

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE AND TDD (415) 904-5200  
 FAX (415) 904-5400



# Tu-22

APRIL 10, 2007

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director  
 Sarah Christie, Legislative Coordinator  
 Michael Endicott, CPM, North Central Coast District

SUBJECT: LEGISLATIVE REPORT FOR APRIL 2007

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 4/05/07. 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](http://www.sen.ca.gov). This report can also be accessed through the Commission's World Wide Web Homepage at [www.coastal.ca.gov](http://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. 3	Legislature reconvenes
Jan. 10	Budget must be submitted by Governor
Jan. 26	Last day to submit bill requests to Office of Legislative Counsel
Feb. 23	Last day for bills to be introduced
Mar. 29	Spring Recess begins
Apr. 9	Legislature reconvenes
May 11	Last day for Policy Committees to hear and report fiscal bills for referral to fiscal committees
May 25	Last day for Policy Committees to meet prior to June 11
June 1	Last day for fiscal committees to hear and report bills to the Floor
June 8	Last day to pass bills from house of origin
June 11	Committee meetings may resume
June 15	Budget must be passed by midnight
July 13	Last day for policy committees to meet and report bills from first house
July 20	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug. 20	Legislature reconvenes
Aug. 31	Last day for Fiscal Committees to meet and report bills to the Floor
Sept. 7	Last day to amend bills on the Floor
Sept. 14	Last day for any bill to be passed. Interim Recess begins on adjournment of session
Oct. 14	Last day for Governor to sign or veto bills passed by the Legislature before Sept. 14

**PRIORITY LEGISLATION**

**AB 120 (Laird) Budget 2007-2008**

This bill would enact the California State Budget for fiscal year 2007-2008. No substantial changes are proposed to the Coastal Commission's budget

Introduced            1/10/07  
Status                 Referred to Budget Committee

**AB 141 (Saldana) Water quality; California Baja-California border region**

This bill would declare that it is the intent of the Legislature to enact legislation to improve water quality in the state in the California-Baja California border region.

Introduced            1/17/07  
Status                 Assembly First Reading

**AB 258 (Krekorian) Environment; marine debris; plastic discharge**

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. As amended on 6/14, the bill would require the state and regional water boards to implement best management practices for the control of plastic pellets, powder pellets, and fragments into waters of the state.

Introduced            02/05/07  
Status                 Assembly Natural Resource Committee. Set for hearing 4/16/07.

**AB 319 (Nava) Emergencies: Tsunami hazard mitigation and preparedness**

This bill would establish the California Tsunami Steering Committee, including a representative from the Coastal Commission, to guide tsunami hazard preparation activities in the state. It would require the Office of Emergency Services to establish a statewide tsunami hazard mitigation program to maintain consistent planning efforts regarding preparation, communication, response, and mitigation in the event of a tsunami.

Introduced            02/13/07  
Status                 Assembly Government Organization Committee

**AB 350 (Blakeslee) Land Conservation**

This bill would require the Resources Agency to identify key buffer properties adjacent to large ecologically valuable landscapes that could be threatened by future incompatible land uses.

Introduced            02/14/07  
Status                 Assembly First Reading

**AB 719 (Devore) Energy: electrical generation: zero carbon dioxide emissions**

This bill would repeal the ban on new nuclear power generating facilities in California.

Introduced            2/22/07  
Status                 Referred to Natural Resources, Energy & Utilities Committees. Set for hearing 4/16/07.

**AB 739 (Laird) Stormwater discharge**

This bill would require the State Water Resources Control Board to develop a framework for assessing the effectiveness of current stormwater management programs.

Introduced 2/22/07  
Status Assembly Environmental Safety & Toxic Materials Committee. Set for hearing 4/24/07

**AB 992 (Brownlee) Roads: stormwater containment**

This bill would declare that it is the intent of the Legislature to establish criteria for distribution on transportation bond funds to give priority to applicants that include stormwater containment measures as part of their project design and application.

Introduced 02/23/07  
Status Assembly First Reading

**AB 1066 (Laird) Coastal resources; local coastal programs**

This bill would require local governments, when preparing or amending a Local Coastal Program for Commission certification, to consider the impacts of climate change.

Introduced 2/23/07  
Status Assembly Natural Resources Committee. Set for hearing 4/16/07.

