

CALIFORNIA COASTAL COMMISSION

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June 21, 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 JULY 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 AB 1332, AB 2683 and SB 39 are attached.

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

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 1332 (Knox and Sweeney) Environmental Quality: State Boards and Commissions: Eligibility

AB 1332 would prohibit a person from being able to serve on the California Coastal Commission, the Fish and Game Commission, the San Francisco Bay Conservation and Development Commission or the State Board of Forestry if that person has been subject of an enforcement action for a violation of the provisions of law for which the person would be responsible as a board or commission member, and the enforcement action had specified results.

Introduced 02/23/95
Last Amend 05/12/96
Status In Senate Rules Committee for referral to policy committee.

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. This bill would appropriate \$300,000 to the program from the Coastal Conservancy's Access Fund as created by AB 2445 (McPherson).

Introduced 02/5/96
Last Amend 05/13/96
Status Passed Assembly (73-0)
Referred to Senate Natural Resources and Wildlife Committee

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 purposes of recreational trail use, the owner or 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. AB 2291 was amended to limit individual claims to \$25,000 and total claims per year to \$100,000.

Position **SUPPORT**
Introduced 02/14/96
Last Amend 05/14/96
Status Passed Assembly (71-0)
Referred to Senate Judiciary 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 nonprofit entities or organizations for the development, maintenance and operation of new and existing facilities that provide public access to the sea. Any funds not expended for those purposes would revert to this account. This bill would result in approximately \$350,000 being appropriated to public access grants in fiscal year 96-97.

Position **SUPPORT**
Introduced 02/20/96
Last Amend 05/13/96
Status Passed Assembly (73-0)
Referred to Senate Natural Resources and Wildlife 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 would be retained for use on Conservancy projects..

Introduced 02/21/96
Last Amend None
Status Passed Assembly (57-8)
Referred to Senate Natural Resources and Wildlife 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. The bill would also designate "open field cultivated agriculture" as an appropriate use of mitigation fees and requires that all mitigation fees collected for the Carlsbad Ranch project be expended for a Carlsbad Flower Fields Foundation program of field cultivated floriculture.

Introduced 02/22/96
Last Amend 06/18/96
Status Passed Assembly (73-0)
Referred to Senate Natural Resources and Wildlife Committee

AB 2963 (Firestone) Environmental Quality

AB 2963 would exempt specified highway projects from the California Environmental Quality Act (CEQA) and other environmental permitting requirements when the project pertains to performing emergency work, disaster repairs, and non-scenic highway maintenance. Specifically, the bill would exempt projects undertaken to maintain, repair, or restore an existing highway damaged by natural causes from the requirements of CEQA and from obtaining permit approvals from the Coastal Commission, the San Francisco Bay Conservation and Development Commission, the Department of Fish and Game, Regional Water Quality Control Boards and from obtaining comments from the State Historic Preservation Officer.

Introduced 02/23/96
Last Amend None
Status Passed Assembly
Referred to Senate Natural Resources and Wildlife and Governmental Organization Committees

AB 3044 (Olberg) Interagency Natural Resources Coordination Committee

AB 3044 would create the Interagency Natural Resources 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, the State Fire Marshal and "state trustees" designated by the Governor. Any owner, lessee or operator of a commercial or industrial facility may request that the Committee designate a consolidated permit agency for the issuance of all permits required for a repair and maintenance project for such facilities. In the case of an oil spill, this bill would designate the administrator for oil spill response as an administering agency for purposes of supervising and coordinating any site investigation or restoration action.

