

MINUTE ITEM

This Calendar Item No. C25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 2
0 at its 11-5-91
meeting.

CALENDAR ITEM

C 2 5

A)
) Statewide
S)

11/05/91
C 9156
W 24780
D. Brown

AUTHORIZE INTERAGENCY AGREEMENT BETWEEN
STATE LANDS COMMISSION AND SAN FRANCISCO BAY
CONSERVATION AND DEVELOPMENT COMMISSION
REGARDING THE LONG-TERM MANAGEMENT STRATEGY FOR DREDGING
AND THE DISPOSAL OF DREDGED MATERIAL FROM SAN FRANCISCO BAY

BACKGROUND:

The Long-Term Management Strategy (LTMS) is a cooperative State/federal program to study and better manage dredging and dredged material disposal in the San Francisco Bay region. The primary goal of the LTMS is to provide adequate and environmentally acceptable dredged material disposal capacity for Bay dredging projects that will be needed over the next fifty years. To reach this goal, the LTMS proposes a \$16 million program to evaluate a range of disposal options in San Francisco Bay, the Pacific Ocean, the Sacramento-San Joaquin River Delta, and shoreline areas surrounding the Bay. The LTMS is being coordinated by the U.S. Army Corps of Engineers in cooperation with the other government agencies that have primary regulatory authority over Bay dredging: The U.S. Environmental Protection Agency; the California Regional Water Quality Control Board, San Francisco Bay Region; the San Francisco Bay Conservation and Development Commission (BCDC); and the California Environmental Protection Agency, which serves as a state coordinator. The agencies involved in the LTMS have agreed that BCDC should have the lead responsibility for managing the upland disposal and dredged material re-use studies of the LTMS in order to identify ways to use dredged material as a resource. LTMS policy decisions are made by the consensus of all involved interests. To achieve this consensus, a Policy Review Committee, which consists of over thirty interested agencies, user groups and environmental associations, is actively involved in the LTMS. The California State Lands Commission (SLC) is a key member of the Policy Review Committee. The LTMS studies are scheduled for completion in 1994. Policy or regulatory changes proposed

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through the LTMS will then be brought before the appropriate agencies for their consideration.

Chapter 583, Statutes of 1991, further specifies BCDC's role in the LTMS to include: (1) evaluating (a) the use of upland, diked bayland, and Delta areas for re-use of material dredged from San Francisco Bay, (b) regulatory constraints and opportunities involving upland disposal, and (c) potential project sponsors and methods to implement those uses; (2) participating with the U.S. Geological Survey to study Bay sediment process affecting the need for Bay dredging and the physical impacts of in-bay disposal; (3) participating in the studies of economic and environmental impacts of the array of disposal options, and assisting in the identification of feasible and environmentally acceptable dredged material disposal sites in the ocean, Bay upland, and Delta areas, with particular attention given to identifying sites suitable for the re-use of dredged materials; and (4) participating in the development of a program to implement the LTMS.

Chapter 583/91 also authorizes BCDC to impose a user fee not to exceed ten cents per cubic yard of material upon any public agency or person who proposes to dredge material from, or dispose of dredged materials in San Francisco Bay and certain waterways tributary to the Bay. The funds generated by the imposition of this fee may only be used to meet BCDC's costs for participating in the LTMS. Before it can impose this fee, BCDC is required to seek alternative funding sources, including, but not limited to, the California General Fund, federal agencies, other state agencies, and voluntary industry funding. The sum of all the fees collected by BCDC may not exceed \$650,000 and the authority to impose the fees lapses on January 1, 1998. The SLC has imposed fees for leases it issues for Bay dredging involving in-Bay disposal in order to assure that the upland studies can be funded. These funds have and will be placed in the Environmental Mitigation Trust Account of the Special Deposit Fund for the purpose of funding such studies.

The SLC and BCDC staff have prepared an Interagency Agreement to formalize mutual objectives and to facilitate the use of SLC collected fees for the BCDC costs. The agreement proposes to achieve the following objectives:

1. To fully coordinate the efforts of the SLC and the BCDC in the formulation studies for the LTMS.

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2. To improve opportunities to re-use dredged materials in upland environments.
3. To avoid the imposition of duplicate or excessive fees for Bay dredging.
4. To continue the collection of dredging study fees by SLC until the BCDC fees can be imposed.
5. To enable BCDC to use a portion of the fees SLC has and will collect for dredged material disposal to immediately undertake its LTMS responsibilities.

AB 884:
N/A

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. AUTHORIZE AN INTERAGENCY AGREEMENT WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION TO FACILITATE THE LONG TERM MANAGEMENT STRATEGY FOR DREDGING AND DISPOSAL OF DREDGED MATERIAL FROM SAN FRANCISCO BAY.