

BAY COALITION BRIEFS

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CHAIRMAN'S CREVICE

As this issue of the Bay Briefs was sent to the composing room, two regulatory developments of some moment to our members occurred. First, the Food and Drug Administration announced it had decided not to promulgate regulations governing the disposal of material dredged from San Francisco Bay. Almost simultaneously, the President's Commission on Human Rights issued a proclamation that it was henceforth not the plenary authority over the nation's wetlands, however defined.

That's the good news. The bad news is that every other organ of the national and state governments seems to have staked out some segment of the wetlands or dredging turf for regulation. To take just the dredging issue, and just the state government alone, one almost loses count of the agencies jostling each other like jealous pickpockets. The State Water Resources Control Board, the Central Valley and San Francisco Bay Regional Water Quality Control Boards, the Department of Fish and Game, the State Lands Commission, the Bay Conservation & Development Commission—each would have us believe that its wisdom and legal power makes it the ultimate arbiter of when and where and how the Navy and the Ports and the private terminal operators will operate.

The cheeked-tongue cases of the Food and Drug Administration and the Human Rights Commission have their perverse irony. Slow as it may be in approving life-saving drugs, the FDA

apparatus, had it been put in charge of the dredging problem, might well have solved the problem long ago. As for wetlands, it might do to have concern for the human species injected into the regulatory miasma. If we had, then a few dozen more people might have survived the Alaskan winter of two years ago in the homeless shelter that, nearly finished, was boarded up with a Corps of Engineers cease-and-desist order because of a tenth-of-an-acre mud puddle that had to be paved for Uniform Building Code reasons but couldn't be paved for wetlands reasons.

So what is the Bay Planning Coalition doing about these senseless excesses? More, I believe, than could reasonably have been expected. Read these pages to learn of our current activities. And we'll look for something funny to report in the next issue.

John Briscoe
Chairman

NEW MEMBERS

We are pleased to welcome the following new members:

- Ron Duke, President, H.T. Harvey Associates, Alviso
- Joe Lemon, Attorney, San Rafael
- Todd Royer, Supervisor, Environmental Division, Exxon Company, Benicia
- Gary Smith, Managing Partner, Beveridge & Diamond, San Francisco
- Larry Telford, Attorney, Severson & Werson, San Francisco

MEMBERSHIP ELECTS EIGHT DIRECTORS TO BOARD

The following individuals were elected by ballot to serve three-year terms on the Board of Directors commencing January, 1991:

- John Briscoe, Chairman - Washburn, Briscoe & McCarthy
- Marv F. Cates - Chevron, U.S.A.
- Michael Cheney, Consultant
- Eileen Daly, Director, Port Planning & Development - Port of Oakland*

(*Note: Because of Ms. Daly's recent resignation, Jack Lambert, Acting Director of Engineering for the Port of Oakland, has been elected to complete her term.)

- Michael Huerta, Executive Director - Port of San Francisco
- James Levine, President - Levine-Fricke, Inc.
- Douglas Unruh, President - Grupe Development Co., Northern California
- Don Warren, President - Redwood Shores Properties

BPC WETLAND REPORT CONTAINS NEW INFORMATION

The Invisible Shore: A Report on the Wetlands of San Francisco Bay, prepared by Zentner & Zentner, reveals some startling information about the current extent of the Bay's wetlands and their associated values. The report's final draft, currently being reviewed by a panel of prominent Bay Area wetland biologists, presents findings that should correct misinterpretations of previous studies on the Bay's historic wetlands.

While many of us have been led to believe that more than 80% of the Bay's historic tidal wetlands have "vanished under housing tract, airport runway, garbage dump, industrial park,

and marina (*Pacific Discovery*, CA Academy of Sciences, Winter 1991)," the fact is that 18% have "vanished" from alteration into urbanized uses.

Of the 195,000 acres of historic tidal marsh that surrounded San Francisco Bay prior to 1850, approximately 134,050 acres (or 69%) remain as wetlands (35,000 acres of tidal marsh; 35,000 acres of salt ponds; 60,000 acres of nontidal marsh; and 4,050 acres of nontidal wetlands within farmed lands). Farming activities occupy approximately 22,950 acres and urban uses, 36,000 acres.

