

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF DECEMBER 10, 2009**

Prepared on November 12, 2009

**ITEM NUMBER: 20**

**SUBJECT: Executive Officer's Report to the Board**

This item presents a brief discussion of issues that may interest the Board. Upon request, staff can provide more detailed information about any particular item.

**WATER QUALITY CERTIFICATIONS**

[Dominic Roques 805/542-4780]

In general, staff recommends "Standard Certification" when the applicant proposes adequate mitigation. Measures included in the application must ensure that beneficial uses will be protected, and water quality standards will be met.

Conditional Certification is appropriate when a project may adversely impact surface water quality. Conditions allow the project to proceed under an Army Corps permit, while upholding water quality standards.

Staff will recommend "No Action" when no discharge or adverse impacts are expected. Generally, a project must provide beneficial use and habitat enhancement for no action to be taken by the Regional Board. A chart on the following pages lists applications received from October 1, 2009 to November 9, 2009.

**WATER QUALITY CERTIFICATION APPLICATIONS RECEIVED FROM OCTOBER 1, 2009 THROUGH NOVEMBER 9, 2009**

Applicant	Project	Purpose	Location	County	Receiving Water	Total Acreage <sup>1</sup>	Mitigation	Status of Application
Montecito Country Club	Montecito Country Club Golf Course Redesign and Restoration	Redesign existing golf course and restore existing underground drainages to daylight.	Montecito	Santa Barbara	Sycamore Creek	0.202	To Be Determined	Montecito Country Club
County of Santa Barbara	El Colegio Road Improvement Project, Phase II	To improve circulation and accommodate traffic generated by the recently constructed San Clemente Graduate Student Housing Project.	Goleta	Santa Barbara	Goleta Slough	0.14	To Be Determined	County of Santa Barbara
Todd Muck -- Transportation Agency for Monterey County	Carmel Hill and River Class I Bicycle Trail Project -- Alternative 2: Shortened Trail	To provide safe and separate bicycle facility	Carmel Highlands	Monterey	unnamed tributary to the Carmel River	0.29	To Be Determined	Todd Muck -- Transportation Agency for Monterey County

<sup>1</sup> Total Acreage includes both temporary and permanent impacts to riparian, streambed, and/or wetland environments within federal jurisdiction.

## STATUS REPORTS

### Update on Agricultural Waste in Nipomo Creek [Angela Schroeter 805/542-4644]

At the May 2008 and August 2009 Board Meetings, members of the public (Mr. Daniel Diaz and Mr. Ralph Bishop, Nipomo Creek Dogs) commented on the continuing presence of agricultural waste, including irrigation drip tubing and fertilizer bags, in Nipomo Creek and the impacts to aquatic habitat and water quality.

This section of the Executive Officer's Report is to update Board members and the public on activities that staff has completed or planned in the future to address this issue.

#### **Extent of Agricultural Waste in Nipomo Creek and Other Areas**

Water Board staff has received several complaints from the Nipomo Creek Dogs since January 2008 and has met with the complainants on several occasions to discuss the issue of agricultural waste in local creeks. Most recently, in October 2009, the Nipomo Creek Dogs met with staff and provided a document titled "The Destructive Failure of Creek Restoration in Nipomo Creek" that includes several photos of agricultural waste along Nipomo Creek (Attachment 1). Since the initial complaint in January 2008, staff has conducted several site visits to observe the extent of agricultural waste in Nipomo Creek. Staff confirms the presence of agricultural waste, primarily irrigation drip tubing, in Nipomo Creek and agrees that action must be taken to prevent future discharge of agricultural waste, as well as to address the potential impact of waste currently in place. In the case of Nipomo Creek, much of the agricultural waste is now embedded in the creek bed and staff finds that the impact to the riparian habitat due to potential waste removal must also be considered. In addition, local organizations conducting creek cleanup efforts have also observed and removed large amounts of urban waste (green waste, bottles, etc) from Nipomo Creek.

Water Board staff members have observed similar agricultural materials in the Pajaro and Santa Maria watersheds. In addition, local organizations working on water quality issues in agricultural watersheds on the Central Coast have reported similar observations in San Luis Obispo, Monterey, and Santa Cruz watersheds.

#### **Actions to Address Agricultural Waste**

Staff has identified actions to address agricultural waste at the local, site specific scale and at the broader regional scale.

##### *At the local scale –*

Staff has conducted and will continue to conduct inspections related to complaints of agricultural waste in creeks, as time and priorities allow. In addition staff has and will continue to work directly with landowners, property managers, and growers/operators to assess the impacts of agricultural waste and to implement actions necessary to control the discharge of agricultural waste to creeks. For example, staff has confirmed the conditions described in complaints related to Nipomo Creek and has contacted landowners and property managers to discuss the agricultural waste issues and the need to address the impacts to aquatic habitat and water quality. One such landowner is Dana Properties. In addition, staff has drafted letters to require landowners, property managers, and growers/operators to identify and implement actions to

prevent and address agricultural waste impacts to surface water bodies. Staff is also coordinating with state and local agencies (e.g., San Luis Obispo County, Department of Fish and Game) and local organizations working on water quality issues in the region, including groups that organize local creek cleanup days to continue to evaluate the presence of agricultural and urban waste in local watersheds and any follow-up actions that are necessary. Staff would like to recognize the efforts by some landowners, including Y. Hayashi & Sons, to proactively provide large trash dumpster bins for use by their agricultural operators, as well as neighboring growers in the Nipomo Creek area, to collect agricultural refuse such as irrigation tubing.

As mentioned above, existing agricultural waste in areas such as Nipomo Creek often becomes embedded in the creek bed and the removal of such waste may cause further impact to the riparian habitat. Staff will continue to work with the landowners and relevant state and local agencies to evaluate remediation alternatives. At a minimum, landowners may be required to obtain a Department of Fish and Game streambed alteration agreement if agricultural waste removal is deemed the best course of action.

