

CALIFORNIA COASTAL COMMISSION

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



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May 23, 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 JUNE 1997

CONTENTS:

This report is divided into three sections: Section I provides summaries and the status of bills that directly affect the Coastal Commission, Section II provides summaries and the status of bills that staff has identified as priority legislation, and Section III provides summaries and status of coastal related legislation. Copies of certain bills are attached.

Note:

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.

## SECTION I. LEGISLATION DIRECTLY AFFECTING THE COASTAL COMMISSION

### AB 198 (Wayne) California Coastal Commission: Appointments

AB 198 would revise Coastal Commissioner appointment procedures to clarify that, in regions composed of 3 counties, the board of supervisors and the city selection committee in each county within the region nominate one or more supervisors and one or more city council members. The bill would require all regional nominations to be made within 45 days from the date of receipt of a request for nominations by the appointing authority and would decrease to 45 days the time within which the names of additional nominees must be sent to the appointing authority following rejection of the original nominations.

Introduced	02/03/97
Last Amend	None
Status	Passed Assembly Referred to Senate Natural Resources Committee

### AB 1022 (Lempert) Coastal Resources: Development Permits: Lobbyists

AB 1022 would prohibit any interested person who communicates with a member of the commission for the purpose of supporting, opposing, or otherwise influencing the commission member with respect to any matter that is pending before the commission from making any gift of a value of \$5 or more, including gifts of food or beverages, to any member of the commission, unless the interested person, immediately upon making the gift, discloses and reports the gift by submitting a written report of the gift to the executive director, who shall immediately place the report in the commission's official record. This bill would also place the same reporting requirements on Coastal Commissioners.

Introduced	02/27/97
Last Amend	05/07/97
Status	Passed Assembly

### AB 1084 (Bowen) Coastal Resources: Commissions: Membership

AB 1084 would remove the 4 nonvoting members (ex officio members) from the California Coastal Commission and would prohibit a person from being eligible to serve on either the California Coastal Commission or the San Francisco Bay Conservation and Development Commission if that person has been the subject of an enforcement action, as described, for a violation of any provision of law that is subject to the jurisdiction of the commission.

Introduced	02/27/97
Last Amend	None
Status	Passed Assembly Referred to Senate Natural Resources Committee and Senate Rules Committee

## SECTION II. PRIORITY LEGISLATION

### AB 93 (Lempert) Highways: Tunnels

AB 93 would require the California Department of Transportation to immediately initiate design and all other project development work for the construction of a tunnel in San Mateo County on State Highway Route 1 behind Devil's Slide through San Pedro Mountain. (Urgency)

Introduced	01/06/97
Last Amend	04/07/97
Commission Position	SUPPORT
Status	Passed Assembly Referred to Senate Transportation Committee

AB 241 (Lempert) Wetlands

AB 241 would require the State Coastal Conservancy, in cooperation with responsible federal, state, and local agencies, to adopt regulations that establish standards and criteria for a wetlands mitigation bank site qualification process in the coastal zone, the evaluation of wetlands acreage and habitat functions created at bank sites, and the operation of bank sites. The bill would, until January 1, 2010, permit any person who desires to establish a bank site, as described, to apply to the conservancy and any other appropriate state agency for a determination that the proposed bank site and the proposed operator qualify under the standards and criteria established by the conservancy. The bill would prescribe procedures and requirements for the approval of a bank site. The conservancy would be required on or before February 1, 1999, and annually thereafter, to report to the Legislature a description and evaluation of each bank site approved by the conservancy, including specified information and recommendations.

Introduced 02/07/97  
Last Amend 05/05/97  
Status Passed Assembly Natural Resources Committee (9-1)

AB 374 (Kuehl) Marine Life Refuges

AB 374 would designate specified ocean waters south of the City of Malibu as the Malibu Marine Life Refuge and specified ocean waters south of Point Dume as the Point Dume Marine Life Refuge.

Introduced 02/19/97  
Last Amend 04/22/97  
Status Passed Assembly Water, Parks, and Wildlife Committee (8-3)

AB 402 (Keeley) Marine Ecosystems

AB 402 would enact the Marine Ecosystem Conservation Act of 1997, and would make certain declarations concerning the policy of the state concerning marine ecosystems and habitats.

Introduced 02/20/97  
Last Amend None  
Status Introduced

AB 667 (Lempert) Oil Spills: State Waters

AB 667 would expand the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act to include all waters of the state, making the discharge or spill of oil into the waters of the state subject to criminal and civil penalties.

Introduced 02/26/97  
Last Amend 04/21/97  
Status Passed Assembly

AB 799 (Bowler) Oil Spill Contingency Plans: Grants

AB 799 would authorize any local government with jurisdiction over, or directly adjacent to, marine waters to apply for a grant to complete, update, or revise an oil spill contingency plan element.

Introduced 02/26/97  
Last Amend 04/21/97  
Status Passed Assembly Natural Resources Committee (12-0)

AB 1000 (Keeley) Clean Coastal Waters and Rivers: Bond Act

AB 1000 would enact the Clean Coastal Waters and Rivers Bond Act of 1998 which would authorize, for the purpose of financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$663,000,000. The bill would provide for the submission of the bond act to the voters at the general election to be held November 3, 1998.

Introduced 02/27/97  
Last Amend 05/08/97  
**Commission Position SUPPORT**  
Status Passed Assembly Natural Resources Committee (9-3)  
Assembly Appropriations File - Placed on Suspense File

AB 1169 (Shelley) Environmental and Resources Agencies: Posting of Electronic Data

AB 1169 would require the Resources Agency and the California Environmental Protection Agency, and every state agency within those agencies to post, on an appropriate information page on the internet, specified information including information concerning meetings. The bill would require those agencies, in addition to providing information that is accessible by personal computer, to continue to make printed copies of all information and documents pertaining to matters within the agency's jurisdiction available to the public at a reasonable cost.

Introduced 02/28/97  
Last Amend 04/23/97  
**Commission Position OPPOSE UNLESS AMENDED**  
Status Passed Assembly Governmental Organization Committee (12-3)  
Assembly Appropriations Committee - Placed on Suspense File

AB 1188 (Lempert) Coastal Access Easements

AB 1188 bill would prohibit the commission, the Coastal Conservancy, and other state agencies from taking any action to extinguish, through a transfer, sale, or other mechanism, public access rights to any open and operating public accessway that provides access to or along the sea unless the commission has approved that proposed action by a 3/4 vote of the commission's appointed membership.

Introduced 02/28/97  
Last Amend 05/08/97  
Status Passed Assembly

AB 1228 (Ducheney) Public Beach Enhancement

AB 1228 would establish the California Public Beach Enhancement Program, to be administered by the Department of Boating and Waterways, for specified public beach enhancement purposes. The bill would require the department, not later than January 1, 1999, to establish the California Public Beach Enhancement Program Technical Advisory Committee, and would prescribe the membership and functions of the committee..

