

## CALIFORNIA COASTAL COMMISSION

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January 17, 1997

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 FEBRUARY 1997

## CONTENTS:

This report provides summaries and the status of bills that staff has identified as priority issues for the 1996 Legislative session.

Note: New legislation must be introduced by **February 28, 1997**.

This information can be accessed through the Commission's World Wide Web Homepage at <http://ceres.ca.gov/coastalcomm/index.html>

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

PRIORITY LEGISLATION

SB 62 (McPherson) California State Mussel Watch Program

SB 62 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	12/09/96
Last Amend	None
Status	Introduced

SB 65 (McPherson) Public Beaches: Contamination: Warning Signs

SB 65 would require, when a public beach has failed to meet bacteriological standards, that warning signs be visible from all beach access points.

Introduced	12/10/96
Last Amend	None
Status	Introduced

SB 72 (McPherson) Coastal Development Permit Fees: Coastal Access Grants

SB 72 would require that coastal development permit fees collected by the Commission be deposited in a 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. This bill would result in approximately \$600,000 being appropriated to public access grants in fiscal year 97-98.

Introduced	12/11/96
Last Amend	None
Status	Introduced

SB 87 (O'Connell) Land and Water Conservation

SB 87 would enact the California Land and Water Conservation Act of 1997, pursuant to which the Secretary of the Resources Agency would implement a program under which qualified property, as defined, may be contributed to the state, any local government, as defined, or to any nonprofit organization designated by a local government, based on specified criteria in order to provide for the specified protection of wildlife habitat, open space, and agricultural lands. This bill would also authorize a credit, in an amount equal to the qualified percentage, as defined, of the fair market value of any qualified contribution, as defined, contributed during the taxable or income year.

Introduced	12/17/96
Last Amend	None
Status	Introduced

# BILL ANALYSIS

RESOURCES AGENCY

DEPARTMENT California Coastal Commission	AUTHOR McPherson	BILL NUMBER SB 72
SPONSORED BY Coastal Development Permit Fees-Grants	RELATED BILLS	DATE LAST AMENDED
SUBJECT		

## SUMMARY

SB 72 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 for the development, maintenance, and operation of new and existing facilities that provide public access to the sea. This bill would result in approximately \$600,000 being appropriated to public access grants in fiscal year 97-98.

## ANALYSIS

Sponsorship and History: This bill is similar to AB 2445 (McPherson) which the Commission sponsored in 1996. AB 2445, which did not pass the Legislature, proposed to use coastal development permit fees to fund both coastal access projects and the California Mussel Watch Program. In the 1996-97 Budget Act, the Legislature designated \$450,000 for access project grants as a one-time appropriation to the State Coastal Conservancy.

Existing Law: Currently, all coastal development permit fees are collected by the Commission and transmitted to the Controller where they are deposited in the State General Fund.

Changes Proposed by this Bill: SB 72 would amend Coastal Act section 30620 to 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 for the development, maintenance, and operation of new and existing facilities that provide public access to the sea.

Nothing in the bill would change the Commission's permit fees or regulatory authority.

### Discussion:

The Coastal Act's primary mandate calls for the protection of and development of public access and recreational opportunities to and along the coast. In carrying out its mandate, the Commission has, in appropriate circumstances, applied conditions to coastal development permits that require permit applicants to record an Offer to Dedicate an

### DEPARTMENTS THAT MAY BE AFFECTED

STATE MANDATE

GOVERNOR'S APPOINTMENT

#### Department Director Position

S                       O  
 SA                      OUA  
 N                         NP  
 NA                      NAR  
 DEFER TO \_\_\_\_\_

#### Agency Secretary Position

S                       O  
 SA                      OUA  
 N                         NP  
 NA                      NAR  
 DEFER TO \_\_\_\_\_

#### GOVERNOR'S OFFICE USE

Position approved	<input type="checkbox"/>
Position disapproved	<input type="checkbox"/>
Position noted	<input type="checkbox"/>

Department Director \_\_\_\_\_ Date \_\_\_\_\_

Agency Secretary \_\_\_\_\_ Date \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

access easement (OTD). These OTD's constitute mitigation for the adverse impacts of the new development on public access opportunities. OTD's become public accessways when an entity acceptable to the Commission's Executive Director agrees to operate and maintain the accessway.

Since the Commission began using OTD's as a mitigation technique in 1980, 1269 OTD's have been recorded. Most OTD's are available for 21 years and if not accepted within that time frame, the offer expires. While the Commission has entered into formal agreements with the State Coastal Conservancy and the State Lands Commission so that no OTD's will expire, most of the OTD's have not been opened to the public because of lack of funds for the improvement, operation, and maintenance of the accessways.

The Commission currently collects approximately \$600,000 in coastal development permit application fees per year, which are deposited in the State's General Fund. If these monies were designated for use by public agencies and nonprofit organizations to support improvement, operation, and maintenance of public accessways, public access to the coast could be improved significantly with substantial public benefits. Although costs will vary for each OTD, staff estimates that about 20-30 OTD projects could be funded per year by permit fee revenues.

