

3.1 INVENTORY OF EXISTING FEDERAL PROGRAMS AND FEDERAL CONSISTENCY

3.1.1 PURPOSE OF THE BASE PROGRAMS ANALYSIS

The purpose of the Base Programs Analysis (BPA) is to assist the MBNEP in developing effective mechanisms for addressing priority problems and their causes. The BPA offers decision-makers a clearer picture of the existing institutional “infrastructure” or framework of the estuary and watershed. It provides an opportunity to guide management of the estuary and watershed by:

- Describing the framework of institutions and programs within which a CCMP will be implemented;
- Assessing the effectiveness of that framework in managing and protecting the estuary’s resources; and
- Recommending, in conjunction with the technical characterization, issues to be addressed in the CCMP based on potential management enhancements or alternatives.

The BPA is a required component of the CCMP planning and implementation process. Additionally, this BPA was developed by following the *National Estuary Program Guidance, Base Programs Analysis* (1993). This analysis also considered the approach currently underway by State of California agencies to identify actions consistent with the Coastal Zone Act Reauthorization Amendments (CZARA). Integration and coordination of local needs with this state process should result in more technical and financial support to implement the actions developed for the CCMP. Development of the BPA in parallel with the State’s approach to identify actions included the following:

- Identification of issues and actions to be addressed in the CCMP based on the results of the effectiveness analysis;
- Evaluation of applicable management measures from those included in the *Management Measure Review Document* (1998) developed under authority of CZARA; and
- Description of how recommended actions for the CCMP implement the applicable management measures.

3.1.2 METHODS OF ANALYSIS

The staff of the Central Coast Regional Water Quality Control Board (CCRWQCB) and the California Coastal Commission (CCC) inventoried existing programs from the 43 agencies with jurisdiction over land or resources in the Morro Bay estuary and/or watershed (see Table 3.1). They also evaluated the effectiveness of their respective programs by responding to a questionnaire developed by CCRWQCB/CCC staff. Table 3.2 lists the criteria used for evaluation. The types of programs inventoried and evaluated included the following institutional framework categories:

- regulatory;
- resource management;
- finance; and
- other non-regulatory, including voluntary initiatives or incentives, public education and technical assistance, and planning efforts.



Table 3.1 Local, State, and Federal Agencies Inventoried

AGENCY NAME
<i>City of Morro Bay</i>
Planning & Building Department
Public Works Department
Harbor Department
Recreation & Parks Department
<i>San Luis Obispo County</i>
Planning & Building Department
Public Health Department, Environmental Health Division
Engineering Department
Agriculture Department
General Services, Parks
Coastal San Luis Resource Conservation District
Air Pollution Control District
Council of Governments
<i>State of California</i>
California Coastal Commission
Department of Fish and Game
Office of Oil Spill Prevention & Response (Department of Fish & Game)
Department of Health Services (Health and Welfare Agency)
Department of Pesticide Regulation, CAL-EPA
Regional Water Quality Control Board, CAL-EPA
State Coastal Conservancy
State Land Commission
State Resources Agency
State Water Resources Control Board, CAL-EPA
California Conservation Corps
California Integrated Waste Management Board, CAL-EPA
Camp San Luis Obispo, California National Guard
Department of Boating & Waterways
Department of Conservation
Department of Forestry & Fire Protection
Department of Parks & Recreation, CAL-EPA
Department of Toxic Substances Control, CAL-EPA
Department of Transportation (Business, Transportation & Housing Authority)
Department of Water Resources
Office of Environmental Health Hazard Assessment, CAL-EPA
University of California Cooperative Extension
<i>United States Government – Federal Agencies</i>
U.S. Environmental Protection Agency
U.S. Army Corps of Engineers
U.S. Fish & Wildlife Service (Department of the Interior)
Natural Resources Conservation Service (Department of Agriculture)
Farm Service Agency (U.S. Department of Agriculture)
National Oceanic & Atmospheric Administration (U.S. Department of Commerce)
National Marine Fisheries Service (U.S. Department of Commerce)
U.S. Coast Guard
U.S. Forest Service (U.S. Department of Agriculture)
U.S. Geological Society (U. S. Department of the Interior)

Table 3.2 Criteria Used to Evaluate Effectiveness of Programs

Successful Aspects	Problems
<ul style="list-style-type: none"> ▪ Clear goals, responsibilities or procedures ▪ Complementary programs ▪ Good coordination/cooperation with other organizations ▪ Uniqueness of the program ▪ Sufficient resources ▪ Support through statutory authority ▪ Support of the public 	<ul style="list-style-type: none"> ▪ Unclear goals, responsibilities, or procedures ▪ Competing or conflicting programs ▪ Difficulties in coordinating/cooperating with other organizations ▪ Duplication of effort ▪ Insufficient resources ▪ Lack of statutory authority ▪ Lack of public support

Detailed methodology and results are contained in the Inventory and Evaluation sections of the Base Programs Analysis (Volume III of this CCMP). Some updated information of the Base Programs Analysis is contained in this chapter.