Introduced 02/28/97  
Last Amend 05/01/97  
**Commission Position SUPPORT**  
Status Passed Assembly Natural Resources Committee (12-0)

AB 1293 (Bowen) Geographic Information Systems

AB 1293 would enact the Strategic Geographic Information Investment Act of 1997. It would require the Department of Information Technology to create an advisory board, with a described membership, and with specified duties. It would require the department, in consultation with the board, to administer grants under the Geographic Information Grant Program for the development of new, 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 provide that moneys in the fund shall be subject to appropriation in the annual Budget Act.

Introduced 02/28/97  
Last Amend 04/15/97  
Status Assembly Appropriations Committee - Placed on Suspense File

AJR 1 (Lempert) State Highway Route 1

AJR 1 would memorialize the President and the Congress to support the efforts of Congressman Lantos to reallocate \$52,000,000 in federal emergency highway repair funds and any other funds available for construction of a tunnel on State Highway Route 1 behind Devil's Slide through San Pedro Mountain in northern San Mateo County.

Introduced 01/06/97  
Last Amend None  
Status Referred to Assembly Transportation Committee

AJR 12 (Mazzoni) Bolinas Lagoon

AJR 12 would memorialize the President and the Congress to appropriate federal funds to be used to preserve and protect the Bolinas Lagoon.

Introduced 02/28/97  
Last Amend None  
Status Passed Assembly  
Senate Consent Calendar

SB 2 (Thompson) Parks and Resources Improvement: Bond Act.

SB 2 would enact the Parks and Resources Improvement Bond Act of 1998 which, if adopted, would authorize, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, delta, river, and coastal resources, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$495,000,000.

Introduced 12/09/96  
Last Amend 05/01/97  
Status Passed Senate Natural Resources and Wildlife Committee (7-0)  
Senate Appropriations Committee - Placed on Suspense File

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  
Commission Position SUPPORT  
Status Passed Senate Natural Resources and Wildlife Committee (7-0)  
Senate Appropriations Committee - Placed on Suspense File

SB 499 (Alpert) Coastal Zone: Polluted Runoff

SB 499 would require the State Water Resources Control Board and the commission to work cooperatively together to develop implement a federally approvable coastal nonpoint pollution control program with specified components, as required by the Coastal Zone Act Reauthorization Amendments of 1990.

Introduced 02/20/97  
Last Amend 05/08/97  
**Commission Position** **SUPPORT**  
Status Passed Senate Agriculture and Water Committee (7-1)  
Passed Senate Natural Resources Committee (6-0)  
Senate Appropriations Committee - Placed on Suspense File

SB 673 (Karnette) Water Quality: Contaminated Sediment

SB 673 would require the Coastal Commission, in cooperation with the State Water Resources Control Board, to establish a contaminated sediments program and to prepare a long-term management plan for the dredging and disposal of contaminated sediments in coastal waters, and would appropriate, from the General Fund, \$100,000 to the Commission and \$100,000 to the state board, for each of 5 fiscal years, commencing with 1997-98 fiscal year, for the preparation of the plan.

Introduced 02/25/97  
Last Amend 04/15/97  
**Commission Position** **SUPPORT**  
Status Passed Senate Natural Resources and Wildlife Committee (6-0)  
Senate Appropriations Committee - Placed on Suspense File

SB 676 (Peace) Coastal Resources: Coastal Development Permits: Mitigation

SB 676 would make legislative findings and declarations that the California Coastal Commission should not require any applicant who applies for a coastal development permit for a project that is proposed to be located in the coastal zone to perform any mitigation measures as a condition of obtaining the permit if mitigation measures would apply to an area outside of the county in which the project is proposed to be located.

Introduced 02/25/97  
Last Amend None  
**Commission Position** **OPPOSE**  
Status Introduced

SB 1006 (Hayden) Marine Life Refuges

SB 1006 would designate specified ocean waters south of the City of Malibu as the Malibu Marine Life Refuge and specified ocean waters south of Point Dume as the Point Dume Marine Life Refuge.

Introduced 05/05/97  
Last Amend 05/20/97  
Status Passed Senate Natural Resources and Wildlife Committee (6-1)

SB 1119 (Hayden) Coastal Resources: Certified Local Coastal programs

SB 1119 would make legislative findings and declarations that the California Coastal Commission should make every effort possible to assist local governments in the preparation of certified local coastal programs, including providing financial assistance through a grant program.

Introduced 02/28/97  
Last Amend None  
Status Introduced

SB 1122 (Craven) Public Beach Enhancement

SB 1122 would establish the California Public Beach Enhancement Program, to be administered by the Department of Boating and Waterways, for specified public beach enhancement purposes. The bill would require the department, not later than January 1, 1999, to establish the California Public Beach Enhancement Program Technical Advisory Committee, and would prescribe the membership and functions of the committee. The bill would appropriate \$15,000,000 from the General Fund to the department to be used to establish and fund the program.

Introduced 02/28/97  
Last Amend None  
Status Introduced

**SECTION III. COASTAL RELATED LEGISLATION**

AB 411 (Wayne) Beach Sanitation: Posting

AB 411 would require the State Department of Health Services to adopt regulations requiring the testing of all beaches for total coliform, fecal coliform, enterococci, and streptococci bacteria, establish protective minimum standards for the location of monitoring sites and monitoring frequency, to require posting in clearly visible points along affected beaches whenever state standards are violated, and to require that beaches be tested for total coliform, fecal coliform, enterococci, and streptococci bacteria and chemical pollutants including, but not limited to, PCBs, PAHs, and mercury on a weekly basis from April 1 to October 31, inclusive, of each year if certain conditions are met. AB 411 would require the local health officer to notify the Director of Parks and Recreation within 24 hours of any beach posting, closure, or restriction, and would require the Director of Parks and Recreation to establish a telephone hotline and update it daily to inform the public of beach postings, closures, and restrictions.

Introduced 02/20/97  
Last Amend 04/09/97  
Status Passed Assembly Local Government Committee (9-5)  
Assembly Appropriations Committee - Placed on Suspense File

AB 548 (Aroner) Water Quality: Coastal Bays

AB 548 would require the regional boards for the North Coast, San Francisco Bay, Central Coast, Los Angeles, and San Diego Regions to conduct unannounced inspections of waste discharges that require an NPDES permit and which could affect the quality of the waters of San Francisco Bay, Humboldt Bay, Tomales Bay, Monterey Bay, Santa Monica Bay, or San Diego Bay, at least 4 times annually for major dischargers and 2 times annually for other dischargers to determine compliance with applicable requirements, and would prescribe related duties of the regional boards. The bill would provide for these provisions to be incorporated in all NPDES permits issued on and after January 1, 1998, and to become effective upon the permit issuance. The bill would require the regional board to publish on a quarterly basis the names of persons discharging waste in violation of any requirement prescribed under Division 7 (commencing with Section 13000) of the Water Code.

