

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
FEBRUARY 15, 2006

ITEM 4

SUBJECT

ADOPTION OF LANGUAGE TO CLARIFY THE TERM “COASTAL” FOR THE COASTAL NONPOINT SOURCE POLLUTION CONTROL PROGRAM IN THE 2005-06 CONSOLIDATED GRANTS PROGRAM GUIDELINES (GUIDELINES)

DISCUSSION

The State Water Resources Control Board (State Water Board) adopted the Guidelines at their January 4, 2006, meeting. Since adoption of the Guidelines, staff have discovered that the current definition of coastal in the Guidelines inadvertently excludes the San Francisco Bay.

The Guidelines state “Coastal refers to areas under the jurisdiction of the California Coastal Commission.” Therefore, coastal projects are those that restore and protect the water quality and environment of coastal waters, estuaries, bays, nearshore waters, and groundwater under the jurisdiction of the California Coastal Commission. The California Coastal Act defines the areas under the jurisdiction of the California Coastal Commission. Furthermore, the California Coastal Act states that the “the coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission.¹” The intent of the Guidelines was not to exclude projects that would restore and protect the water quality and environment of the San Francisco Bay.

Based on the inadvertent exclusion of the San Francisco Bay from the definition coastal, staff recommends the 2005-06 Consolidated Grants Program Guidelines be amended to clarify that “coastal” also refers to areas under the jurisdiction of the San Francisco Bay Conservation and Development Commission. Staff presents the following addition, shown in bold italics, to the language in the first sentence, in the second paragraph, of Section III.D, on page 16, of the Guidelines:

“Coastal refers to the areas under the jurisdiction of the California Coastal Commission and the San Francisco Bay Conservation and Development Commission.”

POLICY ISSUE

Should the State Water Board adopt the revised “coastal” language as presented above for inclusion in Section III.D of the Guidelines?

¹ Public Resources Code, Division 20, Section 30103(a).

FISCAL IMPACT

Not applicable.

REGIONAL WATER BOARDS IMPACT

Yes, all Regional Water Boards. The greatest impact will be to the San Francisco Bay Regional Water Board.

STAFF RECOMMENDATION

That the State Water Board adopt language to clarify the definition of “coastal” in the Guidelines.

Policy Review _____
Legal Review _____
Fiscal Review _____

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 –

ADOPTION OF LANGUAGE TO CLARIFY THE TERM “COASTAL” FOR THE COASTAL
NONPOINT SOURCE POLLUTION CONTROL PROGRAM IN THE 2005-06
CONSOLIDATED GRANTS PROGRAM GUIDELINES (GUIDELINES)

WHEREAS:

1. The State Water Resources Control Board (State Water Board), adopted the Guidelines at its January 4, 2006, meeting;
2. The Guidelines, as adopted, inadvertently exclude projects that protect and restore the water quality and environment in the San Francisco Bay from participation in the Proposition 50 Coastal Nonpoint Source Pollution Control Program; and
3. The State Water Board has considered input from the California Coastal Commission and San Francisco Bay Regional Water Quality Control Board regarding this clarification to the “coastal” language in Section III.D of the Guidelines.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts the following new language, as shown in bold italics, for inclusion in the first sentence, in the second paragraph, of Section III.D, on page 16, of the Guidelines:

“Coastal refers to the areas under the jurisdiction of the California Coastal Commission and the San Francisco Bay Conservation and Development Commission.”

CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 15, 2006.

Selica Potter
Acting Clerk to the Board