

COASTAL CONSERVANCY

Staff Recommendation

April 27, 2006

SANTA MONICA BAY RESTORATION PLAN

File No. 00-117

Project Manager: Marc Beyeler

RECOMMENDED ACTION: Authorization to disburse up to \$1,000,000 to the City of Malibu for the Civic Center Stormwater Improvement Project, and up to \$350,000 to Santa Monica Baykeeper for the Regional Kelp Restoration Project, to implement the Santa Monica Bay Restoration Plan approved by the Coastal Conservancy on August 2, 2001, Los Angeles County.

LOCATION: In and along Santa Monica Bay, and in the Malibu Creek sub-watershed, Los Angeles County (Exhibit 1)

PROGRAM CATEGORY: Resource Enhancement

Exhibits

Exhibit 1: Regional Location Map

Exhibit 2: Bay Watershed Council Resolutions

Exhibit 3: 12-04 Staff Recommendation

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the following actions to implement the Santa Monica Bay Restoration Plan (the “Bay Plan”), approved by the Conservancy on August 2, 2001, as more specifically described in the accompanying staff recommendation:

For the Malibu Civic Stormwater Improvement Project, disburse an amount not to exceed one million dollars (\$1,000,000) to the City of Malibu; and

For the Kelp Restoration Project, disburse an amount not to exceed three hundred fifty thousand dollars (\$350,000) to Santa Monica Baykeeper.

These authorizations are subject to the condition that prior to disbursement of funds for any individual project, the grantee shall submit the following for review and written approval of the Executive Officer of the Conservancy: a final work program, schedule and budget for the project; all contractors to be employed for the project; evidence of all permits and approvals for the project; and only for the Malibu Civic Center Stormwater Project, a program for the installation of sign(s).”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed projects are consistent with the guidelines and criteria set forth under Chapter 6 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
2. The proposed projects are consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.
3. The projects proposed for funding have been identified in the respective Local Coastal Plan as requiring action to resolve existing or potential resource protection problems, consistent with Public Resources Code Section 31252.
4. The Santa Monica Baykeeper is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

Staff recommends the Conservancy authorize funding for two specific projects to implement the Santa Monica Bay Restoration Plan (the Bay Plan), approved by the Conservancy on August 2, 2001. The two projects proposed for Conservancy action in this authorization are described below.

Civic Center Stormwater Improvement Project

City of Malibu \$1,000,000

This project involves the installation of a stormwater treatment facility to provide filtration and disinfection of dry-weather flows and “first flush” runoff from three stormdrains in the Malibu Civic Center adjacent to lower Malibu Creek and Lagoon. The three stormdrain sites at Cross Creek, Malibu Road and Civic Center will each include a diversion structure, screening device, and a pump station. The stormdrain flows will be diverted, screened and pumped to a treatment facility to be constructed adjacent to the Civic Center stormdrain. Flows from the three drains will be processed through the stormfilter device and disinfected through an ozonation process.

Regional Kelp Restoration Project

Santa Monica Baykeeper \$350,000

The Santa Monica Baykeeper (working with the California Coastkeeper Alliance) is currently implementing the second three-year phase of the Southern California Regional Kelp Restoration Project, focused on Santa Monica Bay and related marine habitats of the Southern California Bight. In December 2004, the Coastal Conservancy approved Conservancy funding to support

this project. In 2005, the Santa Monica Bay Watershed Council recommended additional funding for this project from Proposition 12 grant funds to be used to implement the Santa Monica Bay Restoration Plan. At its October 2003 meeting, the Santa Monica Bay Restoration Commission adopted the goal of “increasing kelp coverage within Santa Monica Bay by 20% by 2008.” This funding is intended to help achieve this stated goal of the Commission and the Santa Monica Bay Watershed Council. The proposed funding will allow the Santa Monica Baykeeper to continue its kelp restoration, and monitoring and stewardship, activities at three sites along the Malibu coastline of northern Santa Monica Bay.

Site Description: The Santa Monica Bay watershed encompasses approximately 400 square miles subdivided into separate sub-watershed drainages. The Santa Monica Bay watershed is divided into two major topographic areas: the Los Angeles coastal plain and the Santa Monica Mountains. The Santa Monica Bay watershed is one of the nation’s most highly urbanized regions. Bordered on the north by the Santa Monica Mountains divide, on the east by Griffith Park, on the south by Point Fermin, and on the west by the eastern portion of Ventura County, the watershed encompasses residential areas, commercial and industrial areas and undeveloped open space lands, primarily within the Santa Monica Mountains. There are 28 separate drainage basins within the Santa Monica Bay watershed.

The Malibu Creek watershed is the second largest watershed draining into Santa Monica Bay. The Malibu Civic Center stormdrains currently drain to Lower Malibu Creek and Lagoon. Just west of Malibu Lagoon, along the Escondido Beach shoreline, is one of the major kelp resource areas of Santa Monica Bay.

Project History: In recognition of the need to protect Santa Monica Bay and its sub-watersheds, in May, 1988, the State of California and the U.S. Environmental Protection Agency (US EPA) nominated and included Santa Monica Bay in the National Estuary Program (NEP). Established under the Water Quality Act of 1987 and managed by the US EPA, the NEP includes more than two dozen significant estuaries and coastal water bodies nationwide.

As an NEP, the Santa Monica Bay Restoration Project (SMBRP) is charged with assessing the Bay’s pollution problems, and with producing the Bay Restoration Plan to serve as the blueprint for the Bay’s long-term recovery. In 1995, the Santa Monica Bay Restoration Plan was approved by the State of California and the US EPA. The Bay Plan includes 250 actions, including specific actions focused on habitat conservation, enhancement and restoration, pollution prevention and treatment control, and assessment, education and monitoring.

