



BAY PLANNING  
COALITION

Bay Coalition Briefs is a publication of the Bay Planning Coalition, a membership-based,

non-profit organization which advocates a reasonable, prudent and balanced planning and permit process for uses and activities in the San Francisco Estuary and shoreline areas.

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Executive Director

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Administrative Assistant

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# BAY COALITION BRIEFS

## BCDC HEARING ON DREDGING USER FEES

March 19 is the scheduled date for BCDC'S hearing on the assessment of dredging user fees of up to \$0.10 per cubic yard of material dredged from the Bay or disposed of into the Bay. Even though the fee has been authorized by legislation, it is a regulation, and can only be legally collected after the agency undergoes a hearing and review by the Office of Administrative Law.

The money will be used to fund BCDC's participation in the LTMS program. Key conditions in AB 1059 provide that the total amount of user fees recovered cannot exceed \$650,000; it also requires that the commission must seek alternative sources of funding before imposing the fees and, if funding is found, the amount is to be deducted from the \$650,000 total. Essentially the fee is what remained in AB 1059 after the other "problem" provisions were eliminated due to objections of BPC and other marine-related organizations.

BPC Director Johnck is working to find alternate sources of

funding to limit the impact of the new fees, and is investigating the possibility of an augmentation of the annual federal Coastal Zone Management Act grant to the state.

Affected members are urged to join Executive Director Johnck at the hearing and raise other points regarding this new fee:

1. BCDC should deduct \$75,000 (the amount improperly collected from dredging applicants by the State Lands Commission's \$.25 a cubic yard fee and which is now being given to BCDC for LTMS) from the cap of \$650,000. This correction could allow the fee to be reduced to something less than \$.10 per cubic yard.
2. Any excess fees should be apportioned and refunded across the board rather than refunded in chronological order as proposed.
3. The fee should be collected based on a yearly cap since BCDC's participation in LTMS will

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# ANNOUNCEMENT

The Bay Planning Coalition is pleased to present its  
6th Annual San Francisco Bay Decisionmakers Conference

## *Water Connections:*

### *Charting a Course for the Public's Economic and Environmental Rights*



Thursday, April 30, 1992

8:00 - 4:00 p.m.

Fleet Admiral Nimitz Conference Center  
Treasure Island

Keynote Luncheon Address by Dr. Dixy Lee Ray, Former Governor  
of Washington and author of the best-selling book, Trashing the Planet

"Early-Bird" Discount for Registrations Received by April 1  
(Official brochure and schedule will be mailed in March)

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#### "Early Bird" Registration Form Deduct \$25.00 from each registration *submitted before April 1*

Name(s): \_\_\_\_\_  
Title(s): \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

#### *Fees (lunch included)*

Bay Planning Coalition Member(s):  
1st Registrant \$170.00  
Each add'l. Registrant \$120 x \_\_\_\_\_

Non-Member(s):  
1st Registrant \$ 190.00  
Each add'l. Registrant \$140 x \_\_\_\_\_

Non-profit organization personnel and  
all government personnel:  
1st Registrant \$125  
Each add'l. Registrant \$75 x \_\_\_\_\_

Students  
\$25 x \_\_\_\_\_  
(Must submit copy of student I.D.)

Total \$ \_\_\_\_\_  
Less "Early Bird" Discount (\$25 per registration) \$ \_\_\_\_\_  
**GRAND TOTAL** \$ \_\_\_\_\_

Make Checks Payable and Mail to: Bay Planning Coalition, 303 World Trade Center, San Francisco, CA 94111

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5780 SOUTH CAMPUS DRIVE  
CHICAGO, ILLINOIS 60637

RESEARCH ASSISTANT

The Department of Chemistry is seeking a research assistant to assist in the study of the properties of the  $^{13}\text{C}$  NMR spectra of substituted benzene rings. The candidate should have a B.S. in Chemistry and be currently enrolled in a graduate program in Chemistry or a related field.

For consideration, send your resume and three references to: Dr. J. H. Goldstein, Department of Chemistry, University of Chicago, 5780 South Campus Drive, Chicago, Illinois 60637. Please indicate your salary requirements.



Applicants should be U.S. citizens or permanent residents. The University of Chicago is an affirmative action institution. Minorities and women are encouraged to apply.

For more information, contact Dr. J. H. Goldstein at (773) 835-3100.

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# BPC NEWS

## STAFF NEWS

Mark Bartolini joins the BPC staff on a part-time (3 days a week) basis to fill some of the responsibilities of the Assistant Executive Director position. This position has been vacant since last fall when John Malamut resigned to attend law school full time.

Mark is a graduate of U.C. Berkeley where he received his B.A. degree in Political Science and English. His work experience includes the construction industry (he built his own home on the Marin Coast so he has first-hand knowledge of the permit process), several years as a free-lance writer, and two years as Managing Editor of a local magazine. A native of the Bay Area, Mark has twenty years experience sailing San Francisco Bay and also worked for several years delivering sailing yachts around the world before he attended Cal.

### BPC WELCOMES NEW MEMBERS

Florian Martinez Associates  
Land Planning Consultants  
*Keith Fichtner*

Keck, Mahin & Cate  
Attorneys at Law  
*J. Dennis McQuaid*

Tenera, Inc.  
Full-Service Environmental Consultants  
*Jeff Root*

### BAY DREDGING ACTION COALITION

#### GENERAL MEMBERSHIP MEETING

Wednesday, March 11, 1992

4:00 - 6:00 p.m.

Joseph Bort Metro Center

8th & Oak Streets

Oakland

Items on the agenda are discussion of  
Dredging White Paper and Strategic Next Steps

## **BPC Staff Activities - February/March**

### ***Week of February 3-7***

- ✓ Meeting with BCDC staff to advise of BPC concerns with proposal to charge fees for Bay Plan, Special Area Plan and Seaport Plan amendments
- ✓ Steering Committee, Bay Dredging Action Coalition
- ✓ BCDC Dredging Subcommittee Meeting to Discuss Bay Plan Dredging Policies
- ✓ BPC Open Channels Committee
- ✓ BPC Board of Directors Meeting
- ✓ BCDC Regular Monthly Meeting/Plan fees
- ✓ Senator Patrick Johnston's Hearing on Proposed Delta Legislation
- ✓ Pacific Merchant Shipping Association Annual Meeting

### ***Week of February 10-14***

- ✓ California Building Industry Association Environmental Committee Meeting with NAHB Staff
- ✓ Steering Committee, Bay Dredging Action Coalition
- ✓ BPC Wetland Committee Meeting
- ✓ California Wetlands Consensus meeting in Sacramento
- ✓ Executive Director Johnck Presentation to COLAB Board of Directors
- ✓ LTMS-SFEP In-Bay/Upland Work Group

### ***Week of February 17-21***

- ✓ Executive Director Johnck Presentation to St. Francis Yacht Club
- ✓ Senator Ayala's Committee Hearing on Wetlands
- ✓ Executive Director Johnck Testimony to Assemblyman Lempert's Committee Hearing on Monterey Bay National Marine Sanctuary (Sacramento)
- ✓ BCDC Regular Monthly Meeting/Administrative Permits
- ✓ San Francisco Estuary Project's Management Committee (Sacramento) "Road to the CCMP"

### ***Week of February 23-28***

- ✓ SFEP Wetland Goals Committee
- ✓ BCDC Dredging Meeting to Discuss Bay Plan Dredging Policies
- ✓ California Chamber of Commerce Natural Resources Committee
- ✓ Propeller Club Monthly Meeting
- ✓ Port of Oakland's Dredging Committee
- ✓ California Wetlands Consensus (Sacramento)
- ✓ SFEP Management Committee "Road to the CCMP" (Oakland)

### ***Week of March 2-6***

- ✓ Steering Committee - Bay Dredging Action Coalition
- ✓ BPC Open Channels Committee
- ✓ BPC Board of Directors Meeting
- ✓ Oakland World Trade Association, "Oakland as a First Port of Call"
- ✓ BCDC Regular Monthly Meeting
- ✓ Friends of the Port Dinner
- ✓ SFEP Wetland Program Committee

