



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: BOS
Department No.: 011
For Agenda Of: November 15, 2011
Placement: Departmental
Estimated Tme: 30 min
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM: Board Member(s) Supervisor Salud Carbajal and Supervisor Janet Wolf
Contact Info: Mary O’Gorman, Chief of Staff, Supervisor Wolf (805) 568-2191
Eric Friedman, Staff Assistant, Supervisor Carbajal (805) 568-2186

SUBJECT: BEACON Single Use Bag Regional EIR Project

County Counsel Concurrence

As to form: Yes

Other Concurrence:

N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

A: The Board of Supervisors receive a report from the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) regarding the impacts of single use bags and the resolution adopted by BEACON.

B: Consider supporting BEACON’s effort to conduct a regional Environmental Impact Report (EIR) on the banning of single use bags and contribute up to \$15,000 based on a pro-rata share per member agency of the total cost of preparing the EIR.

Summary Text:

BEACON is a multijurisdictional joint-powers agency comprised of the Counties of Santa Barbara and Ventura as well as the coastal cities of Goleta, Santa Barbara, Carpinteria, Ventura, Oxnard and Port Hueneme. It has a primary responsibility of protecting our beaches and coast as well as the preservation, protection and enhancement of clean ocean waters. Supervisors Carbajal and Wolf serve as Santa Barbara County’s representatives to BEACON.

The improper disposal of non-compostable plastic bags comprises a major component of pollution and littering of our oceans and beaches to the detriment of our environment, wildlife and the public use and enjoyment of these areas.

At its September 23, 2011 meeting, the BEACON Board of Directors adopted a resolution to support and endorse efforts by BEACON member agencies, other government agencies within Santa Barbara

and Ventura Counties, including other citizen initiatives, to limit the adverse impact of single use plastic bags. BEACON also voted to seek support from member agencies and other agencies within Santa Barbara and Ventura counties to conduct a regional EIR for the ban and/or restriction of single use bags in the region. The EIR is expected to cost between \$60,000 and \$80,000.

Background:

Plastic shopping bags are made of high-density polyethylene — a byproduct of oil and natural gas. It is estimated that U.S. shoppers use an estimated 102 billion plastic shopping bags each year. The impacts to our oceans and marine environment are many. Plastic bags make up a significant amount of the litter found in storm drains that lead directly to the beach and ocean and can contribute to flooding. They do not biodegrade in the ocean and add to the extensive amount of plastic debris in the marine ecosystem. Plants and other immobile living organisms can be smothered by plastic bags while many animals can become entangled or ingest plastic bags, which in many cases leads to a blockage of their normal digestive processes. A study completed in 2011 by scientists at the Scripps Institute of Oceanography at UC San Diego, found plastic in nearly one in 10 small fish collected in the Pacific Ocean and estimated that fish are ingesting as much as 24,000 tons of plastic annually.

In an effort to address the impacts of plastic bags, efforts have taken place both locally and throughout the U.S. to reduce usage through campaigns advocating for reusable bags and recycling. While these efforts have had some benefits, it appears that fewer than nine percent of plastic bags in the U.S. are recycled in any form. Much statewide debate has also occurred during the last three years regarding the banning of single-use plastic bags due to the environmental impacts they cause. To date, at least thirteen municipalities within California have approved a ban on single-use plastic bags. These include San Francisco, Santa Clara County, San Jose, Santa Cruz, Long Beach, Santa Clarita, unincorporated areas of Los Angeles County, Malibu, Calabasas, Marin County, Santa Monica, Huntington Beach and Manhattan Beach. In addition, the City of Carpinteria, on October 10th, 2011 voted to direct their staff to draft an ordinance for a ban on single use carryout bags. Municipalities within the U.S. outside of California have also issued bans or restrictions and plastic bags are also either restricted or banned in more than 25 percent of the world.

In 2010, L.A. County approved an Environmental Impact Report (EIR) and Ordinance banning single-use plastic bags and asked cities within the County to also adopt the Ordinance. The analysis undertaken in support of the LA County EIR determined that there are several environmental issue areas related to the California Environmental Quality Act (CEQA) that are **not** expected to have significant impacts resulting from implementation of the proposed project. These issue areas are agriculture and forest resources, aesthetics, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, public services, recreation, and transportation and traffic. These issue areas, therefore, were not carried forward for detailed analysis in the EIR.

Certain plastic bag industry representatives have suggested that the banning of plastic carryout bags could potentially result in the increased manufacture of paper carryout bags, which may lead to potentially significant environmental impacts. As a result, LA County decided to carry forward five environmental issues for more detailed analysis in the EIR. The issue areas were air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and utilities and service systems. The EIR assessed that the proposed ordinance would not result in any significant adverse impact in any of

these study areas and would result in a beneficial impact for biological resources. To date, the EIR has not had a legal challenge.

The City of Manhattan Beach is a jurisdiction that was also interested in banning plastic bags and did in fact adopt such an ordinance. This ordinance was legally challenged and eventually heard by the California Supreme Court. On July 14, 2011, the Supreme Court ruled in favor of the City of Manhattan Beach’s single-use plastic bag ban, holding that state law does not require the City to complete a full Environmental Impact Report (“EIR”) in order to impose the ban. This decision will make it easier for similar sized cities to prohibit stores from distributing plastic grocery bags without having to do an EIR. However, the Supreme Court ruling does not discount cumulative impacts. So while a city may be small, if adjacent cities or communities have a ban in place, there may be cumulative impacts that would require a full EIR.

With recent state legislative efforts having failed to enact a uniform state wide regulation regarding banning or restrict the use of single use bags, and the Supreme Court Action, the Board of BEACON determined that pursuing a regional EIR was the appropriate vehicle to pursue a collaborative effort to address the significant impacts from these bags on our local environment.

Performance Measure: N/A**Fiscal and Facilities Impacts:**

Budgeted: No. Funding will require a transfer from contingency (4/5 vote).

Fiscal Analysis:

General Fund	\$	15,000.00		\$	15,000.00
State					
Federal					
Fees					
Other:					
Total	\$	15,000.00	\$	-	\$ 15,000.00

Narrative:

A one-time cost of up to \$15,000 to contribute the County pro rata share of the total cost of the EIR.

Staffing Impacts: N/A

Attachments:

A: BEACON Resolution and staff report

B: Budget Revision Request

Authored by:

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cc: