



Office of Congresswoman Jackie Speier

SAN FRANCISCO BAY IMPROVEMENT ACT OF 2010

FACT SHEET

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What the bill does:

- Authorizes \$100 million annually for ten years to the U.S. EPA to fund projects, programs, and studies that implement priority objectives of the San Francisco Estuary Partnership's Comprehensive Conservation and Management Plan (CCMP)
- Establishes a San Francisco Bay Program Office within Region 9 of the U.S. Environmental Protection Agency (EPA), and authorizes the EPA Administrator to appoint a Director of that Program Office to oversee that funding.
- Establishes a San Francisco Bay Program Advisory Committee to provide advice to the Administrator on implementing the identified goals and objectives of the CCMP, with representation from appropriate Federal and State departments and agencies, and the Director of the SFEP
- Provides that the President's annual budget submission to Congress shall provide information on federal agency expenditures for the protection and restoration of San Francisco Bay.

Why the bill is needed:

1. The San Francisco Bay estuary and its watersheds are a national treasure and a resource of worldwide significance that contributes to federal, state and local public health and economic vitality. As the largest estuary on the West Coast of the United States, the San Francisco Bay is home to more than 100 endangered species. The San Francisco Bay and its tidal and seasonal wetlands and other natural shoreline habitats are a significant part of the Pacific coastal resources of the United States, and a healthy bay is necessary to support human and wildlife populations.

2. A healthy San Francisco Bay is essential to a healthy ocean ecosystem, as forty percent of the land in the State of California drains to the San Francisco Bay. The San Francisco Bay estuary is a critical nursery for many ocean species, and the bay's wetlands and fertile mixing zone of fresh and salt water support the base of the ocean's food chain.
3. Over many years, the water quality and health of the San Francisco Bay estuary have been diminished by pollution, invasive species, loss of wetland habitat and other factors. Pollution from cars, homes, and communities drains into creeks, streams, and rivers that flow to the bay and the Pacific Ocean. Much of the bay and its tributaries are designated as impaired water bodies, contaminated by trash; heavy metals, including mercury, copper and selenium; PCBs; pesticides including diazinon, chlordane and dieldrin; bacteria, including fecal coliform; and other pollutants of concern. Contaminant sources in the bay include sediment from historic mining and industrial activity, stormwater discharge, agricultural runoff, air deposition, sewage treatment, and other regulated discharging facilities. Regulations relating to total maximum daily loads have been mandated for numerous contaminants.
4. More than 90 percent of the shoreline wetlands of the San Francisco Bay have been destroyed by diking, filling, and development. The restoration, preservation, and maintenance of vital wetlands and San Francisco Bay habitat, are immediate federal, state and regional priorities that are necessary to address continuing serious threats posed by pollution and sprawl. The importance of protecting and restoring the tidal wetlands and other natural habitats of San Francisco Bay is well documented in regional plans and reports, including the Comprehensive Conservation and Management Plan of the San Francisco Estuary Partnership; the San Francisco Bay Plan of the San Francisco Bay Conservation and Development Commission; the Baylands Ecosystem Habitat Goals Report of the San Francisco Bay Area Wetlands Ecosystem Goals Project; the "Restoring the Estuary" implementation strategy of the San Francisco Bay Joint Venture; the "California's Ocean Economy" report of the California Resources Agency; and the "Greening the Bay" report of Save The Bay. More than 36,000 acres of San Francisco Bay shoreline is publicly owned and planned for restoration to tidal marsh at an estimated cost of \$1,430,000,000 over the next 50 years.
5. Wetland restoration in the San Francisco Bay is necessary to address the growing danger that climate change and rises in sea level pose to the economic well-being, public health, natural resources, and environment of the State of California. Tidal wetlands can assist with tidal and fluvial flood management and adapt to rises in sea level by accreting sediment and rising in elevation. Leading scientists from the Intergovernmental Panel on Climate Change and the federal government have found that the restoration of lost wetlands represents an immediate and substantial opportunity for enhancing terrestrial carbon sequestration. The 2009 California Climate Adaptation Strategy identifies restoration of San Francisco Bay tidal wetlands as a priority opportunity for the state.
6. The federal government, acting through the Administrator of the Environmental Protection Agency, in collaboration with other agencies of the federal government, the State of

