

CALIFORNIA COASTAL COMMISSION

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April 26, 1996

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
James W. Burns, Chief Deputy Director
Jeffrey Stump, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR MAY 1996

CONTENTS:

This report is divided into two sections. **Section I** provides summaries and the status of bills that staff has identified as priority issues for the 1996 Legislative session. **Section II** provides summaries of bills which staff has identified as coastal related, or possibly affecting the Commission and the coastal program. Copies of selected bills are attached.

Note: This information may also be found at the Commission's World Wide Web Homepage at <http://ceres.ca.gov/coastalcomm/web/>

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

SECTION I. PRIORITY LEGISLATION

AB 2291 (Knox) Real Property

AB 2291 would require the State Board of Control to allow a claim for reasonable attorney's fees incurred by an owner of any interest in real property or a public entity in a specified civil action in which the owner or public entity gives permission to the public to enter or use the property for recreational purposes, the owner or this public entity was a defendant in this civil action, and the court has dismissed the civil action upon a demurrer or motion for summary judgment made by this owner or public entity or the owner or public entity prevails in the civil action.

Position	SUPPORT
Introduced	02/14/96
Last Amend	03/28/96
Status	Passed Assembly Judiciary Committee (Consent 15-0) Referred to Assembly Appropriations Committee

AB 2445 (McPherson) Coastal Development Permit Fees: Coastal Access Grants

AB 2445 would require that coastal development permit fees collected by the Commission be deposited in the coastal access account, which would be created in the State Coastal Conservancy Fund, for grants to public agencies and private nonprofit entities or organizations for the development, maintenance, and operation of new and existing facilities that provide public access to the shoreline of the sea. Any funds not expended for those purposes would revert to this account.

Position	SUPPORT
Introduced	02/20/96
Last Amend	04/15/96
Status	Passed Assembly Natural Resources Committee (9-0) Referred to Assembly Appropriations Committee

AB 2659 (Kaloogian) State Coastal Conservancy: Mitigation Fees: City of Carlsbad

AB 2659 would authorize the State Coastal Conservancy to establish a special account in the State Coastal Conservancy Fund for the deposit of mitigation fees. The bill would specify that any interest accruing on the money in the special account is required to be expended in accordance with those specified purposes and priorities.

Introduced	02/21/96
Last Amend	None
Status	Passed Assembly Natural Resources Committee (14-0) Referred to Assembly Appropriations Committee

AB 2683 (Kaloogian) Mitigation Fees: Local Coastal Program: City of Carlsbad

AB 2683 would specify that mitigation fees collected for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad and deposited in the State Coastal Conservancy Fund may be used for the purposes of enhancing the use of natural resources within the Coastal Zone in the City of Carlsbad

Introduced	02/22/96
Last Amend	04/18/96
Status	Passed Assembly Natural Resources Committee (14-0) Referred to Assembly Appropriations Committee

AB 2684 (Kaloogian) State Regulatory Agencies Created By Statute: Abolition and Review

AB 2684 would abolish all state regulatory agencies adopted by statute in existence on January 1, 1997, in accordance with the following schedule: all regulatory agencies within the Business, Transportation and Housing Agency, June 30, 1999; all regulatory agencies within the Resources Agency, June 30, 2000; all regulatory agencies within the Health and Welfare Agency, June 30, 2001; all regulatory agencies within the State and Consumer Services Agency, June 30, 2002; and all other regulatory agencies, June 30, 2003. This bill would authorize the Governor to submit to the Legislature a reorganization plan pursuant to specified procedures, providing for the orderly transfer of those functions, powers, and duties as determined by the Governor to be essential to the public health, safety, or welfare from an agency to a successor agency designated by the Governor.

Introduced 02/22/96
Last Amend None
Status Failed to pass Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (Reconsideration granted)

AB 2963 (Firestone) Environmental Quality

AB 2963 would exempt the following from coastal development permits: emergency work necessary to protect life or property; emergency repairs to public service facilities necessary to maintain service; projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor; specific actions necessary to prevent or mitigate an emergency; and projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, substantially within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code.