During the last 20 years, there has been permitted fill of 717 acres of wetlands within the historic margins of the Bay. This represents .5% of the Bay's existing wetlands base (excluding approximately 60,000 acres of mudflats). (In fact, during the last four years, annual permitted wetland loss averaged less than six acres.)

This fill has been mitigated by the enhancement and restoration of 6,108 wetland acres, creation of 330 acres of wetlands, and the dedication of \$1,141,000 for wetland acquisition, enhancement, and restoration. The report details these findings and presents additional information on the values and functions of existing wetland types, the degree of degradation to these wetland resources, and the success rate of wetland restoration projects.

What do all these facts and figures indicate? While SF Bay wetland loss has occurred and continues to occur, it is neither as dramatic a loss nor as imminent as typically portrayed. During the last decade, federal and State regulatory programs have been extremely effective at protecting wetland resources and implementing permitting conditions which require compensatory mitigation to offset loss. All wet-

lands are not equal, and existing wetlands possess particular characteristics which must be considered when making land use and resource management decisions. For more information on the report, please contact the BPC office. ■

STATE BUDGET CRISIS PRECIPITATES FEE MANIA

The following agencies have either initiated, or are discussing initiating, the rulemaking process for adopting new permit fees and/or fees for legislative programs (previously covered by California General Fund monies):

--- ALERT --- ALERT ---

1. State Water Resources Control Board Fee Proposal to Recover Costs of Bay Protection Program — (Rulemaking Hearing scheduled on May 21 at 10:00 a.m. at 901 P Street in Sacramento)

Legislation (Torres SB 1845) passed in the 1990 legislative session authorized the State Water Board to collect annual fees from "all point and non-point dischargers who discharge into enclosed bays, estuaries, or any adjacent waters in the contiguous zone or the ocean as defined in Section 502 of the federal Clean Water Act (33 U.S.C. Sec. 1362)."

The fees will pay for the cost of implementing the three-year Bay Protection and Toxic Cleanup Program (SB 475 - Torres - 1989) which requires the State Board and its nine regional boards to develop a program to identify toxic hot spots in the state's enclosed bays and estuaries and to plan for the cleanup of those sites. As part of the program, the Boards will develop sediment quality objectives, criteria for the assessment and priority ranking of toxic hot spots, and ongoing monitoring programs. Funds to imple-

ment this legislation were originally scheduled to be paid from the state's General Fund, however, due to the budget crisis, Senator Torres sponsored the special legislation instituting the fee schedule as described here.

The Board is duly adhering to the requirements of the Administrative Procedures Act for notice and public hearing because it is proposing to adopt new regulations such as the imposition of fees and has scheduled a rulemaking hearing on May 21.

BPC is gravely concerned about the Board's proposed method for determining who pays the fee and for calculating the fee amount. Executive Director Johnck will appear before the Board on May 21 to present testimony. All members and interested parties are urged to either write a letter or appear on May 21.

The fee schedule is in addition to existing discharger fees, i.e. NPDES fees and Chapter 15 Waste Discharge Requirements (WDR's), but will not be greater than \$30,000 per discharger per year. Target revenue amount to be collected is \$4 million per year, and the fee schedule will expire January 1, 1994. Bills will be sent in December.

"The fee is based on discharge threat to water quality and complexity" and the State Board has identified the following categories of point and non-point dischargers who will be assessed fees:

- a. Dischargers for whom NPDES and WDR permits have been prescribed;
- b. Operators of a municipal storm drain system;
- c. Dischargers of waste from agricultural practices;

- d. Boat construction or repair facilities;
- e. Operators of boat marinas;
- f. Harbors and ports;
- g. Dredging operations.

For those who wish to study the background documents, please call the Coalition office. Executive Director Johnck will personally phone those BPC members who will be directly affected by the proposed fees.