### ***Week of March 9-15***

- ✓ State Agencies Meeting on Dredging (Sacramento)
- ✓ Bay Dredging Action Coalition General Membership Meeting
- ✓ California Wetlands Consensus (Sacramento)
- ✓ San Francisco Estuary Project Management Committee "Road to the CCMP" (Fairfield)

### ***Week of March 16-20***

- ✓ S.F. Bay Regional Water Quality Control Board Hearing on Regional Monitoring
- ✓ BCDC Regular Monthly Meeting/Dredging Fees
- ✓ San Francisco Estuary Project Management Committee "Road to the CCMP" (Oakland)

### ***Week of March 23-27***

- ✓ California Wetlands Consensus (Sacramento)■

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extend over the next three years at a projected annual rate of approximately \$162,000.

It should be noted that the burden of this fee will fall on smaller dredging projects as the majority of Bay dredging is carried out by the Army Corps of Engineers, and federal projects, including the U.S. Navy, are exempt from this fee. ■

#### PROGRESS MADE ON BCDC DREDGING POLICIES

BPC, one of a four-member negotiating team representing the Bay Dredging Action Coalition, has been participating in an informal Dredging Work Group with BCDC, Army Corps, Regional Water Board, NMFS, and the Save S.F. Bay Association to resolve the impasse over BCDC's Bay Plan dredging policies. Additional representatives from industry are Mike Huerta, Port of Oakland, Owen Marron for labor, and Jim McGrath as technical consultant. The final wording will constitute BCDC's interim dredging policy, governing its permit actions, until completion of the LTMS process in 1994. Provisional agreement was reached at a February 5th meeting on some key concepts which, upon finalization, will be forwarded to BCDC's subcommittee and then to the Commission for approval of a Bay Plan Amendment.

Highlights of the provisional agreement reached are as follows:

1. The work group accepted the dredged materials disposal "Road Map" report, prepared by LTMS Manager Tom Wakeman,

which describes the cubic yard and volume of 1992-93 dredging needs and the status of the upland disposal sites investigation;

2. Accepted RWQCB's policy for target volumes at Alcatraz and the other 2 in-bay disposal sites for BCDC adoption;
3. Reached consensus that in-bay disposal could be approved with the proviso that commitment to the use of designated upland sites be given 'due consideration' in applications;
4. Reinstated the concept of a multi-year dredging permit with a 30-month time period;
5. Agreed to pursue the adoption of a uniform standard for maintenance dredging that could be considered for a one-stop, region-wide permit. This could be a first step toward joint hearings among the agencies for all dredging permit applications. ■

#### FEES APPROVED FOR NPDES PERMITS AND NEW BPTCP

##### *Schedule of Annual Fees for NPDES /WDRs*

OAL set aside our challenge that the fees fail to comply with OAL's criteria in two areas: 1) the authority of the Water Board to define dredging as a "discharge of waste"; and 2) the non-duplication rule and approved the proposed increases.

##### *BPTCP*

This fee was enacted to fund the Bay Protection and Toxic Cleanup Program (BPTCP) which will identify toxic hot spots in the state's enclosed bays and estuaries and develop sedi-

ment criteria for dredging. BPC objected to this fee particularly as it applied to dredging because dredgers would have to pay a possible 3 times: a flat fee, a dredging fee, and 100% tax surcharge for discharges into an impaired water body (e.g. S.F. Bay). We were able to secure some amendments covering exemptions for maintenance dredging of 30,000 cubic yards or less.

The fee covers all point and non-point dischargers who discharge directly into enclosed bays, estuaries, or adjacent waters in the contiguous zone or ocean. This fee is in addition to the fees required under Title 23, Section 2200, California Code of Regulations. The cap on total fees collected is \$4,000,000 and will expire Jan. 1, 1994.

Although the bulk of the \$4,000,000 will derive from NPDES Non-Chapter 15 permit holders, BPC members will also be affected by the other discharge categories such as dredging as identified on the schedule on page 10 of the Bay Briefs.

