



**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY**

2001

**SANTA MONICA BAY RESTORATION PROJECT  
REPORT TO THE LEGISLATURE**

DIVISION OF WATER QUALITY  
STATE WATER RESOURCES CONTROL BOARD  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



## **SANTA MONICA BAY RESTORATION PROJECT 2001 REPORT TO THE LEGISLATURE**

On September 29, 2000, Governor Davis signed legislation amending the California Public Resources Code (Division 20.7(commencing with Section 30988) requiring the Secretary for Environmental Protection, in consultation with the Secretary of the Resources Agency to make recommendations to the Legislature regarding coordination of state policies to restore and enhance Santa Monica Bay, and, “whether long-standing environmental issues merit the development of a single lead agency and whether the Santa Monica Bay Restoration Project is an institutional point of departure for such an agency.”

This Report makes specific recommendations for coordination of state policies and the Santa Monica Bay Restoration Project (SMBRP).

### **BACKGROUND**

Santa Monica Bay is one of California’s most important natural resources, vital to its marine life, birds, and wildlife, and to the more than nine million people who live within an hour’s drive of its shores. The Bay’s beaches are invaluable recreational resources, its habitats are home to a rich diversity of resident and migratory wildlife, and its health is key to the Southern California regional economy. However, Santa Monica Bay has long been adversely affected by the ills associated with its close proximity to the heavily urbanized Los Angeles metropolis. All too often, the multiple uses of the Bay – as vital habitat, playground for millions of residents and visitors, source of food, as well as the recipient of urban wastes – have created conflict and threatened its health and vitality.

Over the last decade, the environmental condition of Santa Monica Bay has steadily improved; however, past actions and current activities continue to impact its welfare. Pollutant discharges from wastewater treatment facilities have declined and beaches are closed less frequently but are still posted with health warnings as a result of high bacterial counts after winter storms and summer-flowing storm drains. Storm water runoff, containing oil and grease, excess nutrients, pesticides, trash and heavy metals continue to contaminate the Bay and impact its living resources. Habitats within the Bay, along its coastline and in its watersheds are rapidly being degraded or lost due to development, inappropriate land use practices, and invasion by non-native plant species.

In 1988, the State of California and the United States Environmental Protection Agency established the Santa Monica Bay Restoration Project as a National Estuary Program (NEP). The NEP is designed to encourage local communities to take responsibility for managing their own estuaries. An NEP team creates and implements a plan that addresses the range of environmental problems facing the estuary, while recognizing and balancing the needs of the estuary and community. The Santa Monica Bay Restoration Project is the NEP team for the Santa Monica Estuary. One of the first among 27 National Estuary Programs nationwide, the SMBRP is funded by the US Environmental Protection Agency, the State of California, and the Santa Monica Bay Restoration Foundation. A coalition of environmentalists, government, scientists, business, and the public, the SMBRP was formed to develop and implement a comprehensive plan to ensure the long-term health of Santa Monica Bay, the 266-square mile body of water located adjacent to the heavily urbanized, second most populous region in the United States. Implementation of the Restoration Plan, approved by the State of California and the US EPA in March 1995, is now underway. Developed under the auspices of the Clean Water Act's National Estuary Program, the Plan set forth a comprehensive blueprint for the restoration and protection of Santa Monica Bay. Since 1995, significant progress toward implementation of the Plan has been achieved, however full realization of the Plan's goals has been hindered by lack of adequate financial resources.

In 1989, the SMBRP received its first grant from the USEPA for staffing. There are currently five Board staff working on the Project. The SMBRP is budgeted through the State Water Resources Control Board, and housed at the office of the Los Angeles Regional Water Quality Control Board.

In addition to developing the Bay Restoration Plan, the SMBRP has undertaken a number of significant projects and programs that support and further the goals of Bay restoration and protection. The SMBRP:

- Secured twenty-five million dollars (\$25 million) of Proposition 12 bond financing for implementation of priority actions of the Santa Monica Bay Restoration Plan. In partnership with the Coastal Conservancy, currently managing 24 Santa Monica Bay pollution prevention and habitat restoration projects that are being implemented by local municipalities, community groups and universities.
- Performed innovative research projects aimed at providing answers to the question of public health risks associated with swimming in the Bay. Found human viruses in urban runoff, and designed the West Coast's first-ever epidemiological study to address human health risks associated with swimming in contaminated runoff.
- Initiated development of the first municipal stormwater permit for control of urban runoff in L.A. County.
- Spearheaded restoration of lower Zuma Creek and Lagoon.

- Established the Public Involvement and Education (PIE) Fund, a program which provides funding for schools, inner-city youth, environmental groups and municipalities to educate and involve the public in Bay resource and pollution prevention efforts.
- Performed the first technical study to quantify pollutant loads associated with urban runoff for the Santa Monica Bay watershed.
- Conducted research on DDT/PCB contamination of Bay seafood and analyzed sport fish consumption patterns of anglers. This research provided better information to communicate to local communities about potential health risks associated with consumption of Bay seafood.
- Created a nation-wide campaign for school-age children (utilizing the Teenage Mutant Ninja Turtles) to raise awareness about issues relating to urban runoff and storm drain pollution. Co-authored comic and coloring books in three editions for lakes, rivers, and bays and oceans.
- Convened scientific and technical experts to establish the framework for coordinated monitoring in Santa Monica Bay.
- Conducted projects to establish new breeding sites for the California least tern (an endangered species) and to demonstrate the feasibility of treating dry-weather storm drain flows with ozone.
- Educated beach-goers about marine debris and provided stations for depositing and recycling trash. Acted as a Los Angeles County coordinator for Coastal Cleanup Day (1990-1994), tripling the number of cleanup volunteers.
- Developed an inventory of existing, historic and potential wetland sites in the Santa Monica Bay watershed.
- Conducted a public opinion survey to gauge the public's attitudes toward the Bay and their willingness to participate in its restoration.
- Initiated the Southern California Clean Boating Network to increase awareness and education about boater-related point and nonpoint sources of pollution and to improve communications within the boating and marina community.
- Directed a multi-agency Septic System Management Task Force to address the potential human health and water quality problems associated with discharge of waste from residential and commercial on-site waste disposal systems in Santa Monica Bay watersheds.
- Promoted Los Angeles County bond financing for storm water and urban runoff projects.

