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July 31, 2012

Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

SUBJECT: Consideration of BEACON Single-Use Bag Ordinance and Financial Participation in BEACON Regional EIR Preparation

RECOMMENDED ACTIONS:

1. Receive and file the draft model Single-Use Bag Ordinance referred to the Board by the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON).
2. Declare the draft ordinance to be a "project" for the purposes of environmental review, and as a possible "model" ordinance to be considered and possibly adopted at a future date by BEACON cities and counties with BEACON staff overseeing the CEQA environmental review process.
3. Endorse the use of up to $8,000 from the County Storm Water Program – Trash TMDL as the County's pro-rata share of regional EIR preparation by BEACON.
4. Adopt a cooperative agreement between the member agencies of BEACON for CEQA review of the proposed ordinance.

DISCUSSION:

BEACON is a multijurisdictional joint-powers agency composed 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' Bennett and Zaragoza are the Board's current representatives to BEACON and are bringing this agenda item at the request of the whole BEACON board.

This Board action to partner on a regional EIR is an opportunity for the Ventura County Board of Supervisors to save upwards of $55,000 if the Board should wish to pursue a Single Use Bag Ban at a later date.

The improper disposal of non-compostable plastic bags comprises a major component of pollution and littering of our oceans, beaches, creeks, and rivers, 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 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 $70,000.

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 over 100 billion plastic shopping bags each year. The impacts to our oceans, marine environment, and rivers 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, dozens of municipalities within California have either approved or are considering approving some level of ban on single-use plastic bags. In addition, in March 2012 the City of Carpinteria approved 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. In May 2012, the City of Los Angeles became the largest City in the Nation to adopt a bag ban 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, L.A. 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.

BEACON Proposal:
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 preparing a regional EIR was the appropriate vehicle to cost effectively enable member agencies to address the significant impacts from these bags on our local environment through local ordinances should they choose to do so.

BEACON has developed a draft model single-use bag ordinance, attached, and Recommended Actions Nos. 1 and 2 address the use of this model ordinance as the basis for the regional EIR.

The City and the County of Santa Barbara have both voted to support BEACON's regional EIR efforts, and the County of Santa Barbara has contributed $8,000 towards the EIR effort. BEACON will be in front of the Ventura, Oxnard and Port Hueneme City Councils within the next 30 days to seek their support for this regional effort.

The County Public Works Agency Director has determined that it would be an appropriate use of the County Storm Water Program – Trash TMDL fund to provide the County's pro-rata share of the BEACON regional EIR. Recommendation No. 2 of this Board letter seeks the Board's endorsement of this financial participation, while Recommendation No. 4 is adoption of the cost sharing agreement with BEACON (attached).

In addition to BEACON members, there have been several community-based organizations that have also expressed a keen interest in contributing to this effort, and just recently BEACON received a $5,000 grant from the Orfalea Foundation to complete the regional EIR.

In conclusion, our Board's support of BEACON's program to implement a cost-shared regional EIR will both fulfill our obligations as a BEACON member, and minimize the cost to the County and other public agencies should we or they wish to enact an a single-use bag ordinance after EIR completion.

Cordially,

Steve Bennett

Steve Bennett
Supervisor, District 1

John C. Zaragoza

John Zaragoza
Supervisor, District 5