

CALIFORNIA COASTAL COMMISSION

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July 25, 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 AUGUST 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 AB 1022 and SB 1006 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	Enrolled
Staff Involvement	

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 \$10 or more, including gifts of food or beverages, to any member of the commission, unless the interested person, within 7 days of making the gift, discloses and reports the gift by submitting a written report of the gift to the executive director, who shall place the report in the commission's official record. If the gift was received within 7 days of the next commission hearing, the gift must be disclosed to the commission on the record of the proceeding of that hearing. This bill would also place the same reporting requirements on Coastal Commissioners.

Introduced	02/27/97
Last Amend	07/02/97
Status	Passed Assembly Passed Senate Senate Inactive File
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) Referred to Senate Rules Committee - Hearing scheduled for 8/18/97
Staff Involvement	

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
Staff Involvement

AB 241 (Lempert) Natural Resources: Budget Act of 1997

AB 241 would state the intent of the Legislature in enacting the bill to make the necessary statutory changes to implement the Budget Act of 1997 relative to funding for natural resources. (Budget trailer bill).

Introduced 02/07/97
Last Amend 07/09/97
Status Passed Assembly
Referred to Senate Committee on Budget and Fiscal Review
Staff Involvement

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)
Staff Involvement

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 This is a two year bill.
Staff Involvement

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 07/10/97
Status Passed Assembly
Referred to Senate Committee on Agriculture and Water Resources
Staff Involvement

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
Passed Senate Natural Resources Committee (7-2)
Senate Third Reading File

Staff Involvement

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
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
Commission Position OPPOSE UNLESS AMENDED
Status This is a two year bill.
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
Failed to pass Senate, reconsideration granted.
Senate Inactive File
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
Commission Position **SUPPORT**
Status Passed Assembly
Passed Senate Natural Resources Committee (6-0)

Staff Involvement

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
Passed Senate Governmental Organization Committee (10-0)

Staff Involvement

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
Staff Involvement

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.
Staff Involvement

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

Staff Involvement

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
Passed Assembly Natural Resources Committee
Assembly Appropriations Committee - Placed on Suspense File
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 07/11/97
Commission Position **SUPPORT**
Status Passed Senate
Passed Assembly Water, Parks, and Wildlife Committee (10-1)
Passed Assembly Natural Resources Committee (7-2)
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
Commission Position **SUPPORT**
Status Passed Senate
Passed Assembly Natural Resources Committee (8-1)
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
Commission Position **OPPOSE**
Status Introduced
Staff Involvement

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 07/22/97
Status Passed Senate
Passed Assembly Water, Parks, and Wildlife Committee (9-2)
Staff Involvement

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
Staff Involvement

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 (5-2)
Staff Involvement

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 Chapter 52, Stats. 1997.
Staff Involvement

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 This is a two year bill.
Staff Involvement

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 07/01/97
Status Passed Assembly
Passed Senate Natural Resources Committee (6-2)
Staff Involvement

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 Agriculture and Wildlife Committee
Staff Involvement

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
Passed Assembly Water, Parks, and Wildlife Committee (10-0)

Staff Involvement

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 07/21/97
Status Passed Senate
Passed Assembly Local Government Committee (14-0)

Staff Involvement

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

Staff Involvement

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 07/21/97
Status Passed Senate
Passed Assembly Natural Resources Committee (8-1)

Staff Involvement

BILL NUMBER: AB 1022
BILL TEXT

AMENDED 07/02/97

AMENDED IN SENATE JULY 2, 1997
AMENDED IN SENATE JUNE 18, 1997
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 \$10 or more, including gifts of food or beverages, to any member of the commission, unless the interested person, ~~immediately upon~~ *within 7 days of* making the gift, discloses and reports the gift, as prescribed, *or, if the gift was received within 7 days of the next commission hearing, disclose the gift to the commission on the record of the proceeding of that hearing.* 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~~ *similarly* 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 ten dollars (\$10) 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.~~ *discloses the gift, within seven days from the date of the gift, by submitting a report of the gift to the executive director, who shall thereupon place the report in the commission's official record, or, if the gift is made within seven days of the next commission hearing, discloses the gift to the commission on the record of the proceeding of that hearing.*

(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 ten dollars (\$10) or more from an interested person pursuant to paragraph (1) of subdivision (d) shall, ~~immediately~~ upon receipt of the gift, disclose the gift, *within seven days of the date of receipt of the gift*, by submitting a written report of the gift to the executive director, who shall ~~immediately thereupon~~ place the report in the commission's official record, *or, if the gift is received within seven days of the next commission hearing, disclose the gift to the commission on the record of the proceeding of that hearing.*

(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 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.

