Chapter 5
Implementation

This chapter provides a discussion of how the *Salinas River Long-Term Management Plan* (LTMP) could be implemented. Throughout development of the LTMP, stakeholders emphasized that successful implementation of the LTMP would depend on multiple agencies, organizations, and other stakeholders coming together to manage the resources of the Salinas River. Because no entity has been identified to coordinate such collaboration, many stakeholders advocate the formation of a regional entity—possibly a special district, joint powers authority, state conservancy, nonprofit organization, or a coalition—that could not only manage the LTMP, but also support other planning efforts in the region. This entity would also serve as a conduit for funding and hold responsibilities for coordinating and/or executing LTMP actions, tracking progress of LTMP implementation, reviewing and revising the LTMP through adaptive management, and retaining and managing all data associated with implementation.

This chapter concludes with a discussion of the LTMP's relationship to other planning efforts in the region and summarizes regulations that may apply to LTMP implementation.

5.1 Administration

The issue of LTMP implementation oversight was raised throughout the LTMP development process. The December 5, 2018 working group meeting focused on this issue. Participants discussed that while the Monterey County Water Resources Agency (MCWRA) does currently have extensive authorities under the Agency Act, its current funding is limited and targeted at a narrower set of responsibilities. Some stakeholders suggested that MCWRA develop additional funding and increase staffing to take on the new responsibilities.

Several stakeholders (at both the working group meeting and during planning group meetings) also advocated for a regional entity to oversee river management and whose responsibilities would go beyond implementing the LTMP, namely supporting implementation of other local planning efforts such as groundwater sustainability plans (GSPs), the *Greater Monterey County Integrated Regional Water Management Plan* (IRWM Plan), and the forthcoming *Greater Monterey County Storm Water Resources Plan* (SWRP). Ideally, this entity would address the collective water management needs of rural and urban communities, agriculture, and the environment—including listed species—through coordinated water resource management (surface and groundwater supply) and flood management. Establishing such an entity would constitute a regional, systemic approach to water resource management, acknowledging that all water resources are connected.

The potential responsibilities of an implementation entity and potential governance options are discussed in Section 5.1.1, *Responsibilities*.

5.1.1 Responsibilities

The vision described previously for a single, regional water management entity is expected to take significant time and effort to establish. There is a strong desire by stakeholders to establish, in the short term, a structure to more efficiently communicate and coordinate the overlapping projects of

different entities that work along the Salinas River. Such a structure could improve project efficiency and avoid duplication or conflict. Some stakeholders preferred that a single entity provide this organizational support. This entity would, at a minimum, act as the convener of the many parties involved in river management and support collaboration among these parties. Additional short-term responsibilities of this entity could include the following.

- Draft a Salinas River watershed agreement to guide LTMP implementation.
- Engage academics, landowners, growers, environmental groups, and regulatory agency staff to participate in LTMP implementation.
- Participate in other stakeholder processes or programs that will have an effect on, or be affected by, the management of the Salinas River, and ensure that the management objectives and actions of the LTMP are considered (A-GEN-4).
- Facilitate the establishment of a Salinas River Lagoon management committee (A-LAG-16).
- Encourage participation in the Water Quality Protection Program, which is run by the Monterey Bay National Marine Sanctuary (A-LAG-17).
- Support development of a portfolio of projects, where the purpose and need, complete cost (e.g., design, permitting, construction, mitigation, operation), and benefits are clearly described such that one or more projects can be put on the ballot for voter approval as required by Proposition 218. Cost and benefit analysis must, at a minimum, be quantitative (A-WAT-4).
- Identify funding opportunities for management action implementation (Section 5.2, *Funding*, provides discussion).
- Build from existing efforts of the Greater Monterey County Regional Water Management Group to provide structure and organizational support to grant development efforts so that multiple stakeholders do not submit conflicting applications to the same program. Identify appropriate grant partnerships and ensure consistent messaging for LTMP implementation.
- Serve as the fiscal agent and grant administrator for secured grants.
- Track implementation of LTMP management actions, including management projects and activities (Section 5.1.1.1, *Monitoring and Adaptive Management,* provides discussion).
- Engage property owners regarding necessary permitted improvements (A-LAG-15).
- Provide regulatory compliance guidance to landowners seeking to implement management actions.
- Consider creating a long-term structure to maximize all Salinas River management planning efforts and implementation.