Introduced 02/25/97  
Last Amend 03/31/97  
Status Failed to Pass Assembly Environmental Safety and Toxic Materials Committee

AB 982 (Aroner) Water Quality: Enclosed Bays and Estuaries

Existing law, until January 1, 1998, requires the State Water Resources Control Board to establish fees applicable to dischargers who discharge into enclosed bays, estuaries, or any adjacent waters in the contiguous zone or the ocean. This bill would delete the January 1, 1998 repeal date, thus continuing those provisions indefinitely.

Introduced 02/27/97  
Last Amend None  
Status Introduced

AB 1097 (Committee on Governmental Organization) Open Meetings

Existing law authorizes a state body to hold an open or closed meeting by teleconference as defined and repeals that authority on January 1, 1998. This bill would delete that repeal date.

Introduced 02/28/97  
Last Amend None  
Status Passed Assembly Governmental Organization Committee  
Assembly Third Reading

AB 1241 (Keeley) Marine Resources

AB 1241 would enact the Sea Life Recovery and Management Act of 1997. The bill would create the Marine Life Management Commission and would delegate to that commission the authority to determine and declare, by regulation, state policy on marine ecosystems, anadromous fisheries and their habitat, and ecosystems, marine mammals, birds, fish, invertebrates, and other wildlife and their habitats in the coastal zone and all marine and tidal waters of the state. The bill would require that commission to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles in the coastal zone and all marine and tidal waters of the state.

Introduced 02/28/97  
Last Amend None  
Status Introduced

AB 1429 (Shelley) Water Quality

AB 1429 would require the state board to do all of the following: (a) Continue to implement the California State Mussel Watch Program, as specified. (b) On or before January 1, 1999, to prepare and make available to the public a report with regard to all water quality monitoring activities undertaken within coastal watersheds by public and private entities. (c) On or before January 1, 2001, to prepare and implement a comprehensive program to monitor the quality of coastal watersheds and to prepare and make available to the public a related annual report, as prescribed. (d) To establish a uniform system for monitoring and reporting on the mass discharge of pollutants from storm water discharges and other point source discharges. (e) To monitor the discharge of pollutants into the Santa Monica Bay through storm drains, as specified. (f) On or before June 1, 1998, to establish a prescribed citizen volunteer coastal water quality monitoring program. (g) To provide assistance to appropriate agencies with regard to the Monterey Bay Water Quality Protection Program and undertake related activities. The bill would appropriate, from the General Fund to the state board, funds to implement these measures.

Introduced 02/03/97  
Last Amend 04/09/97  
Status Passed Assembly Environmental Safety and Toxic Materials Committee (8-0)  
Assembly Appropriations Committee - Placed on Suspense File

AB 1464 (Strom-Martin) Water Quality

AB 1464 would require the State Water Resources Control Board and the California regional water quality control boards to prepare and publicize a list of high quality water bodies within coastal watersheds that may constitute outstanding national resources and to establish a program by which the public may nominate, and the state board may review, water bodies for possible inclusion in that list. This bill would also require the state board to establish three pilot wastewater treatment projects that use alternative municipal wastewater treatment methods in three coastal communities.

Introduced 02/28/97  
Last Amend 04/09/97  
Status Passed Assembly Water, Parks, and Wildlife Committee (9-3)



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. SB 62 would appropriate \$700,000 from the General Fund to the state board to pay the costs of the program pursuant to the bill.

Introduced 12/09/96  
Last Amend 03/04/97  
Status Passed Senate Natural Resources and Wildlife Committee (9-0)  
Senate Appropriations Committee - Placed on Suspense File

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 Passed Senate  
Referred to Assembly Local Government Committee

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 Passed Senate Revenue and Taxation Committee (6-2)  
Senate Appropriations Committee - Placed on Suspense File

SB 1048 (Sher) Coastal Conservancy: San Francisco Bay Area Program

SB 1048 would establish the San Francisco Bay Area Program, administered by the conservancy, for the purpose of ensuring that a coordinated, comprehensive, and effective program is implemented to address the resource and recreational needs of the San Francisco Bay area, and to improve public access to and around the San Francisco Bay and coastal areas through completion of specified trails projects and related facilities. The bill would require the conservancy to cooperate with cities, counties, and districts, regional governmental bodies, and nonprofit land trusts in identifying and adopting long-term resources and outdoor recreational goals for the San Francisco Bay area. The bill would create the San Francisco Bay Area Account in the State Coastal Conservancy Fund, for the purpose of depositing and disbursing funds for the administration and implementation of the program. The program would become operative if and when the sum of \$1,000,000 is appropriated by the Legislature for deposit in the San Francisco Bay Area Program Account, and would prohibit any existing funds that are available to the conservancy for other purposes from being used to fund the program.

Introduced 02/27/97  
Last Amend 05/19/97  
Status Passed Senate Natural Resources and Wildlife Committee (6-1)  
Senate Appropriations Committee - Placed on Suspense File

BILL NUMBER: AB 374  
BILL TEXT

AMENDED 04/22/97

AMENDED IN ASSEMBLY APRIL 22, 1997  
AMENDED IN ASSEMBLY APRIL 9, 1997

INTRODUCED BY Assembly Member Kuehl

FEBRUARY 19, 1997

An act to add *and repeal* Sections 10915, 10916, and 10917 ~~to~~*of* the Fish and Game Code, relating to marine refuges, and making an appropriation therefor.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 374, as amended, Kuehl. Marine life refuges.

(1) Under existing law, specified fish, mollusks and crustaceans may be taken under the authority of a sportfishing license as authorized in the Fish and Game Code. In marine life refuges, it is unlawful to take or possess any invertebrate or specimen of marine plant life. Existing law authorizes the Fish and Game Commission to authorize the Department of Fish and Game to issue permits that authorize named persons to take birds, mammals, fish, and amphibia in any refuge, with specified exceptions.

This bill would designate specified ocean waters south of the City of Malibu as the Malibu Marine Life Refuge and specified ocean waters south of Point Dume as the Point Dume Marine Life Refuge. Because existing law would make certain acts in those refuges crimes, the bill would impose a state-mandated local program.

The bill would provide for oversight of monitoring and data collection in the refuges by a committee of experts, as prescribed.

*The bill would repeal the above provisions as of January 1, 2008.* (2) 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.

(3) Existing law requires certain revenues to be deposited in the Fish and Game Preservation Fund and continuously appropriates the money in that fund to the department to pay specified refunds and to pay all necessary expenses incurred in carrying out the Fish and Game Code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish and to the commission to pay for compensation and expenses of the commissioners and employees of the commission.