--- ALERT --- ALERT ---

2. State Water Board Proposes to Adopt Emergency Regulations to Increase Annual Fees for Waste Discharge Requirements (WDR's and NPDES) (Rulemaking Hearing on June 11, 10:00 a.m., 901 P Street, Sacramento)

The State Legislative Analyst's office has recommended that the State Board return a specified amount to the General Fund in addition to continuing to fund its core regulatory program. This means that the State Board must increase the level of the annual fee to meet the State directive and must also allocate a greater proportion of the costs of the regulatory program among all users. The statutory maximum fee is \$10,000.

Members may call either the Coalition office or the State Water Board (916-324-1253) to receive a copy of the rating digest.

3. BCDC Considers Ways to Increase Permit Fees as a Result of State Directive

BCDC, similar to the State Water Board, has been directed by the Legislative Analyst's office to recover the historical figure of 20% of its regulatory program from permit fees (about \$70,000). BCDC's schedule of permit fees has not been revised in the last 25 years, and so due

to inflation, the agency is only recovering 7% of its program from fees.

The Budget Committee of the Commission is considering various changes to its fee schedule. One option is a flat trebling of fees. Another idea is to increase fees for those projects generating the greatest proportion of the revenue and base the fee on one percent of the cost of construction of the proposed project. Also discussed is the need to revise some of the permit categories.

The Commission's fees and amendments will be scheduled for public hearing and comment according to the OAL rulemaking process requirements.

4. Department of Fish and Game

a. Proposed "Fees for Comments" on EIRs - Office of Administrative Law is now reviewing public comments, and BPC has submitted a letter of opposition. The proposed fee schedule is \$850 for an EIR; \$1,250 for a Negative Declaration. There is a proposed exemption for projects having a de minimis impact.

b. Streambed Alteration Agreement Fees (Section 1601 and 1603 permits) - State Office of Legislative Analyst is requiring full recovery of costs associated with the lake and streambed alteration agreement program. Most fees are being doubled e.g. cost for a (Section 1601) routine maintenance activity will rise from \$25.00 to \$53.00, and costs for a (Section 1603) major alteration (excluding gravel or timber operation) will rise from \$120.00 to \$252.00 for a project costing \$25,000 and up.

To receive a copy of the digest, call the Department of Fish and Game (916-445-3531) or the Coalition office. Final public hearing will be held on May 16 in Fresno. ■

CORPS PROPOSES TO AMEND NATIONWIDE PERMIT PROGRAM

The Corps published its proposed changes to the nationwide permit program in the April 10, 1991, edition of the *Federal Register*. The proposal contains 13 new permits and modifications to many of the existing permits. Generally, the new rules are more restrictive, and each Corps district can use its discretion to issue, modify (by adding regional conditions), suspend, or revoke a nationwide permit. Nationwide permits are intended to reduce the effort expended in regulating activities with minimal impacts, and typically entail little, if any, delay or paperwork for an applicant.

Some of the existing permits that may be modified include: Maintenance (NWP 3), Bank stabilization (13), Minor road crossing (14), Minor discharges (18), and Headwaters and isolated waters (26). The proposed NWP 26 still applies to areas from 1 to 10 acres of wetlands, although two other acreage options are being considered (1/2-5 acres, 1-5 acres). NWP 26 will be subject to some new conditions:

(1) The acreage will no longer be measured from the "loss or substantial adverse modification", but rather will be based on the actual filled area plus those areas that may be flooded or drained as a result of the fill activity;

(2) NWP 26, and many of the existing and proposed permits, will apply to "special aquatic sites", which include wetlands, mudflats, vegetated shallows, riffle and pool complexes, sanctuaries, and refuges;

(3) The Corps may require the applicant to submit proposed mitigation as part of the pre-discharge notification (The Corps is requesting public comment on whether mitigation should be a precondition for certain Nationwide permits);

(4) The existing 20-day Public Discharge Notice (PDN) will be replaced with a "simplified" 30-day PDN, which consists of an internal review by the District Engineer rather than the previous coordination with Federal and state resource agencies. This notification also must include a delineation of the affected wetlands.

In addition to modifications to NWP 26, the Corps has added 13 new permits. The following may be of interest to members: Wetland restoration activities (NWP 27), Modification of existing marinas (28), Dewatering construction sites (30), Small docks and piers (31), Temporary construction and access (33), Maintenance dredging of existing basins (35) (the S.F. District proposes to suspend this permit), Boat ramps (36), Cleanup of hazardous and toxic waste (38), Agricultural discharges (39), and Farm buildings (40).

