STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

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October 10, 2000

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR SEPTEMBER 2000

CONTENTS:
This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

Note:

This information can be accessed through the Commission's World Wide Web Homepage at **www.coastal.ca.gov**

Please contact Sarah Christie, Legislative Coordinator, at (916) 455-6067 with any questions on the material contained in this report.

PRIORITY LEGISLATION, CHAPTERED OR VETOED

AB 885 (Jackson) Coastal Onsite Sewage Treatment Systems

AB 885 requires the State Water Resources Control Board, on or before January 1, 2004, in consultation with the State Water Resources Control Board, the California Coastal Commission, and other affected agencies and interested parties, to generate statewide performance standards for all onsite sewage treatment systems.

Introduced	02/25/99
Last Amend	08/25/00
Status	Chaptered by Secretary of State - Chapter 781, Statutes of 2000.
Comm. Position	**Support**

AB 988 (Hertzberg) Coastal Act

This bill requires the Coastal Commission to prepare and certify a Local Coastal Program for the City of Malibu by September 15, 2002. It requires the City to assume Coastal Development Permit authority within 30 days of certification, and exempts the city's permit process from the Permit Streamlining Act.

Introduced	02/25/00
Last Amended	08/30/00
Status	Chaptered by Secretary of State - Chapter 952, Statutes of 2000.

AB 1781 (Pacheco) Relating to State Beaches

This bill removes the $250,000 cap on non-commercial projects on 8 beaches owned by the County of Los Angeles, allowing for the construction of wheelchair ramps, pedestrian accessways, and other improvements to meet the provisions of the Americans with Disabilities Act.

Introduced	02/25/00
Last Amended	08/07/00
Status	Chaptered by Secretary of State - Chapter 782, Statutes of 2000.
Comm. Position	**Neutral**

AB 1946 (Wayne) Public Beaches: Survey

This bill requires the State Water Resources Control Board by February 1, 2000, to develop uniform guidelines for local health officers to report beach postings, closures and related information. Existing law requires that local health officers submit an annual report to the board. This bill requires standardized monthly reports be made available to the public via the internet. It further requires the board to publish its statewide report on or before July 30 of each year and make available to the public copies of this report by a variety of means, including the Internet.

Introduced	02/15/00
Last Amended	04/24/00
Status	Chaptered by Secretary of State - Chapter 152, Statutes of 2000.

AB 1835 (Baugh) Storm Water Discharge

This bill would have appropriated $6,990,000 from the general fund to the state board to provide grants to public local agencies to pay for capital costs and specified other costs associated with diverting dry weather flows from storm water discharges to sewage treatment facilities that would otherwise be discharged to a public beach, and for specified projects in Orange County (a water quality lab and an urban runoff action plan). The bill would have required the state board, in consultation with the California Storm Water Quality Task Force, to adopt regulations to carry out the grant program not later than July 1, 2001.

Introduced	02/03/00
Last Amended	08/25/00
Status	Vetoed by Governor
Comm. Position	**Support**

AB 2144 (Keeley) Watsonville M.O.U.

This bill enables anyone to petition the court if the City of Watsonville, County of Santa Cruz or the California Coastal Commission failed to comply with the provisions of the Memorandum of Understanding entered into between the three entities. This legislation will not take effect unless and until the County of Santa Cruz and the City of Watsonville have housing elements certified by the state, and either entity takes action to amend or repeal the supermajority voting requirements contained in the MOU.

Introduced	02/23/00
Last Amended	04/26/00
Status	Chaptered by Secretary of State - Chapter 407, Statutes of 2000.
Comm. Position	**Support**

AB 2286 (Davis) Wetlands

This bill amends the Keene-Nejedly California Wetlands Act to require the Resources Agency to update the state's existing wetlands inventory in order to prepare a restoration, management, and acquisition study. The study will identify ways to enhance private/public partnerships in wetland restoration, how to enhance recreational benefits of wetland areas, and will identify wetlands not currently in private ownership which should be preserved. The bill also authorizes the State Coastal Conservancy to enter into an operating agreement with a local entity for the management and control of wetlands.

Introduced	02/18/00
Last Amended	08/25/00
Status	Chaptered by Secretary of State - Chapter 964, Statutes of 2000.

AB 2387 (Keeley) Ocean Resources

This bill enacts the California Ocean Resources Stewardship Act of 2000, and creates, within the Department of Resources. The purpose of this program is to encourage regional collaboration between academia and government on research and management practices relating to the marine environment, and to provide funding assistance through the creation of a non-governmental trust.

Introduced	02/24/00
Last Amended	08/25/00
Status	Chaptered by Secretary of State - Chapter 516, Statutes of 2000.

AB 2746 (Nakano) Water Quality; Large Passenger Vessels

This bill creates the Cruise Ship Environmental Task Force to evaluate the waste streams and environmental practices of large cruise ships. The information gathered by the task force will be used in a report to be prepared by the California Environmental Protection Agency by June 1, 2003.

Introduced	02/25/00
Last Amended	08/14
Status	Chaptered by Secretary of State - Chapter 504, Statutes of 2000.
Comm. Position	**Support**

AB 2800 (Shelley) Marine Managed Areas Consolidation and Improvement Act

This bill requires the Resources Department to review and consolidate the state's classification and management system of state marine waters, to preserve living marine resources and their habitats, scenic views, water quality, recreational values, and cultural and geological resources, under the management of the Department of Fish and Game. The bill also sets criteria for considering and including additional areas into the state's Marine Managed Area (MMA) system, and calls for the Secretary of Resources to create the State Interagency Coordinating Committee, whose members are representatives from the Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board, and State Lands Commission.

Introduced	02/08/00
Last Amended	08/07/00
Status	Chaptered by Secretary of State - Chapter 385, Statutes of 2000.

SB 221 (Alpert) Oil Spill Prevention

Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, prohibits the operation of a nontank vessel of 300 gross registered tons or greater in the marine waters of the state unless the owner or operator prepares and submits an oil spill contingency plan to the administrator for oil spill response and the plan is approved. SB 221 authorizes the administrator to establish a lower standard of financial responsibility for nontank barges that is not less than the expected costs from a reasonable worst-case oil spill into marine waters, and revises the definition of the term "reasonable worst case spills" to apply only to the preparation of contingency plans.

Introduced	01/25/99
Last Amended	08/29/00
Status	Chaptered by Secretary of State - Chapter 721, Statutes of 2000.

SB 1562 (Burton), Mitigation of Projects Through Wetlands Restoration

For purposes of a specified project CEQA, this bill would require the lead agency to include a detailed statement of mitigation, with specified analyses, in an environmental impact if the environmental impact report identifies as a proposed mitigation the payment of funds to one or more public agencies to mitigate the impacts of the project for which the lead agency of the airport project prepared the document, and the agencies propose to use the funds for that purpose. The bill would require the lead agency of the airport project to make the approval of the project and the payment of funds for mitigation measures contingent upon a specified agreement between the lead agency of the airport project and the public agency. The bill would also require the lead agency, if the project includes more than one acre of fill in the San Francisco Bay, to include in the environmental impact report an analysis of a form of joint management of the airport by the city and county and the Oakland International Airport, as an alternative to the project.

Introduced	02/24/00
Last Amended	08/25/00
Status	Chaptered by Secretary of State - Chapter 385, Statutes of 2000.

SB 1625 (Murray) Baldwin Hills Conservancy

This bill establishes the Baldwin Hills Conservancy to acquire and direct the management of public lands in and around the Baldwin Hills area, as defined, through January 1, 2008. It also requires the Legislative Analyst's Office to prepare a report to the Legislature no later than January 31, 2006, reviewing the effectiveness of the conservancy.

Introduced	02/22/00
Last Amended	08/25/00
Status	Chaptered by Secretary of State - Chapter 428, Statutes of 2000.

SB 1834 (Alpert) Water Quality

This bill would require the State Water Resources Control Board to develop, on or before January 1, 2003, guidelines to be used by the state board and the regional boards for the purpose of describing the process by which state and federal antidegradation requirements for point and nonpoint sources of pollution will be implemented.

Introduced	02/18/00
Last Amended	08/18/00
Status	Vetoed by Governor

CHAPTER 781

FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2000
APPROVED BY GOVERNOR SEPTEMBER 27, 2000
PASSED THE ASSEMBLY AUGUST 29, 2000
PASSED THE SENATE AUGUST 28, 2000
AMENDED IN SENATE AUGUST 25, 2000
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AMENDED IN SENATE JUNE 29, 2000
AMENDED IN SENATE APRIL 24, 2000
AMENDED IN ASSEMBLY MAY 13, 1999
AMENDED IN ASSEMBLY APRIL 8, 1999

INTRODUCED BY Assembly Member Jackson

FEBRUARY 25, 1999

An act to add Chapter 4.5 (commencing with Section 13290) to Division 7 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 885, Jackson. Onsite sewage treatment systems.

Existing law authorizes a California regional water quality control board to prohibit, under specified circumstances, the discharge of waste from individual disposal systems or community collection and disposal systems that use subsurface disposal.

This bill would require the State Water Resources Control Board, on or before January 1, 2004, and in consultation with the State Department of Health Services, the California Coastal Commission, the California Conference of Directors of Environmental Health, counties, cities, and other interested parties, to adopt, specified regulations or standards for the permitting and operation of prescribed onsite sewage treatment systems that meet certain requirements.

The bill would require each regional board to incorporate the state board's regulations or standards into the appropriate regional water quality control plans.

The bill would make a statement of legislative intent relating to assistance to private property owners with onsite sewage treatment systems.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 4.5 (commencing with Section 13290) is added to Division 7 of the Water Code, to read:

CHAPTER 4.5. ONSITE SEWAGE TREATMENT SYSTEMS

13290. For the purposes of this chapter:

(a) "Local agency" means any of the following entities:

(1) A city, county, or city and county.

(2) A special district formed pursuant to general law or special act for the local performance of functions regarding onsite sewage treatment systems within limited boundaries.

(b) "Onsite sewage treatment systems" includes individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal.

13291. (a) On or before January 1, 2004, the state board, in consultation with the State Department of Health Services, the California Coastal Commission, the California Conference of Directors of Environmental Health, counties, cities, and other interested parties, shall adopt regulations or standards for the permitting and operation of all of the following onsite sewage treatment systems in the state and shall apply those regulations or standards commencing six months after their adoptions:

(1) Any system that is constructed or replaced.

(2) Any system that is subject to a major repair.

(3) Any system that pools or discharges to the surface.

(4) Any system that, in the judgment of a regional board or authorized local agency, discharges waste that has the reasonable potential to cause a violation of water quality objectives, or to impair present or future beneficial uses of water, to cause pollution, nuisance, or contamination of the waters of the state.

(b) Regulations or standards adopted pursuant to subdivision (a), shall include, but shall not be limited to, all of the following:

(1) Minimum operating requirements that may include siting, construction, and performance requirements.

(2) Requirements for onsite sewage treatment systems adjacent to impaired waters identified pursuant to subdivision (d) of Section 303 of the Clean Water Act (33 U.S.C. Sec. 1313(d)).

