

CALIFORNIA COASTAL COMMISSION

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W-27

May 10, 2006

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR MAY 2006

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: Information contained in this report is accurate as of May 2, 2006. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date. Current status of any bill may be checked by visiting the California Senate Homepage at www.sen.ca.gov. This report can also be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Legislative Calendar

*Some deadlines may be waived by a majority vote of the Rules Committee

Jan. 1	Statutes take effect
Jan. 4	Legislature reconvenes
Jan. 10	Budget must be submitted by Governor
Jan. 13	Last day for policy committees to hear and report to Fiscal Committees
Jan. 20	Last day for any committee to hear and report 2005 bills introduced in their house
Jan. 27	Last day to submit bill requests to Office of Legislative Counsel
Jan. 31	Last day for each house to pass 2005 bills introduced in their house
Feb. 24	Last day for bills to be introduced
Apr. 6	Spring Recess begins
Apr. 17	Legislature reconvenes
May 19	Last day for policy committees to meet prior to June 5
May 26	Last day for Fiscal Committees to hear and report 2005 bills introduced in their house
May 26	Last day for Fiscal Committees to meet prior to June 5
May 30	Through June 2—Floor Session only. No committees may meet
June 2	Last day for bills to be passed out of house of origin
June 5	Committee meetings may resume
June 15	Budget must be passed by midnight
June 29	Last day for a legislative measure to qualify for the general election ballot
June 30	Last day for policy committees to meet and report bills
July 7	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug. 7	Legislature reconvenes
Aug. 18	Last day for Fiscal Committees to meet and report bills to the Floor
Aug. 25	Last day to amend bills on the Floor
Aug. 31	Last day for each house to pass bills. Final Recess begins at end of session
Sept. 30	Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1

PRIORITY LEGISLATION

AB 782 (Mullin) Redevelopment: project area

This bill would amend the Health and Safety Code to eliminate antiquated subdivisions as a criterion for declaring “blight” in a redevelopment area.

Introduced	02/18/05
Last Amended	01/04/06
Status	Senate Local Government Committee

AB 1165 (Bogh) Energy Resources: energy agency reorganization

This bill would abolish the State Energy Resources and Conservation Commission, the California Consumer Power and Conservation Financing Authority, and the Electricity Oversight Board. It would create the Department of Energy, headed by a Secretary of Energy, and would create the California Energy Commission and the Office of Energy Market Oversight within the department. The secretary would be appointed by, and hold office at the pleasure of, the Governor, subject to confirmation by the Senate. The bill would authorize the Governor to appoint members as proscribed by the bill.

Introduced	02/18/05
Last Amended	08/31/05
Status	Senate Energy, Utility and Commerce Committee

AB 1204 (Laird) Parks: Monterey Peninsula Regional Park District: transfer

This bill would authorize the Department of Parks and Recreation to transfer 130 acres of land near Carmel-By-The-Sea formerly known as the Hatton Canyon Bypass, to the Monterey Regional Park District for use as a public park.

Introduced	02/22/05
Last Amended	08/15/05
Status	Enrolled

AB 1679 (Mullin) Department of Transportation: property transfer

This bill would permit Caltrans to lease approximately 30 acres of land in San Mateo County, originally purchased as a future alignment for the Devil’s Slide Bypass, to the Montara Water and Sanitary District for water resources, and passive public recreation. The bill would also require Caltrans to offer the District right of first refusal for purchase, when and if Caltrans determines the property to be “surplus.”

Introduced	02/22/05
Last Amended	01/11/06
Status	Referred to Assembly Transportation and Housing Committee

AB 1940 (Koretz) Environment: marine debris

This bill would add Section 30327 to the Public Resources Code, directing the Coastal Commission to take additional steps, within its existing resources, to address marine debris. These additional steps include but are not limited to the following: increase public outreach and educations; coordinate with public agencies, including local governments, to reduce marine debris; convene a multi-agency task force for the purpose of implementing a statewide effort to reduce marine debris.

Introduced	02/01/06
Status	Referred to Assembly Appropriations Committee
Position	Support if Amended

AB 2134 (Harman) Funding: coastal wetlands maintenance

This bill would create the Coastal Wetlands Account in the State Treasury, and require the State Lands Commission to deposit \$5 million annually into that account, to be administered by the State Treasurer. Interest from the account would be continuously appropriated to the Department of Fish and Game for wetland maintenance projects.

Introduced 02/21/06
Last Amended 03/27/06
Status Referred to Assembly Natural Resources Committee

AB 2299 (Harman) California Coastal Act: Aquaculture

This bill would amend Section 30411 of the Coastal Act relating to the requirement for the Department of Fish and Game to prepare a programmatic EIR for existing and potential aquaculture operations. The bill would specify that any private industry funds expended for preparation of the report prior to 2007, including in-kind contributions and materials, would count as matching funds, and would appropriate \$300,000 from the general fund to complete the EIR. **Note: This section is proposed for repeal by SB 201 (Simitian).**

Introduced 02/22/06
Last Amended 04/27/06
Status Amended and re-referred to Assembly Water, Parks & Wildlife Committee

AB 2485 (Jones) Fish and Game: sea otters

This bill would authorize the establishment of a research program focusing on how to reduce sea otter mortality from point and non-point pollution sources; increase the fine for the illegal take of a sea otter to \$25,000; impose civil penalties for the discharge of any material into state waters that harm marine mammals; establish within the State Treasury a Sea Otter Protection Fund, and direct the Franchise Tax Board to provide for a voluntary contribution check-off for taxpayers to allocate a portion of their tax returns to the Fund.

Introduced 02/24/06
Last Amended 04/24/06
Status Assembly Rules Committee

AB 2641 (Coto) Indian burial grounds

This bill would require landowners whose property contains Native American burial sites as defined in the bill, to consult with the "most likely descendants" when a burial site is discovered, and ensure that no further disturbance of the site take place until consultation is complete. The consultation shall include recommendations to the landowners from the most likely descendants on culturally appropriate methods to protect the site and the remains.

Introduced 02/24/06
Last Amended 04/20/06
Status Assembly Appropriations Committee

AB 2852 (Nava) Tsunami hazard mitigation

This bill would direct establish the California Tsunami Steering Committee, within the Office of Emergency Services. The steering Committee would include representatives of several state agencies, including the California Coastal Commission, as well as representatives from coastal counties and ports. The steering committee would guide statewide tsunami planning, mitigation and preparedness activities as prescribed by the bill.

Introduced 02/24/06
Last Amended 04/27/06
Status Assembly Appropriations Committee

AB 2930 (Laird) Property dedications: agricultural and open space easements

This bill would require the State Coastal Conservancy to accept any Offer to Dedicate a conservation or open space easement within 90 days of its expiration date, if no other accepting entity can be found. This bill would also exempt the SCC acceptance process from General Services review. (**Bill Analysis attached.**)

Introduced 02/24/06
Last Amended 04/06/06
Commission Position Recommend Support
Status Assembly Appropriations Committee

AB 2972 (Nava) Oil and gas leases

This bill would require the State Lands Commission to declare an application for an oil or gas lease on state lands to be considered to be withdrawn if that application remains incomplete for a period of one year after the first incomplete notice has been sent to the applicant.

Introduced 02/24/06
Last Amended 04/25/06
Status Assembly Appropriations Committee

AB 3028 (Laird) California Coastal Trail

This bill would authorize any state agency issuing a grant or a permit to a public agency for a project near the California Coastal Trail (CCT) to condition the funding or the permit on the requirement to accommodate development of the CCT, or public access from the trail to the coast.

Introduced 02/24/06
Last Amended 04/06/06
Status Assembly Appropriations Committee

AB 3031 (Houston) Seismic retrofit projects

This bill would exempt Caltrans seismic retrofit projects from certain provisions of CEQA for seismic retrofit and replacement activities on two Oakland bridge projects.

Introduced 02/24/06
Last Amended 04/19/06
Status Assembly Transportation and Natural Resources Committees

SR 20 (Flores) Relative to tribal gaming

This resolution would require the Senate to adopt a new rule prohibiting the ratification of Indian gaming compacts that authorize Indian casinos on non-tribal lands. The rule would have exempted any compacts that have been negotiated and executed by the Governor prior to September 30, 2005, thus allowing the relocation of the Big Lagoon Rancheria in Humboldt County to the City of Barstow. Committee amendments on 2/28 removed the exemption for Big Lagoon, but the resolution failed passage.

