

## CALIFORNIA COASTAL COMMISSION

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# W-10

March 6, 2002

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR MARCH 2002

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**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](http://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 2001 LEGISLATION**

### **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.

Introduced                    02/22/01  
Last Amended                05/01/01  
Status                        Failed to pass out of Assembly

**Commission Position    Support**

### **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                        Failed to pass out of Assembly

### **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                        Failed to pass out of Assembly

### **AB 985 (Flores) Fully Protected Species**

This is a spot bill relating to the Fully Protected Species Act. The author intends to hold public hearings and workshops this summer before submitting final language.

Introduced                    02/23/01  
Last Amended                08/29/01  
Status                        Passed Assm. WP&W Committee, Passed Assm. Appropriations Committee, Passed  
Assembly Floor, Referred to Sen. NR&W

**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  
Last Amended 01/24/02  
Status Passed Assm. Local Government Committee, Passed Assm. Floor, Referred to Senate Local Government

**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 Sen. NR&W Committee

**AB 1414 (Dickerson) Public Lands**

This bill would require the Department of Fish and Game to prepare a draft management plan within 18 months for any properties acquired after January 1, 2001. It would also require the Resources Agency, in conjunction with departments, boards and conservancies, to develop and maintain a database of lands and easements that have been acquired by the departments and boards within the agency, and to prepare an annual report of expenditures made using Parks Bond monies through January 1, 2010. Substantial amendments to this bill have allowed staff to recommend changing the Commission's position from oppose to neutral.

Introduced 02/23/01  
Last Amended 01/22/02  
Status Signed by Governor, Statutes of 2002, Chapter No. 8  
**Commission Position Neutral**

**AB 1561 (Kelley) An Act Relating to Water**

This bill authorizes the Department of Fish and Game and the Fish and Game Commission to authorize the taking of certain birds and fully protected species if the taking it related to interstate conservation program and project agreements. Deems certain statutory requirements relating to impacts or potential impacts at the Salton Sea on any species resulting from conservation measures, water transfers and any other actions carried out in furtherance of a specified agreement.

Introduced 02/23/01  
Last Amended 09/04/01  
Status Passed Assm. WP&W Committee, Passed Assm Appropriations, Passed Assm. Floor, Referred to Sen. NR&W, Rule Waiver Denied

**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 09/14/01  
Status Chaptered, Statutes of 2002, Chapter No. 4

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

This bill would prohibit the construction of roads by any state or local agency through a state park, unless certain findings are made.

Introduced 01/24/01  
Last Amended 03/20/01  
Status Passed N.R. & W. Committee, Passed Senate Appropriations, Passed Senate Floor, Held in Assm. WP&W Committee

**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 Failed to pass out of Senate

**SB 1069 (Chesbro) Plastic Pollution Prevention Fee**

This bill would amend the California Integrated Waste Management Act to require manufacturers of plastic containers to increase plastic recycling rates to at least 50%. This bill would authorize the California Integrated Waste Management Board to adopt regulations to implement the bill. (Analysis attached).

Introduced 02/23/01  
Last Amended 04/30/01  
Status Failed to pass out of Senate

**Commission Position Support**

**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, Passed Assm. Natural Resources Committee, On Assembly Floor, To Assm. Floor Inactive File

## **PRIORITY 2002 LEGISLATION**

### **AB 1866 (Wright) Housing Density Bonuses**

This bill requires that the housing ordinance provide for ministerial approval without discretionary review of applications for 2nd units that meet the requirements of the ordinance, notwithstanding other laws that regulate the issuance of variance, special use, or conditional use permits. Adds criteria for continued affordability of housing in a common interest development. Specifies that the provisions would apply to counties/cities within the coastal zone.

Introduced                      01/31/02  
Status                              Referred to Assm. Housing & Community Development and Local Government

### **AB 1913 (Lowenthal) Notice of Violation Act**

This bill permits the California Coastal Commission to file violation notice if determined that real property has been developed in violation of the Coastal Act. It requires public hearing if the owner submits timely objection, and requires issuance of clearance letter to owner if no violation occurred; requires timely notice of decision with county recorder if violation no longer valid.

Introduced                      02/08/02  
Status                              Referred to Assm. Natural Resources

### **AB 1925 (Nakano) California Storm Water**

This bill declares that it is the intent of the Legislature to enact subsequent legislation to make available \$30,000,000 of funds to the California Ocean Trust, for allocation to the California Sea Grant Program for the purpose of carrying out a grant program to fund storm water-related research.