Issuance of the original 26 nationwide permits as well as the new ones will be subject to two preconditions: fulfillment of best management practices and implementation of erosion and siltation controls. The proposed program clarifies that NWPs can be combined and adds a new provision which would allow independent parts of a larger project to proceed under a NWP while the District Engineer evaluates an application for an individual permit for the rest of the project.

For a copy of the proposed amendments contact the Coalition's offices or Mr. Sam Collinson of

the USACOE at (202) 272-1782. A public hearing will be held on May 10 in Washington, DC. Written comments on the proposed NWP's will be accepted until June 10, 1991. Send all comments to: The Chief of Engineers, U.S. Army Corps of Engineers, ATTN: CECW-OR, Washington, DC 20314-1000. ■

**CITY OF SAN LEANDRO
SEEKS PARTNER
IN WETLAND RESTORATION PROJECT**

The City of San Leandro is looking for a public agency or private concern interested in obtaining mitigation credits for contributing to an important wetland restoration project along the East Bay shoreline.

The City is now engaged in one of the last and perhaps most ambitious elements of its thirty-year shoreline program. It is attempting to turn the clock back 100 years in order to return 172 acres of diked lands to San Francisco Bay and recreate habitat for endangered species. The scope of this project is unprecedented. If the City successfully recreates the natural hydrologic regime which existed prior to development along the bay shoreline, this project will serve as a regional, state and national example of wetlands preservation and restoration.

The primary benefits of the City's plan will be to restore tidal action, enhance and recreate habitat for endangered species in a 172-acre bayfront property at Roberts Landing. East Bay marshes in particular have suffered significant declines in area, extent and quality due to past diking and filling activities. The project will help accomplish an important environmental goal of both the state and federal government, namely to ensure that there is no net loss of wetlands. Wetlands are a valuable resource that serve

society as a whole by fulfilling essential wildlife habitat, water quality, flood control, recreation, aesthetic, and other functions.

By providing improved water circulation and tidal influence to this area, the plan will recreate habitat conditions similar to those of the historic East Bay shoreline wetlands and enhance conditions for vegetation and wildlife. Implementation of the plan will specifically enable the resident salt marsh harvest mouse population, an endangered species, to stabilize and increase and other "special status" species to become established in the area. The plan also provides for the missing link in the Bay Trail system.

Other benefits of the plan will be to provide increased nesting, migration, and wintering habitat for waterfowl and other water birds, improve nutrient cycling and local water quality, protect certain sensitive habitats such as a unique sand dune community in the southwest portion of the site, and provide improved opportunities for wildlife-oriented recreation and environmental education.

Unfortunately, this ambitious project requires financial assistance beyond the current resources of the City. The total project cost is estimated to be \$625,000 of which the City has budgeted and pledged \$325,000. Please contact City Manager Richard Randall for further information at 577-3357. ■

**CALIFORNIA SECRETARY FOR
RESOURCES DOUGLAS WHEELER
ADDRESSES BPC CONFERENCE ON
"POLITICS OF THE ENVIRONMENT"**

March 14, 1991 marked the date of the Coalition's highly-successful Fifth Annual Decisionmakers Conference. This year's roundtable brought

together close to 300 individuals representing business and industry, government, trade associations and environmental organizations for a dialogue on who and what shapes the policy and regulatory decisionmaking process on San Francisco Bay issues. A significant accomplishment for the Coalition was extensive press coverage of the Conference by several major Bay Area newspapers.

Governor Wilson's newly-appointed Secretary for Resources, Douglas Wheeler, addressed the luncheon session on the topic "Reconciling Environmental Aspirations with Public Infrastructure Needs". Secretary Wheeler stated that although the Wilson administration is actively pursuing pro-environment initiatives, the need to ensure the continued economic health and viability of California has not been eclipsed. The Secretary also encouraged the Coalition to work with the Administration toward our shared goal of balance and fairness in the regulatory decisionmaking process.