### **FISCAL IMPACT**

SB 72 would provide up to \$600,000 annually to the Coastal Access Account in the State Coastal Conservancy Fund for grants to public agencies and private nonprofit entities. In fiscal year 96-97, the Legislature appropriated \$450,000 to the Conservancy for these purposes. The Coastal Commission would not receive any funds from this bill.

### **RECOMMENDATION**

Staff recommends that the Commission **SUPPORT** SB 72.

**For more information contact Jeff Stump, Legislative Coordinator, at (916) 445-6067.**

INTRODUCED BY Senator McPherson

DECEMBER 11, 1996

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

LEGISLATIVE COUNSEL'S DIGEST

SB 72, as introduced, McPherson. Coastal development permitfees: 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 or existing facilities that provide public access to the shoreline of the sea, as defined in the act. 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 or 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.

INTRODUCED BY Senator McPherson

DECEMBER 9, 1996

An act to add Section 13177 to the Water Code, relating to the California Mussel Watch Program.

LEGISLATIVE COUNSEL'S DIGEST

SB 62, as introduced, McPherson. California State Mussel Watch Program.

Under existing law, the State Water Resources Control Board and the regional water quality control boards are the principal state agencies with primary responsibility for the coordination and control of water quality.

This bill would require the state board, in conjunction with the Department of Fish and Game, to continue to implement the coastal monitoring program known as the California State Mussel Watch Program.

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

SECTION 1. Section 13177 is added to the Water Code, to read:

13177. (a) It is the intent of the Legislature that the state board continue to implement the California State Mussel Watch Program.

(b) The Legislature finds and declares that the California State Mussel Watch Program provides the following benefits to the people of the state:

(1) An effective method for monitoring the long-term effects of certain toxic substances in selected fresh, estuarine, and marine waters.

(2) An important element in the state board's comprehensive water quality monitoring strategy.

(3) Identification, on an annual basis of specific areas where concentrations of toxic substances are higher than normal.

(4) Valuable information to guide the state and regional boards and other public and private agencies in efforts to protect water quality.

(c) The state board, in conjunction with the Department of Fish and Game, shall continue to implement the long-term coastal monitoring program known as the California State Mussel Watch Program. The program may consist of, but is not limited to, the following elements:

(1) Removal of mussels, clams, and other aquatic organisms from relatively clean coastal sites and placing them in sampling sites. For purposes of this section, "sampling sites" means selected waters of concern to the state board and the Department of Fish and Game.

(2) After specified exposure periods at the sampling sites, removal of the aquatic organisms for analysis.

(3) Laboratory analysis of the removed aquatic organisms to determine the amounts of various toxic substances that may have accumulated in the bodies of the aquatic organisms.

(4) Making available both the short and long term results of the laboratory analysis to appropriate public and private agencies and the public.



BILL NUMBER: SB 65  
BILL TEXT

INTRODUCED 12/10/96

INTRODUCED BY Senator McPherson

DECEMBER 10, 1996

An act to amend Section 115915 of the Health and Safety Code, relating to public beaches.

LEGISLATIVE COUNSEL'S DIGEST

SB 65, as introduced, McPherson. Public beaches: contamination: warning signs.

Existing law requires a county public health officer, after determining that the failure of a public beach to meet bacteriological standards constitutes a public health hazard, to post the beach with conspicuous warning signs.

This bill would require a warning sign to be visible from each legal beach access point and any additional access points identified by the health officer. The bill would impose a state-mandated local program by requiring the county public health officer to perform additional duties.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

(a) Eighty-five times in 1994 beaches along the California coastline were closed due to contamination. This represents 1,605 days beaches were closed to the public.

(b) California beaches were posted with warnings of contaminated water 1,447 days in 1995.

(c) California is committed to ensuring that steps are taken to reduce the number of days beaches are closed due to contamination.

(d) Until such time we can guarantee the cleanliness of our coastal waters, it is imperative that the public be fully and adequately informed of the possible risks of entering contaminated waters.

(e) There exist many points of access where adequate warnings in the past have not been posted to provide adequate warning to the public.

(f) To increase public awareness of the safety levels at California beaches and to ensure the fullest protection of the public from the dangers associated with contaminated coastal waters, it is essential that managers of beaches post signs that are visible from all access points.

SEC. 2. Section 115915 of the Health and Safety Code is amended to read:

115915. {+ (a) +} Whenever any beach fails to meet the bacteriological standards of Section 7958 of Title 17 of the California Code of Regulations, the health officer, after determining that the cause of the elevated bacteriological levels constitutes a public health hazard, shall, at a minimum, post the beach with conspicuous warning signs to inform the public of the nature of the problem and the possibility of risk to public health. {+

(b) A warning sign shall be visible from each legal primary beach access point as identified in the coastal access inventory prepared and updated pursuant to Section 30531 of the Public Resources Code, and any additional access points identified by the health officer. +}

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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.