- Organized financing for the Southern California Beach Valuation Study in order to secure more reliable estimates of the economic values of the Bay's resources and to improve economic analyses of pollutant management measures.
- Conducted innovative research to determine factors that impact the health and abundance of kelp forests in Santa Monica Bay.

## ISSUE

Lack of clear institutional identity has clouded the SMBRP's (and ultimately the broader stakeholder community's) role in the oversight and implementation of critical restoration programs. There is no lead agency designated and required to monitor, assess, or coordinate state programs affecting the beneficial uses, restoration, and enhancement of the Santa Monica Bay. There are a multitude of agencies with jurisdiction over the Santa Monica Bay, but no requirement for coordination or planning of their activities.

New threats and opportunities for Santa Monica Bay restoration are continually revealed, along with the need for action to address them. Sustaining the public's commitment for a restored and protected Santa Monica Bay requires a long-term and significant investment of public and private resources. Without the designation described in the Public Resources Code, the SMBRP lacks the institutional stature necessary to be considered as the most appropriate recipient of settlement and grant funds for restoration work in the Santa Monica Bay.

The Public Resources Code codifies the SMBRP as created within the State Water Resources Control Board but does not establish the organization's purposes, role, structure, and/or jurisdiction. It does however, mandate that the Secretary of Cal/EPA, in consultation with the Secretary for Resources and the SMBRP, recommend to the Legislature the "most efficient and environmentally sound measures to coordinate state policies to restore and enhance Santa Monica Bay." Specifically, the parties "shall consider whether long-standing environmental issues merit the development of a single lead agency and whether the Santa Monica Bay Restoration Project is an institutional point of departure for such an agency."

The Secretary for Resources, the SMBRP Steering Committee, and Cal/EPA staff met several times to consider these issues. While often raising new issues, these discussions resulted in the following recommendations:

1. The SMBRP be restructured as a three-part partnership, to include:
  - The non-regulatory, state entity with local watershed representation, that exists within the SWRCB, along with participation from the Cal-EPA and Resources Secretaries to ensure coordination of "efficient and

environmentally sound” state action and financing on behalf of Santa Monica Bay and to leverage federal funding for the Bay;

- Creation of local/regional joint powers agreement(s) to leverage local funding, and to directly undertake projects such as a regional monitoring program, implementation of pollution abatement projects, education and outreach, research, and wetland and habitat restoration; and
  - A non-profit community-based foundation to leverage private contributions for Santa Monica Bay protection, education, and research, and to actively involve the business and civic communities in Bay stewardship.
2. Implementation of this three-pronged partnership will require that several initiatives be undertaken:

**1. Enactment of legislation that clarifies the authorities and jurisdiction of the SMBRP.**

Recognizing that State budget resources are presently limited, it is first recommended that legislation be enacted that follows on SB 57 (Hayden, Chapter 983, Statutes of 2000) by clarifying in statute the purposes, roles, authorities and jurisdiction of the SMBRP. This legislation should include language that would enable the SMBRP to directly advocate for and obtain funding as budget resources allow and create a special Santa Monica Bay Restoration Account through which federal and state funds could be deposited and expended. Current State funding for the SMBRP, allocated through the State Water Resources Control Board, should be maintained.

**2. Development of a Memorandum of Understanding that memorializes the roles and structure of the SMBRP as a state inter-agency partnership.**

Cal-EPA and Resources Secretaries, in coordination with the SMBRP staff, will draft a Memorandum of Understanding that addresses the SB 57 mandate for “efficient and environmentally sound measures to coordinate state policies to restore and enhance Santa Monica Bay.” This MOU would make operational the partnership of public agencies and local organizations that embody the SMBRP and set forth its governing structure and responsibilities.

**3. Development of a Joint Powers Agreement(s) and re-vitalization of the non-profit community-based Foundation.**

The members of the current Santa Monica Bay Watershed Council should move forward their efforts to pursue local joint powers agreements, which would enable the SMBRP to identify new local funding, directly undertake projects and increase staff capacity. To ensure integration of activities, it is recommended that the state inter-agency partnership created through the MOU and legislation should be a signatory/member of the JPA. Local parties

should also continue to pursue efforts vis-à-vis the Santa Monica Bay Restoration Foundation.

Until such time that new legislation and the inter-agency MOU are enacted, the existing mechanism for operation of the SMBRP and Bay Watershed Council should continue as currently established. It is expected that the SMBRP and its Bay Watershed Council will evolve into these new entities and governing boards, and ultimately be in a stronger position to accelerate Bay restoration activities and initiatives.

### **CONCLUSION**

Establishment of an inter-agency, collaborative state entity focused on Santa Monica Bay would certainly advance both Cal/EPA and Resource Agency efforts to promote comprehensive watershed and coastal resource management. Such an entity would promote effective allocation of funding to projects that best advance Bay restoration needs, would facilitate “efficient and environmentally sound” coordination of state policies to restore and enhance the Bay, and would help to build and sustain public stewardship and commitment for a restored and protected Santa Monica Bay. This new inter-agency initiative, focused on the restoration of Santa Monica Bay, would be the opportunity to build upon the successes achieved to date – and to build a strong foundation for a healthy and restored Bay that is sustained for present and future generations of Californians.