**AB 1074 (Houston)**

This bill would state that it is the intent of the Legislature to expand the number of agencies that qualify for Environmental Quality Incentives Program (EQIP) including the Coastal Commission, for the purpose of expediting the permit process.

Introduced 2/23/07  
Status Assembly First Reading

**AB 1130 (Laird) State lands; decommissioning of offshore oil platforms**

This bill would authorize the State Lands Commission to approve a permit submitted by the owner or operator of an offshore oil and gas facility to partially remove a decommissioned platform, as an alternative to complete removal. The bill would create the Ocean Resources fund in the State Treasury for the fees collected pursuant to approval. Monies collected would be subject to appropriation by the Legislature, for the purpose of funding projects and programs consistent with the Marine Life Protection Act.

Introduced 02/23/07  
Status Assembly Natural Resources Committee

**AB 1280 (Laird) Ocean resources**

This bill would authorize the expenditure of funds in the California Ocean Protection Trust Fund to be expended for the preparation of fisheries management plans pursuant to the Marine Life Management Act.

Introduced 2/23/07  
Status Assembly Water, Parks and Wildlife Committee. Set for hearing 4/10/07.

**AB 1338 (Huffman) Public resources: local coastal programs: nonpoint source pollution**

This bill would require local governments, when preparing or amending an LCP for Commission certification, to include an element on reducing nonpoint source pollution.

Introduced 02/23/07  
Status Assembly Natural Resource Committee. Set for hearing 4/16/07.  
**Commission Position Recommend Support** (analysis attached)

**AB 1396 (Laird) California Coastal Trail**

This bill would require the California Department of Transportation to annually identify all excess property in the coastal zone, and provide that information to the State Coastal Conservancy, the Wildlife Conservation Board and the Department of Fish and Game, for the purpose of making those properties available for purchase or lease by a public agency to facilitate the development of the California Coastal Trail. It also would require Caltrans to consult with other state agencies re: trail implementation, and requires regional transportation planning agencies with jurisdiction in the coastal zone to coordinate with specified state agencies regarding development of the trail, and to include provisions for the Coastal Trail in their plans.

Introduced 2/23/07  
Status Assembly Natural Resources and Transportation Committees. Set for hearing 4/9/07

**AB 1457 (Huffman)**

This bill would prohibit the construction of roads through State parks, unless the Director makes certain findings as specified. It also contains a provision for civil suits against any public agency that violates the requirements of the bill.

Introduced 02/23/07  
Status Assembly Water, Parks and Wildlife Committee. Set for hearing 4/18/07.

**AB 1459 (Levine) California Coastal Act: coastal development**

This bill would prohibit the transfer, sale or conversion of a visitor serving facility, or any unit within a visitor serving facility, for full time or part time residential use.

Introduced 02/23/07  
Status Assembly Natural Resource Committee  
**Commission Position Recommend Support if Amended** (analysis attached)

**SB 4 (Oropeza) State beaches: Smoking ban**

This bill would prohibit smoking tobacco in any form on any state beach or state park, other than a parking lot.

Introduced 12/04/06  
Status Senate Natural Resources and Wildlife Committee

**SB 10 (Kehoe) Airport land use commissions; San Diego County**

This bill would transfer the authority for coordination of airport land use planning from the current authority, the San Diego Regional Airport Authority, to a consolidated agency comprised of the San Diego Association of Governments, the Metropolitan Transit Development Board, and the North County Transit District. It would dissolve the existing Board of Directors and replace it with a 7-member Board of Directors, appointed locally.

Introduced 12/04/06  
Last Amended 02/14/07  
Status Senate Appropriations Committee. Set for hearing 4/16/07

**SB 54 (Ducheny) Budget 2007-2008**

This bill would enact the California State Budget for fiscal year 2007-2008. No substantial changes are proposed to the Coastal Commission's budget

Introduced 1/10/07  
Status Referred to Budget Committee

**SB 157 (Wiggins) Tribal gaming; compact ratification**

This bill would ratify a tribal gaming compact between the State of California, the Big Lagoon Rancheria and the Los Coyotes Band of Cahuilla and Cupena Indians to allow the transfer of rights to develop a casino at Big Lagoon in Humboldt County, to an urban site in the City of Barstow.

Introduced 01/30/07  
Status Senate Rules Committee  
**Commission Position Recommend Support** (analysis attached)

**SB 300 (Corbett) BCDC Penalties**

This bill would increase the amount of money in civil penalties the commission can impose on a person or entity from an amount not to exceed \$30,000 to an amount not to exceed \$100,000.

Introduced 02/15/07  
Status Senate Judiciary Committee. Set for hearing 4/10/07.

**SB 333 (Ackerman) Marine resources; Marine Life Protection Act**

This bill would make technical, non-substantive changes to the Marine Life Protection Act.

Introduced 2/20/07  
Status Referred to Rules Committee for assignment.

**SB 821 (Kuehl) Land use: water supply planning**

This bill lowers the number of subdivision units from 500 to 250 for water supply planning purposes.

Introduced 02/23/07  
Status Senate Local Government Committee. Set for hearing 4/18/07.

**SB 884 (Lowenthal) California Coastal Commission; administrative actions**

This bill would require anyone who represents an applicant before the California Coastal Commission, who also meets the definition of a “lobbyist” as defined by the Political Reform Act, to comply with the Political Reform Act, including disclosure requirements.

Introduced 2/23/07  
Status Senate Elections, Reapport. & C.A., and Judiciary Committees. Set for hearing 4/18/07

**SB 911 (Wiggins) Emergency call boxes: public beaches**

This bill states that it is the intent of the Legislature to place emergency call boxes at regular intervals along public beaches.

Introduced 2/23/07  
Status Senate Rules Committee

**SB 939 (Wiggins) Natural resource funding: SLC tidelands funds**

This bill would redirect funds from state tidelands and submerged lands to support specified housing needs, and then to the Salmon and Steelhead Restoration Account.

Introduced 2/23/07  
Status Senate Natural Resources and Wildlife Committee. Set for hearing 4/24/07.

**SB 965 (Lowenthal) Oil spills; CalPORTS**

This bill would establish the California Physical Oceanographic Real Time System (CalPorts). It would also authorize the administrator of the Oil Spill Prevention and Response program to establish, operate and maintain a CalPorts information network linking existing and proposed technologies that provide critical environmental information for the purpose of increased navigational safety and efficiency.

Introduced 2/23/07  
Status Senate Environmental Quality Committee. Set for hearing 4/16/07.  
**Commission Position Recommend Support** (analysis attached)

**SCA 1 (McClintock) Eminent Domain**

This bill would amend the state constitution to prohibit the use of eminent domain by a public agency unless it is for a stated public use. The bill would require the consent of the land owner in most cases.

Introduced 12/04/06  
Last Amended 02/05/07  
Status Senate Judiciary and Elections, Reapportionment & CA Committees

**Please contact Michael Endicott at (415) 904-5260 with any questions on material contained in this report.**

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SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



**BILL ANALYSIS**  
**AB 1338 (Huffman)**  
As Introduced, February 23, 2007

**SUMMARY**

AB 1338 would require a local coastal government, when preparing a local coastal Program (LCP) or major LCP amendment for certification by the California Coastal Commission, to prepare and adopt for certification by the Commission, a nonpoint source pollution prevention element within its certified LCP. The bill would also direct the Commission to assist local governments in securing funding to defray the costs associated with the preparation of that element.

**PURPOSE OF THE BILL**

The purpose of the bill is to improve coastal water quality by reducing nonpoint source pollution.

**EXISTING LAW**

Under Section 30231 of the Coastal Act, the Commission is required to protect, and where feasible, restore, the biological productivity of coastal waters by minimizing the adverse effects of runoff.

The U.S. Environmental Protection Agency is primarily responsible for water quality regulation and enforcement. However, much of the implementation of the federally mandated water quality control programs is delegated to the State Water Resources Control Board (SWRCB), which also administers the state's independent body of water quality law, the Porter-Cologne Act. The federal program authorizes the SWRCB, and the Regional Water Quality Control Boards (RWQCBs) to issue waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program.

**PROGRAM BACKGROUND**

The California Coastal Act requires local governments within the coastal zone to prepare LCPs to implement the goals and policies of the Act locally. These LCPs plan for and regulate new development.

In July of 1999, the Commission and the SWRCB jointly released a draft nonpoint source program entitled California's Nonpoint Source Pollution Control Program. California was the first state in the nation to gain federal approval for both segments of the plan as mandated under the Clean Water Act Section 319. The Commission works in coordination with the SWRCB and the RWQCBs to minimize nonpoint source pollution through a MOU signed in February 2000.

