



CALIFORNIA COASTAL COMMISSION

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June 13, 2001

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR JUNE 2001

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
www.coastal.ca.gov

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

IMPORTANT LEGISLATIVE DATES

The California State Legislature re-convened on January 3, 2001. The California Coastal Commission is not sponsoring any bills this session.

June 1; Last day for fiscal committees to report to Floor

June 8; Last day for bills to report out of house of origin

June 15; Budget must be passed by midnight

July 20-Aug 20; Summer Recess

Sept 14; Last day for each house to pass bills

Oct. 14; Last day for Governor to sign or veto bills

PRIORITY LEGISLATION

ACR 20 (Pavley) California Coastal Trail

This resolution recognizes the California Coastal Trail as a trail of statewide significance, and reaffirms the Legislature's support for the timely planning, siting and construction of the trail. (Resolution and Analysis Attached.)

Introduced 2/14/01
Status Passed Assm. Floor, Referred to Senate Rules
Commission Position Staff recommends a Support position

AB 62 (Migden) Sudden Oak Death Syndrome

This bill would appropriate \$4.6 million to the Department of Forestry and Fire Protection for the purpose of developing and implementing procedures for the control and management of Sudden Oak Death Syndrome (Phytopthera fungus) subject to budget approval. The Department would be required to assist local governments and property owners in identifying, removal and disposal of trees dying as a result of SODS. This bill tracks funding in SB 31.

Introduced 12/04/00
Last Amended 5/31/01
Status Passed Assm. Natural Resources Com; Passed Assm. Appropriations Suspense File;
Assm. 2nd Reading

Commission Position Support

AB 104 (Nation) Coastal Conservancy, Motor Vehicle Mitigation Fund

This bill would authorize the Coastal Conservancy This bill would authorize the conservancy to establish the Motor Vehicle Mitigation Subaccount, for the acquisition of open space, and the protection, restoration, and enhancement of streams, creeks, wetlands and watersheds. The bill would impose a fee of up to \$4, to be collected by the Department of Motor Vehicles, upon the registration or renewal of registration of every motor vehicle registered in the county of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, or Sonoma for purposes of funding the account, should at least three of those counties choose to participate in the program. Ten percent of the funds collected would go to the Regional Water Quality Control Board to fund transportation-related water quality projects.

Introduced 01/12/01
Last Amended 05/02/01
Status Passed Assm. Natural Resources, Passed Assm. Transportation; Referred to Assm
Appropriations, Passed Assembly Floor, In Senate Natural Resources

AB 107 (Nation) Wrecks and Wrecked Property

This bill would amend the Harbors and Navigations Code to reduce by half the amount of time required to elapse before an abandoned or derelict vessel on public lands or tidelands within municipal or corporate jurisdiction may be sold. This bill would also triple the allowable amount of fee that can be against owners of derelict or abandoned vessels by a municipality or corporation. This bill would authorize removal of any vessel illegally moored for more than 72 hours when the vessel is docked without valid registration and deemed to be in an unseaworthy condition.

Introduced 01/16/01
Last Amended 06/04/01
Status Passed Assm. Transportation; Assm. Appropriations, Assm. Floor. Referred to Senate Judiciary Committee

AB 388 (Strom-Martin) Oil Spill Prevention and Response: Marine Mammals

This bill would continuously appropriate \$125,000 per year for the purpose of training OSPR personnel and staff to respond to oil spills requiring the rescue of wildlife, and an additional \$135,000 for grants to the Marine Mammal Center for research into the effects of toxic materials on marine mammals. The funds would be generated by fees already collected by the state from the sale of crude oil.

Introduced 02/20/01
Last Amended 05/01/01
Status Passed Assm. Natural Resources, Referred to Assm. Suspense File

AB 556 (Jackson) Oil and Gas Development: Pipelines

AB 556 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.

Introduced 02/22/01
Last Amended 04/30/01
Status Passed Assm. Natural Resources; Passed Assm. Appropriations, Assembly 2nd Reading
Commission Position Support

AB 639 (Nakano) Coastal Waters: Contamination

AB 639 would direct the State Water Board to conduct pilot programs at three public beaches with high closure rates for the purpose of identifying best management practices for the control and management of polluted runoff.