3.2 RESULTS

In general, the effectiveness analysis indicated that the most common problem identified for all types of programs was insufficient resources. Following insufficient resources, difficulty coordinating and cooperating with other agencies was cited most frequently as limiting program effectiveness. Several agencies also indicated that unclear goals, responsibilities, and procedures limited the effectiveness of some programs. The most common successful aspects of the programs include complementary programs and statutory authority. Several agencies also indicated that the programs they implement have public support.

The following paragraphs provide a summary *by institutional framework category* of the problems regarding the effectiveness of programs and suggestions for improvement.

State and federal **regulatory programs** seem to be more limited by *difficulties coordinating and cooperating* with other agencies than by insufficient resources. The following suggestions were repeatedly made to improve effectiveness of state and federal regulatory programs: streamline permit processes, improve public outreach, improve interagency coordination, and implement comprehensive approaches [watershed management, habitat conservation planning, and Total Maximum Daily Loadings (TMDLs)].

In addition to insufficient resources, state and federal **resource management programs** are limited by the difficulty of coordinating and cooperating with other agencies, and by *unclear goals, procedures, and responsibilities*. Suggestions to improve the effectiveness of resource management programs included: streamline permit processes, improve public outreach, offer incentives for implementation of nonpoint source pollution controls, coordinate monitoring efforts, evaluate urban runoff as a source of metals and develop appropriate control measures, and improve interagency coordination.

State and federal **finance mechanisms** are limited by *insufficient resources* and *difficulties coordinating and cooperating* with other agencies. Suggestions to improve effectiveness of finance mechanisms included: improve public outreach and improve interagency coordination to avoid duplication of spending.

Other state and federal **non-regulatory programs** seem to be more limited by *difficulties coordinating and cooperating with other agencies* than by insufficient resources. The following suggestions were repeatedly made to improve effectiveness of other state and federal non-regulatory programs: expand existing education and monitoring activities, improve public outreach, and improve interagency coordination.

The local agency programs were not grouped by institutional framework category because local agency functions overlapped these categories much more than state and federal agency functions. The successful aspects and problems reported for the variety of functions implemented by the local agency departments were similar. Consequently, local agency functions were analyzed as a group, rather than separated into institutional framework categories, to avoid repetition of the effectiveness analysis criteria; the effectiveness analysis is included under each priority problem discussion on the following pages.



The following sections provide a summary *by priority problem* regarding the effectiveness of programs and suggestions for improvement.

3.2.1 SEDIMENTATION

Key Programs:

- County Development Review, Permitting, and CEQA Review (pertains to all other problem areas)
- County Drainage Plan Review
- CCRWQCB NPDES, Nonpoint Source Management, TMDL, Monitoring, CWA Grant Programs
- CDFG Streambed Alteration Permits
- NRCS/CSLRCD Watershed Enhancement Plan, Wetland Reserve Program
- USEPA TMDL, Nonpoint Source/CZARA, National Monitoring Program, CWA Grant Programs
- USFS Los Padres National Forest Plan

Problems and Suggestions:

The current County Land Use ordinances and Coastal Zone Land Use Ordinance do not require consideration of the effect of drainage waters on receiving water quality and do not address routine grading or tree and riparian vegetation removal for agricultural cultivation and crop production on agricultural lands. This has been both a controversial and countywide issue for many years. The locations selected by County Engineering for the placement of spoils from road projects may need to be reviewed with the intent to identify locations that are far enough away so that the spoils do not wash into the estuary. The CCRWQCB approach to TMDLs and nonpoint source management is duplicative and not understood by other agencies or the general public. The USEPA, however, is promoting (and requires per the CWA) the development of TMDLs and sees this as a useful model for watershed planning and management to incorporate local interests. Simultaneously, the SWRCB and CCC are upgrading the state Nonpoint Source Management Plan under direction (and required per the CZARA) of the USEPA. This includes development of an Implementation Strategy that specifies actions to be taken by the CCRWQCB to address nonpoint sources of pollution.