This bill would make an appropriation by imposing new duties on the department and the commission.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. Section 10915 is added to the Fish and Game Code, to read:

10915. That portion of District 19 consisting of the land and ocean waters within the following boundaries constitutes a marine life refuge and shall be designated the Malibu Marine Life Refuge:

Beginning at the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean; thence easterly along the line of highest tide for a distance of two and one-half miles, including the shore of Nicolas Canyon County Beach and El Matador State Park; thence due south true to a point in the Pacific Ocean that is one nautical mile from the mean lower low water line on the shore; thence westerly along a line that is one nautical mile from the mean lower low water line on the shore to a point that is due south true from the point of intersection of a line that extends due south true from the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean; thence northerly along that line that extends due south true from the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean to the point of beginning.

*This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.*

SEC. 2. Section 10916 is added to the Fish and Game Code, to read:

10916. That portion of District 19 consisting of the land and ocean waters within the following boundaries constitutes a marine life refuge and shall be designated the Point Dume Marine Life Refuge:

Beginning at the point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean; thence easterly along the line of highest tide to the tip of Little Dume Point; thence 135 degrees southeast, true, to a point in the Pacific Ocean that is one nautical mile from the mean lower low water line on the shore; thence westerly along a line that is one nautical mile from the mean lower low water line on the shore to a point that is 225 degrees southwest, true, from a point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean; thence northeasterly along that line that extends 225 degrees southwest, true, from the point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean to the point of beginning.

***This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.***

SEC. 3. Section 10917 is added to the Fish and Game Code, to read:

10917. Oversight of monitoring and data collection in the refuges established pursuant to Sections 10915 and 10916 may be performed by a committee of experts in marine biology and fisheries management, and other appropriate disciplines, convened by the University of California, Los Angeles, and composed of persons from colleges and universities in the Los Angeles area. If formed, the committee may recommend to the commission restrictions on uses within the refuges greater than those prescribed by existing law. If formed, the committee shall recommend to the commission whether boats may be permitted to anchor in the refuges, or if "catch-and-release" fishing should be allowed. No consumptive uses, other than collection of species of fish for scientific and educational use, shall be permitted in the reserves.

***This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.***

SEC. 4. It is the intent of the Legislature in creating the Malibu Marine Life Refuge to provide a controlled area, free from disturbance, in order to collect information vital to the health of the marine environment of the state. The refuge is to be managed so as to produce the maximum value to the scientific community. By providing an undisturbed underwater habitat, the refuge will also provide secondary aesthetic benefits to the residents of Malibu and to members of the general public who enjoy the marine environment.

***This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.***

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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.

BILL NUMBER: AB 1022  
BILL TEXT

AMENDED 05/07/97

AMENDED IN ASSEMBLY MAY 7, 1997  
AMENDED IN ASSEMBLY APRIL 24, 1997  
AMENDED IN ASSEMBLY APRIL 17, 1997  
AMENDED IN ASSEMBLY APRIL 7, 1997

INTRODUCED BY Assembly Member Lempert

FEBRUARY 27, 1997

An act to amend Section 30324 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, Lempert. Coastal resources: commission: gift reporting.

(1) Existing law, the California Coastal Act of 1976, prohibits a member of the California Coastal Commission and any interested person, as defined, from conducting an ex parte communication unless the commission member fully discloses, as prescribed, and makes public, the ex parte communication by providing a full report of the communication to the executive director of the commission within 7 days after the communication or, if the communication occurs within 7 days of the next commission hearing, to the commission on the record of the proceeding at that hearing.

This bill would prohibit any interested person who communicates with a member of the commission for the purpose of supporting, opposing, or otherwise influencing the commission member with respect to any matter that is pending before the commission from making any gift of a value of \$5 or more, including gifts of food or beverages, to any member of the commission, unless the interested person, immediately upon making the gift, discloses and reports the gift, as prescribed. Since a violation by the interested person of that requirement would be a misdemeanor with prescribed punishment, the bill would impose a state-mandated local program by creating a new crime.

The bill would also require a commission member who receives such a gift from an interested person pursuant to those provisions to also immediately disclose and report the gift, as prescribed.

(2) 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. State-mandated local program: yes.

SECTION 1. Section 30324 of the Public Resources Code is amended to read:

30324. (a) No commission member, nor any interested person, shall conduct an ex parte communication unless the commission member fully discloses and makes public the ex parte communication by providing a full report of the communication to the executive director within seven days from the date of the communication or, if the communication occurs within seven days of the next commission hearing, to the commission on the record of the proceeding at that hearing.

(b) (1) The commission shall adopt standard disclosure forms for reporting ex parte communications that include, but are not be limited to, all of the following information:

(A) The date, time, and location of the communication.

(B) The identity of the person or persons initiating, and the person or persons receiving, the communication.

(C) A complete description of the content of the communication, including the complete text of any written material that was a part of the communication.

(2) The executive director shall place any report of an ex parte communication in the public record.

(c) Communications shall cease to be ex parte communications when fully disclosed and placed in the commission's official record.

(d) (1) No interested person who has communicated with a member of the commission for the purpose of supporting, opposing, or influencing the commission member with respect to any matter that is pending before the commission shall make any gift of a value of five dollars (\$5) or more, including gifts of food or beverages, to that member or to any member of the commission, unless the interested person, immediately upon making the gift, discloses the gift by submitting a written report of the gift to the executive director, who shall immediately place the report in the commission's official record.

(2) Any interested person who violates paragraph (1) is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment in the county jail for not more than six months, or by both that fine and imprisonment.

(e) (1) Any commission member who receives a gift of a value of five dollars (\$5) or more from an interested person pursuant to paragraph (1) of subdivision (d) shall, immediately upon receipt of the gift, disclose the gift by submitting a written report of the gift to the executive director, who shall immediately place the report in the commission's official record.

(2) The gift disclosure and reporting requirements imposed on members of the commission pursuant to paragraph (1) are in addition to, and are not intended to change or eliminate, any existing requirements, imposed pursuant to ~~Article 1 (commencing with Section 86100) of Chapter 6 of Title 9~~ *Title 9 (commencing with Section 81000)* of the Government Code.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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.

AMENDED IN ASSEMBLY MAY 8, 1997  
AMENDED IN ASSEMBLY APRIL 28, 1997  
AMENDED IN ASSEMBLY APRIL 14, 1997

INTRODUCED BY Assembly Member Lempert

FEBRUARY 28, 1997

An act to add Sections 30333.3 and 31105.5 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1188, as amended, Lempert. Coastal access easements.

Existing law requires the California Coastal Commission and the State Coastal Conservancy to implement and administer various programs related to coastal resources, including providing for coastal access.

This bill would prohibit the commission, the conservancy, and other state agencies from taking any action to ~~transfer, sell, or otherwise extinguish, public access rights to any public easement that provides public access to the coast and is in use as an open and operating accessway unless the commission, the conservancy, or other state agency submits a proposal to the Legislature describing the proposed action and the Legislature authorizes the proposed action by the enactment of appropriate legislation~~ **extinguish, through a transfer, sale, or other mechanism, public access rights to any open and operating public accessway that provides access to or along the sea unless the commission has approved that proposed action by a 3/4 vote of the commission's appointed membership.**

The bill would make legislative findings and declarations pertaining to the importance of preserving and protecting public access to beaches and other recreational areas in the coastal zone and providing *specified* funding for those purposes.

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

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

(a) Public access to beach and recreational areas of the coast is of special importance to the people of this state, and the citizen's right to access public beaches and other recreational areas in the coastal zone should be preserved and protected.

(b) No state agency should dispose of any coastal access easements that belong to the state and are in use as open and operating accessways without first obtaining legislative approval of that transfer or sale. **accessways that provide access to or along the sea, and that belong to the state, unless the California Coastal Commission has approved that action by a vote of three-fourths of the commission's appointed membership.**

(c) All current offers to dedicate land for coastal access easements that have not yet been accepted by the state should be expeditiously accepted by the State Coastal Conservancy, **and other appropriate public or nonprofit agencies.**

(d) Funds in the amount of one million six hundred thousand dollars (\$1,600,000) need to be made available to establish an orderly process for determining a priority timetable to open and operate those coastal access easements, as follows:

(1) ~~Two hundred thousand dollars (\$200,000)~~ **One hundred thousand dollars (\$100,000)** to the California Coastal Commission to develop a prioritized list for opening easements along the coast.

(2) ~~One million four hundred thousand dollars (\$1,400,000)~~ **One million five hundred thousand dollars (\$1,500,000)** to the State Coastal Conservancy to operate those coastal access easements until they can be transferred to local jurisdiction or nonprofit organizations.

SEC. 2. Section 30333.3 is added to the Public Resources Code, to read:

30333.3. Notwithstanding any other provision of law, neither the commission nor any other state agency shall take any action to ~~transfer, sell, or otherwise extinguish, public access rights to any public easement that provides public access to the coast and is in use as an open and operating accessway unless the commission or other state agency submits a proposal to the Legislature describing the proposed action and the Legislature authorizes the proposed action by the enactment of appropriate legislation.~~ *extinguish, through a transfer, sale, or other mechanism, public access rights to any open and operating public accessway that provides access to or along the sea unless the commission has approved that proposed action by a three-fourths vote of the commission's appointed membership.*

SEC. 3. Section 31105.5 is added to the Public Resources Code, to read:

31105.5. Notwithstanding any other provision of law, neither the conservancy nor any other state agency shall take any action to ~~transfer, sell, or otherwise extinguish, public access rights to any public easement that provides public access to the coast and is in use as an open and operating accessway unless the conservancy or other state agency submits a proposal to the Legislature describing the proposed action and the Legislature authorizes the proposed action by the enactment of appropriate legislation.~~ *extinguish, through a transfer, sale, or other mechanism, public access rights to any open and operating public accessway that provides access to or along the sea unless the commission has approved that proposed action pursuant to Section 30333.3.*

BILL NUMBER: SB 499  
BILL TEXT

AMENDED 05/01/97

AMENDED IN SENATE MAY 1, 1997  
AMENDED IN SENATE APRIL 2, 1997

INTRODUCED BY Senator Alpert

FEBRUARY 20, 1997

An act to add Chapter 10 (commencing with Section 66406) to Division 1 of Title 7 of the Government Code, to add Section 64.7 to the Harbors and Navigation Code, to amend Section 30234 of, and to add Section 21083.10 to, the Public Resources Code, and to add Sections 13167.1, 13282.2, and 13282.4 to, and Sections 21083.10, 30012.5, and 30412.1 to the Public Resources Code, and to add Section 13167.1 to, and to add Chapter 5.4 (commencing with Section 13367) to Division 7 of, the Water Code, relating to water.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 499, as amended, Alpert. Water quality: ~~polluted runoff~~ **nonpoint source pollution**.

(1) The Porter-Cologne Water Quality Act governs the coordination and control of water quality in this state, and includes provisions relating to nonpoint source pollution. The California Coastal Act of 1976 imposes certain restrictions on development in the coastal zone of the state. The California Coastal Commission, pursuant to the coastal act, has specified duties with regard to the federally approved California Coastal Management Program.

This bill would require the State Water Resources Control Board and the ~~California Coastal Commission, on or before December 31, 1998, to establish a comprehensive, statewide~~ **commission to work cooperatively together to develop implement a federally approvable** coastal nonpoint pollution control program with specified components, ~~in accordance with~~ **as required by** the Coastal Zone Act Reauthorization Amendments of 1990. The bill would require the program to develop and implement, ~~in conjunction with appropriate state and local authorities,~~ management measures for ~~polluted runoff that restore and~~ **nonpoint source pollution that protect and improve the quality of** coastal waters, as prescribed.

The bill would require the state board and the commission to work together to develop and implement, ~~to the extent resources are available,~~ an education and outreach program focused on ~~urban runoff~~ **nonpoint source pollution** in the state's coastal waters and to prepare ~~an annual~~ **a prescribed** report on the progress of the program, as prescribed. ~~The bill would require the state board to establish a program to facilitate the implementation of improved inspection and maintenance practices relating to onsite sewage disposal systems, as specified. The bill would require the state board to establish and implement an education and outreach program to inform persons who own, lease, develop, install, or repair onsite sewage disposal systems, and appropriate state and local agencies, with regard to the proper design, construction, and maintenance of those systems.~~

The bill would require the commission, on or before December 31, 1999, to prepare and ~~distribute~~ **make available** to ~~specified~~ local coastal governments a model ~~polluted runoff ordinance~~ **urban nonpoint source pollution protection program, as prescribed**. The bill would require the state board and the commission, on or before December 31, ~~1998-1999,~~ to recommend to the ~~Secretary of Resources~~ **office**, and the ~~secretary~~ **office** to certify and adopt, revisions to prescribed state general plan guidelines to include considerations of factors that contribute to ~~polluted runoff~~ **nonpoint source pollution**. The bill would also require the state board and the commission, on or before December 31, 1998, to recommend to the ~~secretary~~ **office**, and the ~~secretary~~ **office** to certify and adopt, certain revisions to specified guidelines relating to watershed, water quality, and nonpoint **source** pollution impacts of projects, as specified.

The bill would make legislative findings and declarations ~~and related statements of intent~~ concerning ~~polluted runoff~~ **nonpoint source pollution**.



(2) Existing law declares that facilities serving the commercial fishing and boating industries shall be upgraded where feasible.

The bill would declare that new and expanding marinas shall be upgraded to provide adequate environmental services to boaters to prevent the contamination of coastal waters by boating-related wastes. The bill would require the commission, on or before December 31, 1999, to develop and implement a plan to ensure that new and expanding marinas provide to their users adequate environmental services, as prescribed, and to undertake related actions on or before December 31, 1998. The bill would require the Department of Boating and Waterways to prepare and distribute educational materials for recreational boaters, marina owners and operators, and related groups to promote the proper use of disposal equipment and techniques for using polluting materials, as specified.