The Bay Plan includes several goals, including: (1) reducing pollutant loadings to and prevent degradation of the waters of Santa Monica Bay; (2) reducing human health risks associated with swimming in or harvesting seafood from the Bay; and (3) restoring, rehabilitating and protecting the marine ecosystem, living resources and biodiversity of the Bay and its watersheds. Specifically, the Bay Plan has identified the protection, restoration, and creation of wetlands within the Bay as a major goal of the project.

The Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12) earmarked \$25,000,000 to the Coastal Conservancy for restoration of Santa Monica Bay in accordance with the goals and priorities of the Bay Plan.

Proposition 12 requires the Bay Watershed Council, the stakeholder board of the Restoration Project, to determine project eligibility and grant priorities. Working with Conservancy staff, the

Santa Monica Bay Restoration Project staff has solicited project proposals that would achieve the goals of the Bay Restoration Plan and address its water quality and natural resource protection objectives. Both of the projects recommended for funding in this authorization have been approved for funding by the Bay Watershed Council (Exhibit 2).

PROJECT FINANCING:

Proposition 12-Santa Monica Bay Restoration Plan:	
Malibu Civic Center Stormwater Project:	\$1,000,000
Regional Kelp Restoration Project :	\$ 350,000
Total Projects Cost	\$1,350,000

The source of Conservancy funds is an appropriation to the Conservancy from Proposition 12, the "Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000," for projects to implement the Santa Monica Bay Restoration Plan.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed projects would be undertaken pursuant to Chapter 6 of the Conservancy's enabling legislation, Public Resource Code Sections 31251-31270.

Pursuant to §31251, the Conservancy may award grants to enhance coastal resources. The projects proposed for funding will enhance fish and wildlife habitat in coastal wetlands and coastal watersheds in Santa Monica Bay, and therefore are consistent with this section.

Consistent with §31252, the project areas have been identified in the respective certified local coastal plan as requiring public action to resolve existing or potential resource protection problems or so identified in other local plans. See the "Consistency with Local Coastal Program Policies" section below for details.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 5 Objective A**, the proposed Malibu Civic Center stormwater project will increase coastal resource conservation by restoring and enhancing coastal wetland and stream corridor resources within the Malibu Creek watershed. The Malibu Civic Center stormwater project will enhance lagoon water quality and the health of aquatic resources in the lagoon.

Consistent with **Goal 5 Objective C**, the proposed Regional Kelp Restoration project will result in the restoration of kelp resources within Santa Monica Bay watershed.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed projects are consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** These projects will be funded with monies appropriated to the Conservancy from Prop.12 for implementing the Santa Monica Bay Plan.
3. **Support from the public:** Implementation of the Santa Monica Bay Restoration Plan has widespread public and agency support. The Santa Monica Bay Watershed Council includes members from private industry, the general public, community environmental organizations, as well as local, regional, state and federal agencies.
4. **Location:** The proposed projects are located within Santa Monica Bay and the Malibu Creek sub-watershed drainage.
5. **Need:** The Santa Monica Bay Restoration Plan identifies the significant natural coastal resources that require public action to conserve, enhance and restore natural resources of state-wide interest.
6. **Greater-than-local interest:** Santa Monica Bay has been identified by both the State of California and the US EPA as a coastal water body of national significance. The Santa Monica Bay watershed contains much of the remaining wetlands within Los Angeles County, a priority of the Southern California Wetlands Recovery Project.

Additional Criteria

13. **Realization of prior Conservancy goals:** The Coastal Conservancy has been involved in resource protection, enhancement and restoration projects within the Santa Monica Bay watershed for more than a decade, including projects focused on improving coastal water quality and coastal nearshore resources within the Bay. Implementation of these projects at this time will contribute to the fulfillment of long-standing Conservancy goals. The Coastal Conservancy has also been involved in enhancement and restoration planning for the Malibu Creek watershed for the past several years. Currently the Coastal Conservancy is providing staff and financial resources for the several habitat restoration and coastal access projects within the Malibu Creek watershed.
15. **Cooperation:** The Santa Monica Bay Restoration Project is a cooperative venture involving a broad range of interested and affected stakeholders including private industry, citizens, environmental groups, and local, regional, state and federal agencies.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The projects address improvements to habitat and water quality in and adjacent to the Malibu Creek watershed along northern Santa Monica Bay. These projects are consistent with the Malibu Local Coastal Plan and Land Use Plan adopted by the California Coastal Commission on September 13, 2002. The LUP contains policies that protect the environmentally sensitive habitat areas in Malibu, including riparian corridors along streams and creeks. In addition, the LUP provides protection for marine resources, including kelp forests, intertidal areas, and nearshore shallow water habitats. LUP Policy 3.81 states that "efforts....to increase monitoring to assess the

conditions of nearshore species, water quality, and kelp beds, and to rehabilitate or enhance areas that have been degraded by human activities shall be encouraged and allowed.”

COMPLIANCE WITH CEQA:

The proposed projects are categorically exempt from review under the California Environmental Quality Act (CEQA).

Pursuant to 14 Cal. Code of Regulations Section 15301, the Malibu Civic Center Stormwater Project is exempt because it involves minor changes to the municipal storm drain system within the existing public right-of-way.

Pursuant to §15301(h), the Regional Kelp Restoration Project is exempt because it involves only the maintenance of existing landscaping and native growth. Kelp restoration involves the planting of kelp onto bottom substrate areas which historically hosted kelp plants. No alteration of the nearshore marine bottom environment is involved in the program.

Staff will file Notices of Exemption upon approval.