



1 **UNITED STATES DEPARTMENT OF COMMERCE**
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

August 27, 2014

Tennis Wick
Sonoma County Permit and Resource Management Division
2550 Ventura Avenue
Santa Rosa, California 95403

Dear Mr. Wick:

This letter transmits NOAA's National Marine Fisheries Service's (NMFS) comments on Sonoma County's Proposed Zoning Code Amendments for Riparian Corridors (Proposed Amendments) identified as File ORD13-0002. NMFS received the staff report and associated attachments for this project via email from Jennifer Barrett on August 22, 2014. NMFS appreciates the opportunity to provide comments and Sonoma County's (County) ongoing support for, and commitment to, protecting and conserving salmonids listed under the federal Endangered Species Act within the County's rivers and streams. NMFS offers the following general comments and specific modifications on the Proposed Amendments to improve and ensure protection of listed salmonids and their habitats throughout the County.

NMFS wishes to first remind the County that we did not concur that the proposed riparian buffer widths adopted by the Sonoma County Board of Supervisors in the 2008 County General Plan update were sufficiently protective of salmonids, nor were they based upon best available science. While NMFS recognizes that this issue is not under review, we believe our prior concerns regarding the adopted riparian widths, the allowed agricultural exemptions, and the grandfathering of all current land-use footprints as insufficient to protect listed salmonids, provide the context to our specific comments regarding the Proposed Amendments below.

NMFS supports the County's proposal for issue #1 concerning Area/Specific Plans. Specifically, we agree that plans providing wider riparian setbacks than the County General Plan should be retained in the Proposed Amendments. As noted in Attachment B, many of these wider riparian setbacks were identified as mitigation measures in past planning updates and therefore are existing offsetting impacts that have already occurred elsewhere in the County.

NMFS also supports the County's proposal for Issue #2 which extends the riparian setback to the drip lines of trees to protect trees within the riparian zone. Specifically, these measures will improve protections and promote the growth of large riparian trees which aid in the shading of



the water bodies; contribute detrital matter, prey insects and eventual large woody debris to the stream systems; and provide increased stream bank stability. NMFS does not object to using the area under the drip lines of large trees as turn-around areas or vegetated perimeter roads so long as these areas are not tilled or otherwise destabilized.

NMFS also supports the County's proposal for Issue #3 which clarifies the roles of various resource agencies and the County Agricultural Commissioner in permitting various uses along streams. These measures should aid landowners in undertaking projects and acquiring necessary permits as required from Federal, state, or local agencies. NMFS has agreed to work with the County Agricultural Commissioner in the review of best management practices for various agricultural activities that may be in the County.

NMFS does not object to most of the County's proposal for Issue #4, which designates uses allowed within the riparian setback areas, with some notable exceptions. As mentioned earlier, NMFS objects to unrestricted agricultural cultivation within these areas as this reduces the setbacks to widths that are unlikely to provide sufficient riparian habitat conditions to conserve salmonids.

NMFS objects to allowing agricultural turnarounds and access roads within the riparian setback areas, except under the extended distances under the drip line of trees, provided by the County's proposal for Issue #2. Given that all existing footprints are exempted from zoning changes that may require increasing setbacks until a major replanting or redevelopment of a property takes place, our concern mostly pertains to new agricultural developments. The current County General Plan language (policy option B in the County staff report) is more protective of riparian and aquatic resources because it requires that a minimum 25 foot vegetative filter strip be maintained between affected areas (i.e., areas developed for agricultural use, which include turnarounds and access roads) and the top of the stream bank. The Proposed Amendments would decrease protections by allowing this area to be used in agricultural operations. The purpose of vegetated filter strips are intended to filter sediment from overland runoff, and prevent excess sediment delivery. An entire 25 foot buffer can easily be consumed by a turnaround area. Excessive sediment delivery may occur in years when early rainstorms do not allow for the timely regrowth of native or planted vegetation of sufficient quality to provide filtration. Sediments delivered from turnarounds and access roads tend to be fine grained and will impact salmonid spawning gravel quality, aquatic insect production, and increase turbidity levels that impair salmonids' ability to find prey resources. Given that the County General Plan does not allow for the removal of riparian vegetation in new agricultural developments, NMFS assumes any bushes or trees within this area would remain untouched and continue to provide erosion control and other benefits. However, additional establishment of woody vegetation may be prevented if protections are reduced.

NMFS also objects to allowing water wells to be located within the riparian areas. As noted in the County staff report, stream setbacks for wells have not been discussed previously in the County zoning code or the County General Plan (i.e., wells were not on the previous list of allowed uses within the riparian zone despite their proliferation). The Proposed Amendments defer to the draft County water well ordinance to establish a setback distance for wells and the draft ordinance proposes 30 feet without any apparent analysis. NMFS has objected to this

proposal in a separate letter sent to the County Permit and Resource Management Department on August 26, 2014. That letter discusses in detail the potential effect of water wells impacting stream flows and the consequences for ESA-listed salmonids and other aquatic resources. Please refer to that letter which describes our concerns.

In addition to potential stream flow related impacts, the installation of a well in a riparian area may require the establishment of access points through riparian areas for equipment, trenching for piping to the head of the irrigation system and for electrical lines, or a generator to power the well. This will increase the use of chemicals or tilling to keep the riparian vegetation maintained and the risk of erosion fuel spills into the County's waterways. In addition to analyzing groundwater/surface water connections prior to well permit issuance recommended in our letter of August 26, 2014, NMFS recommends any well drilling to take place outside of riparian zones, thereby reducing the potential for riparian impacts. This is policy option B in this section of the Proposed Amendments.

In the section that discusses fire fuel management in riparian conservation zones, NMFS recommends clarifying that removing *some* (emphasis added) riparian vegetation may be required to comply with fire safe standards – this should be better defined. As currently written, a landowner could assume it is acceptable to remove all vegetation except for Redwood trees to create a 'defensible space.' There are many areas of Sonoma County away from coastal influence where Redwood trees are not the dominant species and riparian trees consist of various oaks and bays or Douglas fir trees. Proper control of ladder fuels and trimming of lower branches of these large trees can provide protection from fire while maintaining riparian and aquatic habitat benefits. A list of fire resistant vegetation was presented during the June 11, 2014 Riparian Corridor Ordinance Working Group meeting. NMFS recommends the native trees from that list be incorporated into the Proposed Amendments in order to maximize streamside conservation area benefits while still providing fire protection to structures adjacent to the riparian zone.

Finally, NMFS objects to the inclusion of temporary seasonal docks in the allowed uses category. Dock structures can increase shaded ambush habitat for salmonid predators such as various bass species and pike minnow, as well as potential perching opportunities for piscivorous birds. Most of these facilities would likely be located along County Rivers where impacts to salmonid habitat from urbanization and flood control projects are already significant. These projects should be required to undergo individual permitting processes where mitigation can be required as appropriate.

In closing, NMFS thanks the County for the opportunity to comment on the Proposed Amendments towards efforts to conserve listed salmonid species and the habitats upon which they depend. County participation and partnership has been a critical element in the implementation of the Russian River Biological Opinion and more recently in the development

of NOAA's Russian River Habitat Blueprint. While the Proposed Amendments do contain important protections, their adoption as is could indirectly allow for continued or even increased degradation. If you have any questions concerning this letter, please contact Joe Dillon of my staff at (707) 575-6093 or Joseph.J.Dillon@noaa.gov.

Sincerely,



Alecia Van Atta
North Central Coast Office Supervisor
California Coastal Area Office

cc: Irma Lagomarsino, NMFS, Arcata, California
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