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

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

(a) ~~Nonpoint source pollution, or polluted runoff,~~

(a) *Nonpoint source pollution impairs more water bodies nationwide than any other pollution source, and is a major threat to the health of California's coastal waters.*

(b) *The impacts of nonpoint source pollution in coastal areas include beach closings and advisories, reduced tourism revenues, closed or harvest-limited shellfish beds, declining fisheries, and threats to the drinking water of coastal communities.*

(c) *Industries that depend on a healthy coast and ocean contribute at least seventeen billion three hundred million dollars (\$17,300,000,000) to the state's economy, including ten billion dollars (\$10,000,000,000) from tourism alone, and provide 370,000 jobs.*

(d) *Past water quality protection and enhancement efforts have focused primarily on the control of point source discharges. While improvements have been made in the reduction of water pollution from point source discharges, more work is needed to address nonpoint sources of pollution.*

(e) *Unlike direct discharges, nonpoint source pollution is highly variable and diffuse, and is thus generally not amendable to the traditional regulatory approach used to address point source pollution.*

(f) *Sediment and water quality problems result from individual and cumulative impacts of multiple water and land use activities that occur within watersheds.*

(g) *With 80 percent of the state's population living within 30 miles of the coast, the problems caused by urban nonpoint source pollution, including pollution created by new and existing developments, road repair and construction, and misuse of industrial and residential chemicals, are becoming acute in California's coastal environments.*

(h) *Nonpoint source pollution caused by the more than 1,000,000 residential onsite sewage disposal systems statewide, as well as the numerous systems used for commercial, industrial, and institutional facilities, presents a serious threat to water quality and public health through leaching of bacteria, viruses, heavy metals, and organic chemicals into the waters of the state.*

(i) *Nonpoint source pollution from recreational boats and marinas directly contaminates the state's waters with bacteria and viruses from sewage, fuel oil spills, toxics from boat cleaning and maintenance, and solid waste.*

(j) *Nonpoint source pollution from agricultural and forestry activities contributes sediment and pollutant loads to the state's surface water and groundwater.*

(k) *Voluntary land use and resource management that is supported by educational and technical assistance programs and that is backed with enforcement regulatory authorities is considered to be one of the most effective approaches to ensure the widespread implementation of measures to control nonpoint source pollution.*

(l) *To date, state efforts to control the increasing threats to the health of coastal waters posed by nonpoint source pollution have been limited primarily to the exploration of possible control measures, with relatively little actual implementation or enforcement of new measures.*

(m) *It is in the best interest of the state of California to pursue policies and actions at the state and local government levels that are coordinated, well-planned, efficient and timely, and that will, to the maximum extent feasible, substantially reduce or prevent the degradation of coastal water quality from nonpoint sources of pollution.*

(n) *Under Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. Sec. 1455b), California, acting through its water quality control and coastal zone management*

agencies, is required to develop, implement, and enforce a coastal nonpoint pollution control program containing measures to prevent and reduce nonpoint source pollution into the state's coastal waters.

(o) The development and implementation of a coastal nonpoint pollution control program provides an opportunity for California to better coordinate and improve its existing nonpoint source and coastal zone management programs, while simultaneously maximizing limited resources, minimizing disagreement and conflict between the agencies, and avoiding program duplication among the spectrum of agencies in California that address land use activities that generate nonpoint source pollution.

(p) To preserve the health of the state's coastal waters for current and future generations, a heightened level of attention should be given to nonpoint source pollution statewide. It is imperative that state agencies charged with protecting the coast and the quality of the state's waters play a leadership role in ensuring that effective measures to control nonpoint source pollution are implemented and enforced through a comprehensive nonpoint source pollution control program.

(q) The State Water Resources Control Board and the California Coastal Commission have existing authority to develop and submit for final federal approval a comprehensive and enforceable nonpoint source pollution water quality control program. The Legislature recognizes that some elements of such a program may, prior to implementation, require additional statutory authorization in the future.

(r) The Legislature also recognizes that adequate support resources for the completion and implementation of this program will need to be approved and dedicated by the Governor and the Legislature through the annual budget act.

SEC. 2. Chapter 10 (commencing with Section 66406) is added to Division 1 of Title 7 of the Government Code, to read:

#### CHAPTER 10. NONPOINT SOURCE POLLUTION

66406. (a) On or before December 31, 1999, the State Water Resources Control Board and the California Coastal Commission shall recommend to the Office of Planning and Research, and the Office of Planning and Research shall certify and adopt, revisions to the general plan guidelines to include consideration of factors that contribute to nonpoint source pollution.

(b) On or before December 31, 1999, the California Coastal Commission shall prepare, and make available to local coastal governments that are not covered by a general national pollutant discharge elimination system (NPDES) permit, a model urban nonpoint source pollution protection program that includes, but is not limited to, all of the following:

(1) A framework for prioritizing urban management measures to address nonpoint source pollution problems.

(2) Municipal planning tools and procedures such as model ordinances and model checklists prepared under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code.

(3) Model public education and technical training programs).

SEC. 3. Section 21083.10 is added to the Public Resources Code, to read:

21083.10. (a) To require an assessment of a project's contribution to nonpoint source pollution, on or before December 31, 1998, the State Water Resources Control Board and the California Coastal Commission shall recommend to the Office of Planning and Research, and the Office of Planning and Research shall certify and adopt, revisions to the guidelines developed pursuant to Section 21083 to amend the environmental information and environmental checklist forms to include consideration of watershed, water quality, and nonpoint source pollution impacts of projects, including specific consideration as to whether the project conforms to the applicable water quality control plans prepared pursuant to Section 13170 or 13240 of the Water Code.

(b) The Office of Planning and Research shall revise the applicants' environmental checklist forms in accordance with subdivision (a).

SEC. 4. Section 30012.5 is added to the Public Resources Code, to read:

30012.5. The commission and the State Water Resources Control Board shall work together to develop and implement, to the extent support resources are made available, a comprehensive, statewide education and outreach program focused on nonpoint source pollution in the state's coastal waters. The program shall be carried out in conjunction with existing federal, state, and local efforts that address the causes and remedies of nonpoint source pollution problems as well as the effects of nonpoint source

*pollution on the health of coastal waters and habitats. The program shall build upon and coordinate with existing efforts, and shall aim to reach all potential dischargers of coastal nonpoint source pollution, including the general public, local governments, businesses, industrial groups, and the development community. The commission and the State Water Resources Control Board shall submit to the Legislature as part of the status report required under subdivision (f) of Section 30412.1, and make available to the public, a biennial summary of their progress in implementing this section.*

*SEC. 5. Section 30412.1 is added to the Public Resources Code, to read:*

*30412.1. (a) The commission and the State Water Resources Control Board shall, as required by Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. Sec. 1455b), work cooperatively together to develop and implement a federally approvable coastal nonpoint pollution control program that complies with existing applicable state and federal laws.*

