

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



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March 14, 2000

TO: Coastal Commissioners and Interested Public
FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator
SUBJECT: LEGISLATIVE REPORT FOR MARCH 2000

CONTENTS:

This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

Note:

This information can be accessed through the Commission's World Wide Web
Homepage at <http://ceres.ca.gov/coastalcomm/index.html>

Please contact Sarah Christie, Legislative Coordinator, at (916) 455-6067 with any questions on the material contained in this report.

UPDATE ON COMMISSION-PROPOSED LEGISLATION

RA 2000-52R, Indemnification for the Coastal Commission

The Governor's office has denied the Commission's proposed legislation to indemnify the Commission from attorneys fees resulting from court decisions overturning permit approvals and project-specific LCP amendments.

RA 2000-16, Coastal Resources; Certified Local Coastal Programs

The Department of Finance and the Governor's office are still reviewing the Commission's proposed legislation to amend Section 30519.4 and 30519.5 of the Coastal Act, relating to periodic reviews. Staff has amended the proposed legislation to address the Administration's and the Department's concerns.

NEWLY INTRODUCED LEGISLATION

AB 2310 (Ducheny)

This bill would amend Sections 30233, 30240 and 30411 of the Public Resources Code (California Coastal Act) to include recreational, residential and commercial development as allowable uses in degraded coastal wetlands; allow transportation projects in wetlands and other development in areas designated as Environmentally Sensitive Habitat Areas (ESHAs); and change the current 'balancing provision' of the Act to allow the Commission to permit more intensive, non coastal-dependent uses in wetlands and ESHAs by balancing the broad programmatic goals in Chapter 1 of the Act, against the specific resource protection policies contained in Chapter 3 of the Act. Under this proposed bill, the Commission could allow development not otherwise permitted in wetlands found to be 'degraded' by the Department of Fish and Game, if, in conjunction with such development, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. Development in ESHAs could be allowed if the Commission finds habitat values to be degraded and that higher habitat values of the same type could potentially be achieved at another location through protection, maintenance, enhancement, creation or restoration of those values.

The bill also prohibits the Commission from taking actions in conflict with Habitat Conservation Plans (HCPs) and Natural Community Conservation Plans (NCCPs) approved by the Department of Fish and Game.

Introduced	February 25, 2000
Status	May be heard in Committee March 26
Staff Involvement	Analysis attached
Comm. Position	Staff recommends an Oppose position

AB 2343 (Ducheny) California Environmental Quality Act; Exemption

This bill would create a CEQA exemption for development projects of up to 200 units in urbanized areas that, among other things, are located within a community or neighborhood revitalization area, as defined in the bill, and are otherwise subject to an environmental assessment (environmental impact report or a negative declaration of impacts.) The development project must be consistent with the jurisdiction's general plan or any applicable specific plan or local coastal program as it existed on the date that the application was deemed complete.

Introduced	February 25, 2000
Status	May be heard in Committee March 26
Staff Involvement	Analysis attached

AB 1781 (Pacheco,) Relating to State Beaches

This proposed legislation would remove the \$250,000 cap on non-commercial projects on 8 beaches owned by the County of Los Angeles, allowing for the construction of restrooms, wheelchair ramps, pedestrian accessways, storm drains, lifeguard facilities, parking lots, sand walls, rock revetments and coastal slope erosion protection.

Introduced	February 25, 2000
Status	May be heard in Committee March 26
Staff Involvement	Analysis attached, working with Sponsor
Comm. Position	Staff recommends Neutral if Amended

SB 1562 (Burton), Mitigation of Projects Through Wetlands Restoration

This bill would provide that if a public agency proposes to mitigate the impact of a proposed project by providing funding for a wetlands restoration project sponsored by a state or federal agency, the analysis of the wetlands restoration in the environmental impact report shall be limited to a brief discussion of the relationship between the impact of the proposed project and the benefits of the wetlands restoration. Any agency carrying out the wetlands restoration project would be subject to all applicable laws otherwise governing wetlands restoration.