The implementation strategy is likely to include technical and financial assistance to municipalities for municipal urban runoff programs to address sedimentation and other constituents impacting storm water. Additionally, the CCRWQCB has determined that the monitoring efforts by all responsible agencies are not comprehensive and that gaps exist in locations and frequency of monitoring and compatibility of data. The CCRWQCB could improve their monitoring program with a volunteer monitoring element. The NRCS could benefit by continuing to integrate their efforts with this CCMP (e.g. prioritize efforts based on locations or types of problems identified) and by having access to geomorphology expertise. The SWRCB, CCRWQCB, and USEPA should improve coordination of grant funding priorities (amongst themselves and with other grant funding agencies and organizations) to pool resources and avoid duplication of spending. A collaborative effort to display agency funded projects by the SWRCB, CCRWQCB, and USEPA on the Internet is underway throughout the University of California at Davis. The Natural Resources Project Inventory address is <http://ice.ucdavis.edu.nrpi>.

In addition, the USFS Los Padres National Forest does not adequately address fire management or remediation of inactive mines.

3.2.2 BACTERIA

Key Programs:

- City wastewater treatment
- City sewer master plan
- County waste management
- CCRWQCB NPDES, Nonpoint Source Management, TMDL, Monitoring, CWA Grant Programs
- CDFG State Mussel Watch
- CDHS Shellfish Sanitation (growing area certificates, handling and marketing certificates), Contamination of Public Water Systems, Maximum Contaminant Levels for Drinking Water
- CDBW Pumpout Grants

- CCC Boating Clean and Green
- USEPA TMDL, Nonpoint Source/CZARA, National Monitoring Program, CWA Grant Programs
- CDPR and CDFG and CMB Liveaboard Regulatory Authority

Problems and Suggestions:

The City of Morro Bay (CMB) adopted the area's first Liveaboard Ordinance in 1993. The CDPR, CMB, and CDFG need to coordinate policies and enforcement relating to liveaboards and disposal of head waste. Additional pumpout facilities are needed. San Luis Obispo County initiated the planning of a sewer system for the community of Los Osos as required by the CCRWQCB. The responsibility to continue this effort has shifted to the Community Services District (which was established after completion of the BPA). See Problems and Suggestions for Sedimentation above for CCRWQCB (most importantly with regard to monitoring efforts), SWRCB, and USEPA programs.

3.2.3 NUTRIENTS

Key Programs:

- CDWR Agricultural Drainage Reduction, Efficient Water Management Practices, Training and Education Program
- CCRWQCB NPDES, Nonpoint Source Management, TMDL, Monitoring, CWA Grant Programs
- CDOC Land Stewardship Program
- UCCE Watershed Management Education Program
- UCCE Ranch Planning Short Courses
- USEPA TMDL, Nonpoint Source/CZARA, National Monitoring Program, CWA Grant Programs
- Others as above

Problems and Suggestions:

See Problems and Suggestions for Bacteria above for San Luis Obispo County, CCRWQCB, SWRCB, and USEPA programs, and Sedimentation for NRCS programs.

3.2.4 HEAVY METALS AND TOXICS

Key Programs:

- City Storm Drain Master Plan
- County Agricultural Commissioner Hazardous Materials, Environmental Monitoring Programs
- County Planning & Building Surface Mining Operations Permit and Reclamation
- California Department of Pesticide Regulation & CAC Statewide Pesticide Program, Restricted Materials Permits, Registration of Users, Pesticide Management Zones
- CCC Model Urban Runoff Program
- CCRWQCB NPDES, Nonpoint Source Management, TMDL, Monitoring, Inactive Mine Reclamation/Remediation, CWA Grant Programs, Water Code Cost Recovery
- CAL-EPA CDTSC Toxics Update, Emergency Response Training
- CDFG State Mussel Watch and Toxic Substances Monitoring
- CDFG OSPR Programs
- USEPA NPDES, TMDL, Nonpoint Source/CZARA, National Monitoring Program, CWA Grant Programs

Problems and Suggestions:

Efforts to address heavy metals and other toxins would likely improve with local implementation of programs and/or program elements of the California Department of Pesticide Regulation and the CCC. Specifically, neither financial mechanisms nor information exchange on monitoring data through California Department of Pesticide Regulation has been used as extensively as possible in the watershed. The CCC could provide additional education and technical assistance regarding implementation of municipal urban runoff controls and programs. The City Storm Drain Master Plan needs to be updated to address Phase II Stormwater Regulations. The CDFG Mussel Watch and



Toxic Substances Monitoring has a limited scope and does not use the most sensitive invertebrates to detect toxicity from heavy metals. See Problems and Suggestions for Sedimentation, Bacteria, and Nutrients above.