*(b) This shall be a comprehensive, enforceable program that coordinates federal, state, and local programs and resources as necessary to effectively address nonpoint source pollution. The program shall develop and require the implementation of management measures for nonpoint source pollution that protect and improve the quality of coastal waters. Where appropriate, the program shall be designed to address polluted-runoff issues from a watershed perspective. The components of the program shall include, but not be limited to all of the following:*

*(1) The identification of land use categories that impact waters.*

*(2) A description of the management measures that will be applied to prevent or control nonpoint sources of pollution generated by the land use categories identified in paragraph (1). In selecting these measures, the commission and the State Water Resources Control Board shall review and include in the program appropriate technical advisory committee recommendations developed pursuant to Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. Sec. 1455b).*

*(3) A continuing process to identify and designate critical coastal areas, determined on a watershed basis, where the application of additional management measures will be necessary to attain and maintain water quality standards and protect designated beneficial uses.*

*(4) A detailed description of how coordination will be improved in order to carry out the program among the federal, state, and local agencies responsible for land use programs and permitting, water quality permitting and enforcement, habitat protection, and public health and safety.*

*(5) The provision of technical assistance, grants, and other assistance, to the extent funding is available for these purposes, to local governments, affected land owners, and the public for implementing approved management measures for all sources of nonpoint source pollution. Assistance may include the development or implementation of watershed management plans, ordinances, and other regulations; individual management measures; training; financial incentives; technical guidance; demonstration projects; and modeling to predict and assess the effectiveness of the management measures.*

*(6) Measures for assessing the progress of the program with regard to the implementation of specified management measures and the reduction of nonpoint source pollution.*

*(7) A strategy to monitor the effects of the implementation and enforcement of the management measures on the coastal environment.*

*(c) For the purpose of this section, "management measures" means economically achievable measures for the control of the addition of pollutants from existing and new categories of nonpoint sources of pollution, that reflect the greatest degree of pollutant reduction achievable through the application of the best achievable nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.*

*(d) The commission and the State Water Resources Control Board shall take all necessary and appropriate actions to ensure effective and efficient cooperation and coordination of program activities. This may include sharing technical resources and staff expertise and other support resources relating to the development and implementation of a comprehensive coastal nonpoint pollution control program.*

*(e) In addition to funding provided through the annual budget act for necessary staffing and technical support, both the state board and the commission are encouraged to seek supplemental funding from public or private sources for program development and implementation. These funds may be used to provide technical assistance, grants, and other assistance to local governments, other public entities, nonprofit organizations, private sector businesses such as agriculture, and property owners to help*

defray the costs, if any, of implementation of management practices and the installation of capital improvements designed to reduce or prevent the degradation of water quality from nonpoint source pollution.

(f) The State Water Resources Control Board and the commission shall prepare and submit to the Legislature, and make available to the public, a biennial status report on the development, implementation, water quality impacts, and funding resource needs of the program. The status report shall also include an assessment of any potential legislative changes or additions that may be necessary to complete and implement the program. The status report shall be included within the state's biennial report on the status of the health of the state's waters. The status report shall also include a discussion of successful implementation of adopted management measures as well as a comprehensive list of all enforcement activities undertaken by the state board or regional boards with regard to nonpoint pollution discharges during the reporting period.

(g) The commission and the State Water Resources Control Board shall provide the public with maximum opportunities for participating in all aspects of the program, by such actions as providing public notices, public hearings, and other opportunities for comment, and as feasible, by conferring with technical advisory committees.

SEC. 6. Section 13167.1 is added to the Water Code, to read:

13167.1. The state board and the California Coastal Commission shall work together to develop and implement, to the extent support resources are made available, a comprehensive, statewide education and outreach program focused on nonpoint source pollution in the state's coastal waters. The program shall be carried out in conjunction with existing federal, state, and local efforts that address the causes and remedies of nonpoint source pollution problems as well as the effects of nonpoint source pollution on the health of coastal waters and habitats. The program shall build upon and coordinate with existing efforts, and shall aim to reach all potential dischargers of coastal nonpoint source pollution, including the general public, local governments, businesses, industrial groups, and the development community. The state board and the California Coastal Commission shall submit to the Legislature as part of the status report required under subdivision (f) of Section 13367, and make available to the public, a biennial summary of their progress in implementing this section.

SEC. 7. Chapter 5.4 (commencing with Section 13367) is added to Division 7 of the Water Code, to read:

#### CHAPTER 5.4. COASTAL NONPOINT SOURCE POLLUTION

13367. (a) The state board and the California Coastal Commission shall, as required by Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. Sec. 1455b), work cooperatively together to develop and implement a federally approvable coastal nonpoint pollution control program which complies with existing applicable state and federal laws.

(b) This shall be a comprehensive, enforceable program that coordinates federal, state, and local programs and resources as necessary to effectively address nonpoint source pollution. The program shall develop and require the implementation of management measures for nonpoint source pollution that protect and improve the quality of coastal waters. Where appropriate, the program will be designed to address polluted-runoff issues from a watershed perspective. Components of the program shall include, but not be limited to:

- (1) The identification of land use categories that impact coastal waters.
- (2) A description of the management measures that will be applied to prevent or control nonpoint source of pollution generated by the land use categories identified in paragraph (1). In selecting these measures, the state board and the California Coastal Commission shall review and include in the program appropriate technical advisory committee recommendations developed pursuant to Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. Sec. 1455b).
- (3) A continuing process to identify and designate critical coastal areas, determined on a watershed basis, where the application of additional management measures will be necessary to attain and maintain water quality standards and protect designated beneficial uses.
- (4) A detailed description of how coordination will be improved in order to carry out the program among the federal, state, and local agencies responsible for land use programs and permitting, water quality permitting and enforcement, habitat protection, and public health and safety.

