

CALIFORNIA COASTAL COMMISSION

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Wed. 9a

May 10, 2000

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR MAY 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 2000-16, Coastal Resources; Certified Local Coastal Programs

The Department of Finance has removed its opposition to the Commission's proposed legislation to amend Section 30519.4 and 30519.5 of the Coastal Act, relating to periodic reviews. The Governor's office is reviewing.

CURRENT SESSION LEGISLATION

AB 1781 (Pacheco,) Relating to State Beaches

As amended, 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, sand walls, rock revetments and coastal slope erosion protection. Bill amended to remove lifeguard facilities and parking lots in Committee.

Introduced	02/25/00
Status	Passed Assm. Water, Parks & Wildlife (4/4/00), referred to Assembly Appropriation (05/03)
Last Amended	04/11
Comm. Position	Neutral if amended,

AB 1835 (Baugh) Storm Water Discharge

This bill would require the state board to provide grants to public local agencies to pay for capital costs and specified other costs associated with diverting dry weather flows from storm water discharges to sewage treatment facilities that would otherwise be discharged to a public beach. The bill would require the state board, in consultation with the California Storm Water Quality Task Force, to adopt regulations to carry out the grant program not later than July 1, 2001. The bill would require the state board, in consultation with that task force, to complete a study not later than January 1, 2003, for the purpose of identifying measures that will reduce or eliminate violations of minimum sanitation standards applicable to public beaches, as prescribed.

Introduced	02/03/00
Status	Passed Assm. Natural Resources; Passed Assm. Water, Parks & Wildlife
Last Amended	04/04/00
Comm. Position	Staff recommends a <u>support</u> position, analysis attached

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	02/10/00
Status	Passed Assm. E.S. & T.M., referred to Appropriations

AB 1946 (Wayne) Public Beaches: Survey

This bill would require the State Water Resources Control Board by February 1, 2000, to develop uniform guidelines for local health officers to report beach postings, closures and related information. Existing law requires that local health officers submit an annual report to the board. This bill would require standardized monthly reports, and would require that those reports be made available to the public via the internet. It would further require the board to publish its statewide report on or before July 30 of each year and make available to the public copies of this report by a variety of means, including the Internet.

Introduced 02/15/00
Status Passed Assm. Natural Resources, Referred to Info & Technology

AB 2144 (Keeley) Watsonville M.O.U.

This bill would enable anyone to petition the court if the City of Watsonville, County of Santa Cruz or the California Coastal Commission failed to comply with the provisions of the Memorandum of Understanding entered into between the three entities. This legislation would not take effect unless and until the County of Santa Cruz and the City of Watsonville have housing elements certified by the state, and either entity takes action to amend or repeal the supermajority voting requirements contained in the MOU.

Introduced 02/23/00
Status Referred to Committee on Consumer Protection, Governmental Efficiency & Economic Development
Last Amend 04/26/00
Comm. Position Staff recommends a support position, analysis attached

AB 2147 (Wiggins) Zoning Ordinances, Public Schools

This bill would require that local governments address zoning to provide for the location and expansion of public schools when updating their General Plans.

Introduced 02/23/00
Status Passed Assm. Local Govt; Referred to Rules Committee
Last Amended 04/24/00

AB 2148 (Nakano) Highways: Storm Water Abatement

This bill would create a 5-year pilot program within the county of Los Angeles to fund projects that reduce polluted runoff on streets and highways. The bill would appropriate \$10,000,000 from the General fund for matching grants to local governments that wish to make improvements to water quality through reducing polluted highway runoff, and \$50,000,000 to the Department of Transportation for abatement projects on state highways. The bill would create the Polluted Highway Runoff Account created by the bill in the State Transportation Fund. These funds would be made available to local, state, and nonprofit entities for reimbursement of costs incurred relating to polluted runoff control, to the extent that the funds are available.

The Commission previously voted to support AB 2148, when it applied to transportation projects statewide. The Commission should note that the scope of the program has narrowed, and the appropriation has increased.

