

CALIFORNIA COASTAL COMMISSION

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March 18, 2004

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR MARCH 2004

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.

PRIORITY LEGISLATION

AB 90 (Wyland) Coastal Commission: Membership

This bill would fix terms for all coastal commissioners at 4 years, but provide that the Governor's appointees continue to serve at the pleasure of the Governor.

Introduced 01/08/03
Status Failed to meet Legislative deadline

AB 105 (Wiggins) Agriculture Land Preservation

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program and the California Environmental Quality Revolving Loan Program. Amendments taken on 07/02 state that it is the intent of the Legislature to appropriate \$48,000,000 from Proposition 40 funds to the Department of Conservation and the Wildlife Conservation Board for grants under the California Farmland Conservancy Program for the purpose of protecting grazing lands and grasslands.

Introduced 01/10/03
Status Concurrence in Senate Amendments pending
Last Amended 09/08/03

AB 204 (Nation) Motor Vehicles

This bill would authorize the Coastal Conservancy to establish the Transportation Fund for Clean Water 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 \$6, 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 01/28/03
Status Passed Assembly Floor. Referred to Senate Rules.
Last Amended 01/22/04

AB 586 (Koretz) Litter and Marine Debris

This bill would impose a 2-cent fee on retailers who provide disposable plastic bags or cups made from less than 40% recycled material, and require that commercial establishments that encourage smoking outside their facilities provide ashtrays for cigarette butts. The fees would be divided between the Coastal Commission, Department of Parks and Recreation, Department of Conservation, CalTrans, for the purpose of providing grants to local governments and non-profit organizations for project related to recycling, litter control and reducing marine debris and litter.

Introduced 02/18/03
Status Failed to meet Legislative deadlines
Last Amended 04/22/03

AB 947 (Jackson) Ocean Resources

This bill would require all state agencies to follow five priorities when planning and constructing coastal erosion projects in the following order: hazard avoidance, restoring natural sand supplies, beach nourishment, structure relocation, hard structure development. The bill would also require applicable state agencies, including the Coastal Commission, to complete a Coastal Sediment Management Master Plan within two years.

Introduced 02/20/03
Status Failed to meet Legislative deadlines.
Last Amended 04/22/03

AB 974 (Nation) Coastal Zone: Native American Sites

This bill would amend section 30244 of the Coastal Act to require avoidance and mitigation measures for new development that would adversely impact archeological and paleontological resources, protect Native American cultural sites and sacred sites from significant disturbance, and require local governments, when processing a major amendment to their LCP, to include ordinances and procedures that implement these policies.

Introduced 02/20/03
Status Senate Inactive File
Last Amended 06/02/03
Commission Position Support

AB 1466 (Koretz) Litter

This bill would establish a unified litter prevention and recycling message for the State of California, “Don’t Trash California.” The bill would authorize all relevant agencies to integrate the message into their existing litter and recycling programs. The bill authorizes the establishment of an interagency committee to collaborate on how to implement a unified litter prevention message. The Coastal Commission may participate on the Committee.

Introduced 02/01/03
Status Passed Assembly. Referred to Senate Rules Committee.
Last Amended 01/14/04

AB 1517 (Plescia) Stormwater

This bill states that it is the intent of the Legislature to utilize science based, results oriented, cost-effective water quality programs that draw upon the strengths of municipalities and reduce duplication of state and local agencies when implementing stormwater permits.

Introduced 02/21/03
Status Failed to meet Legislative deadlines.
Last Amended 04/07/03

AB 1808 (Yee) Littering

This bill would increase the minimum fine for littering on a state beach under the jurisdiction of the Department of Parks and Recreation from \$100 to \$200. This bill would also specify that half of the fines collected be deposited in the Beach Cleanup and Litter Abatement Fund, which the bill establishes. The funds would be used for litter clean up and prevention on public beaches.

Introduced 01/13/04
Status Referred to Assm. Public Safety Committee
Last Amended 02/26/04

AB 1876 (Chan) Beach Sanitation

This bill would extend existing public beach water quality testing and posting requirements to include beaches under the jurisdiction of BCDC, public bay beaches, if the beach is visited by at least 15,000 people per year, and is located adjacent to a creek mouth or storm drain outfall. This bill would also require that bilingual signs be posted in areas of bilingual use.

Introduced 02/03/04
Status Referred to ES&TM, NR Committees

AB 2514 (NR Committee)

This bill makes technical, non-substantive changes to the Coastal Act, and removes the Secretary of Trade and Commerce as an ex-officio member of the Commission, as this agency no longer exists.

Introduced 02/20/04
Status Referred to NR Committee

AB 2529 (Kehoe) California Ocean Plan

This bill would require the State Water Resources Control Board to revise the California Ocean Plan by January 1, 2007, to require that all regional water quality plans (basin plans) which include coastal watersheds provide for the protection, maintenance and restoration of marine ecosystems, and prohibit additional point and nonpoint source discharges that would affect marine managed areas.