There was no firm agreement on the appropriate structure of a long-term administrative approach to LTMP implementation, but many stakeholders agreed that the approach could—and likely would—evolve over time. The success of a single entity leading LTMP implementation would depend on the entity's ability to add value to existing organizations. Stakeholders also advocated strongly for the entity to be established only after a clear purpose and need are defined. Once established, this entity could—in addition to the responsibilities listed previously—work to prioritize, schedule, advocate, facilitate, and monitor the implementation of the LTMP and other river management activities.

5.1.1.1 Monitoring and Adaptive Management

Management is an ongoing process that should be monitored, evaluated, and adjusted as needed. Accordingly, as management evolves, the LTMP will likely need to be reviewed and revised. Having the ability to monitor these changes is critical to the successful implementation of the LTMP, and to guide future LTMP revisions. The following sections describe three types of monitoring recommended by stakeholders during the LTMP development process.

Effectiveness Monitoring

The process of tracking the success or failure of management actions is called *effectiveness monitoring*. Effectiveness monitoring helps determine if a management action is achieving the desired outcome(s) and, if not, how that management action could be altered to improve chances of success.

In order to assess accurately the outcome of a management action, an effectiveness monitoring approach needs to be established that likely includes monitoring protocols, target indicators, a monitoring schedule, and success criteria. These factors are typically addressed through a monitoring program established for one or more specific management actions at the time the action is implemented or shortly thereafter.

In recent years, state resource agencies have begun establishing programs and tools to monitor implementation and effectiveness of conservation projects, particularly as related to aquatic resource monitoring. The Wetland and Riparian Area Monitoring Plan is one such program developed through a collaboration of the California Environmental Protection Agency and the California Natural Resources Agency. The Wetland and Riparian Area Monitoring Plan is a plan for comprehensive monitoring and assessment of aquatic resources using a watershed or landscape context, and it utilizes other existing data monitoring and management tools including the California Rapid Assessment Method and EcoAtlas. Monitoring the implementation of LTMP management actions may be facilitated through use of such existing frameworks.

Adaptive Management

Adaptive management is a decision-making process that adjusts actions as uncertainties become better understood or as conditions change. Monitoring the outcomes of management is the foundation of an adaptive approach, and thoughtful monitoring can both advance scientific understanding and modify management actions iteratively (Williams et al. 2007).

The cornerstone of an adaptive management program is an approach in which effectiveness monitoring yields scientifically valid results that inform management decisions. Information collected through monitoring, experiments, and ongoing regional planning efforts should be used to inform progress toward LTMP goals and objectives. Furthermore, because new information is becoming available on an ongoing basis, it is important to ensure that this information is shared broadly, and that it is interpreted and applied to ongoing planning efforts, including potential future revisions to this LTMP.

Data Management

When management actions are successful, it is important that the information gained be tracked and used to improve other components of LTMP implementation. On the other hand, when management

actions are implemented but do not achieve the desired outcome, it is equally important to record those failures, learn from them, and not repeat them. During LMTP implementation, it will be important to track the status of management action implementation and newly identified management approaches. At a minimum, stakeholders recommended maintaining a spreadsheet identifying the status of all management actions currently in progress or completed. However, for a program such as that envisioned for Salinas Valley water resource management (i.e., a regional, systemic approach), a much more robust data tracking system will be needed. The Conservation Action Tracker for California's Central Coast[1] is an example of a web-based platform that tracks projects in the region. EcoAtlas[2] is another web-based tool used by many regulatory agencies for tracking conservation and mitigation projects. It would also be helpful to consolidate and make publically available the extensive GIS-based data used in developing this LMTP, as well as the geographic data used for other planning projects.