Introduced 02/22/01
Last Amended 06/05/01
Status Passed Assm. ES & TM Committee,

AB 640 (Jackson) Coastal Resources: Certified Local Programs

This bill would amend Section 30519.5 of the Coastal Act, relating to Periodic Reviews of Local Coastal Programs. The legislative findings related to changed circumstances and out-dated LCPs direct the Commission and local governments to undertake, as expeditiously as possible, the review of previously certified LCPs and

take corrective measures as necessary to ensure that implementation meets the goals and policies of the Coastal Act. The bill provides that if, after public hearings and notifications as prescribed in the bill, a local government elects not to amend its LCP as recommended by the Commission, the Commission may vote to:

- a) Not process any further amendments to the affected local coastal program until the local government takes the actions recommended by the Commission;
 - b) Review on appeal any permits issued by the local Government;
 - c) Review all appeals using the Chapter 3 policies of the Coastal Act, not the LCP as the standard of review.
- The bill also requires the Commission to adopt non-regulatory guidelines no later than January 1, 2003, for purposes of implementation.

Introduced 02/22/01
Last Amended 04/23/01
Status Passed Assm. Natural Resources Committee, Passed Assm. Appropriations, Assm. 1st Reading
Commission Position Support

AB 560 (Jackson) Storm Water

This bill would amend the state Water Code, to allow grant funds to local public agencies for the purpose of acquiring, installing and maintaining devices for the removal of debris and pollutants from storm water drains, and direct the California Conservation Corps to assist with installation, where feasible.

Introduced 02/22/01
Last Amended 04/23/01
Status Passed Assm. ES&TM Committee, Passed Assm. Appropriations, Passed Assm., Referred to Senate Ag & Water Committee

AB 759 (Shelley) Personal Watercraft: bans

This bill would allow any city or county to adopt an ordinance banning the use of personal watercrafts (jetskis) in any navigable waterway within the jurisdiction of the city or county. The bill would authorize fines of up to \$200 for violation of the ordinance.

Introduced 02/22/01
Last Amended 05/14/01
Status Passed Assm. Transportation, Assembly Inactive File

AB 949 (Kehoe) Natural Community Conservation Plans

This bill would allow Natural Community Conservation Plans to provide for the conservation of wetlands and wetland-dependent species that are not subject to federal jurisdiction. With respect to coastal wetlands, as defined in Section 30121 of the Public Resources Code, this bill requires NCCPs to meet the requirements of the California Coastal Act.

Introduced 02/23/01
Last Amended 05/01/01
Status Passed Assm. Water Parks & Wildlife, Assm. Appropriations Suspense File

AB 960 (Keely) Crime Prevention

This bill would appropriate \$300,000 from the General Fund to continue funding the California District Attorneys Association's Environmental Circuit Prosecution Project, and to perform an evaluation of the project. The project has convened two multi-agency enforcement task forces on the North Coast, in which Coastal Commission participates.

Introduced 05/31/01
Status Passed Assm. Public Safety Committee; Passed Assm. Appropriations Suspense File,
3rd Reading Assembly Floor

Commission Position Support

AB 985 (Florez) Fully Protected Species

This is a spot bill relating to the Fully Protected Species Act.

Introduced 02/23/01
Last Amended 05/01/01
Status Passed Assm. WP&W Committee, Passed Assm. Appropriations Committee, Passed
Assembly Floor, To Senate Rules

AB 1011 (Pavley) County Records

This bill would require the county recorders to maintain a comprehensive index of conservation easements recorded within the county, and to transmit a copy of any conservation easement to the county assessor, once the easement has been recorded, after January 1, 2002. Conservation easements are defined in the bill as including any easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to that easement and is binding upon successive owners of the land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.