BILL NUMBER: SB 1006
BILL TEXT

AMENDED 07/22/97

AMENDED IN ASSEMBLY JULY 22, 1997
AMENDED IN ASSEMBLY JULY 9, 1997
AMENDED IN SENATE JUNE 3, 1997
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 and repeal Sections 10915, 10916, 10917, and 10918 of 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, until January 1, 2008, 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 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. The bill would make the operation of the above provisions contingent upon the ~~panel~~ City of Malibu providing an assurance to the department on or before January 1, 1999, that sufficient resources will be committed to implement those provisions. ~~Because existing law would make certain acts in those refuges crimes~~ **The bill would make it unlawful to take or possess fish or marine plants from the refuges. Because the bill would create new 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 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.

~~(e) This section shall become inoperative on January 1, 1999, unless the panel established by the University of California at Los Angeles pursuant to Section 10918 provides an assurance to the department on or before that date, that sufficient resources will be committed to implement Section 10918.~~

(c) This section shall only become operative if and when the City of Malibu provides an assurance to the department that sufficient resources will be committed to implement Section 10918. If the assurance is not provided to the department on or before January 1, 1999, this section shall not become operative.

(d) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, which 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. (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 Point Dume Marine Life Refuge:

Beginning at the point of highest tide of the Pacific Ocean that is 225 degrees southwest, true of the southern end of the Westward Beach Road parking lot 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 highest tide of the Pacific Ocean that is 225 degrees southwest, true of the southern end of the Westward Beach Road parking lot 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 highest tide of the Pacific Ocean that is 225 degrees southwest, true of the southern end of the Westward Beach Road parking lot and the line of highest tide of the Pacific Ocean to the point of beginning.

~~(b) This section shall become inoperative on January 1, 1999, unless the panel established by the University of California at Los Angeles pursuant to Section 10918 provides an assurance to the department on or before that date, that sufficient resources will be committed to implement Section 10918.~~

(b) This section shall only become operative if and when the City of Malibu provides an assurance to the department that sufficient resources will be committed to implement Section 10918. If the assurance is not provided to the department on or before January 1, 1999, this section shall not become operative.

(c) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, which 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. (a) 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 these sections is intended to change public policy concerning public access to coastal areas.~~

~~(b) This section shall become inoperative on January 1, 1999, unless the panel established by the University of California at Los Angeles pursuant to Section 10918 provides an assurance to the department on or before that date, that sufficient resources will be committed to implement Section 10918.~~

~~(e)~~

(b) Nothing in this section or Sections 10915, 10916, and 10918 shall be construed to limit public access to or along the coastline or to limit nonconsumptive recreational opportunities without obtaining a permit from the California Coastal Commission.

(c) It is unlawful to take or possess any fish or marine plants from the refuges established pursuant to Sections 10915 and 10916.

(d) This section shall only become operative if and when the City of Malibu provides an assurance to the department that sufficient resources will be committed to implement Section 10918. If the assurance is not provided to the department on or before January 1, 1999, this section shall not become operative.

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

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

10918. (a) The University of California 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 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 or fisheries management.

(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 on or before September 1, 2000. The panel shall also hold seminars and other meetings to educate the public on the refuges and marine resource conservation. The panel shall make recommendations to the department as provided in subdivision (a) on January 1, 2001, and every two years thereafter.

(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, 2001, and every two years thereafter.

(f) The panel, if created, shall work with the City of Malibu and other public and private entities in an effort to secure sufficient resources to implement this section.

~~(g) This section shall become inoperative on January 1, 1999, unless the panel established by the University of California at Los Angeles pursuant to this section provides an assurance to the department on or before that date, that sufficient resources will be committed to implement this section.~~

(g) This section shall only become operative if and when the City of Malibu provides an assurance to the department that sufficient resources will be committed to implement Section 10918. If the assurance is not provided to the department on or before January 1, 1999, this section shall not become operative.

(h) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, which 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.

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