The plan identifies a number of program goals related to the implementation of 61 specific management measures aimed at reducing nonpoint source pollution and improving water quality by 2013. The management measures focus on controls that are technologically and economically feasible, and encourage partnerships with agencies and individuals that must be involved in implementation of those measures.

The Commission also independently promotes the use of best management practices (BMPs) that are effective at mitigating the impacts of nonpoint source pollution from development when issuing coastal development permits.

## **ANALYSIS**

Nonpoint source pollution is the most significant contributor to degraded water quality in the state of California. As point sources such as sewage outfalls are increasingly regulated, the adverse impacts of nonpoint source pollution, including runoff from urban development, agriculture, streets and highways, are more readily appreciated. (See the U.S. Commission on Ocean Policy's final report, *"An Ocean Blueprint for the 21st Century,"* (September 20, 2004) and the Pew Oceans Commission report, *"America's Living Oceans: Charting a Course for Sea Change,"* (June 2003).)

According to the Surfrider Foundation's California Beach Indicators report, "3,985 beach days were affected by closures or advisories during 2004. Water testing has detected human adenoviruses, fecal coliform, and other disease-causing bacteria, pesticides, herbicides, and heavy metals." (See [www.surfrider.org/quality\\_summary.aspx?stsel=CA](http://www.surfrider.org/quality_summary.aspx?stsel=CA)).

Polluted runoff associated with new development can best be addressed at the planning and construction stage. The place and time to require BMPS such as vegetated swales, oil and grease traps, gray water systems, semi-permeable surfaces, municipal monitoring, etc., is at the time of permit issuance. Incorporating BMPs into coastal development permits will only happen on a regular basis if those standards are included in the regulatory land use document that local planners follow (i.e. the LCP).

Requiring local governments to include a nonpoint source pollution control element in their LCPs, either when drafting the LCP or preparing a major amendment, will allow most of the cost of noticing, circulating and hearing that element to be absorbed as incidental to the process. It will also provide direct guidance to local planners at the juncture where it can be most effective: at the time new development is permitted and constructed, rather than attempting to mitigate the impacts at the end of the process.

## **SUPPORT/OPPOSITION (from Author's Office 4/4/07)**

### **Support for AB 1338:**

The Bay Institute  
Defenders of Wildlife  
Natural Resources Defense Council  
The Ocean Conservancy (sponsor)  
Planning and Conservation League  
Southern California Watershed Alliance  
Trout Unlimited  
Turtle Island Restoration Network

### **Opposition to AB 1338:**

None on file

## **RECOMMENDED POSITION**

Staff recommends the Commission **Support** AB 1338.



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FAX (415) 904-5400



**BILL ANALYSIS**  
**AB 1459 (Levine)**  
As Introduced, February 23, 2007

**SUMMARY**

This bill would add Section 30222.3 to the Coastal Act, prohibiting the conversion of overnight visitor serving facilities in the coastal zone to full- or part-time residential facilities. It would also prohibit any unit within an overnight visitor serving facility from being individually sold or transferred for individual ownership for full- or part-time private occupancy.

**PURPOSE OF THE BILL**

The purpose of this bill is to preserve overnight visitor serving accommodations in the coastal zone by prohibiting the construction and/or conversion of hotels to condominiums, time shares or condotels.

**EXISTING LAW**

Section 30213 of the Coastal Act states "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." Furthermore Section 30222 states in part that, "The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development."

**LEGISLATIVE HISTORY**

None.

**ANALYSIS**

Unlike residential uses, visitor-serving uses are considered priority uses under the Coastal Act. Hotels and motels are an important coastal resource, as they provide overnight visitor serving accommodations and enhance public access to the coast. Statewide economic factors which favor residential development have historically created strong financial incentives to convert existing hotels to residential condominiums, time shares, and hybrid "condotels" where privately owned units are occupied part time by owners, and part time by visitors who pay for overnight stays just as the would in a traditional hotel. Commission staff is not aware of any applications for hotel-condominium conversions in the coastal zone. However, the Commission has approved some condotel conversions as well as some timeshare conversions. Staff and some members of the public have raised concerns regarding the cumulative impact of converting existing hotels to residential uses. The concern is that this trend will reduce the number of hotel rooms available on the coast statewide, leading to higher costs for visitors and diminished public access. This has been a trend at another popular visitor destination, Lake Tahoe, where many low-cost overnight facilities have been replaced by more expensive timeshares.