The Salinas River watershed benefits from an abundance of information that has been developed, or is in development, regarding its many resources. Appendix G, *Data Source Summary and Data Gaps Identification,* identifies many of these data sources and reports. As new studies are completed, and as other planning efforts advance, additional information related to Salinas River management will be developed. Stakeholders recommended establishment of a data clearinghouse. Local stakeholders, including the Central Coast Wetlands Group, have developed such platforms in other parts of California to help manage program data and make that data available to partners and other interested parties.

5.1.2 Governance Options

There are several options of how to structure the governance of a new entity that could serve the functions described previously. During a working group meeting held on December 5, 2018, several possible governance options were discussed. These options are summarized briefly in this section.

Special District

California Special Districts are local government agencies that local residents form when they want their community to have new or better services and/or infrastructure. Each special district focuses on providing specific types of services. Local examples include MCWRA, the Resource Conservation District of Monterey County, Castroville Community Services District, Northern Salinas Valley Mosquito Abatement District, and Moss Landing Harbor District.

Joint Powers Authority

As authorized under California Government Code Section 6502, a *joint powers authority* is an entity formed by two or more public agencies by agreement, that jointly exercise any power common to the contracting parties, including, but not limited to, the authority to levy a fee, assessment, or tax. Local examples include the Fort Ord Reuse Authority (the entity redeveloping the former Fort Ord and preparing a habitat conservation plan [HCP]); Monterey Bay Community Power (the Community Choice Aggregation set up to provide energy to Monterey, Santa Cruz, and San Benito Counties); and the Salinas Valley Basin Groundwater Sustainability Agency (GSA).

[1] https://www.ccactiontracker.org/

[2] https://ptrack.ecoatlas.org/

State Conservancy

A *state conservancy* is an agency established to promote and protect a certain part of the California landscape that is deemed by the California legislature to be of particular importance. Conservancies fall under California's Natural Resources Agency, although each is governed by its own board composed of individuals representing federal, state, local agency, and non-governmental interests. The San Diego River Conservancy is an example of a watershed-based state conservancy established to meet needs of the environment, cultural resources, floodwater management, and local economies. The Sierra Nevada Conservancy is an example of a state conservancy established to meet multi-benefit needs of the environment, local economies, and social well-being.

Nonprofit Organization

Established under U.S. Internal Revenue Code Section 501(c)(3), a *nonprofit organization* qualifies for federal tax exemption and is usually considered a public charity, private foundation, or private operating foundation. Nonprofit organizations also include unincorporated associations. Examples of local nonprofit organizations include the Salinas River Stream Maintenance Program River Management Unit Association, Community Foundation for Monterey County, Communities for Sustainable Monterey County, Elkhorn Slough Foundation, and the Steinbeck Center Foundation. Examples of nonprofit organizations focused on watershed health include the Sacramento River Watershed Program, Eel River Watershed Improvement Group, and the San Joaquin River Parkway and Conservation Trust.

Coalition

A *coalition* is an alliance for combined action for a specific purpose. Coalitions can be legislatively established or can be voluntary with varying degrees of binding commitment.

- *Legislatively established coalitions* are state, federal, or state/federal agencies formed through legislation. Examples include the San Francisco Estuary Partnership and the Puget Sound Partnership.
- *Voluntary coalitions* are not bound by jurisdictional or regulatory requirements. Often these types of coalitions establish their purpose, roles, and responsibilities through a memorandum of understanding. Examples include the Santa Clara River Floodplain Protection Program and the San Lorenzo River Committee.