(3) Requirements authorizing a qualified local agency to implement those requirements adopted under this chapter within its jurisdiction if that local agency requests that authorization.

(4) Requirements for corrective action when onsite sewage treatment systems fail to meet the requirements or standards.

(5) Minimum requirements for monitoring used to determine system or systems performance, if applicable.

(6) Exemption criteria to be established by regional boards.

(7) Requirements for determining a system that is subject to a major repair, as provided in paragraph (2) of subdivision (a).

(c) This chapter does not diminish or otherwise affect the authority of a local agency to carry out laws, other than this chapter, that relate to onsite sewage treatment systems.

(d) This chapter does not preempt any regional board or local agency from adopting or retaining standards for onsite sewage treatment systems that are more protective of the public health or the environment than this chapter.

(e) Each regional board shall incorporate the regulations or standards adopted pursuant to subdivisions (a) and (b) into the appropriate regional water quality control plans.

13291.5 It is the intent of the Legislature to assist private property owners with existing systems who incur costs as a result of the implementation of the regulations established under this section by encouraging the state board to make loans under Chapter 6.5 (commencing with Section 13475) to local agencies to assist private property owners whose cost of compliance with these regulations exceeds one-half of one percent of the current assessed value of the property on which the onsite sewage system is located.

13291.7. Nothing in this chapter shall be construed to limit the land use authority of any city, county, or city and county.

CHAPTER 952

INTRODUCED BY Assembly Member Hertzberg
(Principal coauthor: Senator Burton)

PASSED THE SENATE AUGUST 31, 2000
PASSED THE ASSEMBLY AUGUST 31, 2000
AMENDED IN SENATE AUGUST 30, 2000
AMENDED IN SENATE AUGUST 23, 2000
AMENDED IN SENATE AUGUST 21, 2000
AMENDED IN SENATE AUGUST 17, 1999
AMENDED IN SENATE JULY 12, 1999
AMENDED IN SENATE JULY 1, 1999
AMENDED IN ASSEMBLY APRIL 22, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999

FEBRUARY 25, 1999

An act to add Section 30166.5 to the Public Resources Code, relating to the California Coastal Act.

LEGISLATIVE COUNSEL'S DIGEST

AB 988, Hertzberg. Local coastal program: City of Malibu.

(1) The existing California Coastal Act of 1976 imposes certain restrictions on development in the coastal zone of the state and requires each local government located within the coastal zone to prepare a local coastal program.

This bill would require the California Coastal Commission, on or before January 15, 2002, to submit to the City of Malibu an initial draft of the land use portion of the local coastal program for the City of Malibu portion of the coastal zone. The bill would require the commission, on or before September 15, 2002, after public hearing and consultation with the City of Malibu, to adopt a local coastal program for that area within the City of Malibu portion of the coastal zone. The bill would require the City of Malibu, subsequent to the certification of the local coastal program, to immediately assume coastal development permitting authority, pursuant to the act, thereby imposing a state-mandated local program. The bill would provide that, notwithstanding specified requirements for the review and approval of development projects, once the City of Malibu assumes coastal development permitting authority pursuant to provisions of the bill, no application for a coastal development permit shall be deemed approved if the city fails to take timely action to disapprove or deny the application.

(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.
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 30166.5 is added to the Public Resources Code, to read:

30166.5. (a) On or before January 15, 2002, the commission shall submit to the City of Malibu an initial draft of the land use portion of the local coastal program for the City of Malibu portion of the coastal zone, which is specifically delineated on maps 133, 134, 135, and 136, which were placed on file with the Secretary of State on September 14, 1979.

(b) On or before September 15, 2002, the commission shall, after public hearing and consultation with the City of Malibu, adopt a local coastal program for that area within the City of Malibu portion of the coastal zone that is specifically delineated on maps 133, 134, 135, and 136, which have been placed on file with the Secretary of State on March 14, 1977, and March 1, 1987. The local coastal program for the area shall, after adoption by the commission, be deemed certified, and shall, for all purposes of this division, constitute the certified local coastal program for the area. Subsequent to the certification of the local coastal program, the City of Malibu shall immediately assume coastal development permitting authority, pursuant to this division. Notwithstanding the requirements of Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, once the City of Malibu assumes coastal development permitting authority pursuant to this section, no application for a coastal development permit shall be deemed approved if the city fails to take timely action to approve or deny the application.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

CHAPTER 782

FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2000
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AMENDED IN SENATE AUGUST 7, 2000
AMENDED IN SENATE JUNE 13, 2000
AMENDED IN ASSEMBLY MAY 9, 2000
AMENDED IN ASSEMBLY APRIL 11, 2000

INTRODUCED BY Assembly Members Robert Pacheco and Vincent
(Principal coauthors: Assembly Members Campbell, Cardenas, Margett, Washington, and Zettel)
(Coauthors: Assembly Members Baugh, Havice, Lowenthal, Nakano, and Rod Pacheco)
(Coauthor: Senator Alarcon)

JANUARY 25, 2000

An act to amend Section 5002.6 of the Public Resources Code, relating to state beaches, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1781, Robert Pacheco. State beaches: County of Los Angeles: deed restrictions.

Existing law requires the Director of Parks and Recreation, upon the adoption of a specified resolution by the County of Los Angeles, to grant to the County of Los Angeles, in trust for the people of California, all of the rights, title, and interest of the State of California in specified state beach property. Existing law prohibits any new project for new or expanded noncommercial development on that beach property from exceeding an estimated cost limitation for each project of $250,000, as adjusted. Existing law requires that limitation to be specified in each deed.

This bill would exempt noncommercial projects necessary to bring public accessways and public facilities into compliance with the Americans with Disabilities Act of 1990, as amended, from the estimated cost limitation. The bill would require the director to execute an amendment to any deed conveying the state beach property to incorporate the exemptions provided by the bill.

The bill would also limit the use of public funds for shoreline protective works at specified beaches to those determined by the County of Los Angeles to be necessary for the protection of public infrastructure or a public facility.

This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5002.6 of the Public Resources Code is amended to read:

5002.6. (a) Notwithstanding any other provision of law, and upon the adoption of a resolution of acceptance pursuant to subdivision (h), the director shall grant to the County of Los Angeles, at no cost to the county, in trust for the people of the State of California, and subject to the conditions set forth in this section, all of the rights, title, and interest of the State of California in lands, and improvements thereon, generally described as follows, and more particularly described in the deed:

(1) Parcel 1. Approximately 3.83 acres of unimproved land, known as Las Tunas State Beach.

(2) Parcel 2. Approximately 31.21 acres of improved land, known as Topanga State Beach.

(3) Parcel 3. Approximately 46.34 acres of improved land, being a portion of Manhattan State Beach.

(4) Parcel 4. Approximately 26.03 acres of improved land, known as Redondo State Beach.

(5) Parcel 5. Approximately 18.07 acres of improved land, known as Royal Palms State Beach.

(6) Parcel 6. Approximately 30.64 acres of improved land, being a portion of Point Dume State Beach.

(7) Parcel 7. Approximately 15.12 acres of unimproved land, known as Dan Blocker State Beach, and that includes Latigo Shores.

(8) Parcel 8. Approximately 10.50 acres of improved land, being a portion of Malibu Lagoon State Beach, known as Surf Rider Beach.

(b) (1) The grant in trust for the people of the State of California made pursuant to subdivision (a) shall be made upon the express condition that the County of Los Angeles shall use, operate, and maintain the granted lands and improvements thereon for public recreation and beach purposes in perpetuity, and shall comply with all restrictions specified in each deed and prescribed in subdivision (e). The county shall not make or permit any other use of the granted lands and improvements. Any violation of this prohibition or any violation of subdivision (e) shall constitute a breach of conditions for purposes of paragraph (2) of this subdivision.

(2) Upon a material breach of any condition of a grant made pursuant to this section which is determined by a court of competent jurisdiction to have been made intentionally, the State of California shall terminate the interest of the County of Los Angeles in the granted lands and improvements pursuant to Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code. Upon exercise of the state's power of termination in accordance with Section 885.050 of the Civil Code, all rights, title, and interest of the County of Los Angeles in the granted lands and improvements shall terminate and revert to, and rest in, the state, and the county shall, within 30 days from the date of that judgment, pay to the

state an amount equal to funds received by the county annually from the appropriation under schedule (a) of Item 3680-105-516 of the Budget Act of 1995 or from any subsequent appropriation received from the state specifically for the operation or maintenance of the granted lands and improvements. However, in no event shall that payment exceed the sum of one million five hundred thousand dollars ($1,500,000). The returned funds shall be deposited in the State Parks and Recreation .

(3) Notwithstanding Section 885.030 of the Civil Code, the state's power of termination pursuant to paragraph (2) shall remain in effect in perpetuity.

(c) Any operating agreement between the State of California and the County of Los Angeles pertaining to any of the real property described in subdivision (a), in existence at the time of the grant, shall be terminated by operation of law upon the conveyance of the real property to the County of Los Angeles.

(d) There is hereby excepted and reserved to the State of California from the grants made pursuant to subdivision (a) all mineral deposits, as defined in Section 6407, which lie below a depth of 500 feet, without surface rights of entry.

(e) The transfer of all rights, title, and interest in the lands and improvements described in subdivision (a) shall be subject to the following restrictions, which shall be specified in each deed:

(1) (A) No new or expanded commercial development shall be allowed on the granted real property.

(B) Any project for new or expanded noncommercial development on the granted real property shall not exceed an estimated cost limitation for each project of two hundred fifty thousand dollars ($250,000), as adjusted annually to reflect the California Construction Index utilized by the Department of General Services. Any authorization for new and expanded noncommercial development shall be limited to projects that provide for the safety and convenience of the general public in the use and enjoyment of, and enhancement of, recreational and educational experiences, and shall be consistent with the use, operation, and maintenance of the granted lands and improvements as required pursuant to subdivision (b). The expenditure of public funds for shoreline protective works shall only be permitted for those protective works that the County of Los Angeles determines are necessary for the protection of public infrastructure or a public facility. For purposes of this subparagraph, "project" means the whole of an action that constitutes the entirety of the particular type of new construction, alteration, or extension or betterment of an existing structure.

(C) Notwithstanding subparagraph (B), the deed for the conveyance of Royal Palms State Beach shall contain a provision that allows for the implementation of the state-approved local assistance grant (project number SL-19-003) to the County of Los Angeles already approved in the Budget Act of 1988 for noncommercial development to rehabilitate the existing park infrastructure at that state beach.

(D) The estimated cost limitation specified in subparagraph (B) shall not apply to the noncommercial projects necessary to bring public accessways and public facilities into

compliance with the Americans with Disabilities Act of 1990, as amended (42 U.S.C. Sec. 12101 et seq.). The limitation described in this subparagraph shall not affect the restriction described in subparagraph (A) of paragraph (1) of subdivision (e).

(2) The granted lands and improvements may not be subsequently sold, transferred, or encumbered. For purposes of this section, "encumber" includes, but is not limited to, mortgaging the property, pledging the property as collateral, or any other transaction under which the property would serve as security for borrowed funds. Any lease of the granted lands or improvements shall only be consistent with the public recreation and beach purposes of this section.