Introduced 02/23/96
Last Amend None
Status Passed Assembly Natural Resources Committee (11-3)
Passed Assembly Appropriations Committee (14-7)

AB 3044 (Olberg) Interagency Natural Resources Coordination Committee

AB 3044 would create an interagency committee consisting of the administrator for oil spill response, the Secretary for Environmental Protection, the Secretary of the Resources agency, the Executive Director of the Coastal Commission, the Executive Director of the State Lands Commission, the Chair of the Water Resources Control Board and the State Fire Marshal. In case of an oil spill, the responsible party may request the committee to designate an administering agency to oversee and supervise implementation of a repair and maintenance project, or in conjunction with an oil spill, to supervise and coordinate any site investigation or restoration action. In the case of an oil spill, the administering agency would be the administrator for oil spill response.

Introduced 02/23/96
Last Amend 04/23/96
Status Passed Assembly Natural Resources Committee (10-4)
Referred to Assembly Appropriations Committee

AB 3081 (Olberg) Real Property: Takings

AB 3081 would establish the California Real Property Rights Act and would provide legislative intent to reaffirm the right of Californians to own property, as well as ensure that just compensation is paid to those property owners who have had their property taken by government action.

Introduced 02/23/96
Last Amend None
Status Referred to Assembly Local Government Committee

AB 3431 (Bowen) Geographic Information Systems

AB 3431 would establish a geographic information grant program within the Department of Information Technology for the development and maintenance of framework data bases for geographic information systems. It would establish the Geographic Information Grant Fund in the State Treasury for the purpose of funding the grant program, and specify that a portion of the excess moneys in the Energy Resources Surcharge Fund be deposited in this fund.

Introduced 02/23/96
Last Amend 04/08/96
Status Passed Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development Committee (5-2)
Referred to Assembly Committee on Revenue and Taxation

AB 3469 (Assembly Natural Resources Committee) California Coastal Commission : Review of Permit Regulations

AB 3469 would require the Commission, no later than July 1, 1997, to review its regulations and procedures and determine what revisions are necessary and appropriate to simplify and expedite the review of any matter that is before the Commission. This bill would require the Commission to implement any such revisions no later than August 29, 1997. On or after January 1, 1998, the Commission would be required to conduct such reviews and implement appropriate revisions biannually.

Introduced 02/29/96
Last Amend None
Status Not heard in Assembly Natural Resources Committee

SB 39 (Thompson) South Spit of Humboldt Bay: Acquisition

SB 39 would authorize the Wildlife Conservation Board and the State Coastal Conservancy to use funds available to them for the purposes of acquiring the South Spit of Humboldt Bay. The bill would also require the Conservancy to prepare a management plan for the South Spit area and to submit the plan to the Legislature on or before June 30, 1997.

Introduced 12/15/94
Last Amend 04/08/96
Status Referred to Senate Appropriations Committee

SB 1615 (Craven) Beach Replenishment

SB 1615 would appropriate \$3,300,000 from the Harbors and Watercraft Revolving Fund to the Department of Boating and Waterways for the 19996-97 fiscal year for a grant to the San Diego Association of Governments to pay for costs of beach replenishment associated with the United States Navy Aircraft Carrier Homeporting Project in San Diego Harbor.

Introduced 02/20/96
Last Amend 04/09/96
Status Referred to Senate Natural Resources and Wildlife Committee

SB 1637 (Johnson) Coastal Zone Boundary: City of Newport Beach

SB 1637 would revise the boundary of the coastal zone, as determined according to specified maps, to exclude coastal lands (approximately 945 acres in 22 parcels) within the City of Newport Beach.

Introduced 01/25/96
Last Amend None
Status Withdrawn from Senate Natural Resources and Wildlife Committee

SECTION II. COASTAL RELATED LEGISLATION

AB 165 (Richter) Environmental quality: action or proceeding

This bill would prohibit a responsible agency or specified agency from maintaining an action or proceeding for noncompliance with the provisions of CEQA governing the preparation of an environmental impact report unless the responsible agency specified to the lead agency, within 30 days of receiving notice of the preparation of the EIR, the content of the environmental information that is germane to the statutory responsibilities of the responsible agency or specified public agency.

Introduced 01/19/95
Last Amend 01/24/96
Status Referred to Senate Judiciary Committee
Hearing canceled by author

AB 678 (Woods) Restoration of Land: Disasters: CEQA Exemption

AB 678 would create a new exemption from "any environmental review" for repairs and restoration to land and any appurtenant structures in need of repairs due to any natural or manmade disaster or an emergency. The bill would provide that the land and structures may be restored to the state that they were in immediately prior to the disaster or emergency.

Introduced 02/21/95
Last Amend None
Status Referred to Senate Governmental Organization and Natural Resources Committees

AB 771 (Aguiar) Subdivisions: Tentative Maps: Extensions

AB 771 would extend for 24 months the expiration date for all tentative and vesting tentative maps that have not expired on the date the bill becomes effective. The bill would also extend for a similar period all approvals by local and state agencies that pertain to development projects included in such maps.

Introduced 02/22/95
Last Amend 02/13/96
Status Senate Floor

AB 795 (Goldsmith) Environmental Quality: Natural Community Conservation Plan

AB 795 would provide that, if a local agency has adopted a natural community conservation plan, and the plan has been approved by the Department of Fish and Game, further analysis shall not be required for purposes of compliance with the California Environmental Quality Act, with regard to potential impacts of the proposed project on wildlife and their habitat.

Introduced 02/22/95
Last Amend 01/22/96
Status Referred to Senate Natural Resources and Wildlife Committee

AB 2080 (McPherson) Public Beaches: Contamination: Warning Signs

AB 2080 would require, when a public beach has failed to meet bacteriological standards, that warning signs be visible from all beach access points.

Introduced 01/18/96
Last Amend 04/11/96
Status Passed Assembly Local Government Committee (9-0)
Referred to Assembly Appropriations Committee

AB 2099 (Miller) Environmental Impact Reports

AB 2099 would make several changes to the California Environmental Quality Act with regards to environmental impact reports (EIR). Specifically, the bill would: (1) require an EIR to set forth three alternatives to a proposed project; (2) authorize previously prepared documents to be used in cumulative impact analysis in an EIR; (3) prohibit the consideration of economic and social factors in an EIR; (4) require a public agency to only consider comments that are germane to the specific project; (5) require environmental documents to be prepared by a project applicant, or its agent; (6) prohibit a court from invalidating the certification of an environmental impact report by a public agency, and allow a court to order the voiding of only those portions of an EIR that do not conform to CEQA; (7) allow a public agency to correct those non-conforming portions of the EIR and to re-certify the report as corrected.

Introduced 01/25/96
Last Amend 04/10/96
Status Passed Assembly Natural Resources Committee (9-3)

AB 2130 (McPherson) California State Mussel Watch Program

AB 2130 would require the State Water Resources Control Board, in conjunction with the Department of Fish and Game, to continue to implement a long-term coastal monitoring program known as the California State Mussel Watch Program.

Introduced 02/5/96
Last Amend None
Status Passed Assembly Water Parks and Wildlife Committee (10-1)
Referred to Assembly Appropriations Committee

AB 2152 (Mazzoni) Shellfish

AB 2152 would require the Department of Health Services to adopt regulations necessary to carry out certain provisions relating to the sanitary control of shellfish and requires those regulations to prescribe standards that are at least as stringent as those that are adopted in connection with the National Shellfish Sanitation program.

Introduced 02/06/96
Last Amend None
Status Referred to Assembly Water Parks and Wildlife and Natural Resources Committees

AB 2485 (Firestone) Coastal Resources: City of Santa Barbara: Wilcox Property

AB 2485 would make legislative findings and declarations pertaining to the importance of protecting the coastal Wilcox property in the City of Santa Barbara due to its environmental values and would state the Legislature's intent that all appropriate public agencies cooperate with each other and provide assistance to each other with regard to efforts to protect the property.

Introduced 02/21/96
Last Amend None
Status Introduced

AB 2503 (Ackerman) State Civil Service: Career Executive Assignment

AB 2503 would remove the requirement that persons eligible to be appointed to career executive assignment positions have permanent status in civil service, and would permit the State Personnel Board, to authorize open examinations for career executive assignment positions.

Introduced 02/21/96
Last Amend None
Status Passed Assembly Public Employees, Retirement and Social Security Committee (4-1)
Referred to Assembly Appropriations Committee

AB 2519 (Kaloogian) State Civil Service: Classification

AB 2519 would provide that allocation of a position to a civil service class shall be based on the principle that all positions meet the definition of a class shall be included in the same class. The bill would also authorize the State Personnel Board to establish "broadband" classes of employees for which the same general title may be used to designate each position allocated to the class and which may include more than one level or more than one specialty area within the same general field of work, and to determine the minimum qualifications for these classes.

Introduced 02/21/96
Last Amend None
Status Passed Assembly Public Employees, Retirement and Social Security Committee (4-1)
Referred to Assembly Appropriations Committee

AB 2620 (Morrissey) Storm Water Discharges

AB 2620 would prohibit the State Water Resources Control Board and the Regional Water Quality Control Boards from prescribing or enforcing waste discharge requirements relating to storm water discharges that are more stringent than federal requirements under the Clean Water Act.

Introduced 02/21/96
Last Amend 04/18/96
Status Referred to Assembly Water Parks and Wildlife

AB 3428 (Katz) Tidelands and Submerged Lands: Costs of Services

AB 3428 would require the governing body of any agency responsible for the administration of tidelands and submerged lands subject to the public trust to determine, in good faith, the necessary direct and indirect costs of providing security and other services to the trust lands and permitted developments and activities on the trust lands and to seek full reimbursement of those costs from those persons who have benefited from the services.

Introduced 02/23/96
Last Amend None
Status Referred to Assembly Water Parks and Wildlife

SB 1542 (Peace) San Diego Unified Port District

SB 1542 would make technical, non-substantive changes in the law governing the San Diego Port District.

Introduced 02/14/96
Last Amend None
Status Referred to Senate Local Government Committee

SB 1635 (Maddy) Water Quality: Storm Water Discharges: Retail Gas

SB 1635 would prescribe certain best management practices to be undertaken by retail gasoline establishments for the purpose of minimizing or eliminating the discharge of pollutants into storm water drains and would impose certain additional requirements on retail gasoline establishments that are, commencing on or after January 1, 1997, constructed or remodeled. The bill would exempt those establishments that comply with these requirements from any storm water or other discharge requirements that may be prescribed by local, regional or state entities.

Introduced 02/20/96
Last Amend 04/08/96
Status Referred to Senate Health and Human Services Committee

SB 1748 (Committee on Housing and Land Use) Housing and Land Use Omnibus Act of 1996

SB 1748 would enact the Housing and Land Use Omnibus Act of 1996. The bill would state legislative intent to combine several minor statutory changes relating to housing, land use and related topics into a single measure, and would make related findings and declarations.

Introduced 02/22/96
Last Amend 04/11/96
Status In Assembly

SB 1803 (Ayala and Kopp) Open Meetings

SB 1803 would make various changes to the Bagley-Keene Open Meeting Act, which requires that the meetings of state bodies be conducted openly.

Introduced	02/22/96
Last Amend	04/08/96
Status	Referred to Senate Governmental Organization

AMENDED IN ASSEMBLY MARCH 28, 1996

INTRODUCED BY Assembly Member Knox

FEBRUARY 14, 1996

An act to add Section 846.1 to the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2291, as amended, Knox. Real property.

Existing law provides that an owner or any estate or any other interest in real property owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose, as defined, or to give any prescribed warning, except as specified.

Existing law provides that a public entity, as defined, is not liable to any person who participates in a hazardous recreational activity, as defined, for any damage or injury to property or persons arising out of that hazardous recreational activity.

This bill would require the State Board of Control to allow a claim for reasonable attorney's fees incurred by an owner of any interest in real property or a public entity in a specified civil action if ~~the owner or public entity gives permission to the public to enter or use the property for recreational purposes pursuant to a specified agreement or if a public entity gives permission to~~ **the public to enter or use the property for recreational purposes**, the owner or this public entity was a defendant in this civil action, and the court has dismissed the civil action upon a demurrer or motion for summary judgment made by this owner or public entity or the owner or public entity prevails in the civil action

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. Section 846.1 is added to the Civil Code, to read:

846.1. (a) An owner of any estate or interest in real property, whether possessory or nonpossessory, who gives permission to the public for entry on or use of the ~~real property for a recreational purpose, as defined in Section 846~~ **real property pursuant to an agreement with a public or nonprofit agency for purposes of recreational trail use**, and is a defendant in a civil action brought by, or on behalf of, a person who is allegedly injured or allegedly suffers damages on the real property, may present a claim to the State Board of Control for reasonable attorney's fees incurred in this civil action if the court has dismissed the civil action upon a demurrer or motion for summary judgment made by the owner or if the owner prevails in the civil action.

(b) A public entity, as defined in Section 831.5 of the Government Code, that gives permission to the public for entry on or use of real property for a recreational purpose, as defined in Section 846, and is a defendant in a civil action brought by, or on behalf of, a person who is allegedly injured or allegedly suffers damages on the real property, may present a claim to the State Board of Control for reasonable attorney's fees incurred in this civil action if the court has dismissed the

civil action upon a demurrer or motion for summary judgment made by this public entity or if the public entity prevails in the civil action.