Introduced 01/04/06
Last Amended 02/28/06
Status Withdrawn from Committee

SB 53 (Kehoe) Redevelopment agencies

This bill would require redevelopment agencies to prepare a redevelopment plan to include a description of the agencies plan to acquire real property, including any prohibitions on the use of eminent domain.

Introduced 01/10/05
Last Amended 08/15/06
Status Assembly Local Government Committee

SB 153 (Chesbro) California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006

This bill would authorize \$3,945,000,000 in General Obligation bonds for the purpose of financing the acquisition, development and preservation of parks, coastal, recreational, cultural and agricultural lands, and other clean air and water projects as specified. The Senate Natural Resources Committee report to the Conference Committee includes \$10 million for grants to local governments for LCP updates, \$250 million for the State Coastal Conservancy for coastal projects and acquisitions, \$100 million for the Ocean Protection Council for grants, \$350 million for the Wildlife Conservation Board for habitat acquisitions, and \$100 million for easements for "working landscapes." No specific projects or acquisitions are enumerated.

Introduced 02/15/05
Last Amended 09/02/05
Status Assembly Appropriations Committee.

SB 201 (Simitian) Marine finfish aquaculture: Sustainable Oceans Act

This bill would prohibit any person from engaging in finfish aquaculture without a permit from the Fish and Game Commission. It would also require that and final programmatic EIR prepared for a coastal marine finfish aquaculture project and approved by the Fish and Game Commission includes an analysis of specific impacts, and that it ensures that marine finfish aquaculture is managed in an environmentally sustainable manner. The bill would set specific standards for finfish aquaculture leases, including monitoring requirements and management practices. The bill limits finfish aquaculture to species native to California. This bill deletes Section 30411 (c) from the Coastal Act, which requires the Department of Fish and Game to prepare a programmatic EIR for existing and potential commercial aquaculture operations, and incorporates that requirement into the new standards.

Introduced 02/22/05
Last Amended 04/17/06
Status Assembly Floor

SB 426 (Simitian) Renewable energy

This bill would require the California Energy Commission to conduct a statewide needs assessment that analyzes the state's projected need for natural gas, including Liquefied Natural Gas, as part of a public process. This bill would also require the Energy Commission, in consultation with the Coastal Commission and other state agencies, to conduct a comparative analysis of the currently proposed sites to assess their relative merits as they relate to public health, environmental constraints and other impacts. Recent amendments clarify that the Federal Energy Bill of 2005 does not abrogate the State's property rights with respect to LNG facilities, and sets specific findings that must be made in furtherance of the Federal Deepwater Port Act of 1974 that would apply to the Governor's decision to disapprove a license to construct an LNG application.

Introduced 02/17/05
Last Amended 08/31/05
Status Senate Unfinished Business
Commission Position Support

SB 1003 (Escutia)

This bill would designate the California Energy Commission as the only state agency with permitting authority over Liquefied Natural Gas (LNG) terminals in California. This bill is double-joined with SB 426 (Simitian).

Introduced 02/15/05
Last Amended 07/13/05
Status Assembly Appropriations Committee.
Commission Position Neutral

SB 1024 (Perata) Public works and improvements: bond measure

This bill would enact the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005 to authorize an unspecified amount in state general obligation bonds for specified purposes, including the state transportation improvement program, passenger rail improvements, levee improvements, flood control, port infrastructure and security projects, trade corridors of significance, emissions reduction projects, environmental enhancement projects, transit-oriented development, transportation needs in cities, counties, and housing, regional growth, and infill development purposes, subject to voter approval. This bill would require the Secretary of State to submit the proposed bond measure to the voters at the November 7, 2006 election.

Introduced 02/22/05
Last Amended 01/26/06
Status In Assembly

SB 1434 (Kuehl) Ocean Protection

This bill would authorize the Ocean Protection Council to hire a science advisor and an executive policy officer.