(f) As an alternative to the exercise of the power of termination for a material breach of conditions, each condition set forth in this section shall be enforceable as a covenant and equitable servitude through injunction for specific performance issued by a court of competent jurisdiction.

(g) On and after June 30, 1998, it is the intent of the Legislature that any application by the County of Los Angeles Fire Department to secure state funding support for boating safety and enforcement on waters within the County of Los Angeles shall be given priority consideration by the Legislature, unless an alternative source of funding is secured prior to that date which serves the same or similar purposes.

(h) This section shall become operative only if the Board of Supervisors of the County of Los Angeles adopts a resolution accepting the fee title grants, in trust for the people of the State of California, in accordance with this section, of the lands and improvements described in subdivision (a).

SEC. 2. With regard to any deed executed by the Director of Parks and Recreation granting property to the County of Los Angeles pursuant to Section 5002.6 of the Public Resources Code, the director, on or before June 30, 2001, shall execute an amendment to that deed modifying the deed restriction required by subdivision (e) of Section 5002.6 of the Public Resources Code to incorporate the provisions of subparagraph (D) of paragraph (1) of subdivision (e) of Section 5002.6 of the Public Resources Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The fact constituting the necessity are:

In order to complete projects necessary to bring public accessways and public facilities into compliance with the Americans with Disabilities Act of 1990, it is necessary that this act take effect immediately.

CHAPTER 152

FILED WITH SECRETARY OF STATE JULY 21, 2000
APPROVED BY GOVERNOR JULY 21, 2000
PASSED THE SENATE JULY 6, 2000
PASSED THE ASSEMBLY MAY 25, 2000
AMENDED IN ASSEMBLY APRIL 24, 2000

INTRODUCED BY Assembly Member Wayne

FEBRUARY 15, 2000

An act to repeal and add Section 115910 of the Health and Safety Code, relating to public beaches.

LEGISLATIVE COUNSEL'S DIGEST

AB 1946, Wayne. Public beaches: survey.

Existing law provides that whenever any beach fails to meet certain bacteriological standards established by the State Department of Health Services, the local health officer shall, at a minimum, post the beach with conspicuous warning signs to inform the public of the nature of the problem and the possibility of risk to public health.

Existing law further requires each local health officer to submit to the State Water Resources Control Board an annual survey documenting all beach postings and closures due to threats to the public health that occurred during the preceding calendar year, and requires the board to publish annually a statewide report documenting the beach posting and closure data provided to the board by the health officer for the preceding calendar year.

This bill would revise these survey requirements to instead require each local health officer to submit to the board, on or before the 15th day of each month, a survey including certain information and documenting all beach postings and closures resulting from failure of a beach to meet the bacteriological standards specified above. The bill would require the board, on or before February 1, 2001, to establish a prescribed format for the surveys, and to make available to the public specified information on the beach closures. It would further require the board to publish its statewide report on or before July 30 of each year and make available to the public copies of this report by a variety of means typically available to the board. By increasing the level of service required of local health officers with respect to the beach surveys, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 115910 of the Health and Safety Code is repealed.

SEC. 2. Section 115910 is added to the Health and Safety Code, to read:

115910. (a) On or before the 15th day of each month, each health officer shall submit to the board a survey documenting all beach postings and closures resulting from implementation of Section 115915 that occurred during the preceding month. The survey shall, at a minimum, include the following information:

(1) Identification of the beaches in each county subject to testing conducted pursuant to Section 115885 and the amount and types of monitoring conducted at each beach.

(2) Identification of the geographic location, area extent, and type of action taken for each incident of posting or closure conducted pursuant to Section 115915. Geographic location and area extent shall be noted in sufficient detail to determine on a common map, or by latitude and longitude, the approximate boundaries of the affected beaches.

(3) Identification of the standards exceeded and the causes and sources of the pollution, if known. Exceeded standards shall be identified with sufficient particularity to determine which types of tests and biological indicators were used to determine that an exceeded standard exists. Causes of pollution shall be identified with sufficient particularity to determine what substances, in addition to any water carrying the substances, were responsible for the exceeded standard. Sources shall be identified with sufficient particularity to determine the most specific geographical origin of the pollution sources available to the health officer at the time of the posting or closure.

(b) Surveys conducted pursuant to subdivision (a) shall be in a specific format established by the board on or before February 1, 2001. The board shall make the format easily accessible to the health officer through means that will enable the health officer to most effectively carry out the requirements of this section and enable the board to develop consistent, statewide data concerning the effect and status of beach postings and closures in a particular calendar year.

(c) On or before the 30th day of each month, the board shall make available to the public the information provided by the health officers. Based upon the data provided pursuant to subdivision (a), the report shall, at a minimum, include the location and duration of each beach closure and the suspected sources of the contamination that caused the closure, if known.

(d) On or before July 30 of each year, the board shall publish a statewide report documenting the beach posting and closure data provided to the board by the health officers for the preceding calendar year. Based upon the data provided pursuant to subdivision (a), the report shall, at a minimum, include the location and duration of each beach closure and the suspected sources of the contamination that caused the closure, if known.

(e) Within 30 days of publication of the annual report, the board shall distribute copies of the report to the Governor, the Legislature, and major media organizations, and copies of the

report shall be made available to the public by a variety of means typically available to the board.

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

BILL NUMBER: California Assembly Bill 1835
VETO DATE: SEPTEMBER 25, 2000

To Members of the California Assembly:

I am returning Assembly Bill 1835 without my signature.

This bill would establish a 50-50 matching grant program for public local agencies, administered by the State Water Resources Control Board (SWRCB), to pay for the diversion of dry weather storm sewer flows to a publicly owned treatment works rather than releasing the discharge on public beaches. The bill would provide a total General Fund appropriation of $6,990,000 for a statewide grant program.

While I agree that reducing beach contamination would help address human health risks and economic hardship associated with contaminated beaches, AB 1835 is not the appropriate measure to accomplish these goals. This bill focuses on a temporary, seasonal fix and does not provide for identification and elimination of the sources of contamination.

In addition, I have committed considerable funds to help address beach contamination. The 2000-01 Budget makes a major $ 50 million investment in identifying and correcting water pollution problems for various water quality, coastal protection, and urban runoff programs. In addition, Proposition 13 provides $90 million for coastal nonpoint source pollution projects, with $4 million specifically allocated for Orange County. We should give these programs a chance to produce results.

Sincerely,

GRAY DAVIS

CHAPTER 407
FILED WITH SECRETARY OF STATE SEPTEMBER 12, 2000
APPROVED BY GOVERNOR SEPTEMBER 11, 2000
PASSED THE ASSEMBLY AUGUST 18, 2000
PASSED THE SENATE AUGUST 10, 2000
AMENDED IN SENATE JULY 6, 2000
AMENDED IN ASSEMBLY APRIL 26, 2000

INTRODUCED BY Assembly Member Keeley

FEBRUARY 23, 2000

An act relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, Keeley. Land use.

Existing law contains numerous provisions relating to the regulation of land use.

This bill would require the City of Watsonville, the County of Santa Cruz, and the California Coastal Commission to comply with the terms and conditions of the Memorandum of Understanding entered into between those 3 entities and dated June 14, 2000.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) The City of Watsonville continues to experience levels of unemployment that are greater than surrounding communities, and is undertaking extensive efforts to increase employment opportunities and improve educational opportunities for a growing and diversifying population.

(b) The County of Santa Cruz contains some of the most productive agricultural lands in California, and some of the most significant wetlands and other important environmental resources.

(c) The City of Watsonville, the County of Santa Cruz, and the California Coastal Commission have voluntarily entered into a Memorandum of Understanding, dated June 14, 2000, relating to both of the following:

(1) The preservation of agricultural lands, wetlands, environmentally sensitive habitat areas, and other undeveloped lands westerly of the city's incorporated boundaries and within the coastal zone.

(2) The development of a high school on property commonly known as the Edwards Property within the westerly incorporated boundaries of the city.

(d) The Memorandum of Understanding by and between these governmental entities provides for a series of actions to be taken by each entity that will place policies in the city's

and county's local ordinances and local coastal plans that will have the effect of deterring future annexations or other nonagricultural development westerly of the city's incorporated boundaries.

(e) In signing the Memorandum of Understanding, each governmental entity retains all of its independent authorities and powers, while also agreeing to adhere to the terms and conditions of the Memorandum of Understanding.

(f) The Memorandum of Understanding contains provisions for amending the Memorandum of Understanding, and by signing the Memorandum of Understanding, the parties agree to adhere to the procedures contained therein for any such amendments.

(g) The Memorandum of Understanding provides that the city shall require a supermajority of city council members to amend certain local coastal plan and general plan provisions related to the Memorandum of Understanding and that the county shall require a supermajority of members of the board of supervisors to amend local coastal plan and general plan provisions related to the Memorandum of Understanding.

(h) The Memorandum of Understanding specifies that the city and the county will support legislation relative to the Memorandum of Understanding that will permit any person to petition a court of competent jurisdiction to compel the signatory parties to the Memorandum of Understanding to comply with the terms of the Memorandum of Understanding, but that such legislation would not become operative unless certain actions have occurred.

SEC. 2. (a) The City of Watsonville, the County of Santa Cruz, and the California Coastal Commission shall comply with the terms and conditions of the Memorandum of Understanding dated June 14, 2000, including, but not limited to, the procedures for amending the Memorandum of Understanding.

(b) Any person may petition a court of competent jurisdiction to require the City of Watsonville, the County of Santa Cruz, or the California Coastal Commission to comply with the terms of the Memorandum of Understanding, including any amendments thereto.

(c) Nothing in this act interferes with the right to pursue any other legal remedy that any person may have under any other provision of law.

(d) This section shall not be operative until (1) the City of Watsonville and the County of Santa Cruz both have housing elements in their respective general plans certified by the Department of Housing and Community Development and unless (2) either the City of Watsonville or the County of Santa Cruz takes any official action to amend or repeal the supermajority voting requirements as contained in the Memorandum of Understanding.

ASSEMBLY BILL No. 2286

INTRODUCED BY Assembly Members Davis and Lempert

PASSED THE ASSEMBLY AUGUST 29, 2000
PASSED THE SENATE AUGUST 28, 2000
AMENDED IN SENATE AUGUST 25, 2000
AMENDED IN SENATE JULY 6, 2000
AMENDED IN SENATE JUNE 20, 2000
AMENDED IN ASSEMBLY MAY 16, 2000
AMENDED IN ASSEMBLY MAY 3, 2000
AMENDED IN ASSEMBLY APRIL 24, 2000

FEBRUARY 24, 2000

CHAPTER _____

An act to amend Sections 5811, 5812, 5813, 5814, 5815, 5816, and 5817 of, and to add Section 5815.5 to, the Public Resources Code, relating to wetlands.

LEGISLATIVE COUNSEL'S DIGEST

AB 2286, Davis. Wetlands.

The existing Keene-Nejedly California Wetlands Preservation Act required the Department of Parks and Recreation and the Department of Fish and Game to conduct a joint study by January 15, 1978, to identify the wetlands of the state that require acquisition and preservation and authorized those departments to enter into operating agreements with local entities for the management and control of wetlands.