Introduced 02/23/96
Last Amend 06/13/96
Status Passed Assembly (71-0)
Referred to Senate Governmental Organization and Natural Resources and Wildlife Committees

AB 3081 (Olberg) Real Property: Takings Development Fees

~~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. AB 3081 has been amended to make several changes to the process by which local agencies can charge development fees. This bill no longer would effect the Coastal Commission or the coastal program.~~

Introduced 02/23/96
Last Amend 06/12/96
Status Passed Assembly (43-32)
Referred to Senate 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 04/25/96
Status Assembly Appropriations - Referred to suspense file

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 allow the Conservancy, in consultation with the Department of Parks and Recreation, the Attorney General, the State Lands Commission and Humboldt County, 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 06/04/96
Status Referred to Assembly Water, Parks and Wildlife 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 1996-97 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

SECTION II. COASTAL RELATED LEGISLATION

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. (Urgency)

Introduced 02/22/95
Last Amend 03/07/96
Status Signed by Governor

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 05/13/96
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 04/15/96
Status Passed Assembly (77-0)
Referred to Senate Local Government 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 Failed to Pass Assembly (36-37)

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 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 Assembly Third Reading

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 (77-0)
Referred to Senate Natural Resources and Wildlife Committee

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 numerous changes to the operations of the San Diego Unified Port District including allowing the modification of the port master plan with a majority vote of the governing body, instead of the 2/3 vote currently required.

Introduced 02/14/96
Last Amend 05/14/96
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
Hearing canceled by author.

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 Passed Senate (37-0)

BILL TEXT

AMENDED IN SENATE JUNE 12, 1996
 AMENDED IN SENATE JULY 17, 1995
 AMENDED IN SENATE JUNE 28, 1995
 AMENDED IN ASSEMBLY APRIL 25, 1995

INTRODUCED BY Assembly Member ~~Sweeney~~ *Members Knox and Sweeney*
 (Coauthor: Senator Hayden)

FEBRUARY 23, 1995

An act to amend Section 21092.4 of the Public Resources Code, and to add Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to environmental quality—*add Section 20 to the Public Resources Code, relating to environmental quality.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1332, as amended, ~~Sweeney-Knox~~. Environmental quality: public water systems state boards and commissions: *eligibility.*

Existing law provides that, in making appointments to state boards and commissions, the Governor and every other appointing authority shall be responsible for nominating a variety of persons of different backgrounds, abilities, interests, and opinions in compliance with the policy of the state that the composition of state boards and commissions be broadly reflective of the general public.

This bill would prohibit a person from being eligible to serve on a state board or commission, defined as meaning specified state boards and commissions, if that person has been the subject of an enforcement action for a violation of the provisions of law for which the person would be responsible as a state board or commission member, and the enforcement action had specified results.

~~—(1) The California Environmental Quality Act, for a project of statewide, regional, or areawide significance, requires a lead agency, as defined, to consult with transportation planning agencies and public agencies that have transportation facilities within their jurisdictions that could be affected by the project, as prescribed, to obtain information concerning the project's effect on major local arterials, public transit, freeways, highways, and rail transit service within the jurisdiction of the agency that is consulted by the lead agency.~~

~~—This bill would additionally require a lead agency to consult with a public water system, as defined, that may be affected by a proposed project, as specified, to obtain information, including specified information from the public water system, regarding the effect of the project on the ability of the public water system to serve water to the proposed project, existing uses, and reasonably foreseeable future projects, thereby imposing a state-mandated local program on lead agencies that are local public agencies.~~

~~—(2) Under existing law, upon notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a public water system, as defined, is required to provide specified information to the city or county planning agency to help determine the adequacy of existing and planned future water supplies for existing and planned future demands on those supplies.~~

~~—This bill would require a public water system, if consulted by a lead agency pursuant to the California Environmental Quality Act regarding specified projects, to provide similar specified information to the lead agency, thereby imposing a state-mandated local program.~~

~~—(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

~~SECTION 1. Section 21092.4 of the Public Resources~~

SECTION 1. Section 20 is added to the Public Resources Code, to read:

20. (a) As used in this section, "state board or commission" means any of the following:

- (1) The California Coastal Commission.**
- (2) The Fish and Game Commission.**
- (3) The San Francisco Bay Conservation and Development Commission.**
- (4) The State Board of Forestry.**