California, local governments, non-governmental agencies and other stakeholders, have committed to a Comprehensive Conservation and Management Plan, to achieve improved water quality and improvements in the health of the living resources of the San Francisco Bay including the protection of public water supplies, the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and the maintenance of recreational activities in and on water, which require improved control of point and nonpoint sources of pollution to supplement existing pollution controls.

7. The San Francisco Estuary Partnership (SFEP) is the National Estuary Program for San Francisco Bay, established in 1987 under section 320 of the Federal Water Pollution Control Act. The SFEP is a Federal, State and local effort working to improve the health of the San Francisco Bay through its strategic plan for accelerated implementation of the Comprehensive Conservation and Management Plan (CCMP). The Plan, produced in 1993 and revised in 2007 with the collaboration of many partners, is a roadmap for restoring physical, chemical and biological health to the San Francisco Bay through more than 200 implementation actions in the areas of aquatic resources; wildlife; wetlands management; water use; pollution prevention and reduction; dredging and waterway modification; land use management; public involvement and education; and research and monitoring. The Plan includes a conservative total cost estimate of \$4.5 billion for implementation of its priority recommendations. The Partnership was selected in 2008 by the Ocean and Coastal Protection Division of the Office of Water of the EPA as a lead participant in the climate ready estuary pilot program to assess the vulnerability of San Francisco Bay to a range of climate effects and to create and implement an adaptation plan.
8. Funds provided for CCMP implementation will advance the goals of the Clean Water Act – to protect and restore water quality and ecological health of the San Francisco Bay watershed and its habitats through partnerships, interagency coordination, and project grants. Federal investments have and can continue to leverage significant State and local government funding, as well as private and in-kind contributions. Demand for grants to address the identified ecological needs of the San Francisco Bay is significantly greater than available resources, particularly to achieve identified improvement goals for:
 - Invasive species prevention and management
 - Reduction of trash and other pollution in waterways
 - Wetlands protection and restoration
 - Stormwater management, including urban stream restoration, low impact development, and green infrastructure promotion
 - Water quality through implementation of total maximum daily loads, national pollutant discharge elimination system permits, watershed plans, and upgrading aging infrastructure
 - Predicting, mitigating and adapting to climate change impacts on water quality.

There is an urgent need to expand Federal funding support for these purposes.

[DISCUSSION DRAFT]111TH CONGRESS
2^D SESSION**H. R.** _____

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of the San Francisco Bay, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPEIER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of the San Francisco Bay, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “San Francisco Bay
5 Improvement Act of 2010”.

1 **SEC. 2. SAN FRANCISCO BAY.**

2 Title I of the Federal Water Pollution Control Act
3 (33 U.S.C. 1251 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 123. SAN FRANCISCO BAY.**

6 “(a) DEFINITIONS.—In this section, the following
7 definitions apply:

8 “(1) COMMITTEE.—The term ‘Committee’
9 means the San Francisco Bay Program Advisory
10 Committee established under subsection (d).

11 “(2) COMPREHENSIVE PLAN.—The term ‘com-
12 prehensive plan’ means the comprehensive conserva-
13 tion and management plan for the San Francisco
14 Bay established under section 320, including any
15 amendments thereto.

16 “(3) DIRECTOR.—The term ‘Director’ means
17 the Director of the Office, except with respect to
18 subsections (d)(2) and (e).

19 “(4) OFFICE.—The term ‘Office’ means the
20 San Francisco Bay Program Office established
21 under subsection (b).