This bill would require the Resources Agency to update all of the state's existing wetlands inventory resources in order to prepare a restoration, management, and acquisition study to accomplish specified goals, including identification of restoration and enhancement opportunities in the state for wetlands in public ownership; identification of a means of protecting and enhancing existing wetlands in public ownership; identification of opportunities for voluntary public-private partnerships for wetlands restoration, enhancement, and management on private lands; identification of the wetlands in the state that are not currently in public ownership; identification of additional recreational benefits that can be provided on existing, restored, or newly created wetlands in public ownership; provision of a basis for the inclusion of wetlands data in the California Continuing Resources Investment Strategy Project (CCRISP); identification of wetlands on lands owned by federal agencies in California; and identification of these instances where lead agencies have adopted mitigation measures pursuant to the California Environmental Quality Act (CEQA) or a habitat conservation plan, or that utilize or reference wetlands resources located on lands owned by the United States Department of Defense.

The bill would require the study to be submitted to the Legislature by January 1, 2003. The bill would also authorize the California Coastal Conservancy to enter into an operating agreement with a local entity for the management and control of wetlands.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5811 of the Public Resources Code is amended to read:

5811. The Legislature hereby finds and declares all of the following:

(a) The remaining wetlands of this state are of increasingly critical economic, aesthetic, and scientific value to the people of California, and that the need exists for an affirmative and sustained public policy and program directed at their preservation, restoration, and enhancement, in order that wetlands shall continue in perpetuity to meet the needs of the people.

(b) Although the state established a specific plan in 1979 for the protection, acquisition, restoration, preservation, and management of wetlands to be implemented through the year 2000, a need to update this plan now exists, and the process should include the identification of priorities for wetland conservation through the year 2020.

(c) California has established a successful program of regional, cooperative efforts to protect, acquire, restore, preserve, and manage wetlands. These programs include, but are not limited to, the Central Valley Habitat Joint Venture, the San Francisco Bay Joint Venture, the Southern California Wetlands Recovery Project, and the Inter-Mountain West Joint Venture. These public-private partnerships, wherever practicable, shall be the primary means of achieving the objectives of this chapter.

(d) Active and voluntary involvement by private landowners in wetlands conservation, restoration, and enhancement contributes significantly to the long-term availability and productivity of wetlands in the state.

(e) With the passage of Propositions 12 and 13 in March 2000, the people of California have provided the state with unprecedented financial resources to acquire, restore, preserve, and manage wetlands. There is a pressing need for state agencies that are responsible for wetlands conservation to develop and disseminate a wetlands conservation strategy for review by the general public, for use by the Legislature in the annual budget process, for use by local public agencies in pursuing local and regional wetlands conservation programs, and for use by state agencies updating existing programs for acquiring, restoring, preserving, and managing wetlands resources.

SEC. 2. Section 5812 of the Public Resources Code is amended to read:

5812. As used in this chapter, unless the context clearly requires a different meaning, the following terms mean:

(a) "Agency" means the Resources Agency.

(b) "Departments" means the Department of Parks and Recreation, the Department of Fish and Game, and the California Coastal Conservancy.

SEC. 3. Section 5813 of the Public Resources Code is amended to read:

5813. (a) Nothing in this chapter abrogates or supersedes any existing local, state, or federal law or policy pertaining to wetlands, or establishes maximum or minimum standards or any other requirement for wetlands fill or mitigation. Additionally, nothing in this chapter shall be construed to create any new legal obligations for private landowners, or for lands owned by the United States Department of Defense, for wetlands inventories, wetlands management requirements, or any other regulatory requirements pertaining to wetlands use or conversion.

(b) Any of the departments may acquire interests in real property less than the fee, including, but not limited to, acquisition of development rights, when it determines that acquisition of the lesser interest will accomplish the purposes of this chapter in furthering the public's interest in the protection, preservation, restoration, and enhancement of wetlands.

SEC. 4. Section 5814 of the Public Resources Code is amended to read:

5814. (a) The agency shall update all of the state's existing wetlands inventory resources in order to prepare a study to accomplish the following goals:

(1) To identify the restoration and enhancement opportunities in the state for wetlands in public ownership.

(2) To identify means of protecting and enhancing existing wetlands in public ownership and to identify additional recreational benefits and opportunities that are compatible with the primary goal of maximizing the habitat value of wetlands.

(3) To identify opportunities for voluntary public-private partnerships for wetlands restoration, enhancement, and management on private lands.

(4) To identify those wetlands of particular significance in the state that are not currently in public ownership for which there is believed to be a willing seller.

(5) To identify additional recreational benefits that can be provided on existing, restored, or newly created wetlands in public ownership or for which there is a cooperative agreement for public use by a private landowner and a local, state, or federal agency.

(6) To provide a basis for the inclusion of wetlands data and information in the California Continuing Resources Investment Strategy Project (CCRISP), which was funded in the Budget Act of 2000.

(7) To identify, utilizing existing resources, wetlands on lands owned by federal agencies in California and those wetlands that are protected by existing wetlands management and conservation mandates imposed by federal law.

(8) To identify, in conjunction with the Office of Planning and Research, those instances where lead agencies have adopted mitigation measures pursuant to Division 13 (commencing with Section 21000), or natural community conservation plans prepared pursuant to Chapter 10 (commencing with Section 2800) of the Fish and Game Code, that utilize or reference wetland resources located on lands owned by the United States Department of Defense.

(b) The agency shall consult and cooperate with counties cities, other appropriate state and federal agencies with an interest in wetlands resources, and willing landowners in conducting the study. The study shall be submitted to the Legislature not later than January 1, 2003, and shall set forth, for consideration by the Legislature, a plan for the acquisition, protection, preservation, restoration, and enhancement of wetlands, including funding requirements and the priority status of specific proposed wetlands projects.

SEC. 5. Section 5815 of the Public Resources Code is amended to read:

5815. The agency, in preparing the wetlands priority plan and program pursuant to Section 5814, shall give particular recognition to the conservation, recreation, and open-space plans and programs of local agencies, and shall, wherever feasible and appropriate, identify and devise cooperative means for planning and for the protection and preservation of wetlands by local agencies.

SEC. 5.5. Section 5815.5 is added to the Public Resources Code, to read:

5815.5. In compiling data for the wetlands inventory required by Section 5814, the agency and the departments shall, as a first priority, rely on existing sources of information and data. If the agency determines that ground surveys are needed to supplement or correct aerial and satellite imagery, the agency and the department shall obtain the permission of any private landowner before entering his or her property to gather information to complete the wetlands inventory.

SEC. 6. Section 5816 of the Public Resources Code is amended to read:

5816. The agency shall give particular recognition to opportunities for protecting and preserving wetlands lying within, or adjacent to, existing units of the state park system or other state-owned lands protected and managed primarily as wildlife habitat.

SEC. 7. Section 5817 of the Public Resources Code is amended to read:

5817. Any of the departments may enter into operating agreements with cities, counties, and districts for the management and control of wetlands, or interests in wetlands, acquired pursuant to this chapter. However, any agreement shall ensure the protection and preservation of the wetlands and ensure the right of use and enjoyment of the wetlands by the people of the state. Further, any agreement entered into by the Department of Fish and Game pursuant to this section shall provide that public use of lands and waters subject to the agreement shall be in accordance with regulations adopted by the Fish and Game Commission.

SEC. 8. The amendments to Section 5814 by this act shall only be required to be implemented if until the Secretary of the Resources Agency certifies, in writing, to the Secretary of State that sufficient funds for implementation of those amendments have been appropriated for that purpose in the annual Budget Act or other legislation.

CHAPTER 516
FILED WITH SECRETARY OF STATE SEPTEMBER 19, 2000
APPROVED BY GOVERNOR SEPTEMBER 17, 2000
PASSED THE ASSEMBLY AUGUST 31, 2000
PASSED THE SENATE AUGUST 29, 2000
AMENDED IN SENATE AUGUST 25, 2000
AMENDED IN SENATE AUGUST 7, 2000
AMENDED IN SENATE JUNE 21, 2000
AMENDED IN ASSEMBLY APRIL 12, 2000
AMENDED IN ASSEMBLY MARCH 29, 2000

INTRODUCED BY Assembly Member Keeley
(Coauthors: Assembly Members Aanestad, Dickerson, Frusetta, Kuehl, Machado, Margett, and Strom-Martin)

FEBRUARY 24, 2000

An act to add Chapter 8 (commencing with Section 36970) to Division 27 of the Public Resources Code, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2387, Keeley. California Ocean Resources Stewardship Act of 2000.

Existing law provides for the protection and preservation of the California coast.

This bill would enact the California Ocean Resources Stewardship Act of 2000. The bill would authorize the Secretary of the Resources Agency to enter into an agreement with an existing nonprofit corporation to establish a trust to be known as the California Ocean Trust to seek and provide funding for ocean resource science projects and to encourage coordinated, multiagency, multi-institution approaches to ocean resource science. The bill would also require the Secretary of the Resources Agency to report on the steps taken to ensure the coordination of ocean resource management science.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 8 (commencing with Section 36970) is added to Division 27 of the Public Resources Code, to read:

CHAPTER 8. THE CALIFORNIA OCEAN RESOURCES STEWARDSHIP ACT OF 2000

Article 1. General Provisions

36970. This chapter shall be known, and may be cited, as the California Ocean Resources Stewardship Act of 2000 (CORSA).

36971. The Legislature finds and declares all of the following:

(a) The Pacific Ocean and its rich and varied resources provide great environmental, economic, aesthetic, recreational, educational, and scientific benefits to the people of California and the nation. The state's ocean resources contribute greatly to the economy and the quality of life of its residents, and California's growing population increasingly lives, works, and recreates on or near the coast. Ocean and coast-dependent industries contributed over $17 billion to the state's economy and supported over 500,000 jobs in 1999, and ocean and coastal tourism and recreational activities, which are increasing rapidly in popularity and economic value, contributed nearly $10 billion to the state's economy. Port activity and ship building also contributed an additional $6 billion, and recreational and commercial fishing and marine aquaculture added nearly $1 billion to the state's economy. In addition, activities of the United States Department of the Navy that depend on continued access to California's coastal resources add a direct annual economic contribution of more than $19 billion.

(b) Much of the quality of life and economic vibrancy supported by the state's ocean resources depends on successful management of those resources, and successful management depends on an adequate understanding of the natural, ecological, oceanographic, and coastal processes and their interactions with varied human activities.

(c) The state is working to maintain and increase the benefits of its ocean resources to the public; a goal that increases the need for sound management and greater practical understanding of the state's ocean and coastal resources.

(d) Although California is making progress in ocean management efforts, unsolved existing challenges also point to the need for greater improvements in management and the basic information needed for sound management. Examples of existing challenges include depressed populations of many species that are the targets of state and federally managed fisheries, pollution that results in beach and fishery closures, dredging and dredge spoils disposal necessary to keep the state's ports competitive, and coastal erosion that threatens structures and reduces the quality of beaches.

(e) State and federal agencies with ocean and coastal resource management responsibility often lack basic information on which to base decisions, and many management issues are broader than the mandates of individual agencies, and existing means for coordinating agency efforts need to be improved. The result can be ad hoc, short-term management decisions based on inadequate information.

