

**CALIFORNIA COASTAL COMMISSION**

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November 14, 1997

**Th 6b****To:** California Coastal Commissioners

**From:** James W. Burns, Chief Deputy Director  
Tami Grove, Deputy Director  
Cy R. Oggins, Coastal Nonpoint Pollution Control Program Coordinator

**Subject:** Agreement with State Water Resources Control Board to conduct activities to address and meet conditions of the pending federal conditional approval of California's Coastal Nonpoint Pollution Control Program

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**1.0 STAFF RECOMMENDATION**

The staff recommends that the Commission authorize the Executive Director to enter into an agreement with the State Water Resources Control Board (SWRCB)<sup>1</sup> under which the Commission would receive \$100,000 over a 12-month period to continue the Commission's efforts to improve treatment of nonpoint source pollution (polluted runoff). Specific Commission staff responsibilities include conducting activities necessary to address and meet conditions of the pending conditional approval by the U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) of California's Coastal Nonpoint Pollution Control Program (CNPCP). These activities are described under "Scope of Work" below and are further outlined in an "action plan" developed by the Commission and the SWRCB in August 1997 (see Attachment 1).

**2.0 MOTION AND RESOLUTION**

Commission approval of the Agreement requires the following motion:

I hereby move that the Commission authorize the Executive Director to enter into an agreement with the SWRCB to receive \$100,000 to undertake activities as recommended by the staff to address and meet conditions of the federal conditional approval of California's Coastal Nonpoint Pollution Control Program.

The staff recommends a "yes" vote on the foregoing motion.

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<sup>1</sup> Acronyms used in this Report and Attachment include:

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|---|--|
| ➤ CCC = California Coastal Commission                         | ➤ NOAA = National Oceanic and Atmospheric Administration |
| ➤ CEQA = California Environmental Quality Act                 | ➤ NPS = Nonpoint Source                                  |
| ➤ CNPCP = Coastal Nonpoint Pollution Control Program          | ➤ RWQCB = Regional Water Quality Control Board           |
| ➤ CZARA = Coastal Zone Act Reauthorization Amendments of 1990 | ➤ SWRCB = State Water Resources Control Board            |
| ➤ EPA = Environmental Protection Agency                       | ➤ WMI = Watershed Management Initiative                  |

### 3.0 SCOPE OF WORK

#### a. Background

Section 6217 of the Federal Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) requires California, through a partnership between the SWRCB and Coastal Commission, to develop a CNPCP. These two agencies submitted California's CNPCP to the EPA and NOAA in September 1995 after more than three years of development. In October 1996, EPA and NOAA released their proposed draft findings on California's CNPCP submittal. In November 1997, EPA and NOAA expect to publish in the *Federal Register* their proposed final findings on the CNPCP. The Commission staff anticipates that a condition of the findings will be for the Coastal Commission and SWRCB to jointly develop a comprehensive CNPCP Implementation Strategy.

#### b. Work to be Conducted Pursuant to Proposed Agreement with SWRCB

In August 1997, the SWRCB and Commission staffs developed an "action plan" that outlines a framework and activities for the two agencies to achieve an approvable program under CZARA Section 6217 while improving California's Nonpoint Source Program (Attachment 1). Pursuant to this action plan, the SWRCB and Commission—within the constraints of available staff, financial resources, and their respective statutory authorities—will work jointly to prepare a comprehensive CNPCP Implementation Strategy that includes the following elements:

1. a **Management Measures Review document** that, among other purposes, identifies management measures that are appropriate for use in California and are equally or more effective than the management measures developed by EPA pursuant to CZARA Section 6217(g) [hereafter referred to as the g-guidance];
2. a **15-year Implementation Strategy** that generally describes how the CNPCP will be incrementally implemented Statewide consistent with CZARA Section 6217; and
3. a detailed **5-year Action Strategy** that addresses the first-tier of priorities consistent with the 15-year Implementation Strategy.

The SWRCB and CCC anticipate expanding these strategies to include interagency taskforces to guide and coordinate the work of other agencies and local governments that relates to polluted-runoff management efforts.

Under the proposed standard agreement with the SWRCB, the Coastal Commission would receive \$100,000 over a twelve-month period for Commission staff, in coordination with the SWRCB Nonpoint Source Section staff, to perform the tasks above. Commission staff work pursuant to this agreement is consistent with the Coastal Commission's overall strategy for enhancing the coastal program's management of polluted runoff in the coastal zone.

