinance 181 (month/day/2019)

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## EXHIBIT 21-D

### 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

Develop technical standards and a structural master plan to guide all riverbank and channel modification projects. Guidelines may (a) set the optimum channel width and bank steepness to depth relationships, (b) address coordination requirements among nearby property owners, (c) evaluate the cost and effectiveness of alternative bank stabilization solutions, (d) establish preferred solutions, (e) define acceptable circumstances and processes for sediment management, (f) set general engineering requirements for material and design, (g) establish requirements for covering, replanting and maintaining works once completed. Standards shall be reviewed to reflect experience gained during implementation of the program, and (h) establish aesthetic requirements for erosion works.

2. Annual Review

Review aerial photos as required to remain familiar with the changing environment of the river ; regularly inspect the Riverbed. Review areas that may be subject to erosion during high flows .

3. Removal of Hazardous Trees

Identify trees that appear to be diseased or likely to fall into the river. Attempt to effect removal or modification or replacement of such trees where their removal or modification does not conflict with shade or wildlife requirements.

4. Snag Removal

Remove or modify snags and debris from the channel that increase the risk of bank erosion at high flows.

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 Wildlife, the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and any other agency that regulates activities in the Riverbed.

b. Design of Works

Provide design, engineering and construction supervision upon request to landowners proposing riverbank or channel protection projects.

c. Landowners

## EXHIBIT 21-D

Assist landowners to carry out appropriate projects by providing information on standards and costs.

d. Government

Monitor the availability of outside funding and review proposed legislation affecting the program or the interests of the Carmel River.

e. Funding

Participate in specific River Works projects as feasible and desired by the Board. Financial participation may be partial or full at the discretion of the Board.

6. Project Sponsor

Administer grant funds, donations, and District projects with multiple property owner participation.

7. Construction

Construct riverbank and channel works.

8. Maintenance of Works

Operate and maintain District projects and works related to riverbank and Riverbed erosion along the Carmel River.

B. MAINTENANCE OF VEGETATION

1. Monitoring

Review aerial photos, conduct inspections of the Riparian Corridor and use other monitoring data to determine changes in the health of the riparian vegetation and stability of riverbanks. Maintain records showing changes in the Riparian Corridor.

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.

3. Technical Assistance

As District resources and priorities allow, provide technical assistance through staff as follows:

a. Permits

Assist individuals seeking permits to revegetate and change the vegetation type along the Riparian Corridor.

b. Design

Provide design, engineering, and construction support upon request to landowners proposing irrigation systems for watering riparian vegetation in the corridor.

## EXHIBIT 21-D

4. Construction of Irrigation Systems  
Design District Irrigation System standards and specifications and identify reaches where such irrigation is necessary to the health of the Riparian Corridor. Prioritize areas for irrigation. Irrigation development and construction costs may be borne fully or partially by the District at the discretion of the Board.
5. Operations and Maintenance  
Monitor and maintain District Irrigation Systems. Operation should integrate monitoring of plant health.
6. Channel Clearing  
Monitor reaches where vegetation or debris has become established in the Riverbed. If feasible, maintain an adequate clearance within the Riverbed to safely pass debris or reduce the risk of erosion due to blockages that could cause damage to streambanks and riparian habitat due to storm flows within the Riverbed.

### C. INSPECTION

1. Erosion Protection Works  
Inspect bank work and channel modification projects to obtain compliance with standards and permit conditions.
2. Vegetation Removal  
Monitor activities along the river to prevent unauthorized vegetation removal, grading, and works.

### D. EDUCATION

1. Erosion Works and Prevention  
Educate landowners and the general public regarding river management and erosion prevention. Initiate forums with landowners to provide information on the cost, effectiveness and liabilities of bank modification.
2. Vegetation  
Assist property owners to encourage planting of desirable species and to discourage removal of native vegetation. Provide information on desirable species, spacing and maintenance.
3. Grading  
Develop and distribute information on grading.
4. Regulation  
Develop and distribute standards and conditions to be met in River Work Permits and emergency River Work Permits pursuant to Rule 127. Distribute information as to those activities which may be undertaken without a River Work Permit, and activities which are defined as "minor works" pursuant to Rule 127.

## EXHIBIT 21-D

- E. RESEARCH  
Research stream geomorphology, erosion potential, fishery and vegetation to understand the system dynamics and to maintain appropriate standards.
- 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  
Provide emergency response to remove or modify snags and to minimize damage where the river is causing erosion or threatening to erode.
- H. PERIODICALLY REVIEW AND UPDATE MAPS SHOWING THE LIMITS OF THE RIPARIAN CORRIDOR  
Develop and periodically update a geo-referenced set of maps showing property lines, the 10-year flowline, and the limits of the Riparian Corridor.
- I. OTHER RELATED ACTIVITIES  
Manage the Riparian Corridor, examine sedimentation from non-riparian drainage areas and evaluate culvert design at tributary junctions in conjunction with the Monterey County Department of Public Works. Monitor existing trails for impact upon the Riparian Corridor. Develop and propose trail standards. Accept river management funds, grants, and deeds from public and private sources.