*At the regional scale-*

Staff is considering requirements for inclusion in the renewal of the Order regulating irrigated agricultural discharges (new Ag Order) to explicitly prohibit discharges of agricultural rubbish, refuse, irrigation tubing, or other solid wastes into surface waters or at any place where they would contact or where they could be eventually transported to surface waters. Such a prohibition would address agricultural waste at the regional scale and staff would address the requirement among other watershed priorities. In addition, to further evaluate the relative impacts of agricultural and urban waste to surface water at the regional scale, staff will consider including trash as a pollutant in the next 303(d) List of Impaired Waterbodies of the Central Coast Region (planned for 2012).

## **ADMINISTRATIVE REPORTS**

### Presentations, Education, and Training [Roger Briggs 805/549-3140]

Gene Crumley made his quarterly sojourn to our regional office and provided a group educational opportunity regarding self awareness about how we make decisions. He also provided individual coaching sessions with several staff. Gene has been the director for the UC Davis Executive Program for the past ten years. He is also the vice chair of the Business, Management and Enterprise Department at UC Davis Extension.

### Outreach Strategy [Roger Briggs 805/549-3140]

Our Vision of Healthy Watersheds, through attainment of our goals of Sustainable Land Management, Healthy Aquatic Habitat, and Clean Groundwater, requires coordinated actions of the many people and organizations in each watershed. We realize that the Water Board and staff do not make direct physical changes in our watersheds. Our role is to encourage and require other stakeholders to make the changes that will help meet our goals. Our efforts are about leveraging the actions of people and organizations within our various watersheds.

Our leveraging will be more effective if our water quality stakeholders have a better understanding of the why and how of our Vision and our Goals. Why should they do anything different to help accomplish these goals? How do healthy watersheds affect their quality of life? How can their changes in behavior or actions help their watersheds? They need to understand the value of these goals in their watershed and the value to themselves and their own organizations. With that understanding, we will have shared goals with a much greater chance of significant progress. Even those who are directly regulated by the Regional Water Board frequently have the opportunity to do more for their watersheds than the bare minimum necessary to meet waste discharge requirements.

All of these people will typically be more open to working together towards these goals that we have outlined for their watersheds if they actually know who we are as individuals, staff and Board Members, and if they know about our commitment to these goals. For example, as we have heard at our own Board meetings, some people assume Regional Board members are highly paid for their service. If stakeholders understood that Board members give of their own time, typically reducing their personal and job time, as well as income from their own livelihoods in order to perform a public service for the region, most people would view our goals with a different perspective. We have also seen recent examples of local elected representatives who receive small slivers of information from various sources about the Regional Board and our actions, and those slivers are not accurate or representative of the true situation.

Although County Supervisors are full time paid employees, they have such a broad range of responsibilities and demands that many of them do not have a very good understanding of the Regional Water Board, its members, its authority, responsibilities, Vision, etc. City council members are very part time and consequently typically have an even lesser understanding of the Regional Water Board. We will have a difficult time optimizing cooperative actions on our goals and communicating effectively with the cities and counties if we have a large gulf in understanding of the Regional Water Board by the council members and supervisors. Similarly, we can be more effective if we have a better understanding of the issues before these local councils, boards, and districts, and if we have a better awareness of their perspectives on the health of watersheds.

We can accomplish this needed communication and cooperation through various means of outreach. The Regional Board Chair directed the Executive Officer to put this item on the agenda to have the opportunity to discuss our outreach activities and opportunities, which are listed below.

Outreach Activities:

1. A letter from the Board chair to these organizations that would describe some of the basics of our mission and who we are, including our Board member makeup that includes two former Central Coast city mayors, and included in the past a County Supervisor.
2. Individual meetings with councils and supervisors
  - a. With the council as a whole or the Board of Supervisors as a whole (similar to the study session the Chair and Vice Chair and staff participated in with the Salinas Council on January 20).
  - b. With individual council members and supervisors
3. Presentations at gatherings that these people are already attending (e.g., the Association of Monterey Bay Area Governments meetings).

The Executive Officer and staff are already doing items 2. and 3. above to some degree by meeting with many city and county representatives and presenting at some Council, Board of Supervisor meetings, special interest or association meetings (e.g., Public Works Association meeting recently in Salinas), and Chamber of Commerce meetings, as well as meeting with legislators on occasion. However, these are frequently prompted by specific issues as opposed to being focused on the bigger picture and overall understanding and cooperation we are talking about with this item.

We will discuss the idea of a subcommittee of the Board, or individual Board members going to various local government sessions, with support from staff. Such endeavors are usually very time consuming for both Board members and staff, so we need to be reasonably assured we are accomplishing results that warrant the expenditure of time. If not, we should adjust our outreach method.

Another idea that the Board should discuss is the notion of succession planning for the Board. How can the Board recruit members that have the potential to truly strengthen the Board in its ability to fulfill its mission? Who within our region embraces the concept of long term sustainability of our watersheds and our watersheds' ability to function in a healthy manner in perpetuity? Who has demonstrated the ability to balance competing interests while holding the line on environmental protection? Through discussions with the stakeholders as outlined in this report, Board members may find individuals who show real promise as possible future Water Board members, and we could then follow up with those individuals. The Governor is responsible for these appointments, but the Governor needs to be informed of who the best candidates are.

We should proceed with option one, followed by options two and three with any Board members willing and able to volunteer. We should treat this strategy as a pilot venture, evaluate effectiveness, and then adjust as appropriate.

#### **ATTACHMENT**

1. "The Destructive Failure of Creek Restoration in Nipomo Creek" (Report by Ralph Bishop, October 2009)