In the last 18 months, the Commission has approved the construction of three new condotel projects in place of originally approved traditional hotels on parcels zoned for overnight visitor-serving accommodations. Applicants have stated that traditional financing for new hotel construction has

become difficult to obtain, and the only way to build them is to pursue financing for residential/hotel hybrids. The Commission has based its approvals for such projects on the findings that part-time availability for overnight visitor serving uses is better for public access than the no-project alternative.

When considering the impact of hotel conversions, whether to condominiums, condotels or time-shares, it is important to distinguish between conversion of existing hotels, and the construction of new projects. Conversion of existing facilities directly reduces the number of overnight accommodations available to the public, diminishes the potential for coastal recreation and public access, and is likely to drive up the cost of overnight stays. Therefore, prohibiting the conversion of existing hotels would be consistent with Sections 30213 and 30222. However, applications for new construction of hybrid condotel projects, where other types of financing are not available, should be left up to the discretion of the Commission. If appropriately conditioned, some new condotel projects have the potential to improve public access and coastal recreation opportunities, while providing some increment of benefit for overnight accommodations that would not otherwise be available.

### **SUPPORT/OPPOSITION**

#### **Support:**

None on file

#### **Opposition:**

None on file

### **RECOMMENDED POSITION**

Staff recommends the Commission **Support** AB 1459 **if amended** to apply only to the conversion of existing hotels.

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45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885



**BILL ANALYSIS**  
**SB 157 (Wiggins and Ashburn)**  
As Introduced, January 30, 2007

**SUMMARY**

This bill would ratify a tribal gaming compact between the State of California, the Big Lagoon Rancheria and the Los Coyotes Band of Cahuilla and Cupena Indians to allow the transfer of rights to develop a casino at Big Lagoon in Humboldt County, to an urban site in the City of Barstow.

**PURPOSE OF THE BILL**

The purpose of this bill is to:

- Protect coastal resources at Big Lagoon.
- Preclude the development of a tribal casino at Big Lagoon.
- Allow the Big Lagoon Rancheria to jointly develop a tribal casino in the City of Barstow

The bill specifies that the Big Lagoon Rancheria and the Los Coyotes Band may jointly operate and develop a casino in the City of Barstow.

**ANALYSIS**

The federal Indian Gaming Regulatory Act (IGRA) authorizes federally recognized Indian tribes to conduct class III gaming on Indian lands, as defined by IGRA, to the extent those games are permitted by state law, and pursuant to a gaming compact negotiated between a tribe and the state where class III gaming activities will be conducted by the tribe.

In 2000, California voters approved Proposition 1A that amended the California Constitution to authorize the Governor to negotiate and conclude compacts with federally recognized Indian tribes on Indian lands in California in accordance with federal law.

Subdivision (c) and (e) of Section 12012.25 of the Government Code provide that tribal gaming compacts negotiated by the Governor are subject to ratification by the Legislature. Section 20 of the IGRA requires the Secretary of Interior's concurrence to relocate a casino onto non-tribal lands.

The current compact contains numerous provisions related to the number of slot machines, revenue sharing, dispute resolution and worker's protections. However, the issue most relevant to the Coastal Commission is the authorization to relocate the facility to an inland location, and the prohibition of any future gaming development on the site.

**PROJECT HISTORY**

The Big Lagoon Rancheria's lands are located on the Humboldt County coast at Big Lagoon, adjacent to Big Lagoon County Park and Harry A. Merlo Recreation Area. Big Lagoon is a State ecological preserve managed by the Department of Fish and Game, and is one of the last naturally functioning coastal lagoons remaining in California. It supports a diverse population of threatened and endangered species.

Litigation spanning three administrations compelled the state to negotiate a compact authorizing a casino at Big Lagoon. However, pursuant to negotiations with the current administration, the Rancheria has agreed to relocate its casino to the City of Barstow, which has been actively seeking a tribal casino, and refrain from developing any gaming on its land at Big Lagoon.

### **LEGISLATIVE HISTORY**

This bill essentially mirrors language from the final version of SB 168 (Chesboro) from last session. That measure was supported by the Coastal Commission. The measure was held in the Assembly Committee on Governmental Organizations.

### **FISCAL IMPACT**

Minor savings to the Commission, as no coastal development permit for a casino at Big Lagoon will be submitted. Other types of development (residential, recreational) would still be allowed.