Introduced                      02/12/02

### **AB 1940 (Matthews) Land Use: Lot Line Adjustments**

Current law limits lot line adjustments to four or fewer adjacent, adjoining parcels. This bill would eliminate the requirement that those parcels be adjoining, allowing for adjustments between non-contiguous lot.

Introduced                      02/14/02  
Status                              Referred to Local Government Committee

### **AB 2083 (Jackson) Oil Spill Prevention and Response**

This bill would require the State Lands Commission to develop a form that is to be completed by any operator engaged in the tankering of oil offshore California. The form would provide information, available to the public and state agencies, that would track the type of oil transported, its origin, destination, as well as the method, path and amount of emissions involved in the transport.

Introduced                      02/19/02

### **AB 2158 (Lowenthal) Coastal Development Permits: Housing**

This bill would require the California Coastal Commission to take appropriate steps to ensure that all coastal development permit conditions relating to affordable housing are enforced and do not expire during the term of the permit.

Introduced                      02/20/02

**AB 2162 (Negrete-McLeod) Vehicles: License Plates**

This bill would eliminate the provision authorizing the appropriation of the balance of the Coastal Enhancement Account to the Coastal Conservancy, and specifies that the other half of the funds available from the Whale Tail license plates be deposited in the License Plate Coastal Access Account, for grants to local governments and non-profits to open and maintain public accessways to the coast.

Introduced 02/20/02

**AB 2631 (Matthews) Resources**

Repeals the requirement for the Department of Parks and Recreation (DPR) to produce an annual report to the Governor and the Legislature, recommending acquisitions for the establishment of or additions to state seashores, hostel facilities and recreational trails.

Introduced 02/22/02

**AB 2727 (Keeley) State Coastal Conservancy**

This bill would remove the restrictions on the percentage of funds that the Conservancy can contribute toward a coastal acquisition, clarify that acquisitions can be made in connection with a public access project, and deletes the provision in existing law which requires the Department of General Services to dispose of real property held by the Conservancy for more than 10 years at fair market value. This bill would require the Department to consult with the Conservancy to determine the appropriate terms of disposal.

Introduced 02/22/02

**AB 2943 (Wiggins) Coastal Commission**

This bill would require the commission to forward a copy of the evidence of any recordation to dedicate real property for public access to the Resources Agency. Current law requires the Commission only to forward said information to Parks and Recreation, the State Coastal Conservancy, and the State Lands Commission.

Introduced 02/25/02

**SB 1508 (Scott) Santa Monica Mountains Conservancy: Members**

This bill would increase the number of ex-officio non-voting members of the Santa Monica Mountains Conservancy from two to three, by including the Supervisor of Los Angeles National Forest among those members.

Introduced 02/19/02

**SB 1525 (Sher) Transgenic Species**

This bill would make it unlawful to import, transport, possess or release any live transgenic (genetically modified) fish or roe into the waters of California.

Introduced 02/20/02

**SB 1573 (Karnette) Interagency Aquatic Invasive Species Council**

This bill would establish the Interagency Invasive Species Council, using existing staff and funds within the Department of Fish and Game, and require the Council to establish a comprehensive plan for dealing with invasive species in California.

Introduced 02/22/02

**SB 1797 (Morrow) Coastal Zone Boundary: San Diego County**

This bill would exclude additional areas in the City of Carlsbad from the coastal zone.

Introduced 02/22/02

**SB 1916 (Figueroa) Local Coastal Programs: Nonpoint Source Pollution**

This bill would require every local coastal government with a certified local coastal program, after consultation with the appropriate regional water quality control board, to prepare and adopt for certification by the California Coastal Commission, a nonpoint source pollution prevention element for inclusion in its certified local coastal program, when coming to the Commission for a major amendment.

Introduced 02/22/02

**SB 1962 (Polanco) State Coastal Conservation: Coastal Access**

This bill would require the State Coastal Conservancy to accept any outstanding offers to dedicate public accessways that have not been accepted by a local government or nonprofit organization within 90 days of their expiration date. It would also require the conservancy to open at least 3 public accessways each year, and prepare an annual report to the Legislature pertaining to public access.

Introduced 02/22/02