Introduced 02/24/99
Last Amend 04/13/00
Status Referred to Assm. Transportation
Comm. Position Support

AB 2286 (Davis) Wetlands

This bill would amend the Keene-Nejedly California Wetlands Act to update the state's existing wetlands inventory in order to prepare a restoration, management, protection and acquisition study, and specifically authorize the Coastal Conservancy, Department of Fish and Game and the Department of Parks and Recreation to acquire and manage interests in real properties identified in the inventory. The bill would require the Resources Agency to submit the study to the Legislature by January 1, 2003.

Introduced 02/18/00
Last Amend 04/05/00
Status Passed Assm. Natural Resources; Referred to Appropriations

AB 2310 (Ducheny) Wetland and ESHA policies

As amended, this bill would introduce legislative intent language which would change the current interpretation of the 'balancing provision' contained in the Coastal Act. This would allow the Commission to permit more intensive uses in degraded 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 and ESHA found to be 'degraded' by the Department of Fish and Game, if, in conjunction with such development, mitigation is offered which would result in a "net environmental benefit." 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 02/25/00
Status Double Referred, Assm. Natural Resources, Water, Parks and Wildlife; Hearing cancelled at request of author (4/24/00)

Comm. Position Oppose. Analysis of amendments attached

AB 2324 (Lowenthal) Coastal Waste Management

This bill would require the Los Angeles Regional Quality Control Board to prepare a pilot project characterizing the composition and amount of trash found at storm drain outfalls that flow into the Los Angeles River. In addition, the bill would require the regional board to purchase and install four continuous deflective separation units at four of the largest storm drain outfalls that flow to the Los Angeles River. The bill would require an annual report to the Legislature related to the accomplishments and findings of the project.

Introduced 02/24/00
Status Referred to Assm. Natural Resources
Last Amended 04/24/00

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 02/25/00
Status Referred to Assm. Natural Resources; Hearing cancelled at the request of author

Comm. Position Oppose

AB 2387 (Keeley) Ocean Resources

This bill enacts the California Ocean Resources Stewardship Act of 2000, and creates, within the Department of Resources, the California Cooperative Ocean Studies Program. The purpose of this program is to encourage regional collaboration between academia and government on research and management practices relating to the marine environment, and to provide funding assistance through the creation of a non-governmental trust. The bill designates the California Coastal Commission, the Department of Fish and Game, and the State Water Resources Control Board as affiliates of the program. As such, each department is responsible for an equal share of administrative costs.

Introduced 02/24/00
Status Passed Assm. WP&W; Passed Assm. Natural Resources; Referred to Assm. Appropriations
Last Amended 04/12/00

AB 2492 (Kuehl) Storm Water

This bill would require the State Water Resources Control Board to establish a uniform storm water monitoring program for all municipalities covered by an NPDES permit, on or before January 1, 2002. The program shall include numeric effluent limitations to ensure compliance with state water quality objectives, standardized methods for collection of storm water samples, standardized methods for analysis of storm water samples, a requirement that every sample analysis under this program be completed by a state certified laboratory, a standardized reporting format, and a minimum monitoring program.

Introduced 02/24/00
Status Passed Assm. ES & TM, Referred to Assm. Appropriations, Suspense File
Last Amended 03/28/00

AB 2736 (Aanestad) Agricultural Land Protection Act

This bill would enable owners of agricultural property adjacent to designated habitat conservation lands to recover damages from the governmental entity that designated the lands as habitat conservation lands if damage attributed to wildlife becomes an economic problem on adjacent agricultural property. It would require owners of lands managed for habitat conservation purposes to control pests, rodents and noxious weeds on said property, contain endangered species so that they do not impair farming or ranching activities on adjacent lands, and convene quarterly meetings with adjacent landowners to discuss issues and activities.

Introduced 02/25/00
Status Failed to pass Assm. Water, Parks and Wildlife; Reconsideration granted

AB 2746 (Nakano) Water Quality; Large Passenger Vessels

This bill would require an owner or operator of a cruise ship, to submit to the State Water Resources Control Board a report itemizing the offloading or release of pollutants from that vessel that occurred during the previous calendar month while the vessel was located in the marine waters of the state.