Introduced 02/23/01
Last Amended 05/09/01
Status Passed Assm. Local Government Committee; Passed Assm. Appropriations, Passed
Assembly Floor, Referred to Senate Local Government and Judiciary Committees

AB 1108 (Pavley) Santa Monica Mountains: transfer of land

This bill would allow the Resources Secretary to directly acquire lands held by the State Controller, that have been identified by the Secretary as having significant statewide resource value, without an appropriation of state funds. The bill is limited to lands within the Santa Monica Mountains zone.

Introduced 02/23/01
Status Passed Assm. Natural Resources Committee, Referred to Assm. Appropriations
Suspense File

AB 1145 (Jackson) Regional Open Space District: County of Ventura

This bill would allow the Ventura County Board of Supervisors to form a regional open space district by way of resolution, and to place the formation of the district on a ballot within the county of Ventura.

Introduced 02/23/01

Status Passed Assm. Local Government Committee, Assembly Floor Inactive File

AB 1172 (Keeley) Natural Community Conservation Planning

This bill would require the Department of Fish and Game, in three year intervals, to prepare and submit to the Legislature a report on the functioning and effectiveness of the NCCP Act. The report would include an evaluation of the functioning and effectiveness of the program, an inventory of NCCP plans underway or in the process of review, and the science being utilized in the preparation of those plans.

Introduced 02/23/01
Status Passed Water Parks and Wildlife Committee, Passed Assm. Appropriations, Passed Assembly, Referred to Senate Natural Resources Committee

AB 1192 (Pavley) Water Quality and Watershed Protection Act of 2002

This bill would enact the Water Quality and Watershed Protection Act, authorizing the financing of the program through the sale of general issue bonds of an unspecified amount. The money would be used for grants and loans to local agencies to implement pilot projects for storm water quality improvement, water conservation and recycling, watershed restoration, nonpoint source pollution control and other specified water quality projects.

Introduced 02/23/01
Last Amended 05/01/01
Status Passed Environmental Safety and Toxic Materials Committee, Referred to Assm. Appropriations Committee

AB 1256 (Harman) Bolsa Chica

This bill would require the Department of Parks and Recreation, in consultation with Department of Fish and Game and the State Department of Education, to study options for the future purchase of the Bolsa Chica Mesa, including a consideration of its public recreational uses, and report back to the Legislature by January 1, 2002.

Introduced 02/23/01
Last Amended 05/26/01
Status Passed Assm. Water Parks and Wildlife Committee, Passed Assm. Appropriations Committee, Passed Assembly

AB 1414 (Dickerson) Public Lands

This bill would require any state agency that holds public lands to prepare a management plan for any properties acquired after January 1, 2001, and designates the Office of Planning and Research as the agency charged with coordinating all state agencies that fund, acquire or manage lands for conservation or wildlife purposes. The management plans would be available for public review within 12 months from recordation of

the property, and departments would be required to submit annual reports on the status of said lands to the appropriate legislative budget committees. (Analysis and Bill Text Attached)

Introduced 02/23/01
Last Amended 05/31/01
Status Passed Assm. Natural Resources, Passed Assm. Appropriations, Passed Assembly Floor, To Senate

Commission Position Staff recommends an oppose position

AB 1561 (Kelley) An Act Relating to Water

This bill declares the intent of the Legislature to consider the authorization of “take” of certain fully protected birds, fish and reptiles currently protected under the Fully Protected Species Act, if take is caused by the implementation of any component of the Lower Colorado River Multi-Species Conservation Program established by the States of California, Arizona, and Nevada and approved by the Department of Fish and Game.

Introduced 02/23/01
Last Amended 04/26/01
Status Passed Assm. WP&W Committee, Passed Assm Appropriations, Passed Assm. Floor, To Senate Rules Committee

AB 1598 (Hollingsworth) Fully Protected Species

This is a spot bill relating to the take of fully protected species.

Introduced 02/23/01
Last Amended 05/01/01
Status Passed Assm WP&W Committee, Referred to Assm. Appropriations, Held in Committee

AB 1602 (Keely) Oak Woodlands

This bill would enact the Oak Conservation Act of 2001, administered by the Department of Forestry and Fire Protection. The Act would require the Department to do a status report on the health of California’s oak woodlands, and to establish the Oak Conservation Advisory Committee. The Committee would make policy recommendations for the conservation of oak woodlands, and submit its recommendations to the director by December 1, 2002.

