

MINUTE ITEM

This Calendar Item No. 27
was approved as Minute Item
No. 27 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

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ADOPTION OF A RESOLUTION TO RECOMMEND THE NOMINATION
OF THE MORRO BAY ESTUARY BY THE GOVERNOR
TO THE NATIONAL ESTUARY PROGRAM

Morro Bay is the central coast's largest wetland. The bay's shallow lagoon, fed by Chorro and Los Osos Creeks, supports salt marsh, tidal mudflats, coastal scrub and other biotic communities. Sixty-six species of birds breed in the bay, and it is among the most significant migratory stops in the Pacific Flyway. Sea otters and other marine mammals use the bay on a year-round basis, and is also an important breeding and nursing area for a number of species important to coastal commercial and recreational fisheries industry.

The Bay has experienced tremendous pressures recently with changing land uses, increasing population density, and the associated water use and pollution pressures. The bay is impacted by identified pollution problems that are not being addressed completely by the current regulatory framework or pollution control efforts. Additionally, the public perceives the problems in the bay as serious, and is demanding that improvements be made in water quality and marine resources as well as in protection of public health. The management conference proposed for Morro Bay under the National Estuary Program (NEP) is an essential step toward addressing these problems.

A citizens advocacy group, The Friends of the Estuary at Morro Bay (Friends), has requested support from the Commission to facilitate the nomination of Morro Bay by the Governor to the NEP which is administered by the Environmental Protection Agency under Section 320 of the Clean Water Act, as amended, 33 U.S.C. Section 1330.

The purpose of the NEP is to identify nationally significant estuaries, protect and improve their water quality, and enhance their living resources. A management conference consisting of federal, state, and local agencies, as well as interested academic and scientific institutions, industries and citizen groups would be convened to determine what actions to take to protect or restore the estuary.

BACKGROUND

Concern for the natural resources of the Morro Bay ecosystem was expressed by State Senate Resolution No. 176 (1966) which recognized the importance of the Morro Bay estuary to the people of California as a unique wildlife habitat.

At its meeting of March 25, 1976, the State Lands Commission adopted a resolution exercising the public trust which declared that lands within the southern portion of Morro Bay, embraced within Tideland Locations 131 and 220, be preserved in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area, and that no changes be made in any activities, improvements, or facilities which are incompatible with the foregoing.

In 1988 an effort by the City of Morro Bay and the County of San Luis Obispo to nominate Morro Bay to the NEP met with failure as San Francisco Bay and Santa Monica Bay were determined to have a higher priority and existing funds for that year limited the number of estuaries which could be nominated. Commission staff supported the County's effort to nominate Morro Bay to the NEP.

The Friends of the Estuary at Morro Bay have been encouraged by the EPA's expressed interest in Morro Bay as a nominee to the NEP. With the help of members of the Morro Bay Task Force, they have prepared a draft nomination package for the Governor's review. This draft package has been reviewed by the Office of Environmental Affairs (OEA) and the State Water Resources Control Board (SWRCB), and the Secretary of Environmental Affairs may make a recommendation to the Governor for nomination of Morro Bay to the NEP upon review of the final nomination package.

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In 1989, the EPA accepted nominations for four more National Estuaries to be included in the NEP; and although November 1, 1989 was given as the deadline date for the Governor's nomination of Morro Bay to the NEP, Friends are hopeful that a favorable response by the EPA to their nomination package will lead to Morro Bay being added as the fifth estuary.

Morro Bay offers the EPA the opportunity to achieve its goals of protecting and improving the water quality and enhancement of living resources in a significant estuary. The Bay's relatively pristine condition, the simplicity of its political environment (only the City of Morro Bay and the County of San Luis Obispo) and widespread public support should allow for a successful management conference. The other estuaries nominated to the NEP involve complex political relationships with multi-state, multi-county or multi-city involvements. Additionally, the high levels of pollution and development in these estuaries add additional complexity to the problem which may never be fully resolved.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal Code Regs 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal Code Regs 15378.

2. Pursuant to P.R.C. 6370, et seq., this activity involves lands identified as possessing significant environmental values of statewide interest and classified as Class A - areas where public use should be minimized to preserve the integrity of the natural environment as a whole. The proposed activity is consistent with use classification designated for the land.

EXHIBITS:

- A. Location Map
- B. List of Letters of Support (on file in the principal office of the Commission).

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES OF STATEWIDE INTEREST. THE INCLUSION OF THIS AREA INTO THE NATIONAL ESTUARY PROGRAM WILL HELP ASSURE PERMANENT PROTECTION FOR THE IDENTIFIED ENVIRONMENTAL VALUES AS REQUIRED BY P.R.C. 6370.
3. AUTHORIZE THE STAFF TO TRANSMIT A LETTER TO THE GOVERNOR ON BEHALF OF THE COMMISSION RECOMMENDING THAT THE MORRO BAY ESTUARY BE NOMINATED TO THE NATIONAL ESTUARY PROGRAM ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY AS ESTABLISHED BY THE WATER QUALITY ACT OF 1987, WHICH ADDED SECTION 320 TO THE FEDERAL CLEAN WATER ACT, 33 U.S.C. SECTION 1330.