### **RECOMMENDATION**

Staff recommends that the Commission **SUPPORT** SB 157.

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**BILL ANALYSIS**  
**SB 965 (Lowenthal)**  
As Introduced, February 23, 2007

**SUMMARY**

SB 965 would establish a statewide California Physical Oceanographic Real-Time System (CalPORTS) in the five major California ports and harbors: Humboldt Bay; San Francisco Bay Region; Port Hueneme, Los Angeles/Long Beach; and San Diego.

Specifically, SB 965 would authorize the Administrator of the Office of Spill Prevention and Response (OSPR), in the Department of Fish & Game, to establish and maintain an information system of buoy sensors that would provide real-time weather, tide, current, water temperature and salinity, wind velocity, tsunami water level rise, and related information critical for improving the safety of navigation in California's ports and harbors.

**PURPOSE OF THE BILL**

The primary purposes of the CalPORTS Bill SB 965 are to:

- Collect data and information critical for safe vessel navigation in the ports and harbors of California.
- Provide for the protection of California's coastal and marine resources by improving the safety of vessel navigation in ports and harbors, thereby reducing the risk of vessel collisions and oil spills.
- Further implement the California Ocean Council's Strategic Plan for a planned national and state integrated ocean observing system, including the Central and Northern California Ocean Observing System and the Southern California Ocean Observing System, which provide real-time information on open ocean conditions.

**PROGRAM BACKGROUND**

The CalPORTS program will build on the federal NOAA/NOS administered PORTS program of integrated buoy sensors that provide information on tides, currents, wind velocity, air and water temperature, salinity, and air gap data between bridge elevation and the water's surface.

NOAA/NOS installed a fully integrated PORTS information system in SF Bay and several smaller PORTS real-time information buoys in the ports of Los Angeles and Long Beach (LA/LB), Port Hueneme, and San Diego (SD). The NOAA/NOS PORTS program does not provide ongoing funds to California for the maintenance and operation of the PORTS sensors.

The LA/LB Marine Exchange currently funds and operates the systems in LA/LB, but funding may not be available after 2007. The SD Port currently funds and operates its own smaller real-time information (SD Information System), but also does not know if it will be able to continue funding after 2007. The PORTS buoy information system in Port Hueneme and Humboldt Bay are currently non-operational due to lack of funds for maintenance and operation.

The existing SF Bay PORTS program almost shut down at the end of 2005, lacking a dedicated source of funds. However, the OSPR came to the rescue with a one-time, one year grant. After 2007, there will be no funds available for the operation and maintenance of the SF Bay PORTS system.

No funding is provided in SB 965 so its provisions shall only be implemented to the extent that funds are made available. The program would sunset on January 1, 2013.

### **ANALYSIS**

SB 965 supports the coastal and marine resource protection policies of Chapter 3 of the Coastal Act by improving safe navigation and thereby reducing the risk of oil spills in the ports and harbors of the State.

Humboldt Bay, San Francisco Bay, and San Diego Bay contain significant natural resources of national and state importance, including bird refuge areas on the Pacific Flyway, wetland habitats, sensitive fish and marine mammal species, and sensitive shoreline beach habitats. An oil spill in portions of any of these harbors could have significant, prolonged adverse impacts on critical bird, fish, and marine mammal populations, and sensitive wetland and beach habitats.

SB 965 also supports the intent and policies of Coastal Act Chapter 8 for the protection of the economic and coastal resources in the ports and harbors of California. The ports and harbors of California are critically important to the economy of California.

### **SUPPORT/OPPOSITION (from Author's Office 4/4/07)**

#### **Support for SB 965:**

- The five California Harbor Safety Committees (HSCs) of Humboldt Bay HSC; San Francisco Bay HSC; Port Huneme HSC; LA/LB HSC; and SD HSC. The San Francisco Bay Conservation and Development Commission.
- California Association of Port Authorities (CAPA).
- Pacific Merchant Shipping Association (PMSA).
- Bay Planning Coalition.
- San Francisco Bar Pilots.
- The Bay Institute.
- The Santa Monica Bay Keeper.
- San Diego Audobon Society.
- San Diego Coast Keeper.

#### **Opposition to SB 965:**

- None on file

### **RECOMMENDED POSITION**

Staff recommends the Commission **Support** SB 965.