(b) No person shall be eligible to serve on a state board or commission if that person has been the subject of an enforcement action for a violation of the provisions of law for which the person would be responsible as a state board or commission member, and the enforcement action resulted in any of the following:

- (1) A violation of a stop work order.**
- (2) A preliminary injunction.**
- (3) A permanent injunction.**
- (4) A cease and desist order.**
- (5) The payment of a fine.**
- (6) The payment of exemplary damages.**
- (7) A requirement that the person take remedial action to restore or replace an area that was the subject of a violation or otherwise mitigate the violation.**

(8) A final court order determining that the person had violated a provision of law for which the person would be responsible as a state board or commission member. Code is amended to read:

~~21092.4. (a) (1) If a proposed project may increase demand for water by 250 acre-feet or more annually, a lead agency shall consult with a public water system, as defined in Section 4010.1 of the Health and Safety Code, with 3,000 or more service connections, that may be affected by the proposed project. Consultation and notification shall be conducted in the same manner as for responsible agencies pursuant to this division and shall be for the purpose of obtaining information regarding the effect of the project on the ability of the public water system to serve water to the proposed project, existing uses, and reasonably foreseeable future projects, including, but not limited to, the information required pursuant to Section 10570 of the Water Code.~~

~~(2) To be considered a project for the purpose of this subdivision, a project shall include one of the following: (A) The adoption of the land use element of a general plan.~~

~~(B) The adoption of a specific plan, if the city or county has not previously complied with this part with regard to the adoption or amendment of the land use element of a general plan.~~

~~(C) The adoption of an amendment to the land use element of a general or specific plan that changes land use designations or increases the density or intensity of use to provide for additional development pursuant to the general or specific plan.~~

~~(b) (1) For a project of statewide, regional, or areawide significance, the lead agency shall consult with transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the proposed project. Consultation shall be conducted in the same manner as for responsible agencies pursuant to this division, and shall be for the purpose of the lead agency obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, and rail transit service within the jurisdiction of a transportation planning agency or a public agency which is consulted by the lead agency. A transportation planning agency or public agency which provides information to the lead agency shall be notified of, and provided with copies of, environmental documents pertaining to the project. (2) As used in this subdivision, "transportation facilities" includes major local arterials and public transit within five miles of the project site and freeways, highways, and rail transit service within 10 miles of the project site. SEC. 2. Part 2.4 (commencing with Section 10570) is added to Division 6 of the Water Code, to read:~~

~~PART 2.4. PUBLIC WATER SYSTEMS~~

~~—10570. If consulted by a lead agency pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code regarding a project that may increase demand for water by 250 acre-feet or more annually, a public water system, as defined by Section 4010.1 of the Health and Safety Code, with 3,000 or more service connections, shall provide the following information:~~

~~—(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610).~~

~~—(2) The current version of its capital improvement program or plan.~~

~~—(3) A description of the source or sources of the total water supply currently available to the public water system by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.~~

~~—(4) A description of the quantity of surface water that was purveyed by the public water system in each of the previous five years.~~

~~—(5) A description of the quantity of groundwater that was purveyed by the public water system in each of the previous five years.~~

~~—(6) A description of all proposed additional sources of water supplies for the public water system, including the estimated dates by which these additional sources should be available, and the quantities of additional water supplies that are being proposed.~~

~~—(7) A description of the total number of customers currently served by the public water system, as identified by the following categories and by the amount of water served to each category:~~

~~—(A) Agricultural users.~~

~~—(B) Commercial users.~~

~~—(C) Industrial users.~~

~~—(D) Residential users.~~

~~—(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the public water system's urban water management plan.~~

~~—(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands, including the demand from the proposed project, on these water supplies.~~

~~—SEC. 3. Nothing in this act is intended to vest in a public water system the authority or responsibility of a responsible public agency, as defined in Section 21069 of the Public Resources Code.~~

~~—SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code. — Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.~~

AB 2683 Mitigation fees: local coastal program: City of
BILL NUMBER: AB 2683 AMENDED 06/18/96

AMENDED IN SENATE JUNE 18, 1996
AMENDED IN ASSEMBLY APRIL 18, 1996

INTRODUCED BY Assembly Member Kaloogian

FEBRUARY 22, 1996

An act to amend Section 30171.5 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2683, as amended, Kaloogian. Mitigation fees: local coastal program: City of Carlsbad.