22 “(5) REGIONAL MONITORING PROGRAM.—The
23 term ‘Regional Monitoring Program’ means the pro-
24 gram of the San Francisco Estuary Institute estab-
25 lished in 1993 by the San Francisco Bay Regional
26 Water Quality Control Board to monitor contamina-

1 tion in the San Francisco Bay and to provide data
2 to water quality regulators for effective management
3 of such Bay.

4 “(6) SAN FRANCISCO BAY.—The term ‘San
5 Francisco Bay’ means the areas comprising the San
6 Francisco Bay as determined by the Director.

7 “(7) SAN FRANCISCO ESTUARY PARTNER-
8 SHIP.—The term ‘San Francisco Estuary Partner-
9 ship’ means the agency established in 1987 under
10 section 320 to develop and implement a comprehen-
11 sive conservation and management plan to restore
12 and maintain the chemical, physical, and biological
13 integrity of the San Francisco Bay.

14 “(b) PROGRAM OFFICE.—

15 “(1) ESTABLISHMENT.—The Administrator
16 shall establish in the Environmental Protection
17 Agency a San Francisco Bay Program Office. The
18 Office shall be located at the headquarters of region
19 9 of the Environmental Protection Agency.

20 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
21 ministrator shall appoint a Director of the Office,
22 who, by reason of management experience and tech-
23 nical expertise relating to the San Francisco Bay,
24 shall be highly qualified to support the development

1 and implementation of projects, programs, and stud-
2 ies necessary to implement the comprehensive plan.

3 “(3) DELEGATION OF AUTHORITY; STAFFING.—

4 The Administrator shall delegate to the Director
5 such authority and provide such staff as may be nec-
6 essary to carry out this section.

7 “(c) DUTIES.—

8 “(1) IN GENERAL.—In carrying out this sec-
9 tion, the Administrator, acting through the Director,
10 shall—

11 “(A) assist and support the implementa-
12 tion of the comprehensive plan;

13 “(B) provide funding and make grants for
14 implementation of the comprehensive plan and
15 projects, programs, and studies consistent with
16 the priorities of the comprehensive plan;

17 “(C) promote innovative methodologies and
18 technologies that are cost-effective and con-
19 sistent with the identified goals and objectives
20 of the comprehensive plan and Environmental
21 Protection Agency permitting processes;

22 “(D) coordinate the major functions of the
23 Federal Government related to the implementa-
24 tion of the comprehensive plan, including

1 projects, programs, and studies with respect
2 to—

3 “(i) water quality improvement;

4 “(ii) wetland, riverine, and estuary
5 restoration and protection;

6 “(iii) nearshore and endangered spe-
7 cies recovery; and

8 “(iv) adaptation to climate change;

9 “(E) coordinate research and planning
10 projects authorized under this section with the
11 San Francisco Estuary Partnership, Federal
12 departments and agencies, State agencies, local
13 governments, federally recognized Indian tribes,
14 universities, and other public or nonprofit pri-
15 vate organizations to advance implementation of
16 the comprehensive plan;

17 “(F) track progress with respect to meet-
18 ing the identified goals and objectives of the
19 comprehensive plan by—

20 “(i) implementing and supporting a
21 project, program, and study monitoring
22 system consistent with the systems used by
23 the San Francisco Estuary Partnership;
24 and

1 “(ii) coordinating, managing, and re-
2 porting environmental data relating to San
3 Francisco Bay in a manner consistent with
4 methodologies utilized by the Regional
5 Monitoring Program, including, to the ex-
6 tent practicable, making such data and re-
7 ports on such data available to the public,
8 including on the Internet, in a timely fash-
9 ion; and

10 “(G) collect and make available to the pub-
11 lic, including on the Internet, publications and
12 other forms of information relating to the envi-
13 ronmental quality of the San Francisco Bay.

14 “(2) IMPLEMENTATION METHODS.—The Ad-
15 ministrator, acting through the Director, may enter
16 into interagency agreements, make intergovern-
17 mental personnel appointments, provide funding,
18 and make grants in carrying out the duties under
19 this subsection.

