

**D-R-A-F-T Report on Findings and Recommendations
Regarding Local Strategies
for Protecting Rivers, Streams, and Wetlands
in Coastal Southern California**

INTRODUCTION

This Draft Report summarizes findings and recommendations from a special Public Advisory Committee Meeting of the Southern California Wetlands Recovery Project (WRP) held on October 2, 2003. The Report is to partially satisfy requirements of a Proposition 13 grant awarded to Environment Now on behalf of the WRP. The grant required the convening of a panel, which former Huntington Beach City Council Member and former Coastal Commissioner Shirley Dettloff agreed to chair, to discuss how local authorities can be used to protect wetlands and watersheds in the region. (See attachment for panel members.) The Report will also partially satisfy requirements of a Coastal Conservancy grant awarded to Environment Now calling for local government outreach.

The panel discussion was preceded by distribution of an overview report, Using Local Ordinances to Protect Water Resources by Krista Sloniowski, that described the disconnect between water resources protection and land use and some of the approaches that are being used to integrate the two. This overview report was summarized at the meeting. In addition, Bob Thiel reported on the City of Santa Barbara's unsuccessful effort to amend its ordinances to include an urban stream setback (the proposal met with intense community resistance and was pulled back for further study by the City.) The discussion was also introduced by a presentation from Lorraine Rubin, a planner with the County of Ventura who has received a USEPA grant entitled Making Better Use of Local Land Use Planning Tools to Protect Wetlands to examine this issue in her County.

This draft report is being circulated for comments by panel members before it is submitted in final form to the State Water Resources Control Board and the State Coastal Conservancy. Assembly Member Fran Pavley's aide, Mary Sue Maurer participated in the meeting and has said that the Assembly Member may be willing to help sponsor forums to further discussion of these issues. **Please either mark up this draft and send comments by fax to 323/954-9907 or provide them by e-mail (feel free to use "track changes" feature of Word) by October 31.**

FINDINGS

PRINCIPLES

1. Prevention. An ounce of prevention is worth a pound of cure: Protecting sensitive habitats such as wetlands, streams, and riparian areas before they are degraded is less expensive and more effective than trying to restore them after they have been polluted, encroached upon, or channelized. Despite this fact, the over \$10 billion in bond monies for open space and water resources passed in the last five years is slated mainly for acquisition and restoration with relatively few funds for planning and protection.

2. Land Use Authorities. Water resources management, including the protection of streams and wetlands, has not been adequately incorporated into local land use planning authorities (e.g., General and Specific Plans, Zoning Ordinances, Building Design Requirements, Subdivision Fees and Agreements, and Redevelopment Zones) which are the most effective way to address the land-based causes of water resource degradation and loss. Land use planning has well-established processes that govern the actions of local government and private landowners. Watershed Management Plans, which *have* been funded with bonds, are not typically incorporated into these land-use planning processes and, therefore, risk being irrelevant.

3. Initial Local Focus. Although international and United States based research indicates that local land use planning is more likely to be implemented effectively if it occurs within the context of broader federal and/or state legislation (e.g., the federal Coastal Zone Management Act, the California Coastal Act, and Local Coastal Plans), success at this juncture in coastal Southern California may be more likely by using existing authorities and starting at the local level rather focusing on broad, overarching State policies and legislation. Even at the local level, it may be best to look to a particular place or project to illustrate broader, county-wide issues as a means to engage support for incorporating wetlands and watershed protections into land use authorities.

LAND USE PLANS

4. Local Land Use Plans. The best Best Management Practices (BMPs): Despite the critical importance of local land use plans in guiding where and how development occurs, many are decades old and extremely out of date, even though state law requires that they be updated every five years. Updating archaic plans can be expensive both in terms of the technical information needed and the public process required. Local government, which is now squeezed more than ever for resources, is unlikely to make planning a priority without funding, technical assistance, and pressure from the community.

5. Integrated Planning. Ultimately the different elements of land use plans must be better integrated (i.e., the housing, transportation, and open space elements of a plan are integrally connected to the conservation element). Moreover, the various components of the conservation element (water, forests, soils, fish and wildlife, minerals, etc.) need to be interrelated and, the different aspects of water

resources themselves (supply, quality, flood management, ground water protection, wastewater, stormwater, and protection and restoration of water-related habitats) need to be considered together. The Cities of Huntington Beach and Dana Point have developed water quality master plans which establish water as the cornerstone of planning activity in those jurisdictions.