5.2 Funding

Identifying and securing implementation funding is a critical challenge for any management plan. Section 2.2, *Jurisdiction and Funding Mechanisms,* and Section 4.3.4, *Management Funding Sources are Needed*, discuss some of the funding challenges specific to the LTMP. Nonetheless, funding opportunities do exist and can also be created. Throughout the LTMP development process, various funding opportunities were suggested by stakeholders. During the special meeting of the MCWRA Board of Directors on January 11, 2019, opportunities for funding development of the forthcoming HCP were discussed. The sources of funding identified by LTMP stakeholders, and during the special meeting of the MCWRA Board of Directors, are summarized in Table 5-1, together with specific approaches relevant to each source.

Table 5-1. Potential Implementation Funding Sources

Funding Source	New/ Existing	Previously Used	Notes
MCWRA Board of Directors and County Board of Supervisors	New	Yes	Approaches could include: • funding commitment through an adopted resolution • annual budgetary funding
Voter-approved (Proposition 218) assessments, taxes, and/or fees	New	Yes	• Applicable to project-specific funding needs, although projects can be large-scale and broadly described • Would likely require a sunset date • Highest support would be for those projects that are multi-benefit, supporting the needs of the entire community
Federal, state, and local partnerships	New; possibly existing	Yes	• Work directly with elected officials at all levels, including the new governor, to: ○ Appropriate Salinas River-specific funds (federal or state) ○ Include as a line-item on next state water bond • Work with state and federal agencies that are landowners or oversee management of the Salinas River • Apply for funding through the Clean Water State Revolving Fund • Establish a new fee based on the approach used for Salinas Valley Basin GSP development • Establish connection to GSP implementation
Grants	Existing; possibly new	Yes	• Engage trade associations and other nongovernmental organizations to apply for and implement grants • Hire an administrator to help apply for and administer grants • Identify sources of matching funds (often needed for grants)

MCWRA = Monterey County Water Resources Agency; GSP = groundwater sustainability plan

Other opportunities for funding include:

- Private and nonprofit sources (e.g., foundations, land trusts, The Nature Conservancy, partnering with landowners and growers).
- MCWRA land or other assets to sell or use as collateral to secure a loan.
- Engaging the County of San Luis Obispo for possible contributions.

The LTMP stakeholders anticipate that funding for the LTMP will come from many of the previously listed opportunities.

Appendix I, *Grant Opportunities* provides a list of grant programs that may be applicable to management needs of the Salinas River.

5.3 Relationship to Other Planning Efforts

In addition to identifying a lead entity—or convener—for implementation, stakeholders were clear that successful implementation of the LTMP would depend on many partners coming together to collectively manage the Salinas River's many resources. This will require coordination between LMTP implementation and other efforts.

Several existing planning efforts are expected to implement many of the management actions identified in Tables 4-1 and 4-2. Because these other planning efforts have different goals and are being led by different agencies and stakeholders, there is a risk that they may implement management actions inconsistent from this LMTP. Indeed, throughout LTMP development, stakeholders raised concerns that the LTMP and other ongoing or future planning efforts need to be consistent with one another. Stakeholders also said that ideally, each new plan would build on the information and approaches developed during previous planning efforts. This concern was captured in management objective O-GEN-3, "Ensure the LTMP is a driver in the development of future programs and projects (e.g., HCP, GSP)." MCWRA's anticipated HCP and the development of the GSPs (Section 2.4.2.3, *Groundwater Sustainability Plans*) are of primary concern; each of these is briefly described below. Other programs also provide opportunities for implementation partnerships and are also briefly described below.

5.3.1 Habitat Conservation Plan

Operation of MCWRA facilities and management of the sandbar at the mouth of the Salinas River Lagoon may cause "take" of several listed species. The development of an HCP, under Section 10 of the federal Endangered Species Act (ESA), will address long-term water operations and maintenance. The HCP will provide a more comprehensive and durable take authorization than would biological opinions under Section 7 of the ESA, with permits expected to last 30 years or more. The HCP will be based, in part, on the LTMP and the existing biological opinions.

MCWRA anticipates beginning development of the HCP and environmental impact report (EIR)/environmental impact statement (EIS) in 2019, if funding is secured to support the effort. The HCP and EIR/EIS will take approximately 3 years to complete.

