

CALIFORNIA COASTAL COMMISSION

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June 26, 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 JULY 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.

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 Passed Senate Natural Resources Committee (8-0)

### 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	06/18/97
Status	Passed Assembly Passed Senate Natural Resources Committee (5-2)
Staff Involvement	Responded to request for technical assistance.

### 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 Passed Senate Natural Resources Committee (5-3)

## 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	06/02/97
Status	Passed Assembly

**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 Senate Natural Resources 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	06/26/97
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

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
<b>Commission Position</b>	<b>SUPPORT</b>
Status	Passed Assembly Natural Resources Committee (9-3) Assembly Appropriations File - Placed on Suspense File
Staff Involvement	Responded to request for technical assistance.

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	06/02/97
<b>Commission Position</b>	<b>OPPOSE UNLESS AMENDED</b>
Status	Passed Assembly Governmental Organization Committee (12-3) Assembly Appropriations Committee - Placed on Suspense File
Staff Involvement	Met with author's staff to address Commission's concerns with bill.

AB 1188 (Lempert) Coastal Access Easements

AB 1188 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	06/18/97
Status	Passed Assembly
Staff Involvement	Responded to request for technical assistance.

AB 1228 (Duchenev) 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	06/02/97
<b>Commission Position</b>	<b>SUPPORT</b>
Status	Passed Assembly

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	06/03/97
Status	Passed Assembly Appropriations Referred to Senate Governmental Organization Committee

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	Res. Chapter 44, Statutes of 1997.

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	<b>SUPPORT</b>
Status	Passed Senate Referred to Assembly Natural Resources Committee
Staff Involvement	Provided committee testimony, technical assistance.

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	06/23/97
<b>Commission Position</b>	<b>SUPPORT</b>
Status	Passed Senate Referred to Assembly Water, Parks, and Wildlife Committee and Natural Resources Committee
Staff Involvement	Provided committee testimony, technical assistance.

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	06/03/97
<b>Commission Position</b>	<b>SUPPORT</b>
Status	Passed Senate Referred to Assembly Natural Resources Committee
Staff Involvement	Provided committee testimony, technical assistance.

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
<b>Commission Position</b>	<b>OPPOSE</b>
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	02/30/97
Last Amend	06/03/97
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	06/19/97
Status	Passed Assembly Passed Senate Health and Human Services

**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 Passed Senate

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 Referred to Senate Natural Resources Committee

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 Referred to Senate Natural Resources and Wildlife Committee



**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
	Referred to Assembly Water, Parks, and Wildlife Committee

**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	05/01/97
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
	Referred to Assembly Natural Resources Committee