Introduced	February 18, 2000
Status	Referred to Committee on Environmental Quality
Staff Involvement	Working with author

AB 1865 (Strickland) Water Quality, Septic Tank Systems

This bill would create the Septic Tank System Replacement Fund and would authorize the State Water Resources Control Board to make grants to homeowners who are required by a regional board to replace their septic tank systems. The grants would offset costs incurred in connection with hooking up to a conventional sewer system.

Introduced	February 10, 2000
Status	Referred to Asm. E.S. & T.M.
Staff Involvement	None

AB 2148 (Nakano) Highways: Storm Water Abatement

AB 541 has been reintroduced as AB 2148. This bill would annually appropriate \$10,000,000 from state-administered federal Transportation Equity Act for the 21st Century (T-21) funds, into the Storm Water Abatement Account created by the bill in the State Transportation Fund. These funds would be made available to local, state, and nonprofit entities to undertake transportation-related projects for pollution abatement and environmental restoration. The allocation would be made after T-21 funds have been allocated and distributed to local governments using established formulas and guidelines, thus providing an additional source of dedicated funding. May be heard in Committee March 25.

Introduced	02/24/99
Last Amend	01/03/00
Status	Reintroduced, looking for co-authors
Staff Involvement	Working with author
Comm. Position	SUPPORT

PRIORITY LEGISLATION, 2-YEAR BILLS

AB 809 (Strom-Martin) Special Environmental Design License Plates: Fund

AB 553 has been amended to replace AB 809. This bill would require the fees that are currently deposited in the California Environmental License Plate Fund (ELPF) to instead be deposited in the License Plate Coastal Access Account, which the bill would create, in the State Coastal Conservancy Fund of 1984. The bill would require the money in this new account to be available, upon appropriation, to the State Coastal Conservancy for grants to public agencies and nonprofit entities or organizations for operating and maintaining coastal accessways. The Governor's proposed budget estimates the FY 2000/2001 revenues from the Whale Tail plate at \$1,472,000, of which \$736,000 will go into the ELPF.

Introduced	02/24/99
Last Amend	03/08/00
Status	Substituted, to be reintroduced
Comm. Position	SUPPORT

AB 511 (Wayne) Nonpoint Source Pollution

AB 511 clarifies the Commission's existing authority to address and minimize the adverse impacts of nonpoint source pollution when implementing Coastal Act policies related to coastal public access and recreation, the protection of biological productivity, coastal waters, and sensitive habitat, and new development. The Commission would also be required, not later than January 1, 2001, to prepare and submit to the Governor and the Legislature an annual report on the progress made in implementing the *Polluted Runoff Strategy of the California Coastal Commission*.

Introduced	02/18/99
Last Amend	06/01/99
Status	Passed Assembly floor; passed Senate Natural Resources and Wildlife Committee; passed Senate Appropriations, on Senate floor
Staff Involvement	Working with author on possible alternative language
Comm. Position	SUPPORT

AB 1280 (Jackson) Oil and Gas Development: Pipelines

AB 1280 would amend Section 30262 of the Coastal Act to require that any new or expanded oil production extracted off the coast of California be transported by pipeline, rather than tanker or barge, to onshore processing and refining facilities, and that all pipelines used to transport this oil utilize the best achievable technology to ensure maximum protection of public health and safety and productivity of terrestrial and marine ecosystems. In cases where overland transport by pipeline is infeasible, shipment of crude oil may be permitted by other modes of environmentally sound onshore transportation such as trains and trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

This bill would not apply to Thums Island facilities within Long Beach Harbor.