6. Plan Implementation. Even if a jurisdiction has good plans in place, they won't be implemented without ongoing political pressure (e.g., the Dana Point water quality master plan and significant ecological areas in Los Angeles County both demonstrate a strong planning features that aren't being well implemented.) For coastal cities, local coastal plans (LCPs) are the most important planning document because they can regulate almost any activity that has an environmental impact and because citizens have recourse to improve implementation if an approved LCP is not followed.

ROLES

7. Elected Officials. Land-use planning is simply not high on the agenda of political leaders whose time is dominated by issues of greater immediacy and with more intense advocates. While constituents may become intensely focused on a particular project, this often occurs very late in the permitting process when options are greatly constrained. State and federal comments, too, come very late, e.g., in the project specific NEPA/CEQA process rather than in developing the overall general and specific plan frameworks.

8. Community Organizations. Good things depend on citizens: Although community environmental organizations are the best situated to track land use issues at the local level, generate interest, and influence decision makers, most are not involved and are not familiar with land use planning and plan implementation processes. Community organizations can also aid local government in building support for new land use planning initiatives.

TECHNICAL ASSISTANCE

9. Maps and Assessment Methods. To this day, local government has neither adequate definitions for delineating wetlands and riparian corridors, nor adequate means to map these areas. It also lacks a method for assessing the condition of these resources, which is critical for determining how to condition development projects. The Science Panel of the Wetlands Recovery Project is developing methods for mapping these resources in enough detail to be of use for local planners for assessing their condition, and for monitoring condition over time, but at current levels of funding, it will take five or more years before these tools are complete.

10. Historical Conditions. Information about the historic extent and character of these resources would help determine how and where to restore them and

suggest how to direct mitigation and other funds. This historic information is scattered in many places and must be compiled into a usable format. Historic ecology projects have occurred elsewhere but none has yet been initiated in coastal Southern California.

11. Model Documents and Approaches. Examples of model policy documents and approaches are available, but not widely disseminated. Planners and policy makers need to be educated about the possible ways they can use or adapt existing authorities to better protect wetlands, streams, and riparian areas.

12. Research for Ordinance Development. Developing ordinances requires a great deal of local research and data compilation ranging from current on-the-ground and social conditions and trends to alternative future scenarios as well as public outreach programs. Sometimes universities can assist in this effort, but funds are needed to oversee and pay for the work.

13. Development Project Proponents. Many architects, builders and developers are eager to design their projects so as to enhance the larger community, but may need resources describing BMPs and incentives (e.g., tax breaks, TDRs) for pioneering new approaches.

14. Coastal Commission Staff. For coastal cities, the California Coastal Commission staff is available to assist in the development of local coastal plans (LCPs).

15. Impervious Surface. While the ratio of pervious to impervious cover is of great interest for land-use planning, it raises many vexing questions that need to be addressed in the Southern California context before any consensus on plan and building guidelines could emerge. New development may account for only a small fraction of impervious cover, so retrofits to capture water at existing sites may be an important consideration. While some want to focus at the subwatershed level, sprawl is the greatest cause of imperviousness and that must be addressed on a regional level. This is difficult because there are two contradictory things that people dislike—density, which is the solution to sprawl, and sprawl itself. The Coastal Commission has tried to launch a Nonpoint Education for Municipal Officials (NEMO) program in California to begin addressing imperviousness in the context of plans, site design and land use regulations, but it has languished for lack of funds.

16. Information Sharing. Although web sites and digital newsletters are a good way to provide information updates relating to technical assistance, initially meetings and workshops are the best way to engage interest in new approaches to an issue and then to promote other, follow-up channels of communication.

FINANCIAL RESOURCES & INCENTIVES

17. Incentives. Incentives are critical to generate enthusiasm and cooperation, and should be designed to work with existing mandates—for local government (e.g. the requirement to update land use plans) and developers—to promote water resources protection through local land use authorities. Rather than trying to institute something on a large scale, the state and federal government might offer some financial or local control incentives to jurisdictions to pilot new initiatives that link watershed planning and protection to land use planning.

18. Mitigation Banks. At the local, state and federal level, projects with small impacts to aquatic resources are permitted without any mitigation requirements because of the high transaction costs associated with assessing impacts, approving plans to mitigate impacts, and overseeing small mitigation projects at many different locations. Often in lieu fees are not required because there is no ready, agreed-upon way to determine the impacts and costs of a project—measuring the current condition at the site, determining project impacts, and assessing what a mitigation project would have cost and collecting that amount to be invested elsewhere. The Army Corps of Engineers, however, does assess in lieu fees, but is seeking organizations such as local government or nonprofits that could invest those fees in mitigation banks—large restoration sites where success is more likely—and oversee those banks in perpetuity. Banks could be set up to restore publicly owned wetland and riparian sites or to fund conservation easements and restoration on private lands.

19. Taxing Growth Inducing Impacts. Voluntary water transfers and desalination plants are likely to play an increasing role in water supply and to have growth-inducing impacts. The transfers and plants could be taxed to provide instream flow, aquifer recharge, and mitigation fees—the latter to provide for land use planning and implementation to address growth impacts.

20. Leveraging Resources for Local Water Projects. By convening a “table” of those representing sanitation districts, water districts, flood control departments, and parks/habitat to plan for water resources activities and projects in a more comprehensive and integrated way at the local (and regional) level, resources could be leveraged for multi-benefit activities and would ultimately attract additional resources from the state and federal governments.

RECOMMENDATIONS

These recommendations center on what the Public Advisory Committee of the Wetlands Recovery Project can do starting now. Many other recommendations might follow from the findings above, but initially the focus is on first steps that can build the momentum and capacity for even more ambitious undertakings in the future. The PAC’s Bylaws charge it with communicating local interests to the state and federal agencies sitting on the Governing Board of the WRP and broadening the constituencies with interests in protecting wetlands and watersheds in coastal Southern California. Thus, the recommendations focus on

what the PAC can recommend to the Governing Board and what the PAC itself and its members can do to promote wetland and watershed protection through local land use to local government and community organizations.

PAC RECOMMENDATIONS TO WRP STATE AND FEDERAL AGENCY PARTNERS

1. Support Local Pilots. The state and federal partner agencies comprising the WRP Governing Board individually and collectively should recognize the critical role local government can play in protecting wetlands and watershed resources and seek to provide incentives—funds, regulatory flexibility, or technical assistance—for pilot efforts that integrate water resources protection into local land use planning authorities.
2. Complete Wetlands Mapping. Recognizing that without maps of wetlands and riparian corridors agencies cannot amend plans and community organizations are hampered in watchdog efforts, the state and federal WRP partner agencies should give high priority to defining wetlands and completing wetlands maps at a level of detail useful to local government.
3. Complete and Promote CRAM. Recognizing that without a straightforward and consistent method to assess wetland habitat quality, local government cannot—in a way perceived as legitimate—impose mitigation requirements or judge the success of mitigation projects, the state and federal agencies should give high priority to having the WRP Science Panel and the other regional partnerships the Science Panel is working with to complete the California Rapid Assessment Methodology (CRAM) and conduct trainings in its use.
4. Assist in Developing Mitigation Criteria and Banks. Given that local government is permitting many development projects with small impacts, the region is losing environmentally and economically. A subset of WRP partner agencies should assist a willing local governmental entities in establishing some different types of mitigation banks. Ventura County, for example, might be willing to explore creating a bank to compensate riparian agricultural land owners for establishing and restoring riparian buffers.

PAC, PAC MEMBERS, STAFF & COUNTY TASK FORCES

5. Identify Interested Parties. Working with Panel Chair, Shirley Dettloff, and CalCoast, develop a list of contacts within local jurisdictions in coastal Southern California--elected official(s), employees most involved in wetlands and watershed work, and nonprofit organizations with greatest potential interest and capacity to monitor and influence in local land use issues.
6. Plan Workshop(s). Working with Panel Chair, Shirley Dettloff, CalCoast, a subset of the interested parties, and Assembly Member Fran Pavley's office, and

others, develop program for workshop(s) that would (a) describe the importance of local land use planning for protecting watershed resources; (b) provide discussion and directory of available resources for local government; (c) offer panel and handbook for local community organizations on how to influence local land use decisions; and (d) elicit additional ideas for what local resources (model programs, skilled and committed people) exist or should be cultivated.

