

**James Fitzgerald Reserve Pilot CCA Project Pilot
Special Meeting Called by San Mateo Resource Conservation District
March 02, 2007 Summary**

Participants:

In person: Kellyx Nelson- Resource Conservation District (RCD); Rich Allen-Moss Beach Ranch and RCD; Al Wanger, Jack Gregg, Lisa Sniderman-Coastal Commission; Sam Herzberg-San Mateo County Parks; Carolann Towe-Surfrider
Phone-In: Carmen Fewless-Regional Water Quality Control Board; Ann Stillman-County of San Mateo DPW; Kathryn Slater-Carter-Montara Water and Sanitary District

This was a special meeting called by the RCD to discuss interests and concerns of participating agencies and organizations in the Critical Coastal Areas (CCA) pilot balancing regulatory requirements with voluntary participation.

Agenda items, key discussion points, agreements:

1. Introductions-Discuss interest/concerns about balancing regulatory requirements with voluntary participation

Carmen thanked Lisa for establishing the group and getting us to this point. Lisa thanked everyone for their participation in the Winter CCA Workshop and received good feedback. Several people noted that the workshop was successful. Each person described their interest re: balancing regulatory requirements with voluntary participation in the CCA. Some of the key issues included: how to deal with having multiple roles, e.g., working on San Mateo coastal issues outside of the CCA project in addition to working on the CCA project; selling the CCA to landowners as a terrific opportunity for volunteer participation, non-regulatory approach because they know there's no threat; separating out regulatory responsibilities from CCA pilot project roles; getting more local ownership of the CCA pilot; noting that both regulatory hammer and voluntary participation are both essential; streamlining the process for good water quality and a healthy environment; being aware of perception of how business is conducted verses actuality; concern among regulators about how to diligently investigate complaints as they are required to do without compromising willing participation by other stakeholders. Kellyx felt that this discussion is a result of "growing pains" and that it is a great opportunity to be working out these difficult issues now. Several people hoped that our results could serve as a model for other CCAs or watershed planning efforts.

2. Review Decision-Making Structure of Fitzgerald CCA

So far the CCA Pilot Subcommittee has worked by consensus and does not have a binding document such as an MOU. The informal poll that RCD took of some of the CCA stakeholders is that they do not identify themselves as part of the CCA project (unlike the CCA Steering Committee). Lisa noted that the group included a section on decision-making in its pilot project write-up, but admits that people don't know about it, and that it was very broad and not binding. Kellyx proposed that we clarify the decision making process to the stakeholders (similar to Pilarcitos Creek MOU) and perhaps consider a formal MOU in Phase II. Sam noted that having a written agreement

explaining how the group works would make the County more comfortable. Kellyx noted that RCD would like to be the local host for the CCA effort given their coordinating role, but have not yet been funded to do this work. Kellyx noted that for Phase II, the RCD would like to send a letter out to all landowners in the watershed explaining what the CCA pilot is doing, and Kathryn noted the District has addresses. Kellyx noted that the RCD could have CCA standing agenda item at their RCD Board meetings, and perhaps could coordinate CCA Steering Committee meetings and a local public workshop. Kellyx also noted surprise among many stakeholders that the hiring for the CCA was done without stakeholder consultation. Al explained that after some of the CCA pilots in the Northern and Southern part of the state applied and were grant funded (because they were Areas of Special Biological Significance), Coastal Commission searched for a way to support the other three pilots. There was no systematic program support so when EPA offered some money, we had to come up with a project relatively quickly and act on the opportunity. Since then, the Fitzgerald Marine Reserve CCA has evolved to a point where we can now discuss our governance. It was noted that it would be good to have the buy-in of decision makers. There was a question as to why Association of Bay Area Governments was involved and Al noted it was in part, SFEI contracted to them because they collect and manage demographic data and have a lot of experience in regional government. Lisa brought up questions about the \$900,000 Phase II grant since CCC has not been a part of the decision making about the allocation-e.g., was part of this grant intended to go to the RCD and for what work related to the CCA pilot? (See next steps for more discussion)

3. Review RCD's Proposed Draft "Statement of Intent Regarding Voluntary Participation in Fitzgerald Marine Reserve Critical Coastal Areas Program"

Kellyx passed out and e-mailed a draft statement of intent-providing an approach for how to balance regulatory responsibilities and voluntary participation in the CCA pilot project. Kellyx walked through her draft document for the group. The group agreed that a Statement of Intent is a good way to proceed. The Statement of Intent can help set ground rules for how to handle complaints that may come to us and communicates the process to others. It was noted that one of the best specific examples of the value of working with regulatory agencies is Regional Board postponement of the Total Maximum Daily Load process based on good coordination of the Fitzgerald Marine Reserve CCA pilot project and waiting to see the results. Lisa noted that it's possible that the letter of intent may be broader than just voluntary participation and for all of us to think about what we are trying to capture in the letter.

Permit streamlining was also discussed briefly including Sustainable Conservation's efforts. The State Board's Enforcement Policy was also noted-Al described the basic tenets and Lisa noted she'd send a link out with the minutes. A fact sheet for the NPS Enforcement Policy can be found at:

<http://www.waterboards.ca.gov/nps/docs/npsfactsheet.pdf>

Action Item:

ALL: Please review Draft "Statement of Intent Regarding Voluntary Participation in the Fitzgerald Marine Reserve Critical Coastal Area Program" and send

comments to Kellyx (kellyx@sanmateorcd.org). We will continue discussion of the draft letter at our next CCA Pilot Subcommittee meeting.

4. Next steps/Emerging Issues/Action Items

Next Steering Committee meeting will be on **Tuesday, April 19, 10 am-12 pm** at Montara Water and Sanitary District. Tentative Agenda will be covering these five main items:

- (1) Status of Phase I tasks-Watershed Assessment, MM Evaluation, Impervious Surface and roles of Pilot Subcommittee;
- (2) Governance and decision making;
- (3) Workshop Follow up (e.g., breakout group list for Phase II activities, partnerships/subcontracts, Steering Committee roles, timelines etc);
- (4) Draft Statement of Intent letter;
- (5) Coordination/permitting (not necessarily in this order).

Kellyx also announced that the next Blue Circle meeting will be on Neighbors-Public and Private Lands-April 3, 3:30-5:30pm (contact Kellyx for more information).