(c) The State Board of Control shall allow the claim if the requirements of this section are met. The claim shall be paid from an appropriation to be made for that purpose. Reasonable attorneys' fees, for purposes of this section, may not exceed an hourly rate greater than the rate charged by the Attorney General at the time the award is made, and may not exceed an aggregate amount of fifty thousand dollars (\$50,000). This subdivision shall not apply if a public entity has provided for the defense of this civil action pursuant to Section 995 of the Government Code.

BILL NUMBER: AB 2445
BILL TEXT

AMENDED 04/22/96

AMENDED IN ASSEMBLY APRIL 22, 1996

INTRODUCED BY Assembly Member McPherson

FEBRUARY 20, 1996

An act to amend Section 30620 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2445, as amended, McPherson. Coastal development permit fees: coastal access grants.

Existing law, the California Coastal Act of 1976, authorizes the California Coastal Commission to require a reasonable filing fee and the reimbursement of expenses for the processing by the commission of any application for a coastal development permit, as specified.

Existing law vests authority in the State Coastal Conservancy to provide for coastal access.

This bill would require that coastal development permit fees collected by the commission be deposited in the coastal access account, which the bill would create in the State Coastal Conservancy Fund. The money in the account would be available, upon appropriation by the Legislature in the annual Budget Act, to the State Coastal Conservancy for grants to public agencies and private nonprofit entities or organizations for the development, maintenance, and operation of new and existing facilities that provide public access to the shoreline of the sea, as defined. The bill would require any grant funds not expended for those purposes to revert to the account.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. Section 30620 of the Public Resources Code is amended to read:

30620. (a) By January 30, 1977, the commission shall, consistent with this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. These procedures shall include, but are not limited to, the following:

- (1) Application and appeal forms.
- (2) Reasonable provisions for notification to the commission and other interested persons of any action taken by a local government pursuant to this chapter, in sufficient detail to ensure that a preliminary review of that action for conformity with this chapter can be made.
- (3) Interpretive guidelines designed to assist local governments, the commission, and persons subject to this chapter in determining how the policies of this division shall be applied in the coastal zone prior to the certification of local coastal programs. However, the guidelines shall not

supersede, enlarge, or diminish the powers or authority of the commission or any other public agency.

(b) Not later than May 1, 1977, the commission shall, after public hearing, adopt permanent procedures that include the components specified in subdivision (a) and shall transmit a copy of those procedures to each local government within the coastal zone and make them readily available to the public. The commission may thereafter, from time to time, and, except in cases of emergency, after public hearing, modify or adopt additional procedures or guidelines that the commission determines to be necessary to better carry out this division.

(c) (1) The commission may require a reasonable filing fee and the reimbursement of expenses for the processing by the commission of any application for a coastal development permit under this division and, except for local coastal program submittals, for any other filing, including, but not limited to, a request for revocation, categorical exclusion, or boundary adjustment, submitted for review by the commission.

(2) Any coastal development permit fees collected by the commission under paragraph (1) shall be deposited in the coastal access account, which is hereby created in the State Coastal Conservancy Fund. The money in the account shall be available, upon appropriation by the Legislature in the annual Budget Act, to the State Coastal Conservancy for grants to public agencies and private nonprofit entities or organizations for the development, maintenance, and operation of new and existing facilities that provide public access to the shoreline of the sea, as defined in Section 30115. Any grant funds that are not expended for those purposes shall revert to the account. *Nothing in this paragraph authorizes an increase in fees or creates any new authority on the part of the commission.*

(d) With respect to any appeal of an action taken by a local government pursuant to Section 30602 or 30603, the executive director shall, within five working days of receipt of an appeal from any person other than members of the commission or any public agency, determine whether the appeal is patently frivolous. If the executive director determines that an appeal is patently frivolous, the appeal shall not be filed unless a filing fee in the amount of three hundred dollars (\$300) is deposited with the commission within five working days of the receipt of the executive director's determination. If the commission subsequently finds that the appeal raises a substantial issue, the filing fee shall be refunded.