Introduced 02/23/01
Last Amended 05/15/01
Status Passed Assm. Natural Resources; Passed Assm. Appropriations, Passed Assembly, Referred to Senate Natural Resources Committee

SB 1 (Alpert) California Endowment for Marine Preservation

This bill would create the California Endowment for Marine Preservation, and the California Marine Resources Trust Fund, to be administered as proscribed by the bill. Both funds would receive a portion of the savings afforded to owner/operators of offshore oil and gas platforms, in the event they choose to participate in a “Rigs

to Reefs” program, to be administered by the Department of Fish and Game, in consultation with the Commission, State Lands Commission, BCDC and Minerals Management Service.

Introduced 01/04/00
Last Amended 05/16/01
Status Passed N.R.&W. Committee, Passed Sen. Appropriations, Passed Senate Floor

SB 31 (Chesbro) Sudden Oak Death Syndrome: Funding

This bill would appropriate \$10.265 million to the Department of Forestry and Fire Protection for the purpose of developing and implementing procedures for the control and management of Sudden Oak Death Syndrome (Phytopthera fungus). The Department would be required to assist local governments and property owners in identifying, remove and dispose of trees ding as a result of SODS. The bill would take effect immediately as an Urgency statute. This bill makes the same appropriation as AB 64.

Introduced 12/04/00
Last Amended 02/22/01
Status Passed N.R.&W. Com; Referred to Senate Appropriations Suspense File

Commission Position Support

SB 55 (Kuehl) City of Malibu Local Coastal Program

This bill would authorize the Commission to re-direct \$100,000 of Local Government Assistance Grant funds to reimburse the agency for costs associated with the preparation and certification of the city of Malibu’s Local Coastal Program, consistent with the provisions of AB 988 (Hertzberg).

Introduced 12/21/00
Last Amended 02/22/01
Status Chaptered, Statutes of 2001, Chapter 11

Commission Position Support

SB 107 (Sher) Natural Community Conservation Planning

This bill would repeal the Natural Community Conservation Planning Act of 1982, and replace it with the new Act. This bill would authorize the Department of Fish and Game to enter into agreements with local governments and private property owners for the purpose of allowing ‘take’ of species covered by the plan, subject to certain standards relating to collection of data, application of scientifically sound principles, and a process for public participation.

Introduced 01/22/01
Last Amended 05/02/01
Status Passed N.R.&W. Committee, Passed Senate Appropriations, Passed Senate Floor

SB 116 (Kuehl) State Parks: roads, construction and improvement

This bill would prohibit the construction of roads by any state or local agency

Introduced 01/24/01
Last Amended 03/20/01

Status Passed N.R. & W. Committee, Passed Senate Appropriations, Passed Senate Floor,
Referred to Assm. Natural Resources and Transportation Committees

SB 124 (Johnson) Property Transfer

This bill would require the Department of Transportation to transfer a 15-acre parcel of open space from the Department of Transportation to the Department of Parks and Recreation, for a sum of \$1,356,485, contingent upon the city's agreement to manage and improve the parcel as a public park. The parcel is located in the coastal zone adjacent to Pacific Coast Highway in the City of Newport Beach.

Introduced 01/25/01
Last Amended 06/04/01
Status Passed Governmental Organization Comm., Passed Senate Appropriations, Passed Senate Floor, Held at Assm. Desk

SB 196 (Chesbro) Coastal and Historic Bond Act

This bill authorize the legislature to spend bond funds for financing the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, coastal, and historical resources, as specified.

Introduced 02/08/01
Last Amended 06/04/01
Status Passed Senate NR&W Committee, Passed Senate Appropriations Committee, Senate 3rd Reading

SB 142 (Haynes) Religious Practices

This bill would prohibit any city or county from enacting regulations in residential land use categories which would impose a burden on religious practices, including but not limited to Bible studies and prayer meetings in private residences.