5.3.2 Groundwater Sustainability Plans

Strong support for consistency between the in-development GSPs (Section 2.4.2.3, *Groundwater Sustainability Plans*) and the LTMP was raised repeatedly throughout the LTMP development process. Several planning task management actions were developed (Table 4-1), providing guidance on how the GSP and LTMP may be linked. These are excerpted below.

- **A-MAINT-2.** Collaborate with programs with funding mechanisms (e.g., the Salinas Valley Basin GSA in development of the Salinas Valley Basin GSP) to consider stream maintenance needs and, where appropriate, incorporate stream maintenance objectives and actions.

- **A-WAT-5.** Identify funding sources—in addition to voter-approved funding—for GSP projects that have multiple benefits including, but not limited to, Proposition 68 (approved in June 2018), the California State Revolving Fund, and California Department of Water Resources.
- **A-WAT-6.** Use the GSPs as a mechanism for meeting some, if not all, water management needs in a manner that is financially equitable.
- **A-WAT-7.** Projects developed under the GSPs should utilize information provided in the LTMP to inform and guide the goals and parameters of the project.
- **A-WAT-8.** Develop the GSPs based on best available data to be consistent and compatible with a future potential HCP. Identify projects in the GSPs that could become covered activities under an HCP.

As described in Section 2.4.2.3, the Salinas Valley Basin GSA is developing the Integrated Valley-Wide GSP. The first deadline for this plan is January 2020; however, it will be updated to include additional subbasins by January 2022. Stakeholders recommend that the subsequent 2022 Integrated Valley-Wide GSP consider the implementation successes or failures of LTMP management actions that are implemented over the next 3 years.

5.3.3 Implementation Partnerships

The LTMP stakeholders expressed support for embracing the inevitable partnerships between MCWRA, landowners, growers, and all other parties working toward better management of the Salinas River. Several existing or soon-to-be-adopted programs provide excellent partnership opportunities in implementation of management actions. In addition to GSP development, some programs that are likely to present such opportunities include the following.

- Salinas River Stream Maintenance Program (Section 2.4.2.1, *Salinas River Stream Maintenance Program*).
- Salinas Watershed Invasive Nonnative Plant Control and Restoration Program (Section 2.5.2, *Resource Conservation District of Monterey County*).
- Greater Monterey County IRWM Plan (Section 2.4.2.5, *Greater Monterey County Integrated Regional Water Management Plan*).
- Greater Monterey County SWRP (Section 2.4.2.6, *Greater Monterey County Storm Water Resources Plan*).

For management actions that achieve similar goals and objectives across multiple plans, partnerships to acquire funding are expected to be particularly compelling and competitive, and are encouraged.

5.4 Regulatory Compliance

The management actions presented in Table 4-1 and 4-2 are brief statements about proposed river management. As any individual project or activity is advanced, robust consideration and evaluation will be needed to ensure compliance with local, state, and federal laws and regulations. When undertaking any type of ground-disturbing or vegetation-manipulating activities, it is important to consider that the action may affect resources regulated by one or more agency and may require one

or more regulatory permits. Long-term management solutions for the Salinas River, including flood, water resource, and threatened and endangered species management will require compliance with various environmental regulations. Appendix H, *Regulatory Context*, provides a brief overview of the permitting agencies and key environmental regulations that are likely to apply to implementation of the Salinas River LTMP. These regulations provide for the protection of streams, floodplains, wetland and riparian vegetation, special-status species, and water quality. Table 5-2 summarizes the laws and regulations that are commonly associated with the regulatory permitting process triggered by ground-disturbing activities. The laws and regulations summarized in this table do have caveats regarding their applicability to a given project; this table provides overarching guidance but should not be considered exhaustive in its content.