Introduced	02/26/99
Last Amend	09/03/99
Status	Passed Assembly floor; passed Senate Natural Resources and Wildlife Committee; passed Appropriations; Passed Senate floor; failed to pass Assembly concurrence. Reconsideration granted.
Staff Involvement	Worked with author on amendments.
Comm. Position	SUPPORT

AB 885 (Jackson) Coastal Onsite Sewage Treatment Systems

AB 885 would require the State Department of Health Services, on or before January 1, 2001, in consultation with the State Water Resources Control Board, the California Coastal Commission, and the California Conference of Directors of Environmental Health, to adopt, by regulation, statewide performance standards for all onsite sewage treatment systems within the coastal zone. The bill would require all affected onsite sewage treatment systems to comply with the standards no later than January 1, 2003, or 3 years from the date of the adoption of the standards, whichever is earlier.

Introduced	02/25/99
Last Amend	05/13/99
Status	Passed Assembly Floor; passed Assembly Committee on Environmental Safety and Toxic Materials; referred to Senate Environmental Quality Com.,
Staff Involvement	None
Comm. Position	SUPPORT

AB 1219 (Kuehl) Land Use: Water Supplies

AB 1219 would require that prior to the final approval of any residential subdivision of property of over 200 residential lots, a city, a county, or city and county will require that water utility service that meets the reasonable needs of the project be provided by a water service provider, as specified, and that the water service provider verify this in writing.

Introduced	02/26/99
Last Amend	01/13/00
Status	Passed Assembly. Referred to Local Government and Agriculture and Water Resources Committees
Staff Involvement	None

SB 1277 (Hayden), State property: roads: construction and improvements.

This bill would prohibit a state or local agency from constructing or approving the construction of any public road, or from making any improvement to an existing road, that substantially increases vehicular traffic capacity in or through any unit of the state park system. The bill would authorize the construction of a road through a unit of the state park system if the department determines, among other things, that the road project includes all feasible planning to minimize harm to the property, or if the Secretary of Business, Transportation, and Housing and the Secretary of Resources jointly make specified findings related to cost, mitigation, feasible alternatives and impact on existing uses.

Introduced	02/26/99
Last Amend	07/15/00
Status	Passed Senate Natural Resources and Wildlife Committee; passed Senate Appropriations, Passed Senate floor; Assembly first reading, held at desk.
Staff Involvement	None

SB 221 (Alpert) Oil Spill Prevention

Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, prohibits the operation of a nontank vessel of 300 gross registered tons or greater in the marine waters of the state unless the owner or operator prepares and submits an oil spill contingency plan to the administrator for oil spill response and the plan is approved. SB 221 would authorize the administrator to establish a lower standard of financial responsibility for nontank barges that is not less than the expected costs from a reasonable worst-case oil spill into marine waters.

Introduced	01/25/99
Last Amend	07/08/99
Status	Passed Senate Environmental Quality and Senate Judiciary Committees, Passed Senate Floor, Referred to Assembly Natural Resources
Staff Involvement	Reviewing

SB 241 (Alpert) California Endowment for Marine Preservation

SB 241 would establish the California Endowment for Marine Preservation, to be governed by a 9-member board of directors, in order to create a permanent source of funding for marine- and fisheries-related research and enhancement projects. The bill would require that owners and operators of offshore oil platforms or production facilities, who receive government approval and permits to allow offshore oil platforms or facilities to remain in place, deposit a percentage of the cost savings into the endowment.

If the offshore oil platform or production facility is located in waters less than 200 feet in depth, 35 percent of the cost savings would be deposited into the fund.

If the offshore oil platform or production facility were located in water between 200-400 feet in depth, 50 percent of the cost savings would be deposited into the fund.

If the offshore oil platform or production facility is located in water greater than 400 feet, 65 percent of the cost savings.

A 50% savings bonus would apply for early decommissioning.

Introduced	01/26/99
Last Amend	01/27/00
Status	Passed Senate Natural Resources Committee, Passed Senate Appropriations, Passed Senate Floor, Referred to Assembly Natural Resources
Staff Involvement	Working with author on amendment
Comm. Position	No Position