Introduced 02/20/04
Status Assembly Rules Committee

AB 2725 (Laird) Ex parte communications

This bill would add communications pertaining to litigation and enforcement actions to the definition of an ex-parte communication.

Introduced 02/20/04
Status Referred to NR Committee

AB 2814 (Simitian) Natural resources: CEQA

This bill would exempt from the California Environmental Quality Act any activity carried out by state or local government if the project's express purpose is to maintain, restore, enhance, protect, or conserve coastal or marine resources in a marine life reserve, marine life managed area or marine protected area, if any potential adverse environmental impact is expected to be offset by the intended beneficial environmental effect. .

Introduced 02/20/04
Status Assembly Rules Committee

SB 18 (Burton) Sacred Sites

This bill would protect Native American Cultural Sites by expanding the jurisdiction of the Native American Heritage Commission (NAHC), and requiring consultation with Native American Tribes under CEQA. This bill would create a statewide, confidential Traditional Tribal Cultural Sites (TTCS) list, and require state agencies to incorporate the final determinations of the NAHC into their findings.

Introduced 12/02/02
Status Assembly Inactive File
Last Amended 08/25/03

SB 236 (Alpert) Fishing: Bottom Trawling

This bill would prohibit the Department of Fish and Game from authorizing the use of trawl nets to take fish or other marine life from the ocean floor, unless the Fish and Game Commission determines that the operator of each vessel participates in an observer program, and that the bottom trawling does not produce a bycatch of more than 15% by weight of the target catch, and does not cause significant environmental harm to the ocean floor. The bill would allow the use of trawl nets for scientific research and to target certain fish in a manner in which the nets and related gear do not contact the ocean floor. The bill also grants authority to the Fish and

Game Commission to manage all bottom trawl fisheries not currently managed by the National Marine Fisheries Service, including Halibut, Sea Cucumber, Pink Shrimp, and Ridgeback, Spot and Golden Prawns.

Introduced 02/14/03
Status Passed Senate. Held at Assembly Desk.
Last Amended 04/02/03
Commission Position Support

SB 318 (Alpert) Desalinated Water

This bill would require that Urban Water Management Plans, prepared by urban water suppliers and submitted to the Department of Water Resources, must include a description of the opportunities for providing water via desalination.

Introduced 02/19/03
Status Assembly Inactive File.
Last Amended 04/08/03

SB 681 (Morrow) Coastal Commission: Permits

This bill would prohibit coastal development permit conditions that require environmental mitigations for repairing or maintaining seawalls.

Introduced 02/21/03
Status Returned to Secretary of Senate.
Commission Position: Oppose

SB 744 (Dunn) Housing

This bill would create the Housing Accountability Committee, consisting of 5 members appointed as specified, to hear appeals of local government decisions that deny or condition affordable housing projects. It would exempt conditions or mitigation measures imposed pursuant to a coastal development permit.

Introduced 02/21/03
Status In Assembly. Held at Desk.
Last Amended 06/03/03

SB 909 (Machado) Public Water Systems

This bill would specify that private, for-profit water purveyors are eligible for public bond revenues, unless specifically excluded by the language of the bond.

Introduced 02/21/03
Status Hearing cancelled at request of author.
Last Amended 06/23/03
Commission Position: Oppose

SB 1198 (Oller) California Coastal Commission

This bill would make technical, non-substantive changes to the Coastal Act.

Introduced 02/10/04
Status Senate Rules Committee

SB 1199 (Oller)

This bill would make technical, non-substantive changes to the Coastal Act.

Introduced 02/10/04
Status Senate Rules Committee

SB 1318 (Burton) California Ocean Protection Act

This bill would amend Prop 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, to authorize grants for coastal water and watershed protection to be awarded to the Ocean Protection Council. (See SB 1319)

Introduced 02/10/04
Status Senate NR Committee
Commission Position Support if amended

SB 1319 (Burton) California Ocean Protection Act

This bill would establish the Ocean Protection Council, consisting of the Secretary for Resources, Secretary for EPA, Chair of the State Lands Commissions and six members of the Legislature. The bill would require the council to coordinate the activities of state agencies active in the areas of ocean ecosystems and coastal waters. The activities of the council would be supported with existing resources. The bill would also create the Ocean Protection Trust Fund, and authorize funds to be deposited in the account for appropriation by the Legislature.

Introduced 02/10/04
Status Referred to Senate NR Committee

AB 1742 (McPherson) Oil spills

This bill amends state Oil Spill Contingency Plan to specifically include waterways used for waterborne commercial traffic in the ports of Stockton and Sacramento; defines an oil spill or discharge as the release of at least 1 barrel of oil over a 24 hour period; includes wildlife rehabilitation as an allowable activity for volunteer workers; adds the state of Hawaii to the list of coastal states with whom the administrator shall coordinate oil spill prevention activities; makes non-substantive, technical changes and deletes obsolete sections of the code.

Introduced 02/20/04
Status Referred to Senate NR Committee