Introduced 01/29/01
Last Amended 05/08/01
Status Passed Senate Local Government Committee, Failed Senate Judiciary Committee.
Reconsideration Granted

SB 516 (Johnson) Local Coastal Programs

This bill would allow the County of Orange to continue to implement the Irvine Coast LCP for that portion of the Irvine Coast which will be annexed by the City of Newport Beach. This bill creates the Newport Beach LCP Forfeiture Account for the deposit of fines accrued as specified in the bill. Urgency clause adopted.

Introduced 02/22/01
Last Amended 05/02/01
Status Passed Senate Local Government Committee, Passed Senate Appropriations Committee, Passed Senate Floor, Held at Assembly Desk.

Commission Position Neutral

SB 908 (Chesbro) California Coastal Trail

This bill would require the Coastal Conservancy, in consultation with the Coastal Commission and the Department of Parks and Recreation, to develop a plan designating the primary hiking route and alternate routes for the California Coastal Trail, to estimate of costs of acquiring and developing the trail, and a description of where the trail might connect with existing, inland trail routes.

Introduced 02/23/01

Last Amended 06/04/01
Status Passed N.R.&W. Committee, Passed Senate Appropriations, Passed Senate Floor, Held at Assembly Desk.

Commission Position Support if Amended

SB 1164 (Sher) Local Coastal Programs: Costs

This bill would amend Section 30353 of the Public Resources Code to allow local governments to recover from the state costs incurred as a result of defending local actions pursuant to local coastal programs prior to the rendering of judgement if the Attorney General has intervened in support of the local government's position and the amount paid does not exceed \$500,000. Local governments would repay the state from any costs recovered as a result of final judgement. The bill would require the Director of the Commission, in consultation with the Attorney General, to establish procedures for the payment of litigation costs.

Introduced 02/23/01
Status Passed N.R.&W. Committee, Passed Senate Floor, Held at Assembly Desk

ANALYSIS; ACR 20 (PAVLEY)

SUMMARY

This resolution declares that the California Coastal Trail is an official state trail, and urges the California Coastal Commission and the State Coastal Conservancy to work collaboratively on the completion of the trail.

PURPOSE OF THE BILL

The purpose of this resolution is to establish the Legislature's support for the Coastal Trail, and to facilitate coordination between the two agencies responsible for its implementation.

EXISTING LAW

While the Coastal Commission and the Coastal Conservancy have both made the Coastal Trail agency priorities, the State has never granted the Trail official status. SB 908 (Chesbro) was introduced this year to authorize the planning and construction of the trail in statute.

PROGRAM BACKGROUND

A public trail along the length of the California coast has been a concept in the making since the early 1970's. In 1975, the Coastal Commission identified the Coastal Trail in the California Coastal Plan, and the California Department of Parks and Recreation has included the trail in its Recreational Trail Plan. Most recently, the Trail was designated a Millennium Legacy Trail by the Clinton Administration.

In 2000, the Coastal Conservancy awarded a \$600,000 planning grant to Coastwalk, a non-profit organization, for the purpose of preparing a plan to designate the coastal trail.

ANALYSIS

Although efforts to designate and complete the coastal trail have been ongoing, this resolution directs the State of California to work toward the Trail's realization. Actual trail completion will require detailed planning, mapping, acquisition, signing and construction. The development of one contiguous trail that links all of the State's coastal parks and interest points together will add to the public enjoyment of the coastline.

This resolution will assist ongoing efforts to link existing trail segments and identify others of high value to the completion of the trail. Establishing Legislative support is critical to future funding efforts and budget requests. It also establishes the Legislature's intent for the Commission and the Conservancy to work collaboratively on efforts to complete the trail. Both agencies have critical roles to play through their respective authorities, and collaboration will enhance the efforts of both.

FISCAL IMPACT

This resolution does not result in any direct cost to the Commission or the state. This resolution does state the intent of the Legislature to support the completion of the Trail, which will incur costs for planning, acquisition and maintenance. The state has already allocated \$600,000 for the initial planning of the trail.

