

**CALENDAR ITEM  
70**

A Statewide

04/06/11

S Statewide

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**PROPOSED LEGISLATION**

**INTRODUCTION:**

State Lands Commission staff has been reviewing various legislative proposals introduced in the 112<sup>th</sup> Congress that involve lands under the Commission's jurisdiction. This report describes the proposed San Francisco Bay Restoration Act (Senate Bill 97- Feinstein), and proposes a Resolution for the Commission to consider adopting in support of the bill.

**LEGISLATIVE PROPOSAL:**

**Senate Bill 97 (Feinstein): San Francisco Bay Restoration Act**

**SUMMARY:**

The San Francisco Bay Restoration Act amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) by establishing a 10 year grant program administered by the Environmental Protection Agency (EPA) for the purpose of funding projects to improve water quality, wetlands health, and fish and wildlife habitats in and around the San Francisco Bay estuary. Primarily, the bill is focused on supporting efforts to implement the San Francisco Estuary Partnership's Comprehensive Conservation and Management Plan (CCMP), and instructs the EPA Administrator to establish an annual priority list of projects in consultation with the San Francisco Estuary Partnership, affected local governments, the State, and other interested stakeholders. The CCMP was mandated under the reauthorization of the Clean Water Act in 1987; it is a collaboratively produced, consensus-based agreement that addresses estuary restoration and was revised most recently in 2007. The bill is cosponsored by Senator Barbara Boxer. A similar bill introduced in the 111<sup>th</sup> Congress (H.R. 5061) but not signed in to law was supported by the Environmental Protection Agency, Pacific Environment, San Francisco Estuary Partnership, and the Bay Institute, among others.

**OTHER PERTINENT INFORMATION:**

California Environmental Quality Act (CEQA) compliance: Staff has determined this action by the Commission is not subject to the provisions of CEQA because it is not a "project" as defined in Section 15378 of the State CEQA Guidelines (Title 14, California Code of Regulations, section 15000 et seq.). Specifically, the proposed

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action by the Commission to adopt a resolution in support of S. 97 has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the activity is not subject to the requirements of CEQA because the activity is not a project as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines;
2. Adopt the resolution in support of S. 97 attached hereto as Exhibit A.