20 “(d) SAN FRANCISCO BAY PROGRAM ADVISORY COM-
21 MITTEE.—

22 “(1) IN GENERAL.—The Administrator shall es-
23 tablish a San Francisco Bay Program Advisory
24 Committee to provide advice to the Administrator on

1 the implementation of the identified goals and objec-
2 tives of the comprehensive plan.

3 “(2) COMPOSITION.—The Committee shall con-
4 sist of the Director and Steering Committee of the
5 San Francisco Estuary Partnership, and representa-
6 tives of appropriate Federal and State departments
7 and agencies that may affect or implement projects
8 or programs identified in the comprehensive plan.
9 Participation on the Committee shall be voluntary
10 for any individual that is not an employee of the
11 Federal Government.

12 “(3) CHAIRPERSON.—The Director shall serve
13 as the chairperson of the Committee.

14 “(4) MEETINGS.—The Committee shall meet at
15 least twice per year—

16 “(A) to assess the progress of the Office in
17 meeting the identified goals and objectives of
18 the comprehensive plan;

19 “(B) to identify improvements necessary
20 for meeting the identified goals and objectives
21 of the comprehensive plan; and

22 “(C) to assess Federal department and
23 agency budget needs with respect to imple-
24 menting the comprehensive plan.

1 “(5) COMPENSATION OF MEMBERS.—A member
2 of the Committee shall serve without compensation.

3 “(6) TRAVEL EXPENSES.—Subject to the avail-
4 ability of appropriations, the Administrator shall re-
5 imburse a member of the Committee for travel ex-
6 penses, including per diem in lieu of subsistence, at
7 rates authorized for an employee of a Federal agen-
8 cy under subchapter I of chapter 57 of title 5,
9 United States Code, while away from home or the
10 regular place of business of the member in perform-
11 ance of services for the Committee.

12 “(e) REPORT.—Not later than one year after the date
13 of enactment of this section, and biennially thereafter, the
14 Administrator, in consultation with the Director of the
15 San Francisco Estuary Partnership, shall submit to Con-
16 gress a report that—

17 “(1) summarizes progress with respect to imple-
18 menting the comprehensive plan and achieving the
19 identified goals and objectives described in the com-
20 prehensive plan;

21 “(2) summarizes any modifications to the com-
22 prehensive plan made in the 2-year period preceding
23 such report;

24 “(3) includes specific recommendations for im-
25 plementation of the comprehensive plan; and

1 “(4) summarizes the roles and progress of each
2 Federal department or agency that has jurisdiction
3 in the San Francisco Bay with respect to meeting
4 the identified goals and objectives of the comprehen-
5 sive plan.

6 “(f) IMPLEMENTATION OF COMPREHENSIVE PLAN.—

7 “(1) IN GENERAL.—The Administrator, acting
8 through the Director and in consultation with the
9 San Francisco Estuary Partnership, shall carry out
10 projects, programs, and studies to implement the
11 comprehensive plan.

12 “(2) PRIORITY PROJECTS, PROGRAMS, AND
13 STUDIES.—In carrying out paragraph (1), the Ad-
14 ministrator shall give priority to projects, programs,
15 and studies that are identified as priorities by the
16 San Francisco Estuary Partnership in the com-
17 prehensive plan.

18 “(3) GRANTS.—

19 “(A) IN GENERAL.—The Administrator,
20 acting through the Director, is authorized to
21 make grants for projects, programs, and studies
22 to implement the comprehensive plan.

23 “(B) ALLOCATIONS.—In making grants
24 under this paragraph, the Administrator shall
25 use—

1 “(i) 2.5 percent of the funds appro-
2 priated for making grants under this para-
3 graph for a fiscal year to make a com-
4 prehensive grant to the San Francisco Es-
5 tuary Partnership to manage implementa-
6 tion of the comprehensive plan; and

7 “(ii) 97.5 percent of funds appro-
8 priated for making grants under this para-
9 graph for a fiscal year to make grants to
10 State and regional water pollution control
11 agencies and entities, including the San
12 Francisco Estuary Partnership, federally
13 recognized Indian tribes, State coastal zone
14 management agencies, local governments,
15 and public or nonprofit private agencies,
16 institutions, or organizations to implement
17 projects, programs, and studies that ad-
18 vance implementation of the comprehensive
19 plan.