Another highlight of the conference was the panel discussion entitled "The Greening of the Media." The list of speakers included representatives from the electronic and written media, government, and trade associations. After each participant gave a brief presentation, the discussion led into a lively debate on accuracy and accountability in media coverage of environmental issues. The panel was given high marks by conference attendees for being very informative and entertaining.

Special thanks to the 1991 Conference Committee (Gunther Boccius, Doug Unruh and Mike Huerta), contributors Steve Meyers, Jeff Johnson, and all the speakers who helped to make "*Politics of the Environment*" a resounding success. ■

CONSENSUS REACHED ON SEDIMENT TEST REPORTING FORMAT AT BPC WORKSHOP

In late March, BPC convened a workshop to finalize our recommendations on a standard method of reporting the data generated by laboratory testing of dredged sediments. The proposed report format will cover primarily the biological and chemical tests conducted for maintenance dredging projects at the Tier II level of testing (reference Public Notice 87-1, Interim Testing Procedures for Evaluating Dredged Material Suitability for Disposal in San Francisco Bay).

The proposed report format, which emphasizes the inclusion of both a narrative analysis of the test results with the addition of numerical appendices, will now be forwarded to both the S.F. Bay Regional Water Quality Control Board and the U.S. Army Corps of Engineers. We are requesting that both regulatory agencies officially endorse the method and include it in the information packet given to applicants seeking permits for dredged sediment disposal.

The second part of the workshop featured a panel discussion on "the Use and Interpretation of Test Results in the Decisionmaking Process". Panel participants were Jack Word of Batelle Laboratories in Washington; Frank Reilly of the U.S. Army Corps of Engineers Waterways Experiment Station in Vicksburg; Joe O'Connor of the Aquatic Habitat Institute in Richmond, CA; and Robert Riseborough of the Bodega Bay Institute in Berkeley. The multi-faceted dimension of Polynuclear Aromatic Hydrocarbons (PAHs) occupied center stage.

Workshop participants included representatives from the U.S. Army Corps of Engineers (both S.F. District and South Pacific Division), the S.F. Bay Regional Water Quality Control Board, U.S. EPA, the U.S. Fish and Wildlife Service, the Department of Fish & Game, BCDC, BPC members and testing laboratories.

A summary of the typed transcript of the workshop is being prepared. Members interested in receiving a copy should call the Coalition office. ■

BPC PARTICIPATES IN STATE WETLAND FORUM

Subsequent to the impasse over wetland legislation last year, an alliance of agricultural, business and industry, environmental, governmental, and water supply interests has formed to conduct a dialogue on State wetland issues. This group, convened under the auspices of the CA Chamber of Commerce, is informally referred to as the California Wetland Forum. The Forum's first effort was to draft a wetland acquisition bond measure (since this is the only concept on which we could agree!), which is being carried by Assemblyman Byron Sher as AB 1641 (Fish, Wildlife, and Endangered Species Habitat Conservation and Enhancement Bond Act of 1991).

The \$450 million bond measure is for the acquisition, creation, restoration, and enhancement of wetlands throughout the State. The bond identifies a base wetland acreage of 425,000 and a target figure for acquisition and creation in the future. Much of the funding will be shared between the Wildlife Conservation Board and the California Coastal Conservancy. The Lake Tahoe Conservancy also will receive funding. In addition, grants will be available for the

private sector and non-profit organizations for creation, restoration, and enhancement of wetlands on farmland, at demonstration sites for wetland mitigation banks, and for pilot projects using properly-managed dredged material (BPC recommendation).

The drafting committee, which includes the BPC, has been confronted with the arduous task of satisfying the concerns of all the interested parties. Technical and policy issues, such as specific dollar amounts, focused acquisition strategies, identifiable accomplishments, relation to other acquisition efforts, private property rights, wetland policy implications, and adjacent uses, have been the center of debate. The bill, currently in its 9th draft, will be heard by the Assembly Water, Parks, and Wildlife Committee in May.

While many of the Forum's participants are supportive of the dialogue, official endorsement of the final product is pending. To complicate matters, the Governor recently announced his own bond measure for the acquisition of forests and coastal areas, including wetlands, and the Planning and Conservation League has also proposed a \$900 million bond measure for acquisition of a variety of habitats throughout the State.