The economic benefits of trails to local communities has been well documented. According to the author's office, the completed Trail will be one of the premier trails in the nation, and will draw people from around the country. The Trail will potentially have a beneficial impact on environmental awareness, recreation, and tourism.

SUPPORT/OPPOSITION

Support:

Coastwalk, Sierra Club
Coastal Coalition

Opposition:

None on file

RECOMMENDED POSITION

Staff recommends the Commission **Support** ACR 20.

LEGISLATIVE STAFF CONTACT

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BILL ANALYSIS; AB 1414 (Dickerson)

SUMMARY

This bill would require all state agencies that acquire and/or manage land for public benefit to prepare management plans for all properties, and submit annual reports to the Legislature. The bill also designates the Governor's Office of Planning and Research as the agency responsible for coordinating all agencies which acquire, or fund acquisition of lands for the purpose of conservation or restoration. This bill also encourages the Department of Fish and Game (DFG) and the Department of Parks and Recreation (DPR) to first use, where possible, non-acquisition methods such as easements and cooperative agreements for habitat restoration and other conservation goals.

PURPOSE OF THE BILL

The purpose of this bill is to improve the state's management and oversight of public land acquisition, in response to the State Auditor's 6/00 Report, "California's Wildlife Habitat and Ecosystem: the State Needs to Improve its Acquisition and Oversight."

EXISTING LAW

Continuously appropriates money in the Fish and Game Preservation Fund to DFG to carry out the provisions of the Fish and Game Code.

ANALYSIS

This preparation of management plans and regular reports on the status of their implementation is a worthy goal. However, the state's resource agencies are chronically underfunded and understaffed in virtually all areas, and it is likely that they will not be able to meet the requirements of this bill without reducing staff allocations in other, critical areas. In addition, without funding augmentations to carry out the provisions of this bill within the specified timeline, departments may be forced to publish incomplete, inadequate or hastily prepared documents.

The bill encourages departments to prioritize the use of easements or cooperative agreements to achieve conservation goals, rather than fee title acquisition. While easements and cooperative agreements are legitimate tools of conservation which work well in some instances, they require regular monitoring efforts to ensure their effectiveness. Unless staff is available to oversee the continued use of the property, the value of an easement or agreement is minimized. In addition, it should be noted that conservation easements are legal instruments which may include a variety of uses and can be nullified or amended with the agreement of both parties. They often make little or no provisions for public access. Thus, they do not necessarily achieve habitat protection in totality or perpetuity. Given these limitations, fee title acquisition is generally considered to be the preferable method of achieving lasting habitat protection.

Designation of the Office of Planning and Research as the agency responsible for coordinating the state's land acquisitions would place the State Coastal Conservancy, State Lands Commission, Wildlife Conservation Board, Department of Fish and Game and the State Parks Department in the position of reporting annually to a central coordinating body. As each of these agencies have different missions and mandates, it may not always be possible or appropriate to coordinate activities. While some acquisitions may benefit from inter-agency coordination, staff of these departments report that they already work closely with one another and local governments and community groups to maximize conservation efforts.

The State Auditor's report recommended that OPR develop and implement a comprehensive approach for addressing statewide land use planning, inherent in which would be the acquisition and restoration of habitat. Designating OPR as the coordinating agency for land acquisitions in the absence of the greater mission to address acquisition and restoration in the context of statewide land use policy is contrary to the stated recommendation of the report.

COST

The Assembly Appropriations Committee estimates one-time costs of about \$800,000 in FY 2001-02 and about \$250,000 annually thereafter, to the DFG and the DPR to complete land management plans for both current and proposed land holdings. Ongoing costs of about \$200,000 starting in FY 2001-02, to the OPR to act as the coordinating agency and to annually report land acquisition and management information to the governor and Legislature.

SUPPORT/OPPOSITION

Support:

Agricultural Council of California, California Cattlemen's Association, California Farm Bureau Federation, California Forestry Association, Northern California Water Association, Regional Council of Rural Counties

Opposition:

None on file

RECOMMENDED POSITION

Staff recommends the Commission **Oppose** AB 1414.

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