20 “(C) GRANT ELIGIBILITY.—An entity shall
21 be eligible for grants under this paragraph only
22 if grant funds shall be used for projects, pro-
23 grams, and studies that are pursuant to the
24 comprehensive plan.

25 “(4) FEDERAL SHARE.—

1 “(A) MANAGEMENT GRANTS.—The Fed-
2 eral share of the cost of management activities
3 carried out using funds from a grant under
4 paragraph (3)(B)(i) shall not exceed 75 per-
5 cent.

6 “(B) PROJECT, PROGRAM, AND STUDY
7 GRANTS.—The Federal share of the cost of a
8 project, program, or study carried out using
9 funds from a grant under paragraph (3)(B)(ii)
10 shall not exceed 50 percent.

11 “(g) ANNUAL BUDGET PLAN.—The President, as
12 part of the annual budget submission of the President
13 under section 1105 of title 31, United States Code, shall
14 submit information regarding each Federal department
15 and agency involved in San Francisco Bay protection and
16 restoration, including—

17 “(1) a report that displays for each Federal
18 agency—

19 “(A) the amounts obligated in the pre-
20 ceding fiscal year for protection and restoration
21 projects, programs, and studies relating to the
22 San Francisco Bay; and

23 “(B) the proposed budget for protection
24 and restoration projects, programs, and studies
25 relating to the San Francisco Bay; and

1 “(2) a description and assessment of the Fed-
2 eral role in the implementation of the comprehensive
3 plan and the specific role of each Federal depart-
4 ment and agency involved in San Francisco Bay pro-
5 tection and restoration, including specific projects,
6 programs, and studies conducted or planned to
7 achieve the identified goals and objectives of the
8 comprehensive plan.

9 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to the Administrator to
11 carry out this section \$100,000,000 for each of fiscal
12 years 2011 through 2021. Such sums shall remain avail-
13 able until expended.”.



May 27, 2010

The Honorable Jackie Speier
U.S. House of Representatives
211 Cannon House Office Building
Washington, D.C. 20515

Subject: Support of H.R. 5061

Dear Congresswoman Speier:

The State Coastal Conservancy strongly supports your work to improve the health of San Francisco Bay by introducing H.R. 5061, the San Francisco Bay Improvement Act.

The Act would increase federal resources for protection and restoration of the San Francisco Bay, authorizing funds for the U.S. Environmental Protection Agency to invest in the largest estuary on the West Coast of the United States and the central feature of the San Francisco Bay Area, home to over 7.5 million people. EPA funds would be leveraged by state and local funds and would be used to prevent and manage invasive species, reduce trash and pollution in our waterways, restore wetlands and urban streams, promote low impact development, improve water quality, and mitigate and adapt to climate change impacts on the San Francisco Bay.

Over the last 150 years, the health of the San Francisco Bay has been diminished by pollution, invasive species, and loss of wetland habitat, impacting birds, plants, fish, marine mammals, and the people of the Bay Area. While many programs and projects are making progress on the restoration and protection of San Francisco Bay, there is an urgent need to expand Federal funding support to address these issues.

The State Coastal Conservancy has provided significant state funding over the past 30 years to protect and restore the health of San Francisco Bay, through such efforts as the South Bay Salt Pond Restoration Project, Hamilton Wetlands Restoration, Napa-Sonoma Marsh Restoration, Invasive Spartina Project, and numerous other projects. We appreciate your efforts to

significantly augment the existing funding for San Francisco Bay, which does not meet the needs of the region and resource.

We encourage you and the entire Bay Area delegation to work for swift passage of this bill and we strongly support your efforts. Thank you for your leadership.

Sincerely,

Douglas Bosco
Chairman