BPC Director Johnck is actively participating in the BPTCP work plan implementation being conducted by State Water Board staff to ensure a scientifically reliable program. July 1, 1992 is the scheduled date for the publication of the toxic hot spot list and July, 1993 is the program completion date. To receive copies of the official language adopted by OAL and rating digests, please call the BPC office or the State Water Board staff member in charge of the BPTCP, Craig Wilson at (916) 657-0941. ■

**INLAND COASTAL COMMISSION  
PROPOSED FOR THE DELTA**

The State Lands Commission has spawned a new regulatory agency for the Delta that is

being introduced in legislation authored by State Senator Patrick Johnston, Chairman of the Senate Natural Resources and Wildlife Subcommittee on Sacramento/San Joaquin Delta Protection. "The Delta Protection Act of 1992" would establish a nineteen member Delta Protection Commission consisting of:

- 5 representatives from the board of supervisors of each county
- 3 city representatives from the Delta region
- 7 state government officials
- 4 public members who are residents of the Delta

The mandate of the Commission would be to essentially stop any "development" (defined as all activities except for agricultural use) in the "Primary Management Zone" of the Delta (as defined in Section 12220 of the Water Code, but not within either the urban limit line or sphere of influence, whichever is the less inclusive). "Development" in the Secondary Management Zone could be accomplished only after fulfilling specific findings:

- (a) the need for such use is demonstrated;
- (b) the development is necessary to support the orderly expansion of the urban limits after appropriate land within the city or county has been developed;
- (c) environmental impacts will be mitigated and losses compensated in full;
- (d) the public need for the development exceeds the value of continued agricultural use;
- (e) the development will not have a detrimental impact on the Primary Management Zone of the Delta.



At issue is whether a new agency is really needed, especially at a time when California is trying to cut its deficit by reducing the size and cost of its government. Further, to date the legislation has no language recognizing the economic benefits of development for navigation, commerce, and recreational boating. BPC has contacted Senator Johnston and outlined our concerns; affected members are urged to do the same. For more information contact Senator Johnston's Office at his office in the State Capitol (916) 327-4213 or his district office at (209) 948-7993. ■

#### SFEP UPDATE

Now that the final reports on Land Use, Wetlands, Dredging, and Biological Resources have been completed, the SFEP Management Committee (MC) has begun the process of drafting the final product—the Comprehensive Conservation and Management Plan (CCMP). This effort requires MC members to participate in 2 all-day sessions each month to complete the task by July.

The BPC Board debated whether or not to continue BPC participation due to the intensive time requirements of staff, and the continuing problems of lack of balance and attention to property owner concerns and economic issues within the committees and work products.

However, for the time being it was agreed that it was important for BPC to continue its representation through Executive Director Johnck as an important way to influence a proper direction for the project. It is hoped that through BPC efforts a rational, pragmatic and balanced CCMP will be the result. ■

#### EPA/CORPS WRITE MITIGATION GUIDANCE

The EPA recently released its Region IX wetlands "Mitigation Banking Guidelines". These appear to take a more reasonable approach to resolving some of the issues surrounding the banking concept. BPC is devoting a panel discussion at its April 30 Conference to "Mitigation Banking: Are We Making Progress?".

The Corps has also issued a document on "Habitat Mitigation and Monitoring Guidelines." For copies contact BPC or Sarah Gannett of the EPA Wetlands and Coastal Planning Staff at (415) 744-1978, or the Corp's office at 744-3036. ■

#### CAL/EPA ISSUES PERMIT STREAMLINING PROPOSALS

In keeping with its goal to develop a speedier environmental review process, Cal/EPA has released a report titled "Draft Recommendations for Consolidating and Streamlining the Cal/EPA Permit Process," which details how the new agency proposes to operate.

The proposals would affect primarily those projects needing permits within Cal-EPA, i.e. under the regulatory authority of the State Water Resources Control Board, Air Resources Control Board, etc. , but the report fails to address the subject of needed improvements in other resource permitting agencies.

The report recognizes the interdependence of both economic and environmental goals and the failure of the present system. "In California, the permit process no longer operates in a way that furthers our economic or environmental

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