Introduced 02/25/00
Status Passed ES&TM Committee, Referred to Appropriations
Last Amended 04/13

Comm. Position **Staff recommends a support position, analysis attached**

AB 2748 (Bates) Public Beach Restoration

This bill would appropriate \$35,000,000 from the General Fund to the Department of Boating and Waterways for purposes of the California Public Beach Restoration Act. The bill also would specify that priority funding shall be provided by the department to maximize the use of federal funds that may be provided for coastal projects. Existing law requires the department and the State Coastal Conservancy to jointly prepare and submit to the Legislature, not later than January 1, 2002, a report detailing the restoration, nourishment, and enhancement activities undertaken through the program, evaluating the need for public beach restoration projects, the effectiveness of the program in addressing that need, and ways to increase natural sediment. This bill would extend the date the report is due to January 1, 2003.

Introduced 02/25/00
Status Passed Assm. Natural Resources, referred to Appropriations
Last Amended 04/11/00

Comm. Position **Staff recommends a support position, analysis attached**

AB 2800 (Shelley) Marine Managed Areas Consolidation and Improvement Act

This bill would review and consolidate the state's classification and management system of state marine waters, to preserve living marine resources and their habitats, scenic views, water quality, recreational values, and cultural and geological resources, under the management of the Department of Fish and Game. The bill also sets criteria for considering and including additional areas into the state's Marine Managed Area (MMA) system, and calls for the Secretary of Resources to create the State Interagency Coordinating Committee, whose members are representatives

from the Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board, and State Lands Commission.

Introduced 02/08/00
Last Amended 04/24/00
Status Passed Assm. Water, Parks & Wildlife, Referred to Appropriations

SB 1540 (Sher) Dam Decommissioning and River Restoration

This bill would require the Secretary of Resources to conduct a comprehensive study of California's dams and water diversion structures over 25' in height or 50,000 acre-feet in storage capacity. The focus of the study would be to identify those structures which have outlived their usefulness and are suitable for decommissioning and removal, and those which could be modified to allow passage of adult salmonids. The bill creates a fund to carry out the prescribed activities, but makes no appropriation.

Introduced 02/17/00
Status
Last Amended

SB 1281 (Chesbro), Ports and Harbors

This bill would require the State Lands Commission to complete an evaluation of state port and harbor dredge projects that have been approved for federal funding under the federal Water Resources Development Act. The evaluation would include a review of the overall viability and effectiveness of the projects and a recommendation as to the appropriate levels of state and local financial participation. Upon the application of any port or harbor district, the commission shall include in its evaluation any federally approved harbor dredge project.

Introduced 02/26/99
Status Passed Sen. Ag and Water Resources; Passed Sen. Appropriations; In Assembly, Held at Desk.
Last Amended 01/26/00

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 airport project as specified, by providing funding for mitigation of impacts through the acquisition, restoration or enhancement of land, the analysis of the wetlands restoration in the environmental impact report may be limited to a brief discussion of the relationship between the impact of the proposed project and the benefits of the restoration/acquisition. Any agency carrying out the restoration project would be subject to all applicable laws otherwise governing such activities.

Introduced 02/18/00
Status Passed Senate Committee on Environmental Quality, Referred to Appropriations
Last Amended 04/14/00

SB 2086 (Bowen) Public Resources Code

This bill would require the Commission, no later than January 1, 2002, to update its interpretive guidelines to ensure their consistency with Section 30620 of the Coastal Act, and appropriate \$50,000 for that purpose. The Commission retains the discretion to determine which of its guidelines it shall eliminate, or adopt as regulation. The bill would also limit the size of the wetland area used for boating facilities to 20% of the degraded wetland.

Introduced 02/25/00
Status Passed Senate Natural Resources & Wildlife, referred to Sen. Appropriations Committee.
Last Amended 03/29/00

PRIORITY LEGISLATION, 2-YEAR BILLS

AB 553 (Strom-Martin) Special Environmental Design License Plates: Fund

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 Senate Appropriations Suspense File

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

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.

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.,
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 Ag & Water Resources Committees

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

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

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; Referred to Assembly; Read first time, held at desk.