Added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85);  
Ordinance No. 69 (6/21/93); Ordinance 181 (month/day/2019)

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## EXHIBIT 21-D

### RULE 127 - PERMIT PROCESS

#### A. RIVER WORK PERMITS

1. Applications for River Work Permits shall be made to the Monterey Peninsula Water Management District on forms supplied by District staff and shall be accompanied by plans showing appropriate Site, improvement and engineering information as may be required by District staff. The fee prescribed by Rule 60 shall be required for any River Work Permit.
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.
3. Within 30 days of receipt of application, District Staff shall determine whether the information submitted by the Applicant is sufficient to consider the matter. If the Application is not sufficient, District Staff shall identify what additional information is required and inform the Applicant to submit the additional information (normally within 30 days of notification of the deficiencies).
4. The Board of Directors shall by resolution promulgate upon advice of the Carmel River Advisory Committee a list of “minor works.” Minor work permits and regular River Work Permits which have been issued shall be prominently posted in the Monterey Peninsula Water Management District office, and shall not become effective until seven (7) days after issuance. Such permits may be appealed to the Board pursuant to Rule 127-C of this Regulation. Holders of a minor work permit may undertake such work immediately upon issuance of the permit, provided however, that each Applicant for a minor work permit who undertakes work prior to the effective date of such permit agrees in writing to proceed during that seven-day period at his own risk, and agrees to indemnify and hold harmless the Monterey Peninsula Water Management District for any damage which may result, and agrees to comply with any Board order should the permit be denied or conditioned on appeal.
5. In order to grant a regular River Work Permit, an emergency work permit, or a minor work permit, the General Manager or the District Engineer shall make the following findings based upon facts apparent from the District files, the permit application or other relevant facts:
  - a. the work allowed by the proposed permit does not appear to adversely affect adjoining or other properties;

## EXHIBIT 21-D

- b. the work allowed does not degrade habitat value and appears to be visually compatible with the natural appearance of the river channel, banks and Riparian Corridor;
- c. the work allowed appears to be appropriate for the intended purpose, and be consistent with technical standards and plans set by the District;
- d. the work allowed will not contribute to adverse levels of downcutting;
- e. the establishment, maintenance or operation of the use or work applied for does not appear under the circumstances of the particular case, to be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the District;
- f. the work permitted appears either to comply with, or be exempt from the requirements of the National Flood Insurance Program; and
- g. the work permitted will not adversely affect traditional or cultural values of California Native American tribes.

6. The General Manager or the District Engineer may designate conditions in connection with the permit to secure the purposes of this Regulation, in addition to any standard permit conditions which may be required by the Board. The General Manager or the District Engineer may also require bond and guarantees to assure compliance with the conditions.

Each permit shall briefly set forth or refer to the information used to develop permit conditions.

7. Each permit issued by the General Manager or the District Engineer shall become effective seven (7) days after the date such permit was issued and remain valid until the date of expiration stated on the permit; or if no date of expiration is stated, or otherwise specified, all such permits shall expire one year from the date of granting said permit.
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.”

9. Each permit shall be publicly posted at the District office for a period of not less than 21 days and shall be made available for public viewing through other District communication platforms, such as on the District’s internet web site.

## EXHIBIT 21-D

### B. EMERGENCY RIVER WORK PERMITS

Emergency riverbank or Riverbed protection or channel modification measures performed under this Regulation shall require a subsequent emergency River Work Permit from the General Manager or District Engineer. An application for such a permit shall be submitted within ten (10) calendar days after commencement of such measures. The fee prescribed by Rule 60 shall be required for any emergency River Work Permit. The intent of such a subsequent emergency River Work Permit is to ensure that any emergency bank and bed protection measures conform to or will be brought into conformance with the technical standards promulgated in accord with this Regulation. To the extent practicable, emergency River Work Permits shall be administered and granted in accordance with Rule 127-A above, and may also be appealed to the Board in accord with Rule 127-C. Standards shall be developed and distributed summarizing the design concepts that will be required in emergency permits. Persons undertaking emergency River Works without prior approval shall bear sole responsibility for the adequacy and safety of such work, and shall be deemed to proceed at their own risk. The District, upon later review of the emergency River Work Permit, reserves the right to require removal or modification of such works to that measure compatible with the structural management plan.

### C. PERMIT APPEALS

Determinations of the General Manager or the District Engineer may be appealed to the Board of Directors pursuant to Rule 70, "Appeals" upon payment of the fee specified in Rule 60.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85); Ordinance No. 14 (11/12/84); Ordinance No. 69 (6/21/93); Ordinance No. 120 (3/21/2005); Ordinance No. 125 (9/18/2006); Ordinance 181 (Month/Day/2019)