(f) California has a wealth of outstanding public and private marine science institutions that have increased their commitments to excellence in applied ocean resource science. Approximately one hundred million dollars ($100,000,000) in current, recent, or planned marine science projects funded by the federal government, foundations, the University of California and California State University systems, and private institutions could be of great benefit to the state's coastal and ocean resource management agencies.

(g) The obstacles to collaborative efforts involving those institutions and agencies include all of the following:

(1) Inadequate coordination among marine science institutions.

(2) Inadequate guidance from management agencies about information needs for management.

(3) Important gaps in information, duplication of effort, missed opportunities, and unusable information due to the lack of standardized and coordinated information management techniques. The circumstances and needs identified in the findings in this section are among those recognized in this chapter and in the 1997 report prepared by the Resources Agency entitled "California's Ocean Resources: An Agenda for the Future." This chapter is intended to address some of the basic objectives of that report.

36972. The Legislature further finds that it is the policy of the state to do all of the following:

(a) Ensure adequate coordination of ocean resources management science among state, regional, and federal agencies and marine science institutions.

(b) Ensure the most efficient and effective use of state resources devoted to ocean resource management science and encourage the contribution of federal and nongovernmental resources.

(c) Advance applied ocean science, graduate-level education, and technology development to meet current and future California ocean resource management needs.

36973. (a) No authority is established by this chapter, nor shall any of its purposes or provisions be used by any public or private agency or person, to delay or deny any existing or future project or activity.

(b) No authority is established by this chapter to supersede current state agency statutory authority.

Article 2. Definitions

36979. For purposes of this chapter, the following terms shall have the following meanings:

(a) "Ocean resources" means all living and nonliving resources found in the Pacific Ocean and its contiguous saline or brackish bays and estuaries.

(b) "Trust" means the California Ocean Trust authorized by Section 36990.

(c) "Trustees" means the trustees of the trust.

Article 3. Ocean Science Coordination

36980. The Secretary of the Resources Agency shall report to the Legislature on or before September 1, 2002, on the steps taken to ensure adequate coordination of ocean resource management science among state, regional, and federal agencies and marine science institutions. The purposes of this coordination shall be to provide adequate information to marine science institutions about the information needs of agencies and to maximize the

usefulness of ongoing and proposed ocean science projects to ocean resource management agencies.

Article 4. California Ocean Trust

36990. (a) The Secretary of the Resources Agency may enter into an agreement with an existing nonprofit corporation with broad experience as the trustee of public funds, court-ordered mitigation funds, or other funds used to assist public agencies in carrying out their responsibilities to establish a nongovernmental trust, to be known as the California Ocean Trust.

(b) The purposes of the trust shall be all of the following:

(1) To seek funds for California ocean resource science projects, emphasizing the development of new funding sources.

(2) To fund California ocean resource science projects that help fulfill the missions of the state's ocean resource management agencies.

(3) To encourage coordinated, multiagency, multi-institution approaches to ocean resource science.

(4) To encourage graduate education programs in management-oriented ocean resource science in public and private universities and colleges in California.

(5) To encourage new technologies that reduce the cost, increase the amount, or improve the quality of ocean resource management information.

(6) To promote more effective coordination of California ocean resource science useful to management agencies.

36991. The trust shall be subject to the Nonprofit Public Benefit Corporation Law, Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. To the extent of any conflict between this chapter and the Nonprofit Public Benefit Corporation Law, this division shall prevail.

36992. The trust shall have 10 trustees, who shall be appointed as follows:

(a) The Secretary of the Resources Agency shall appoint the following trustees, who shall serve at the pleasure of the secretary:

(1) One trustee who shall represent the Resources Agency and the departments and commissions within the Resources Agency with ocean resource management responsibilities and who may be an employee of the state.

(2) Three trustees from a list of candidates submitted jointly by the President of the University of California and the Chancellor of the California State University, who shall be chosen for their broad knowledge of ocean resource management and science. At least one

of the three trustees shall not be an employee or on the faculty of the University of California or California State University.

(3) Two trustees who shall be representatives of the public selected primarily for their experience as trustees or directors of for-profit or nonprofit corporations.

(4) Two trustees from nominees submitted by coast and ocean interest groups including, but not limited to, interest groups representing sport fishing, commercial fishing, coast and ocean recreation and tourism, marine conservation, and ocean-dependent industries. In making the appointments pursuant to this paragraph, the factors to be considered shall include the nominees' acceptability to a range of coast and ocean interests, and their experience as trustees or directors of for profit or nonprofit corporations.

(b) The Secretary for Environmental Protection shall appoint one trustee, who shall serve at the pleasure of the secretary, and who shall have broad knowledge of water quality concerns as they relate to ocean resource management.

(c) The Director of Finance shall appoint one trustee, who shall serve at the pleasure of the director.

(d) To the extent feasible, the trustees appointed to the trust pursuant to subdivisions (a), (b), and (c) shall balance, and reflect the breadth of, public interests concerned with ocean resources.

36993. (a) Any person who might reasonably be expected at some time to derive a direct financial benefit from the activities of the trust shall be ineligible to serve as a trustee.

(b) Subject to the approval of the Secretary for Resources, the trustees shall adopt definitions and rules for the trust with respect to indirect conflicts of interest.

(c) All trustees shall serve without compensation. However, trustees may be reimbursed by the trust for reasonable expenses.

36994. (a) The trust shall do all of the following:

(1) Expend funds only for the purposes of the trust enumerated in Section 36990 and as further restricted by the sources of the trust's funding.

(2) Make written findings for funds committed for projects, indicating how the projects further the purposes of the trust enumerated in Section 36990.

(3) Require the recipient of funds to keep records necessary to disclose whether the funds were used for the purposes specified by the trust.

(4) Invest and manage the funds of the trust in accordance with the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code).

(5) The trust shall report in writing annually to the Legislature and to the Chair of the Joint Committee on Fisheries and Aquaculture.

The annual report shall include the most recent financial audit of the trust and the written findings required pursuant to paragraph (2). The activities of the trust for any financial year may be audited by the Bureau of State Audits.

(b) The trustees shall ensure that the trust, individual trustees acting on behalf of the trust and employees or agents of the trust do not engage in lobbying or contribute to, or otherwise support, any political party, candidate, or ballot issue.

(c) This chapter does not expand the authority of the trust to contract for professional services beyond the authority to contract for those services in Section 19130 of the Government Code.

36995. (a) The trust may seek the assistance of advisers, form advisory committees, or otherwise consult with knowledgeable individuals in regard to the business of the trust.

(b) Advisers shall serve without compensation. However, advisers may be reimbursed by the trust for reasonable expenses.

CHAPTER 504

FILED WITH SECRETARY OF STATE SEPTEMBER 19, 2000
APPROVED BY GOVERNOR SEPTEMBER 17, 2000
PASSED THE ASSEMBLY AUGUST 25, 2000
PASSED THE SENATE AUGUST 24, 2000
AMENDED IN SENATE AUGUST 14, 2000
AMENDED IN SENATE AUGUST 7, 2000
AMENDED IN ASSEMBLY MAY 26, 2000
AMENDED IN ASSEMBLY MAY 3, 2000
AMENDED IN ASSEMBLY APRIL 13, 2000

INTRODUCED BY Assembly Member Nakano
(Coauthors: Assembly Members Bock, Cannon, and Jackson)
(Coauthor: Senator O'Connell)

FEBRUARY 25, 2000

An act to add and repeal Division 37 (commencing with Section 72300) to the Public Resources Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2746, Nakano. Large passenger vessels: water quality.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board is the principal state agency with primary authority over water quality matters. Under the act, the board prescribes waste discharge requirements for the discharge of waste into the waters of the state.

This bill would, until July 1, 2003, create the Cruise Ship Environmental Task Force, to be convened by the California Environmental Protection Agency, comprised of representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The bill would authorize the California Environmental Protection Agency to request the participation of the United States Coast Guard as a member of the task force.

The bill would, until July 1, 2003, require the task force to gather reports and manifests of waste released and offloaded by large passenger vessels, as defined. The bill would require owners and operators of large passenger vessels to submit reports of releases of graywater or sewage not later than 10 days from the close of a calendar quarter in which the vessel has operated in the marine waters of the state to the State Water Resources Control Board. The bill would require the State Air Resources Board to measure and record the opacity of visible emissions, excluding condensed water vapor, of a representative sample of large passenger vessels.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Division 37 (commencing with Section 72300) is added to the Public Resources Code, to read:

DIVISION 37. LARGE PASSENGER VESSELS PROGRAM

CHAPTER 1. DEFINITIONS

72300. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division:

(a) "Air contaminant" has the meaning set forth in Section 39013 of the Health and Safety Code.

(b) "Calendar quarter" or "quarter" means the three-month periods ending March 31, June 30, September 30, and December 31.

(c) "Emission" means a release of an air contaminant into the atmosphere.

(d) "Graywater" means drainage from dishwasher, shower, laundry, bath, and wash basin drains, but does not include drainage from toilets, urinals, hospitals, and cargo spaces.

(e) "Hazardous waste" has the meaning set forth in Section 25117 of the Health and Safety Code.

(f) "Large passenger vessel" or "vessel" means a vessel of 300 gross registered tons or greater that is engaged in the carrying of passengers for hire, excluding all of the following vessels:

(1) Vessels without berths or overnight accommodations for passengers.

(2) Noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, the United States, or a foreign government.

(g) "Marine waters of the state" means "coastal waters" as defined by Section 13181 of the Water Code.

(h) "Medical waste" means medical waste subject to regulation pursuant to Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.

(i) "Offloading" means the removal of waste onto or into a controlled storage, processing, or disposal facility or treatment works.

(j) "Oil" has the meaning set forth in Section 8750.

(k) "Operator" has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(l) "Owner" has the meaning set forth in Section 651 of the Harbors and Navigation Code.

(m) "Release" means discharging or disposing of wastes into the environment.

(n) "Sewage" has the meaning set forth in Section 775.5 of the Harbors and Navigation Code, and also includes material that has been collected or treated through a marine sanitation device as that term is used in paragraph (5) of subsection (a) of Section 1322 of Title 33 of the United States Code.

(o) "Solid waste" has the meaning set forth in Section 40191.

(p) "Waste" means an air contaminant, graywater, sewage, solid waste other than hazardous waste, including incinerator residue and medical waste, hazardous waste, or oily waste.

CHAPTER 2. LARGE PASSENGER VESSELS

72301. (a) The Cruise Ship Environmental Task Force is hereby created to evaluate environmental practices and waste streams of large passenger vessels. The task force shall be convened by the California Environmental Protection Agency, and shall consist of representatives of the State Water Resources Control Board, the Department of Fish and Game, the Department of Toxic Substances Control, the Integrated Waste Management Board, the State Lands Commission, and the State Air Resources Board. The California Environmental Protection Agency shall request the United States Coast Guard to participate as a member of the task force. The task force may also consult with the Office of Environmental Health Hazard Assessment and shall establish a process for receiving comments from the public and the cruise ship industry on matters to be considered by the task force.