Existing law, the California Coastal Act of 1976, requires mitigation fees for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad that lie outside of specified areas to be deposited in the State Coastal Conservancy Fund. That money is appropriated from the fund to the State Coastal Conservancy for specified purposes in a specified order of priority, including, in the lowest rank, for the purpose of any project or activity benefiting natural resources in the coastal zone in the city that is provided for in the local coastal program of the city.

This bill would revise that purpose to specify that the project or activity may be for the purpose of enhancing the use of those natural resources. The bill would also include in that lowest priority rank open field cultivated floriculture and, in that regard, would require all mitigation fees collected for the Carlsbad Ranch project, as specified, to be expended for a Carlsbad Flower Fields Foundation program of field cultivated floriculture.

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

SECTION 1. Section 30171.5 of the Public Resources Code is amended to read:

30171.5. (a) The amount of the mitigation fee for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad that lie outside of the areas described in subdivision (f) of Section 30170 and subdivision (b) of Section 30171 shall be determined in the applicable segment of the local coastal program of the City of Carlsbad, but shall not be less than five thousand dollars (\$5,000), nor more than ten thousand dollars (\$10,000), per acre. All mitigation fees collected under this section shall be deposited in the State Coastal Conservancy Fund.

(b) All mitigation fees collected pursuant to this section are hereby appropriated to, and shall be expended by, the State Coastal Conservancy for the following purposes in the following order of priority:

(1) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon.

(2) Development of an interpretive center at Buena Vista Lagoon.

(3) Provision of access to public beaches in the City of Carlsbad.

(4) Any other project or activity benefiting or enhancing the use of natural resources or, as provided in paragraph (2) of subdivision (e)-(c), open field cultivated floriculture in the coastal zone in the City of Carlsbad that is provided for in the local coastal program of the City of Carlsbad.

(c) (1) Except as provided in paragraph (2), not less than 50 percent of collected and bonded mitigation fees shall be expended for the purpose specified in paragraph (1) of subdivision (b).

(2) All mitigation fees collected for the Carlsbad Ranch project, as specified in City of Carlsbad City Council Resolution 96-1, shall be expended for a Carlsbad Flower Fields Foundation program of field cultivated floriculture.

(d) Other than to mitigate the agricultural conversion impacts for which they are collected, none of the mitigation fees collected pursuant to this section shall be used for elements of a project which cause that project to be in compliance with this division or to mitigate a project which would otherwise be inconsistent with this division. When reviewing a potential project for consistency with this subdivision, the State Coastal Conservancy shall consult with the commission.

AMENDED IN ASSEMBLY JUNE 4, 1996
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 relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, M. Thompson. South Spit of Humboldt Bay: acquisition.

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~~ *permit* the conservancy, *in consultation with the Department of Parks and Recreation, the Attorney General, the State Lands Commission, and Humboldt County* 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: no.

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~~ *essential habitat for migratory water birds* and the brant and snowy plover, and has placed at risk valuable cultural resources of the Wiyot Tribe *people*.

(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 *unmanaged* 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~~, *in consultation with the Department of Parks and Recreation, the Attorney General, the State Lands Commission, and Humboldt County, may* prepare a management plan for the South Spit area, ~~to~~. *It is the intent of the Legislature that the management plan* be completed and submitted to the Legislature on or before June 30, 1997, ~~which shall and that it~~ 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~~ *representative of the Wiyot people.*

(e) ~~Camping~~ *Uses* 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~~ *people.*

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

(i) *Identification of potential state, local, and federal funding sources necessary to implement the plan.*