Table 5-2. Regulatory Permit Requirements for Ground Disturbance in Jurisdictional Areas

Laws and Regulations	Permit	Responsible Agency	Triggers	Key Information
Federal				
Clean Water Act Section 404 and Rivers and Harbors Act Section 10	Nationwide Permit; Regional General Permit; or Individual Permit	U.S. Army Corps of Engineers (USACE)	Discharge of dredged or fill material into waters of the United States (Clean Water Act); the construction of any structure in or over any navigable water of the United States (Rivers and Harbors Act)	May provide a federal nexus for the USACE to initiate consultation with U.S. Fish and Wildlife Service and/or National Marine Fisheries Service under Section 7 of the federal Endangered Species Act (for species within USACE jurisdictional waters).
Clean Water Act Section 401	Water Quality Certification	Regional Water Quality Control Board	Clean Water Act Section 404 permit	Certifies that Section 404 permits for discharges into waters of the United States meet State water quality standards. The federal permit cannot be issued if the State denies certification.
Endangered Species Act Section 7	Biological Opinion and Incidental Take Statement	U.S. Fish and Wildlife Service and/or National Marine Fisheries Service	Likelihood that an activity may adversely affect species listed as endangered or threatened under the Endangered Species Act where a federal nexus (authorization, funding, implementation by a federal agency) exists	Ensures that any action authorized (including issuance of any federal permits), funded, or carried out is not likely to jeopardize the continued existence of any species listed as threatened or endangered, or result in the destruction or adverse modification of habitat critical to the survival of such species.
Endangered Species Act Section 10	Habitat Conservation Plan and Incidental Take Permit	U.S. Fish and Wildlife Service and/or National Marine Fisheries Service	Potential "take" of species listed as threatened or endangered under the federal Endangered Species Act where a federal nexus does not exist	Projects that take listed species and have no federal nexus must prepare a habitat conservation plan. The habitat conservation plan explains how the project proponent will mitigate take related to activities and species covered by the incidental take permit.

Laws and Regulations	Permit	Responsible Agency	Triggers	Key Information
State				
California Endangered Species Act Section 2081	Incidental Take Permit	California Department of Fish and Wildlife	Potential "take" of species listed as threatened, endangered, or candidate under the California Endangered Species Act	Ensures that any action authorized is not likely to jeopardize the continued existence of any state listed or candidate species. Cannot obtain take authorization for fully protected species.
California Fish and Game Code Section 1602	Lake or Streambed Alteration Agreement	California Department of Fish and Wildlife	Actions that would alter any river, stream, or lake in California, or their associated riparian or wetland habitats	Ensures that any actions within rivers, streams, or lakes in California are conditioned to conserve existing fish and wildlife resources.
California Coastal Act	Coastal Development Permit	California Coastal Commission	Development actions within the Coastal Zone boundary	Ensures scenic and visual qualities of coastal areas are protected, as well as minimize the alteration of natural land forms and maintains existing public access.
Porter-Cologne Water Quality Control Act	Waste Discharge Requirement	Regional Water Quality Control Board	Point source discharges to Waters of the State not otherwise regulated under the federal Clean Water Act	

Notes:

[1] Additional permit requirements may exist based on resources affected by specific activities. These include, but are not limited to, local ordinances (e.g., for grading), State lands leasing, Federal Emergency Management Act requirements for certain work within the 100-year floodplain, and Monterey Bay Air Resources District permits.

Definitions:

Waters of the United States are generally defined as streams and wetlands that connect to navigable waterways. The Code of Federal Regulations Title 33 Part 328 (abbreviated "33 CFR 328") defines *Waters of the United States* as it applies to the jurisdictional limits of the authority of the U.S. Army Corps of Engineers under the Clean Water Act. *Navigable waters* is a term used within the *Waters of the United States* definition. *Navigable waters* are defined in 33 CFR 329.

Under California Water Code Section 13050 (e), *Waters of the state* means any surface water or groundwater, including saline waters, within the boundaries of the state.

Under federal Endangered Species Act, Section 3 (19), *take* means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."

Under California Fish and Game Code Section 86, *take* means to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."