(b) The purpose of the task force is to gather information necessary for the preparation of the report required by Section 72304.

(1) The task force shall gather reports and manifests of waste released and offloaded that are submitted by large passenger vessels to state entities under state and federal law.

(2) As requested by the task force, owners or operators of large passenger vessels agree to submit copied excerpts of records and manifests, including oil record books, garbage record books, engine room log books, or other records of waste released or offloaded after January 1, 2001, from the vessels in California.

(3) To the extent permitted by state and federal law, the task force may request an owner or operator to submit supplemental or additional information.

(c) This section does not relieve an owner or operator from complying with any other reporting requirement imposed pursuant to any other state or federal law.

72302. The owner or operator of a vessel, not later than 10 days from the close of a calendar quarter in which the owner or operator has operated, or caused to be operated, a vessel in the marine waters of the state, shall submit to the State Water Resources Control Board a report of any release of graywater or sewage that occurred during the previous

calendar quarter while the vessel was located in the marine waters of the state, to the extent that these releases can be reasonably quantified.

72303. The State Air Resources Board shall measure and record the opacity of visible emissions, excluding condensed water vapor, of a representative sample of large passenger vessels while at berth or at anchor in a port of this state.

72304. The California Environmental Protection Agency shall utilize the information gathered by the task force and prepare and submit a report to the Legislature, on or before June 1, 2003, that includes all of the following information:

(a) A summary review of environmental rules, regulations, reports, reporting procedures, and mechanisms for the management of waste applicable to large passenger vessels based on international, federal, and state law.

(b) A review and analysis of information contained in any report submitted to any state or federal entity by the owner or operator of a large passenger vessel related to the matters subject to this division, as well as reports and other records submitted to the task force under this division.

(c) Identification of areas of concern that may not be covered by existing reporting requirements that should be included in federal or state reporting requirements.

(d) Identification of mechanisms to better coordinate the activities of the various state and federal agencies that regulate the operation of large passenger vessels.

(e) Observations regarding the potential impacts of reported quantities and characteristics of releases of waste on water quality, the marine environment, and human health, taking into consideration applicable water quality standards, and an evaluation of the air contaminant emissions on air quality and human health, taking into consideration applicable air quality standards.

(f) Recommendations to the Coast Guard and state agencies, as appropriate, to address any areas where additional regulations or reporting may be appropriate.

72305. This division shall remain in effect only until July 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2003, deletes or extends that date.

CHAPTER 385

FILED WITH SECRETARY OF STATE SEPTEMBER 11, 2000
APPROVED BY GOVERNOR SEPTEMBER 8, 2000
PASSED THE SENATE AUGUST 25, 2000
PASSED THE ASSEMBLY AUGUST 25, 2000
AMENDED IN SENATE AUGUST 7, 2000
AMENDED IN ASSEMBLY APRIL 24, 2000

INTRODUCED BY Assembly Member Shelley

FEBRUARY 28, 2000

An act to amend Sections 1525, 1528, 1580, 2852, 8610.14, 10503, and 10711 of, and to add Article 5 (commencing with Section 1590) to Chapter 5 of Division 2 of, the Fish and Game Code, and to amend Sections 5001.65, 5003.1, 5019.50, 5019.53, 5019.56, 5019.59, 5019.62, 5019.65, 5019.71, and 5019.74 of, to add Sections 538, 5001.4, and 5019.80 to, and to add Chapter 7 (commencing with Section 36600) to Division 27 of, the Public Resources Code, relating to marine resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2800, Shelley. Marine Managed Areas Improvement Act.

(1) Existing law declares it is the state policy to assess the long-term values and benefits of the conservation and development of ocean resources and uses with the objective of restoring or maintaining the health of the ocean ecosystem and ensuring the proper management of renewable and nonrenewable resources.

This bill would establish the Marine Managed Areas Improvement Act, which, among other things, would prescribe 6 classifications for designating managed areas in the marine and estuarine environments to ensure the long-term ecological viability and biological productivity of marine ecosystems and to preserve cultural resources in the coastal sea. The bill would make certain conduct within those areas unlawful, thereby imposing a state-mandated local program by creating new crimes.

The bill would require the Secretary of the Resources Agency to establish and chair a State Interagency Coordinating Committee, with representatives from state entities with jurisdiction or management interests over marine managed areas. The bill would require the committee to review proposals for new or amended marine managed areas.

The bill also would require the secretary to establish a scientific review panel, with statewide representation. The bill would require the panel to evaluate the proposals for technical and scientific validity.

The bill would authorize the State Park and Recreation Commission, the Department of Parks and Recreation, the State Water Resources Control Board, the Fish and Game Commission, and the Department of Fish and Game to take certain actions and would impose certain duties on those entities in connection with the designation and management of certain managed areas.

The bill would make related and conforming changes.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the Fish and Game Commission and the Department of Fish and Game to carry out laws for the protection and preservation of birds, mammals, reptiles, and fish and for the expenses of the commission.

By authorizing and requiring the commission and the department to perform new duties, the bill would make an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1525 of the Fish and Game Code is amended to read:

1525. For the purposes of propagating, feeding and protecting birds, mammals, and fish, and establishing wildlife management areas or public shooting grounds the department, with the approval of the commission, may do all of the following:

(a) Accept, on behalf of the state, donations of birds, mammals, and fish, and of money given or appropriated. Those donations shall be used for the purposes for which they are accepted, and, as nearly as may be, for any purpose indicated by the donor.

(b) Acquire, by purchase, lease, rental or otherwise, and occupy, develop, maintain, use and administer, land, or land and nonmarine water, or land and nonmarine water rights, suitable for state game farms, wildlife management areas, or public shooting grounds.

SEC. 2. Section 1528 of the Fish and Game Code is amended to read:

1528. Lands, or lands and water, acquired for public shooting grounds, state marine (estuarine) recreational management areas, or wildlife management areas shall be operated on a nonprofit basis by the department. Multiple recreational use of wildlife management areas is desirable and that use shall be encouraged by the commission. Except for hunting and fishing purposes, only minimum facilities to permit other forms of multiple recreational use, such as camping, picnicking, boating, or swimming, shall be provided. Except as provided in Section 1765, and to defray the costs associated with multiple use, the commission may determine and fix the amount of, and the department shall collect, fees for any use privileges. However, tours by organized youth and school groups are exempt from the payment of those fees. Only persons holding valid hunting licenses may apply for or obtain shooting permits for public shooting grounds, state marine (estuarine) recreational management areas, or wildlife management areas.

SEC. 3. Section 1580 of the Fish and Game Code is amended to read:

1580. The Legislature hereby declares that the policy of the state is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and nonmarine aquatic, or large heterogeneous natural gene pools for the future use of mankind through the establishment of ecological reserves. For the purpose of establishing those ecological reserves, the department, with the approval of the commission, may obtain, accept on behalf of the state, acquire, or control, by purchase, lease, easement, gift, rental, memorandum of understanding, or otherwise, and occupy, develop, maintain, use, and administer land, or land and nonmarine water, or land and nonmarine water rights, suitable for the purpose of establishing ecological reserves. Any property obtained, accepted, acquired, or controlled by the department pursuant to this article may be designated by the commission as an ecological reserve. The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of ecological reserves. The ecological reserves shall not be classified as wildlife management areas pursuant to Section 1504 and shall be exempt from Section 1504.

SEC. 4. Article 5 (commencing with Section 1590) is added to Chapter 5 of Division 2 of the Fish and Game Code, to read:

Article 5. Classification of Marine Managed Areas with Harvest Restrictions

1590. The commission may designate, delete, or modify state marine (estuarine) recreational management areas established by the commission for hunting purposes, state marine (estuarine) reserves , and state marine (estuarine) conservation areas, as delineated in subdivision (a) of Section 36725 of the Public Resources Code. The commission shall consult with, and secure concurrence from, the State Park and Recreation Commission prior to modifying or deleting marine (estuarine) reserves and marine (estuarine) conservation areas designated by the State Park and Recreation Commission. The commission shall not delete or modify state marine (estuarine) recreational management areas designated by the State Park and Recreation Commission.

1591. (a) The Marine Managed Areas Improvement Act (Chapter 7 (commencing with Section 36600) of Division 27 of the Public Resources Code) establishes a uniform classification system for state marine managed areas and is incorporated herein by reference. Any proposals for marine protected areas made after January 1, 2002, shall follow the guidelines set forth in that act. Pursuant to Section 36750 of the Public Resources Code, all marine protected areas in existence and not reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3) on January 1, 2002, shall be reclassified by the State Interagency Coordinating Committee established pursuant to Section 36800 of the Public Resources Code into one of the following classifications:

(1) State marine (estuarine) reserve.

(2) State marine (estuarine) park.

(3) State marine (estuarine) conservation area.

(b) State marine (estuarine) recreational management areas established by the commission for hunting purposes, state marine (estuarine) reserves, and state marine (estuarine) conservation areas shall be designated, deleted, or modified by the commission pursuant to that act. The restrictions and allowable uses applicable to those areas are as set forth in that act.

SEC. 5. Section 2852 of the Fish and Game Code is amended to read:

2852. The following definitions govern the construction of this chapter:

(a) "Adaptive management," with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood.

(b) "Biogeographical regions" refers to the following oceanic or near shore areas, seaward from the mean high tide line or the mouth of coastal rivers, with distinctive biological characteristics, unless the master plan team establishes an alternative set of boundaries:

(1) The area extending south from Point Conception.

(2) The area between Point Conception and Point Arena.

(3) The area extending north from Point Arena.

(c) "Marine protected area" (MPA) means a named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves andother areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activitiesare consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses, including living marine resources, cultural and historical resources, and recreational opportunities.

(d) "Marine life reserve," for the purposes of this chapter, means a marine protected area in which all extractive activities, including the taking of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.

SEC. 6. Section 8610.14 of the Fish and Game Code is amended to read:

8610.14. (a) Prior to January 1, 1994, the commission shall establish four new ecological reserves in ocean waters along the mainland coast. Each ecological reserve shall have a surface area of at least two square miles. The commission shall restrict the use of these ecological reserves to scientific research relating to the management and enhancement of marine resources, including, but not limited to, scientific research as it relates to sportfishing and commercial fishing.

Recreational uses, including, but not limited to, hiking, walking, viewing, swimming, diving, surfing, and transient boating are not in conflict with this section.

(b) Prior to establishing the four ecological reserves, the commission shall conduct a public hearing at each of the recommended sites or at the nearest practicable location.

(c) On and after January 1, 2002, the four ecological reserves established pursuant to subdivision (a) shall be called state marine reserves, unless otherwise reclassified pursuant to Section 2855, and shall become part of the state system of marine managed areas.

SEC. 7. Section 10503 of the Fish and Game Code is amended to read:

10503. For the purposes of propagating, feeding, and protecting birds, mammals, fish, and amphibia the commission may do all of the following:

(a) Accept, on behalf of the state, donations of any interest in lands within any refuge.

(b) Accept, on behalf of the state, from any person owning and in possession of patented lands, except lands that are covered and uncovered by the ordinary daily tide of the Pacific Ocean, the right to preserve and protect all birds, mammals, fish, and amphibia on the patented lands.