*(Attachment 1 is an abridged version of the August 1997 "Action Plan")*

**California CZARA "Action Plan"**

**Prepared by the CCC, SWRCB, EPA Headquarters, NOAA, & EPA Region 9  
8/25/97**

*This "action plan" outlines a framework and activities to achieve an approvable program under CZARA § 6217, while improving California's Nonpoint Source Program.*

**1) Management Measures and Authorities**

The SWRCB and CCC will review management measures in consultation with other state and local agencies, and will develop a **Management Measures Review** document within 8 months (3/98). The document will include:

- ⊖ identification of management measures
  - ⊖ identification of authorities that implement the management measures
  - ⊖ identification of who will implement the management measures (e.g., lead agency)
  - ⊖ existing programs/strategies/implementation plans
  - ⊖ existing Best Management Practices (BMPs) and BMP guidance
- A. When meeting with other agencies, SWRCB and CCC will look for opportunities to link management measures with existing authorities and programs.
- B. The SWRCB and CCC will identify gaps in existing management measures/authorities/programs and strategies for follow-up.
- C. The SWRCB and CCC may propose alternative management measures, as necessary. If proposing alternatives, the State will:
- ⊖ provide justification on why alternative is necessary
  - ⊖ explain how the alternative management measure will be equally or more effective than the g-guidance measure.
- D. With respect to counties and municipalities, the SWRCB will focus on State authorities (e.g., the CEQA Guidance checklists, General Plan guidelines, Subdivision Map Act, and CCC's Local Coastal Program guidance).
- E. The SWRCB and CCC will adapt and refine the CCC's manual for polluted runoff as a tool to work with other agencies.

## 2) Implementation Strategy

SWRCB/CCC/EPA/NOAA agree that the program goal will be to implement management measures (except exclusions), including additional management measures where necessary, within 15 years.

It is anticipated that incremental implementation of the management measures will occur through "prioritization" and "targeting" by the SWRCB, CCC, and RWQCBs, that may be based on:

- coastal waters focus
- 303(d) listed waters
- sectors (e.g., agriculture, urban, etc.)
- management measures
- opportunities to build off of existing programs

The SWRCB and CCC will prepare, by 12/98, a **15-year Implementation Strategy** that generally describes how the overall program will be incrementally implemented. The 15-year Strategy will address Statewide implementation of the Nonpoint Source Program in a manner that complies with CZARA § 6217.

The SWRCB and CCC will also prepare more detailed **5-year Action Strategies**. The first 5-year Action Strategy will also be prepared by 12/98. The 5-year Action Strategy will address the first-tier of priorities, consistent with the 15-year Implementation Strategy.

The Management Measures Review will feed into development of both the 15-year and 5-year Strategies, which will be substantive and succinct documents. To the extent feasible, the 15-year Implementation Strategy will address the 9 key elements as expressed in the EPA *NPS Program and Grants Guidance of 1997 and Future Years*. EPA agrees that the 15-year Implementation Strategy can serve as California's NPS Management Plan update, if all 9 key elements are addressed. The SWRCB agrees to explore by 3/98 potential policy and legal issues concerning whether or not a formal update to the NPS Management Plan would be necessary.

In addition to the common program elements (*see below for discussion of common elements*), the following elements will be included in both the 15-year Implementation Strategy and 5-year Action Strategies, with general descriptions in the 15-year Strategy and detailed descriptions in the 5-year Strategies: goals, respective roles of all agencies, priorities, activities, milestones that can be measured and evaluated, review and evaluation including public input. these elements can be based to the fullest extent possible on California's existing CZARA Submittal, including the *Initiatives in NPS Management* document and the reports of the Technical Advisory Committees, as well as the "Description of the implementation process and authorities" on pages 20-21 of NOAA/EPA's *Program Development and Approval Guidance Document* (January 1993).

3) **Relationship of CZARA and the Watershed Management Initiative (WMI)**

- A. By 10/97, EPA/SWRCB/RWQCBs will provide instructions for chapter preparation regarding NPS activities. Instructions will anticipate CZARA management measures for 1998.... The 1997 guidance may address: NPS sectors, watersheds, technical transfer, education, and implementation of the 3-tiered approach in the NPS Management Plan.
- B. For 1998, revised NPS instructions will be prepared for the annual update of the WMI Chapters based on the Management Measures Review document and draft Implementation Strategy.
- C. The 1998 WMI Chapters will be a key component of the first 5-year Action Strategy.

4) **Common Program Elements**

- **Technical Assistance:** CCC/SWRCB will identify technical assistance activities that build off of the "Initiatives in NPS Management" document. They will be tied to the management measures and additional management measures, and will be included as a component of implementation strategies....
- **Critical Coastal Areas:** CCC/SWRCB will describe a process to identify critical coastal areas.... [The process will, where feasible link with existing programs (i.e., Total Maximum Daily Load (TMDL) processes, programs of National Marine Sanctuaries or National Estuary Programs, etc.)]
- **Additional Management Measures:** CCC/SWRCB will develop a process to identify the need for additional management measures....
- **Administrative Coordination:** CCC/SWRCB will identify mechanisms to coordinate relevant Federal, State, and local programs through interagency committees, memorandum of agreement or other mechanisms. This work will also address coordination of CCC, SWRCB, RWQCBs, EPA and NOAA activities.
- **Monitoring:** SWRCB/CCC will examine monitoring throughout the State (e.g., the Morro Bay NPS National Monitoring Project) to evaluate the effectiveness of management measures to reduce loads and improve water quality. SWRCB/CCC will establish a process to monitor implementation of the management measures....
- **Program Review and Evaluation:** Measurable milestones identified in the 5-year Action Strategy will be the basis for program evaluation. NOAA/EPA/State will continue discussion on how to undertake combined programmatic review with public participation. The 15-year Implementation Strategy will reflect this process by 12/98.
- **Public Participation:** Opportunities for public participation will be provided in implementing the program.