Introduced 02/22/05
Last Amended 03/27/06
Status Senate Appropriations Committee

SB 1650 (Kehoe) Eminent Domain

This bill would require that any public agency exercising eminent domain authority may only use such property for the use stated in its original resolution of necessity and approved by a vote of 2/3 of the body. This bill would also require that any real property acquired through eminent domain that has not been used for its stated purpose within a period of 10 years must be sold unless authorized for another use or reauthorized for its original use by a 2/3 vote of the agency.

Introduced 02/24/05
Last Amended 04/20/06
Status Senate Judiciary Committee

SB 1800 (Duchenev) General Plan: housing plans

This bill would require local governments, when updating their housing element, to also prepare a "housing opportunity plan" as defined by the bill. Among other requirements, Housing Opportunity Plans must contain zoning to accommodate projected housing needs for low and very low-income residents for a period of 10 years. The bill also establishes the Housing Opportunity Trust Fund to offer loans to local governments for plan preparation, to be administered by the Pooled Money Investment Board. It is the intent of the Legislature that loans be repaid by fees collected by local governments for new residential projects.

Introduced 02/24/06
Last Amended 03/29/06
Status Senate Transportation and Housing Committee, Senate Rules Committee

SB 1843 (Committee on Natural Resources) California Coastal Act

This bill would make technical, non-substantive changes to the Coastal Act, delete obsolete sections, and make other conforming changes to the statute. This bill would also authorize the Commission to process a consolidated permit application for projects which span two jurisdictions split between the Coastal Commission and a local government, when requested to do so by both the local government and the applicant, and approved by the Commission's Executive Director.

Introduced 02/07/06
Last Amended 04/17/06
Status Senate Natural Resources Committee

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

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**BILL ANALYSIS
AB 2930 (Laird)****SUMMARY**

This bill directs the State Coastal Conservancy (SCC) to accept all outstanding Offers to Dedicate (OTD) conservation and open space easements required as conditions as coastal development permits (CDP) within 90 days of their expiration date, if no non profit entity or public agency has accepted the OTD. This bill would exempt the SCC's acceptance of conservation and open space OTDs from review by the Department of General Services.

PURPOSE OF THE BILL

The purpose of this bill is to:

- Prevent conservation and open space OTDs from expiring
- Streamline the OTD acceptance process for the SCC
- Protect coastal resources that are the subject of conservation and open space OTDs

ANALYSIS

This bill was introduced in response to the LAO's 2005 report, "Improving Public Access and Development Mitigation" which highlighted the fact that the State was at risk of losing a significant number of conservation and open space OTDs, unless corrective steps are taken. The Coastal Commission sometimes imposes conservation easements as conditions of approval when coastal development permits are issued. If not accepted by a non-profit organization or public agency, the OTD will expire and the resources will not be protected.

Between 1977 and 2004, the Coastal Commission has recorded 1,316 conservation and open space OTDs. 232 of these have been accepted, 54 have expired, and the status is unknown for 233 OTDs. (The Commission is currently making improvements to its efforts to track the all OTDs). That leaves 797 OTDs, or more than 40%, which have not yet been accepted. A third of these are scheduled to expire over the next four years, and are at risk of expiring if entities cannot be found to accept them.

LEGISLATIVE HISTORY

This is a reintroduction of AB 1524, which was vetoed last session by the Governor. The bill is similar to SB 1962 (Polanco) (Chapter 518, Statutes of 2002) which required the SCC to accept all Public Access OTDs at risk of expiring within 90 days. The Conservancy reports that SB 1962 has actually encouraged more non profits and local governments to accept Public Access OTDs associated with funding requests.

The 2005 LAO report, "Improving Coastal Access and Development Mitigation", includes the provisions of this bill as a legislative recommendation (pp 16-17).

FISCAL IMPACT

Minor costs to SCC, associated with preparing to accept OTDs, preparing staff reports for the Conservancy Board, and accepting responsibility for monitoring in certain cases. Ideally, the SCC will function largely as a temporary holding agent for expiring OTDs, until suitable third parties can be identified to assume management responsibilities. The Commission works closely with the SCC in acceptance process.

RECOMMENDATION

Staff recommends that the Commission **SUPPORT AB 2930**