BILL NUMBER: SB 39

AMENDED 04/08/96

BILL TEXT

AMENDED IN ASSEMBLY APRIL 8, 1996

AMENDED IN ASSEMBLY JULY 7, 1995

AMENDED IN ASSEMBLY JUNE 22, 1995

AMENDED IN ASSEMBLY JUNE 19, 1995

INTRODUCED BY Senator Thompson

DECEMBER 15, 1994

~~An act to amend and renumber Section 9025 of, to add Section 9025 to, and to add and repeal Sections 9027 and 9029.5 of, the Fish and Game Code, relating to fish. An act relating to fish and wildlife.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, M. Thompson. ~~Commercial fishing; fishing lines. South Spit of Humboldt Bay: acquisition~~

~~(1) Existing law regulates the use of troll and set lines for purposes of commercial fishing. This bill would, until January 1, 1999, prohibit the use of more than 150 hooks on a vessel or more than 15 hooks on a line when fishing under the permit in districts 6, 7, and 10 except as specified. The bill would specify the buoying and marking requirements for fishing lines not attached to a vessel. Because a violation of these provisions of the bill would be a new crime, the bill would impose a state-mandated local program.~~

~~(2) Statutory provisions were repealed on January 1, 1995, which prohibited the use of set lines, vertical fishing lines, or troll lines to take fish other than salmon or California halibut for commercial purposes in Fish and Game District 7 or 10 within one mile of the mainland shore. That former law limited the effective time periods of the prohibition to the periods from sunset on Friday to sunset on the following Sunday or from sunset on the day before a legal holiday until sunset on that holiday.~~

~~This bill would reenact that provision, effective until January 1, 1999. Because the bill would create a crime, it would impose a state-mandated local program.~~

Under existing law, the Wildlife Conservation Board is required to authorize the acquisition of land, rights in land, water, and water rights necessary to carry out that law and may authorize that acquisition by the Department of Fish and Game. Existing law provides that the State Coastal Conservancy is the repository of lands pursuant to the California Coastal Act of 1976 and authorizes the conservancy to acquire real property or interests in real property for purposes of that act.

This bill would authorize the board and the conservancy to use funds available to them for the purpose of acquiring the South Spit of Humboldt Bay, as described in the bill. The bill

would require the conservancy to prepare a management plan for that area and to submit the plan to the Legislature on or before June 30, 1997.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes
no.

~~SECTION 1. Section 9025 of the Fish and Game Code~~

SECTION 1. *The Legislature finds and declares all of the following:*

(a) The property known as the South Spit of Humboldt Bay, including five miles from Table Bluff County Park to the south jetty separating South Humboldt Bay from the Pacific Ocean, contains several species of rare or endangered plants and animals.

(b) Lack of proper management of the South Spit of Humboldt Bay has negatively affected the wetland and dune resources of Humboldt Bay, including the habitat of the brant and snowy plover, and has placed at risk valuable cultural resources of the Wiyot Tribe.

(c) Current illegal camping on the South Spit negatively affects natural or cultural activities, such as hiking, sportfishing, hunting, appropriate off-highway vehicle use, Native American gatherings and cultural protection.

(d) Public ownership of the South Spit of Humboldt Bay is desirable to ensure that it is properly managed and its natural and cultural resources can be restored and protected.

(e) Expansion of existing publicly owned wildlife habitat and refuge will enhance wildlife habitat protection, is desirable, and can be most effectively accomplished by engaging in cooperative management with various state and federal agencies.

SEC. 2. *Due to the impact of public use of the South Spit of Humboldt Bay on its natural and cultural resources, the State Coastal Conservancy and the Wildlife Conservation Board may use funds available to them for the purposes of Section 1 to acquire the South Spit area. The State Coastal Conservancy shall prepare a management plan for the South Spit area, to be completed and submitted to the Legislature on or before June 30, 1997, which shall include, but not be limited to, the following minimum standards:*

(a) The property shall have controlled access, including a permanent gate on South Jetty Road at the base of Table Bluff.

(b) Rare species of plants and animals shall be protected, and their habitats, including dunes and wetlands, shall be restored where appropriate and feasible.

(c) Access corridors shall be specified.

(d) Cultural resources shall be protected through a cooperative arrangement with the Wiyot Tribal Council.

(e) Camping shall be strictly limited and controlled, consistent with habitat requirements, public safety, and maintenance of public facilities, including the public jetty.

(f) Off-highway vehicle use shall be limited to the waveslope on the west side of the South Jetty Road, bounded by Table Bluff County Park to the south and the South Jetty to the north.

(g) Vehicular access on the east side of South Jetty Road shall be limited by special permission only as required for access for hunting, gathering, wildlife management, or traditional uses of the Wiyot Tribe.

(h) Vehicle turnouts and pedestrian access shall be allowed only at designated corridors.