At this time, it is unclear how these other bond proposals will affect the work of the "forum". BPC and others had hoped that the work of this "forum" would avoid another wetland legislation battle, as we are basically opposed to any legislation establishing any state wetland regulations until there is agreement on what the state role should be vis-a-vis the federal Clean Water Act program. However, as you will note from the following list of 1991 legislative proposals, it appears that we are headed for more of the same. ■

BILL REQUIRES EIR FOR SECTION 401 WAIVER OR CERTIFICATION

AB 1380 (Sher) introduced on March 7, 1991 will have dramatic consequences on routine activities currently waived or certified by the Regional Water Quality Control Boards under their Clean Water Act Section 401 State Water Quality Certification programs. AB 1380 requires the preparation of an EIR prior to a waiver or certification under Section 401. The bill would add a few sentences to section 21151.8 to the Public Resources Code, and reads as follows:

21151.8 Notwithstanding any other provision of law, no state agency shall grant or waive certification for any project pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) without first preparing or causing to be prepared by contract an environmental impact report.

Although no date has been set, the bill will be heard first before the Assembly Committee on Water, Parks, and Wildlife. ■

1991 STATE LEGISLATIVE REPORT

Throughout the 1991 legislative session, the Bay Briefs will keep you informed of bills we are tracking and on which BPC has a position. If there are bills absent from this list which you want us to study, please notify the office.

Wetland-Related

AB 1365 (Baker) Wetland Mitigation Banks

● Gives the Department of Fish and Game regulatory authority to establish standards and criteria for: 1) a banksite qualification process, 2) evaluation of acreage and habitat values created at banksites, 3) operation and evaluation of

banksites, and 4) any other regulations that are necessary to implement the bill.

AB 1641 (Sher) Fish and Wildlife Habitat Conservation and Enhancement Bond Act of 1991

● Proposes to raise \$450 million for acquisition, creation, restoration, and enhancement of wetlands throughout the State. Monies to be divided among Wildlife Conservation Board, California Coastal Conservancy, Lake Tahoe Conservancy, and grant program for non-profit organizations and private sector.

SB 463 (McCorquodale) Mitigation Banking

● Similar to McCorquodale's banking bill that was vetoed last year. It establishes a mitigation banking program for the Sacramento and San Joaquin Valleys. Among other provisions, it sets arbitrary mitigation ratio figures. In addition, it would give the same powers to the DFG as does the Baker bill, however, those power would be limited to banks in the Central Valley.

Water Quality

AB 1380 (Sher) CEQA Trigger for 401 Certification or Waiver

● Requires a full Environmental Impact Report (EIR) for every Section 401 Water Quality Certification or Waiver.

AB 614 (Hayden) Discharge from all Point and Non-Point Source

● Prohibits any increase in discharge of sewage water if maximum daily loads for water discharge are not met by June 1, 1995. The bill applies to all point and non-point industrial, municipal, agricultural and other sources of discharge into any enclosed bay, estuary, or adjacent waters. The bill also requires that discharge limits include "an adequate margin

of safety that reflects any lack of knowledge about pollutant sources." This bill resembles a provision in Proposition 128, which was rejected by votes in November 1990.

SB 69 (Kopp) San Francisco Bay Water Quality

- Requires the State Water Resources Control Board (as part of its Bay-Delta and water quality control plan proceedings) to develop water quality objectives and permit terms and conditions specifically for protection of the beneficial uses of the waters of San Francisco Bay.

Dredging

ACR 7 (Speier) Monterey Bay National Marine Sanctuary

- Asks the Governor to support the most expansive boundary alternative for the Monterey Bay Sanctuary. Under this alternative, the Sanctuary would extend from Monterey Bay to the Gulf of the Farallon Islands. Concern has been raised that this will preclude disposal of dredged material at as yet undesignated ocean sites and jeopardize the LTMS process.

AB 854 (Lempert) California Coastal Sanctuary Act

- Creates a Marine Resources Sanctuary which includes all State marine bay, estuarine, and ocean waters. It would grant new enforcement powers to the State Lands Commission and California Coastal Conservancy. The bill targets oil and gas production and municipal discharges for restrictions. It also provides funds to protect habitats within the coastal zone, and to improve the commercial fishing industry. The bill may affect the disposal of dredged materials into State waters.