7. Foundation Funding. Working with Environment Now and others, propose a “protecting water resources through local authorities” initiative that could help fund

- Development and promotion of essential tools like maps and the California Rapid Assessment Methodology;
- Creation of a pilot historical ecology project whose methodology would use historic societies, universities, and other local resources to describe conditions prior to European settlements and provide benchmark for understanding restoration potential;
- Reviews of local authorities analogous to that funded for Ventura County by the USEPA;
- Capacity building in community organizations to influence local land use planning;
- Pilot programs such as seed money for developing
 - mitigation banks,
 - a NEMO program for Southern California,
 - a study on tax or instream flow requirements for growth inducing water resources development activities like voluntary water transfers or desalination plants,
 - a “table” of water-related districts and agencies (water districts, sanitation districts, flood control agencies, and park and recreation departments) to propose how they could leverage resources to fund a mutually beneficial, integrated water resources protection and restoration program within a local jurisdiction.
- A high-profile, must-attend affair for local elected officials with the new Governor, other important decision-makers (Secretary of the Interior, EPA Administrator) and/or celebrities at a glitzy location to showcase the importance of devolving authority and resources for environmental protection to the regional and local levels—perhaps with some major policy announcement or support expressed for innovative local or regional initiative to bring attention and commitment to this area.

ATTACHMENT: PANEL MEMBERS

Asterisk indicates could not attend meeting, but involved in commenting on documents.

Shirley Dettloff, Chair (former City Council Member, Huntington Beach, former California Coastal Commissioner)

Steve Aceti, Executive Director, California Coastal Coalition, an advocacy organization representing coastal cities and counties in legislative and executive agency decision-making processes.

*Brian Brennan, Council Member, City of San Buenaventura

Jeff Catalano, Aide to City Council Member Jan Perry, Los Angeles

Rachel Couch, Aide to Supervisor Susan Rose, Santa Barbara County Board of Supervisors, 2nd District

*Stephanie Dorey, Mayor, City of San Clemente

Gary Dymesich, Resource Manager, Western Division, Vulcan Materials Company

*Doug Gibson, Executive Director, San Elijo Lagoon Foundation

*Rick Harter, Executive Director, Los Angeles and San Gabriel Rivers Watershed Council

Jennifer Hranilovich, Trust for Public Land

David Kay, Southern California Edison

Jill Komoto, Watershed Program Manager, Community Environmental Council of Santa Barbara

David Lloyd, NRG Energy Company

*Kevin McKeown, Mayor pro Tem, City of Santa Monica

Lindell Marsh, Attorney and consultant in developing watershed management processes

Kathie Matsuyama, Watershed Planner, County of Orange

Mary Sue Maurer, District Aide to Assembly Member Fran Pavley

Tim Piasky, Southern California Building Industry Association

Lorraine Rubin, Planning Department, County of Ventura, also representing Supervisor Steve Bennett, Ventura County Board of Supervisors

*Pam Slater, Supervisor, San Diego County Board of Supervisors, 3rd District

Fran Spivey Weber, Executive Director, Mono Lake Committee

Sat Tamaribuchi, The Irvine Company

Terry Tamminen, Executive Director, Environment Now, a non-profit foundation

Holly Veale, Chief of Staff to Supervisor Tom Wilson, Orange County Board of Supervisors, 5th District

Jean Watt, President, Friends of Harbors, Beaches and Parks of Orange County

Damon Wing, Analyst, Wishtoyo Foundation & Ventura Channel Keeper

David Younkman, Consultant advising local foundations on environmental issues

Also attending

Trish Chapman, State Coastal Conservancy

Conner Everts, Executive Director, Southern California Watershed Alliance

Greg Gauthier, Environment Now

Shawn Kelly, Environment Now

Mary Loquvam, Environment Now

Bob Thiel, Environment Now

Krista Sloniowski, US Army Corps of Engineers