(c) Accept, on behalf of the state, donations of birds, mammals, fish, and amphibia, and of money given or appropriated. Those donations shall be used for the purposes for which they are accepted, and, as nearly as may be, for any purpose indicated by the donor.

(d) Acquire, by purchase, lease, rental, or otherwise, and occupy, develop, maintain, use, and administer land, or land and nonmarine water, or land and nonmarine water rights, suitable for state game farms or game refuges.

SEC. 8. Section 10711 of the Fish and Game Code is amended to read:

10711. The commission may close for the taking of clams not less than eight land miles of pismo clam bearing beaches within San Luis Obispo County as a clam refuge, but not more than 50 percent of any individual pismo clam bearing beach or beaches may be so closed at any time. The commission may from time to time vary the location of the closed and open portions of those beaches.

Before the commission closes, opens, or varies the location of the closed and open portions of pismo clam bearing beaches, one or more members of the commission shall hold in the county to be affected a public hearing, notice of which has been published at least

once in a newspaper of general circulation, printed, and published in that county. The commission may determine which newspaper will be most likely to give notice to the inhabitants of the county, and its determination shall be final and conclusive. The commission may authorize any employee of the department in its place to hold the hearings, in which event a copy of a transcript of all proceedings taken or had at the hearing shall be furnished to each commissioner at least five days before any regulation is made by the commission.

SEC. 9. Section 538 is added to the Public Resources Code, to read:

538. The commission may designate, delete, or modify state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, state marine (estuarine) cultural preservation areas, and state marine (estuarine) recreational management areas, as delineated in subdivision (b) of Section 36725. The commission may not designate, delete, or modify a state marine (estuarine) reserve, state marine (estuarine) park, or state marine (estuarine) conservation area without the concurrence of the Fish and Game Commission on any proposed restrictions upon, or change in, the use of living marine resources.

SEC. 10. Section 5001.4 is added to the Public Resources Code, to read:

5001.4. The department may manage state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, state marine (estuarine) cultural preservation areas, state marine (estuarine) recreational management areas and, if requested by the State Water Resources Control Board, state water quality protection areas. Department authority over units within the state park system shall extend to units of the state MMAs system that are managed by the department.

SEC. 11. Section 5001.65 of the Public Resources Code is amended to read:

5001.65. Commercial exploitation of resources in units of the state park system is prohibited. However, slant or directional drilling for oil or gas with the intent of extracting deposits underlying the Tule Elk State Reserve in Kern County is permissible in accordance with Section 6854. Commercial fishing is permissible, unless otherwise restricted, in state marine (estuarine) conservation areas, state marine (estuarine) cultural preservation areas, and state marine (estuarine) recreational management areas.

Qualified institutions and individuals shall be encouraged to conduct nondestructive forms of scientific investigation within state park system units, upon receiving prior approval of the director.

The taking of mineral specimens for recreational purposes from state beaches, state recreation areas, or state vehicular recreation areas is permitted upon receiving prior approval of the director.

SEC. 12. Section 5003.1 of the Public Resources Code is amended to read:

5003.1. The Legislature finds and declares that it is in the public interest to permit hunting, fishing, swimming, trails, camping, campsites, and rental vacation cabins in certain state

recreation areas, or portions thereof, when it is found by the State Park and Recreation Commission that such multiple use of state recreation areas would not threaten the safety and welfare of other state recreation area users. Hunting shall not be permitted in any unit now in the state park system and officially opened to the public on or before June 1, 1961, or in any unit hereafter acquired and designated by the commission as a state park, state marine (estuarine) reserve, state marine (estuarine) park, state reserve, state marine (estuarine) conservation area, or state marine (estuarine) cultural preservation area, and may only be permitted in new recreational areas and state marine (estuarine) recreational management areas that are developed for that use.

Whenever hunting or fishing is permitted in a state recreation area or state marine (estuarine) recreational management area, and whenever fishing is permitted in a state park, state marine (estuarine) park, state marine (estuarine) cultural preservation area, or state marine (estuarine) conservation area, the Department of Fish and Game shall enforce hunting and fishing laws and regulations as it does elsewhere in the state.

SEC. 13. Section 5019.50 of the Public Resources Code is amended to read:

5019.50. All units that are or shall become a part of the state park system, except those units or parts of units designated by the Legislature as wilderness areas pursuant to Chapter 1.3 (commencing with Section 5093.30), or where subject to any other provision of law, including Section 5019.80 and Article 1 (commencing with Section 36600) of Chapter 7 of Division 27, shall be classified by the State Park and Recreation Commission into one of the categories specified in this article. Classification of state marine (estuarine) reserves, state marine (estuarine) parks, and state marine (estuarine) conservation areas, requires the concurrence of the Fish and Game Commission for restrictions to be placed upon the use of living marine resources.

SEC. 14. Section 5019.53 of the Public Resources Code is amended to read:

5019.53. State parks consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other similar values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California, such as the Sierra Nevada, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for recreational activities including, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so

long as those improvements involve no major modification of lands, forests, or waters. Improvements that do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in the terrestrial or nonmarine aquatic (lake or stream) environments of the state.

SEC. 15. Section 5019.56 of the Public Resources Code is amended to read:

5019.56. State recreation units consist of areas selected, developed, and operated to provide outdoor recreational opportunities. The units shall be designated by the commission by naming, in accordance with Article 1 (commencing with Section 5001) and this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or nonmarine aquatic (lake or stream) environments of the state and shall be further classified as one of the following types:

(a) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. The areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large population centers, major routes of travel, or proven recreational resources such as manmade or natural bodies of water. Areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural or cultural preserves, or, for those areas situated seaward of the mean high tide line, shall be designated state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, or state marine (estuarine) cultural preservation areas.

Improvements may be undertaken to provide for recreational activities, including, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, diving, winter sports, fishing, and hunting.

Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(b) Underwater recreation areas, consisting of areas in the nonmarine aquatic (lake or stream) environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(c) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal

areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural or cultural preserves, or, for those areas situated seaward of the mean high tide line, shall be designated state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, or state marine (estuarine) cultural preservation areas.

(d) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

SEC. 16. Section 5019.59 of the Public Resources Code is amended to read:

5019.59. Historical units, to be named appropriately and individually, consist of nonmarine areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. The areas should be of sufficient size, where possible, to encompass a significant proportion of the landscape associated with the historical objects. The only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit. Certain agricultural, mercantile, or other commercial activities may be permitted if those activities are a part of the history of the individual unit and any developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

SEC. 17. Section 5019.62 of the Public Resources Code is amended to read:

5019.62. State seashores consist of relatively spacious coastline areas with frontage on the ocean, or on bays open to the ocean, including water areas landward of the mean high tide line and seasonally connected to the ocean, possessing outstanding scenic or natural character and significant recreational, historical, archaeological, or geological values.

The purpose of state seashores shall be to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as an ecological region and to make possible the enjoyment of coastline and related recreational activities which are consistent with the preservation of the principal values and which contribute to the public enjoyment, appreciation, and understanding of those values.

Improvements undertaken within state seashores shall be for the purpose of making the areas available for public enjoyment, recreation, and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value. Improvements which do not directly enhance the public enjoyment of the natural, scenic, cultural, ecological, or recreational values of the seashore, or which are attractions in themselves, shall not be undertaken.

SEC. 18. Section 5019.65 of the Public Resources Code is amended to read:

5019.65. State reserves consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features, and scenic qualities in a condition of undisturbed integrity. Resource manipulation shall be restricted to the minimum required to negate the deleterious influence of man.

Improvements undertaken shall be for the purpose of making the areas available, on a day use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features. Living and nonliving resources contained within state reserves shall not be disturbed or removed for other than scientific or management purposes.

State reserves may be established in the terrestrial or nonmarine aquatic (lake or stream) environments of the state.

SEC. 19. Section 5019.71 of the Public Resources Code is amended to read:

5019.71. Natural preserves consist of distinct nonmarine areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations that constitute the basis for the establishment of the natural preserve.

SEC. 20. Section 5019.74 of the Public Resources Code is amended to read:

5019.74. Cultural preserves consist of distinct nonmarine areas of outstanding cultural interest established within the boundaries of other state park system units for the purpose of protecting such features as sites, buildings, or zones which represent significant places or events in the flow of human experience in California. Areas set aside as cultural preserves shall be large enough to provide for the effective protection of the prime cultural resources from potentially damaging influences, and to permit the effective management and interpretation of the resources. Within cultural preserves, complete integrity of the cultural resources shall be sought, and no structures or improvements that conflict with that integrity shall be permitted.

SEC. 21. Section 5019.80 is added to the Public Resources Code, to read:

5019.80. (a) The Marine Managed Areas Improvement Act (Chapter 7 (commencing with Section 36600) of Division 27) establishes a uniform classification system for state marine managed areas and is incorporated herein by reference. Any proposals for marine managed areas made after January 1, 2002, shall follow the guidelines set forth in that act. Pursuant to Section 36750, existing marine areas within units of the state park system that have not been

reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) on January 1, 2002, shall be reclassified by the State Interagency Coordinating Committee into one of the following classifications:

(1) State marine (estuarine) reserve.

(2) State marine (estuarine) park.

(3) State marine (estuarine) conservation area.

(4) State marine (estuarine) cultural preservation area.

(5) State marine (estuarine) recreational management area.

(b) The process for establishing, deleting, or modifying state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, state marine (estuarine) cultural preservation areas, and state marine (estuarine) recreational management areas shall be established pursuant to that act. The restrictions and allowable uses applicable to those areas are as set forth in that act.

SEC. 22. Chapter 7 (commencing with Section 36600) is added to Division 27 of the Public Resources Code, to read:

CHAPTER 7. MARINE MANAGED AREAS IMPROVEMENT ACT

Article 1. General Provisions

36600. This chapter shall be known, and may be cited, as the Marine Managed Areas Improvement Act.

36601. (a) The Legislature finds and declares all of the following:

(1) California's extraordinary ocean and coastal resources provide a vital asset to the state and nation. These resources are important to public health and well-being, ecological health, and ocean-dependent industries.

(2) The ocean ecosystem is inextricably connected to the land, with coastal development, water pollution, and other human activities threatening the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate.

(3) California's marine managed areas (MMAs), such as refuges, reserves, and state reserves, are one of many tools for resource managers to use for protecting, conserving, and managing the state's valuable marine resources. MMAs can offer many benefits, including protecting habitats, species, cultural resources, and water quality; enhancing recreational opportunities; and contributing to the economy through such things as increased tourism and

property values. MMAs may also benefit fisheries management by protecting representative habitats and reducing extractive uses.

(4) The array of state MMAs in California is the result of over 50 years of designations through legislative, administrative, and statewide ballot initiative actions, which has led to 18 classifications and subclassifications of these areas.

(5) A State Interagency Marine Managed Areas Workgroup was convened by the Resources Agency to address this issue, bringing together for the first time all of the state agencies with jurisdiction over these areas. This group's report indicates that California's state MMAs have evolved on a case-by-case basis, without conforming to any plan for establishing MMAs in the most effective way or in a manner which ensures that the most representative or unique areas of the ocean and coastal environment are included.