3.2.5 FRESHWATER FLOW

Key Programs:

- SLO County Estero Area Plan – proposed program to develop a Water Management Plan addressing water quality, water conservation, and groundwater protection
- City of Morro Bay Master Water Plan
- County Flooding and Drainage Permits and Programs
- CDFG Lake and Streambed Alteration Agreements, Fisheries Management, Ocean and Coastal Area Management, Riparian Habitat Conservation, Stream and Watershed Planning and Restoration, Take of Fish and Wildlife Programs
- Water rights
- CCRWQCB, SWRCB, and USEPA NPDES Storm Water Discharge Permits
- Habitat Acquisition and Restoration Programs of SCC, ACOE, USFWS, and NRCS

Problems and Suggestions:

At the local level, drainage issues are considered on an individual site basis and should be considered on an area-wide basis. The County (or the Los Osos Community Services District as appropriate) should consider area-wide drainage permitting and planning for the Los Osos community. The CCRWQCB should provide additional assistance and direction to urban areas regarding control of storm water discharges. Many typical storm water quality controls promote increased instream flows and groundwater recharge (e.g. wetlands, vegetated filter strips). Small municipalities will be required to obtain NPDES permit coverage for storm water discharges in the near future which should include area-wide drainage plans and permitting approaches. Construction and industrial facilities are currently required to implement storm water pollution prevention plans compliant with NPDES permits; however, the CCRWQCB has limited staff resources to address related flow issues on an area-wide basis (sites are handled individually, if at all). Habitat Acquisition programs and opportunities, such as those of the SCC and NRCS, should be implemented as much as possible to address this priority problem.

3.2.6 HABITAT

Key Programs:

- County Development Review, Permitting, and CEQA Review
- County Estero Area Plan, Transfer of Development Credits, Agricultural Preserve Programs
- County Parks Master Plan, Elfin Forest Resource Management Plan
- City Waterfront Master Plan
- CCRWQCB & CDFG CEQA Review
- CCRWQCB & SWRCB CWA 401 Water Quality Certification
- ACOE CWA Sections 404 and 10 Permits
- Habitat Acquisition and Restoration Programs of SCC, ACOE, USFWS, and NRCS
- USEPA Nonpoint Source/CZARA
- MEGA and the Steering Committee of the Partnership for the Conservation of Coastal Dunes around Morro Bay and Los Osos
- BF Conservation Land Program

Problems and Suggestions:

Local plans should designate or rank areas most likely to address this priority problem along with the focus of the local plan. Mapped ESHs at the county plan level are based on the USFWS National Wetlands Inventory which has not been ground-truthed and is based solely on aerial photos. The CCRWQCB has insufficient resources to provide a thorough review and comment on CEQA documents. CCRWQCB staff time should be increased for CEQA document review and CWA 401 Water Quality Certification preparation. ACOE should consider regional or watershed permitting (along with other approaches to streamlining permitting). Streamlining the permit process may provide an incentive for landowners wishing to install and implement management measures on their property.

Habitat Acquisition programs and opportunities, such as those of NRCS and the SCC should be implemented as much as possible to address this priority problem. Currently, there is a streamlining project being implemented by the MBNEP with the CCC, CCRWQCB, SLO County, USFWS, CDFG, and ACOE—the six regulatory agencies with jurisdiction over dredge and fill operations.

3.3 RECOMMENDATIONS

Few new programs are necessary to improve the current institutional framework. This analysis indicates that existing programs should focus on increasing available financial resources, improving interagency coordination, and improving public outreach.

Therefore, recommendations to improve the effectiveness of state and federal agency programs include actions to:

- Capitalize on existing state and federal finance mechanisms to provide more financial resources to local agencies and landowners;
- Improve interagency coordination;
- Increase public education and outreach;
- Implement more comprehensive approaches for developing strategies to address priority problems;
- Provide incentives for implementation of nonpoint source pollution control; and
- Expand existing monitoring activities.
- Permit streamlining project (see APDP projects)

The specific actions to improve the institutional framework are described in the BPA. In the BPA, these actions are presented in tables illustrating their correlation with both the priority problems of the Morro Bay watershed and with the nonpoint source management measure categories identified in California's *Management Measure Review Document* (1998). The actions recommended in the BPA have been included in or incorporated into the CCMP actions. The Federal Consistency Review is located in Volume III of this CCMP.