AB 1059 (Sher) Regional Dredging Bill

- This bill authorizes the San Francisco Bay

Conservation and Development Commission (BCDC) to participate in the ACOE's Long Term Management Strategy Plan for dredged material and stipulates that BCDC establish a Regional Dredging Plan.

Other

AB 456 (Johnson) Maintenance of Flood Control Channels

- Exempts routine maintenance of flood control channels and water canals from the costly regulatory program (Section 1601 and 1603 agreements) administered by the Department of Fish and Game. ■

PROMISING FEDERAL WETLAND LEGISLATION INTRODUCED

An encouraging development in wetland legislation is the introduction of HR 1330 - The Comprehensive Wetlands Conservation and Management Act of 1991. The bill recognizes that the current federal permit program established under section 404 of the Federal Water Pollution Control Act was not originally conceived as a wetland regulatory program and as such is insufficient. Should the bill be signed into law, Section 404 would be abolished. In its place, H.R. 1330 would establish an effective wetland management program that "conserves and enhances important wetland values and functions while observing private property rights, recognizing the need for public infrastructure...and providing the opportunity for sustained economic growth." A significant aspect of the bill is that it sets forth specific criteria for classification of wetlands according to value, and takes these classifications into account when determining the appropriate extent of regulation in wetland areas.

H.R. 1330 is a very encouraging development in what has been an otherwise bleak legislative session on the wetland front. We urge you to write your congressional delegation in support of this legislation. If you would like to obtain addresses of the Bay Area congressional representatives and/or a copy of the bill, please call the Coalition office. ■

STAFF ACTIVITIES

Week of April 12- 19

- U.S. Army Corps of Engineers Meeting to discuss local cost participation in LTMS
- Executive Director Johnck at Springtown Junior High School (Vallejo) to give slideshow presentation on Wetlands: Balancing Environmental and Economic Demands
- BCDC Engineering Criteria Review Board discussion of Sea Level Rise
- State Chamber meeting of California Wetland Forum to discuss wetland acquisition bond measure - Sacto.
- San Francisco Estuary Project Wetland Subcommittee Meeting

Week of April 22- 27

- BCDC Budget Committee Meeting to discuss increase in permit fees
- Redwood City Chamber of Commerce
- SFEP Wetland Subcommittee Meeting
- Aquatic Habitat Institute Meeting on Bay Monitoring Needs
- Computer Software Training Course in Page-maker for BPC staff

Week of April 28 - May 4

- Executive Director Johnck participates as judge of decorated boat parade and guest of the Pacific Inter-Club Yacht Association at "Opening Day on the Bay"
- Open Channels Committee Meeting to Dis-

cuss Fees on Dredging Disposal Operations and Legislation

- Meeting with State Water Board staff on Bay Protection and Toxic Cleanup Act
- BCDC Engineering Criteria Review Board
- BPC Wetland Committee Meeting with Peer Review Group of BPC Wetland Report
- BPC Budget Committee Meeting
- Regular Board of Directors Meeting
- CA Chamber of Commerce Natural Resources Committee - Sacto
- SFEP Management Advisory Committee - Sacramento
- Presentation to Marin County Board of Realtors - Government Relations Committee
- Redwood City - San Mateo County Chamber's "Progress Seminar" in Monterey - Presentation on Bay and Coastal Options

Week of May 5 - 11

- SFEP Wetlands Subcommittee Meeting discussion and adoption of management actions
- Tour on U.S. ACOE dredging barge, the Es-sayons
- Computer Training Course for BPC Staff
- Regional Government Conference at Cal State Hayward

Later in the Month of May

- BCDC Budget Committee - May 16
- BCDC bi-monthly meeting - May 16
- S.F. Bay Regional Water Quality Control Board Monthly Meeting - May 15
- SFEP Land Use Subcommittee Meeting
- State Water Resources Board Public Hearing on Fees Imposed on All Dischargers to recover cost of Bay Protection Act (May 21)
- SFEP State of the Estuary Conference (May 31 - June 2) ■