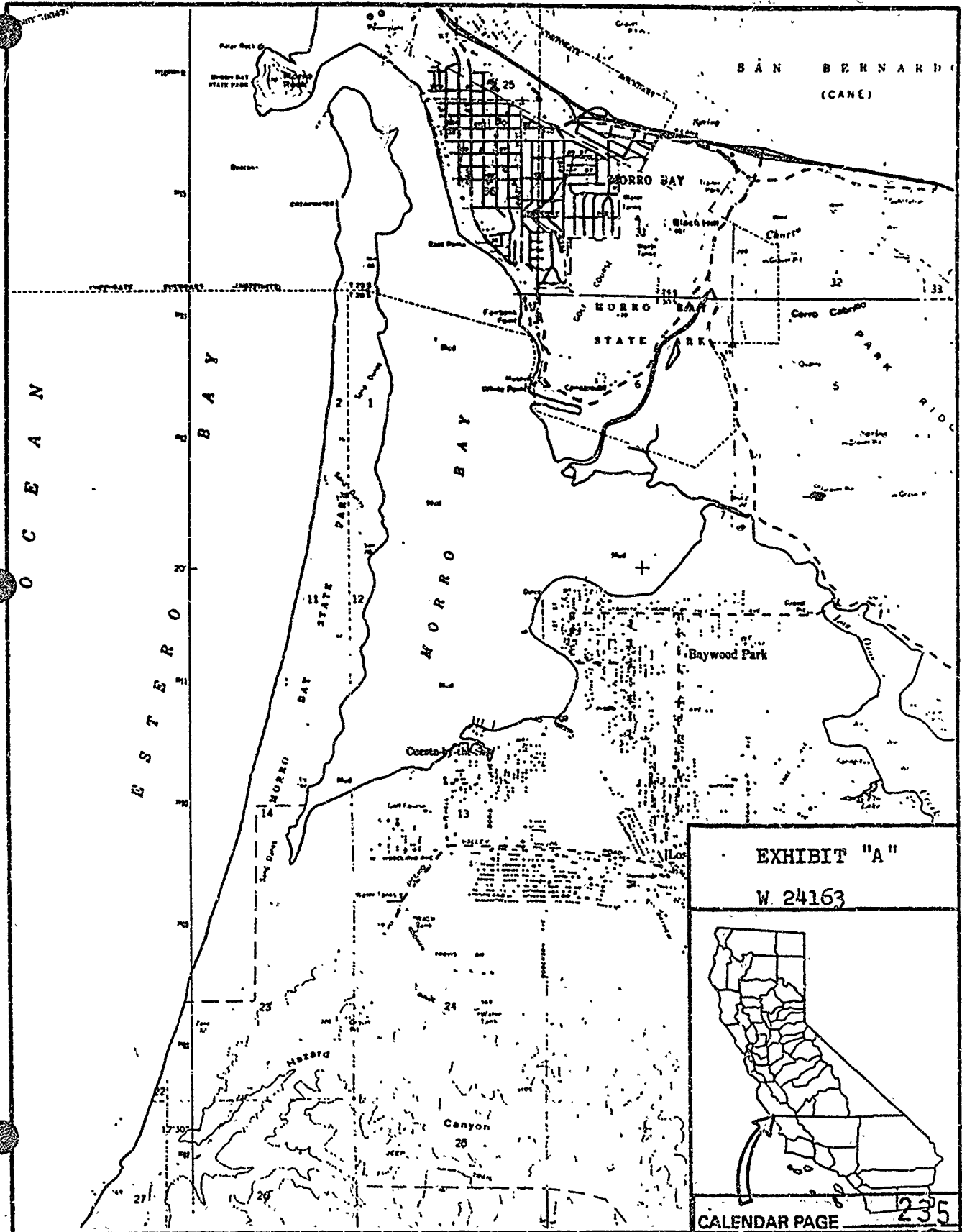


EXHIBIT "A"
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EXHIBIT "B"

Letters of support for the Nomination of Morro Bay to the NEP on file with the State Lands Commission

Sept. 9, 1988 Congressman Leon E. Panetta, letter to the Governor

Sept. 27, 1988 William R. Leonard, Executive Officer, California Regional Water Quality Control Board, Central Coast Region, letter to the State Water Resources Control Board and to the Secretary of Environmental Affairs

Aug. 5, 1988 Assemblyman Eric Seastrand, letter to the Governor

Aug. 12, 1988 State Senator Kenneth L. Maddy, letter to the Governor

June 29, 1988 Peter Grenell, Executive Officer, California Coastal Conservancy, letter to San Luis Obispo County Board of Supervisors

July 15, 1988 E.C. Fullerton, Regional Director, National Marine Fisheries Service, NOAA, letter to Supervisor William B. Coy

July 7, 1988 Tim Rochte, Area Manager, San Luis Obispo Center, California Conservation Corps, letter to Supervisor William B. Coy

July 14, 1988 Ella Honeycutt, President, Coastal San Luis Resource Conservation District, letter to San Luis Obispo County Board of Supervisors

July 26, 1988 San Luis Obispo County Board of Supervisors, letter to the Governor

July 25, 1988 Resolution by the City of Morro Bay petitioning the Governor to consider the nomination of Morro Bay to the NEP

Oct. 30, 1989 Jananne Sharpless, Secretary of Environmental Affairs offering support

Oct. 10, 1989 Congressmen Leon E. Panetta

Oct. 10, 1989 Small Wilderness Area Preservation, Los Osos -Morro Bay Chapter

Oct. 10, 1989 The League of Women Voters of California

Oct. 11, 1989 Sierra Club - Santa Lucia Chapter

Nov. 8, 1989 Los Osos - Baywood Park Chamber of Commerce

Dec. 4, 1989 The Fish and Game Commission