(5) *The provision of technical assistance, grants, and other assistance, to the extent funding is available for these purposes, to local governments, affected land owners, and the public for implementing approved management measures for all sources of nonpoint source pollution. Assistance may include the development or implementation of watershed management plans, ordinances, and other regulations; individual management measures; training; financial incentives; technical guidance; demonstration projects; and modeling to predict and assess the effectiveness of the management measures.*

(6) *Measures for assessing the progress of the program with regard to the implementation of specified management measures and the reduction of nonpoint source pollution.*

(7) *A strategy to monitor the effects of the implementation and enforcement of the management measures on the coastal environment.*

(c) *For the purpose of this section, "management measures" means economically achievable measures for the control of the addition of pollutants from existing and new categories of nonpoint sources of pollution, that reflect the greatest degree of pollutant reduction achievable through the application of the best achievable nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.*

(d) *The state board and the California Coastal Commission shall take all necessary and appropriate actions to ensure effective and efficient cooperation and coordination of program activities. This may include sharing technical resources and staff expertise and other support resources relating to the development and implementation of a comprehensive coastal nonpoint pollution control program.*

(e) *In addition to funding provided through the annual budget act for necessary staffing and technical support, both the state board and the California Coastal Commission are encouraged to seek supplemental funding from public or private sources for program development and implementation. These funds may be used to provide technical assistance, grants, and other assistance to local governments, other public entities, nonprofit organizations, private sector businesses such as agriculture, and property owners to help defray the costs, if any, of implementation of management practices and the installation of capital improvements designed to reduce or prevent the degradation of water quality from nonpoint source pollution.*

(f) *The state board and the California Coastal Commission shall prepare and submit to the Legislature, and make available to the public, a biennial status report on the development, implementation, water quality impacts, and funding resource needs of the program. The status report will also include an assessment of any potential legislative changes or additions that may be necessary to complete and implement the program. The status report shall be included within the state's biennial report on the status of the health of the state's waters. The status report shall also include a discussion of successful implementation of adopted management measures as well as a comprehensive list of all enforcement activities undertaken by the state board or regional boards with regard to nonpoint pollution discharges during the reporting period.*

(g) *The state board and the California Coastal Commission shall provide the public with maximum opportunities for participating in all aspects of the program, by such actions as providing public notices, public hearings, and other opportunities for comment, and as feasible, by conferring with technical advisory committees.*

**SEC. 8.** *Nothing in this act shall be construed to expand the jurisdictional authorities of either the State Water Resources Control Board or the California Coastal Commission.*

All matter omitted in this version of the bill appears in the bill as amended in the Senate, April 2, 1997 (JR 11)

BILL NUMBER: SB 1006

AMENDED 05/20/97

BILL TEXT

AMENDED IN SENATE MAY 20, 1997  
AMENDED IN SENATE MAY 5, 1997  
AMENDED IN SENATE APRIL 14, 1997  
AMENDED IN SENATE APRIL 9, 1997

INTRODUCED BY Senator Hayden

FEBRUARY 27, 1997

An act to add Sections 10915, 10916, 10917, and 10918 to the Fish and Game Code, relating to marine refuges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1006, as amended, Hayden. Marine life refuges.

(1) Under existing law, specified fish, mollusks and crustaceans may be taken under the authority of a sport fishing license as authorized in the Fish and Game Code. In marine life refuges, it is unlawful to take or possess any invertebrate or specimen of marine plant life. Existing law authorizes the Fish and Game Commission to authorize the Department of Fish and Game to issue permits that authorize named persons to take birds, mammals, fish, and amphibia in any refuge, with specified exceptions.

This bill would designate specified ocean waters south of the City of Malibu as the Malibu Marine Life Refuge and specified ocean waters south of Point Dume as the Point Dume Marine Life Refuge. The bill would also request the Regents of the University of California at Los Angeles to create a panel to perform oversight of monitoring and data collection in the refuges, and to make recommendations to the department, as specified. Because existing law would make certain acts in those refuges crimes, the bill would impose a state-mandated local program.

(2) 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.

(3) Existing law requires certain revenues to be deposited in the Fish and Game Preservation Fund and continuously appropriates the money in that fund to the department to pay specified refunds and to pay all necessary expenses incurred in carrying out the Fish and Game Code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish and to the commission to pay for compensation and expenses of the commissioners and employees of the commission.

This bill would make an appropriation by imposing new duties on the department and the commission.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. Section 10915 is added to the Fish and Game Code, to read:

10915. (a) That portion of District 19 consisting of the land and ocean waters within the following boundaries constitutes a marine life, fish and game refuge and shall be designated the Malibu Marine Life Refuge:

Beginning at the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean; thence easterly along the line of highest tide for a distance of two and one-half miles, including the shore of Nicolas Canyon County Beach and El Matador State Park; thence due south true to a point in the Pacific Ocean that is one nautical mile from the mean lower low water line on the shore; thence westerly along a line that is one nautical mile from the mean lower low water line on the shore to a point that is due south true from the point of intersection of a line that extends due south true from the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean; thence northerly along that line that extends

due south true from the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean to the point of beginning.

(b) It is the intent of the Legislature in creating the Malibu Marine Life Refuge to provide a controlled area, free from disturbance, *until a dolphin recovery site is established*, in order to collect information vital to the health of the marine environment of the state. *Once a dolphin recovery site is established, the refugia will revert to an undersea habitat free from disruption.* The refuge is to be managed so as to produce the maximum value to ~~the scientific community~~ *coastal and ocean resources*. By providing an undisturbed underwater habitat, the refuge will also provide secondary aesthetic benefits to the residents of Malibu and to members of the general public who enjoy the marine environment.

SEC. 2. Section 10916 is added to the Fish and Game Code, to read:

10916. That portion of District 19 consisting of the land and ocean waters within the following boundaries constitutes a marine life, fish and game refuge and shall be designated the Point Dume Marine Life Refuge:

Beginning at the point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean; thence easterly along the line of highest tide to the tip of Little Dume Point; thence 135 degrees southeast, true, to a point in the Pacific Ocean that is one nautical mile from the mean lower low water line on the shore; thence westerly along a line that is one nautical mile from the mean lower low water line on the shore to a point that is 225 degrees southwest, true, from a point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean; thence northeasterly along that line that extends 225 degrees southwest, true, from the point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean to the point of beginning.

SEC. 3. Section 10917 is added to the Fish and Game Code, to read:

10917. No consumptive uses, other than collection of species of fish for scientific and educational use, shall be permitted in the refuges established pursuant to Sections 10915 and 10916. Nothing in those sections is intended to change public policy concerning public access to coastal areas.

SEC. 4. Section 10918 is added to the Fish and Game Code, to read:

10918. (a) ~~The Regents of the University of California are at Los Angeles~~ *is* requested to create a panel to perform oversight of monitoring and data collection in the refuges established pursuant to Sections 10915 and 10916, and to make recommendations to the department on possible restrictions on uses within the refuges, whether vessels should be permitted to anchor in the refuges, and whether to allow catch-and-release fishing in the refuges.

(b) If created, the panel shall consist of ~~15 members~~ *a maximum of 12 members with the number to be determined by the Vice Chancellor of Research at the University of California at Los Angeles*. The members shall be selected from among persons who are experts in marine biology ~~and or~~ fisheries management ~~and from among persons who represent environmental organizations, foundations, and user groups~~.

(c) In carrying out its research pursuant to this section, the panel, if created, shall give preference to using crab and lobster fishing vessels as vessels of opportunity to assist in the studies.

(d) The panel, if created, shall hold public hearings on its recommendations. The panel shall also hold seminars and other meetings to educate the public on the refuges and marine resource conservation.

(e) Notwithstanding Section 7550.5 of the Government Code, the panel, if created, shall report its findings to the Legislature and the Governor on January 1, 2000, and every two years thereafter.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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.