(6) The report further states that California's MMAs do not comprise an organized system, as the individual sites are not designated, classified, or managed in a systematic manner. Many of these areas lack clearly defined purposes, effective management measures, and enforcement.

(7) To some, this array of MMAs creates the illusion of a comprehensive system of management, while in reality, it falls short of its potential to protect, conserve, and manage natural, cultural, and recreational resources along the California coast. Without a properly designed and coordinated system of MMAs, it is difficult for agencies to meet management objectives, such as maintaining biodiversity, providing education and outreach, and protecting marine resources.

(8) Agency personnel and the public are often confused about the laws, rules, and regulations that apply to MMAs, especially those adjacent to a terrestrial area set aside for management purposes. Lack of clarity about the manner in which the set of laws, rules, and regulations for the array of MMAs interface and complement each other limits public and resource managers' ability to understand and apply the regulatory structure.

(9) Designation of sites and subsequent adoption of regulations often occur without adequate consideration being given to overall classification goals and objectives. This has contributed to fragmented management, poor compliance with regulations, and a lack of effective enforcement.

(10) Education and outreach related to state MMAs is limited and responsibility for these activities is distributed across many state agencies. These factors hamper the distribution of information to the public regarding the benefits of MMAs and the role they can play in protecting ocean and coastal resources.

(11) There are few coordinated efforts to identify opportunities for public/private partnerships or public stewardship of MMAs or to provide access to general information and data about ocean and coastal resources within California's MMAs.

(12) Ocean and coastal scientists and managers generally know far less about the natural systems they work with than their terrestrial counterparts. Understanding natural and human-

induced factors that affect ocean ecosystem health, including MMAs, is fundamental to the process of developing sound management policies.

(13) Research in California's MMAs can provide managers with a wealth of knowledge regarding habitat functions and values, species diversity, and complex physical, biological, chemical, and socioeconomic processes that affect the health of marine ecosystems. That information can be useful in determining the effectiveness of particular sites or classifications in achieving stated goals.

(b) With the single exception of state estuaries, it is the intent of the Legislature that the classifications currently available for use in the marine and estuarine environments of the state shall cease to be used and that a new classification system shall be established, with a mission, statement of objectives, clearly defined designation guidelines, specific classification goals, and a more scientifically-based process for designating sites and determining their effectiveness. The existing classifications may continue to be used for the terrestrial and freshwater environments of the state.

(c) Due to the interrelationship between land and sea, benefits can be gained from siting a portion of the state's marine managed areas adjacent to, or in close proximity to, terrestrial protected areas. To maximize the benefits that can be gained from having connected protected areas, whenever an MMA is adjacent to a terrestrial protected area, the managing agencies shall coordinate their activities to the greatest extent possible to achieve the objectives of both areas.

36602. The following definitions govern the construction of this chapter:

(a) "Committee" is the State Interagency Coordinating Committee established pursuant to Section 36800.

(b) "Designating entity" is the Fish and Game Commission, State Park and Recreation Commission, or State Water Resources Control Board, each of which has the authority to designate specified state marine managed areas.

(c) "Managing agency" is the Department of Fish and Game or the Department of Parks and Recreation, each of which has the authority to manage specified state marine managed areas.

(d) "Marine managed area" (MMA) is a named, discrete geographic marine or estuarine area along the California coast designated by law or administrative action, and intended to protect, conserve, or otherwise manage a variety of resources and their uses. The resources and uses may include, but are not limited to, living marine resources and their habitats, scenic views, water quality, recreational values, and cultural or geological resources. General areas that are administratively established for recreational or commercial fishing restrictions, such as seasonal or geographic closures or size limits, are not included in this definition. MMAs include the following classifications:

(1) State marine (estuarine) reserve, as defined in subdivision (a) of Section 36700.

(2) State marine (estuarine) park, as defined in subdivision (b) of Section 36700.

(3) State marine (estuarine) conservation area, as defined in subdivision (c) of Section 36700.

(4) State marine (estuarine) cultural preservation area, as defined in subdivision (d) of Section 36700.

(5) State marine (estuarine) recreational management area, as defined in subdivision (e) of Section 36700.

(6) State water quality protection areas, as defined in subdivision (f) of Section 36700.

(e) "Marine protected area" (MPA), consistent with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) is a named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law or administrative action to protect or conserve marine life and habitat. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs). MPAs include the following classifications:

(1) State marine (estuarine) reserve, as defined in subdivision (a) of Section 36700.

(2) State marine (estuarine) park, as defined in subdivision (b) of Section 36700.

(3) State marine (estuarine) conservation area, as defined in subdivision (c) of Section 36700.

36620. The mission of the state MMA system is to ensure the long-term ecological viability and biological productivity of marine ecosystems and to preserve cultural resources in the coastal sea, in recognition of their intrinsic value and for the benefit of current and future generations. In support of this mission, the Legislature finds and declares that there is a need to reexamine and redesign California's array of MMAs, to establish and manage a system using science and clear public policy directives to achieve all of the following objectives:

(a) Conserve representative or outstanding examples of marine habitats, biodiversity, ecosystems, and significant natural and cultural features or sites.

(b) Support and promote marine research, education, and science-based management.

(c) Help ensure sustainable uses of marine resources.

(d) Provide and enhance opportunities for public enjoyment of natural and cultural marine resources.

Article 2. Classifications, Designations, Restrictions, and Allowable Uses

36700. Six classifications for designating managed areas in the marine and estuarine environments are hereby established as described in this section, to become effective January 1, 2002. Where the term "marine (estuarine)" is used, it means that either the word "marine" or "estuarine" is to be used, as appropriate for the geographic area being designated. A geographic area may be designated under more than one classification.

(a) A "state marine (estuarine) reserve" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

(1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.

(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(3) Protect or restore diverse marine gene pools.

(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(b) A "state marine (estuarine) park" is a nonterrestrial marine or estuarine area that is designated so the managing agency may provide opportunities for spiritual, scientific, educational, and recreational opportunities, as well as one or more of the following:

(1) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(2) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding representative or imperiled marine habitats or ecosystems.

(3) Preserve cultural objects of historical, archaeological, and scientific interest in marine areas.

(4) Preserve outstanding or unique geological features.

(c) A "state marine (estuarine) conservation area" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

(1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.

(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(3) Protect or restore diverse marine gene pools.

(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(5) Preserve outstanding or unique geological features.

(6) Provide for sustainable living marine resource harvest.

(d) A "state marine (estuarine) cultural preservation area" is a nonterrestrial marine or estuarine area designated so the managing agency may preserve cultural objects or sites of historical, archaeological, orscientific interest in marine areas.

(e) A "state marine (estuarine) recreational management area" is a nonterrestrial marine or estuarine area designated so the managing agency may provide, limit, or restrict recreational opportunities to meet other than exclusively local needs while preserving basic resource values for present and future generations.

(f) A "state water quality protection area" is a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by the State Water Resources Control Board through its water quality control planning process.

36710. The following classifications may not be inconsistent with United States military activities deemed mission critical by the United States military:

(a) In a state marine (estuarine) reserve, it is unlawful to injure, damage, take, or possess any living geological, or cultural marine resource, except under a permit or specific authorization from the managing agency for research, restoration, or monitoring purposes. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state. Access and use for activities such as walking, swimming, boating, and diving may be restricted to protect marine resources. Research,
restoration, and monitoring may be permitted by the managing agency. Educational activities and other forms of nonconsumptive human use may be permitted by the designating entity or managing agency in a manner consistent with the protection of all marine resources.

(b) In a state marine (estuarine) parks, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial exploitation purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the designating entity or managing agency. All other uses are allowed, including scientific collection
with a permit, research, monitoring, and public recreation, including recreational harvest, unless otherwise restricted. Public use, enjoyment, and education are encouraged, in a manner consistent with protecting resource values.

(c) In a state marine (estuarine) conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes, that the designating

entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The designating entity or managing agency may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources.

(d) In a state marine (estuarine) cultural preservation area, it is unlawful to damage, take, or possess any cultural marine resource.

Complete integrity of the cultural resources shall be sought, and no structure or improvements that conflict with that integrity shall be permitted. No other use is restricted.

(e) In a state marine (estuarine) recreational management area, it is unlawful to perform any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted.

(f) In a state water quality protection area, point source waste and thermal discharges shall be prohibited or limited by special conditions. Nonpoint source pollution shall be controlled to the extent practicable. No other use is restricted.

36725. (a) The Fish and Game Commission may designate, delete, or modify state marine (estuarine) recreational management areas established by the commission for hunting purposes, state marine (estuarine) reserves, and state marine (estuarine) conservation areas. The Fish and Game Commission shall consult with, and secure concurrence from, the State Park and Recreation Commission prior to modifying or deleting state marine (estuarine) reserves and state marine (estuarine) conservation areas designated by the State Park and Recreation Commission. The Fish and Game Commission shall not delete or modify state marine (estuarine) recreational management areas designated by the State Park and Recreation Commission.

(b) The State Park and Recreation Commission may designate, delete, or modify state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, state marine (estuarine) cultural preservation areas, and state marine (estuarine) recreational management areas. The State Park and Recreation Commission may not designate, delete, or modify a state marine (estuarine) reserve, state marine (estuarine) park, or state marine (estuarine) conservation area without the concurrence of the Fish and Game Commission on any proposed restrictions upon, or change in, the use of living marine resources.

(c) If an unresolved conflict exists between the Fish and Game Commission and the State Park and Recreation Commission regarding a state marine (estuarine) reserve, state marine (estuarine) park, or state marine (estuarine) conservation area, the Secretary of the Resources Agency may reconcile the conflict.

(d) The State Water Resources Control Board may designate, delete, or modify state water quality protection areas.

(e) The Fish and Game Commission, State Park and Recreation Commission, and State Water Resources Control Board each may restrict or prohibit recreational uses and other human activities in the MMAs for the benefit of the resources therein, except in the case of restrictions on the use of living marine resources. Pursuant to this section, and consistent with Section 2860 of the Fish and Game Code, the Fish and Game Commission may regulate commercial and recreational fishing and any other taking of marine species in MMAs.

(f) (1) The Department of Fish and Game may manage state marine (estuarine) reserves, state marine (estuarine) conservation areas, state marine (estuarine) recreational management areas established for hunting purposes and, if requested by the State Water Resources Control Board, state water quality protection areas.

(2) The Department of Parks and Recreation may manage state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, state marine (estuarine) cultural preservation areas, and state marine (estuarine) recreational management areas. Department authority over units within the state park system shall extend to units of the state MMAs system that are managed by the department.

(3) The State Water Resources Control Board and the California regional water quality control boards may take appropriate actions to protect state water quality protection areas. The State Water Resources Control Board may request the Department of Fish and Game or the Department of Parks and Recreation to take appropriate management action.

36750. Any MMA in existence on January 1, 2002, that has not been reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code), shall be reclassified under the classification system described in Section 36700 by January 1, 2003, based upon the management purpose and level of resource protection at each site on January 1, 2002. Upon the reclassification of existing sites, but no later than January 1, 2003, the use of all other classifications shall cease for the marine and estuarine environments of the state, though the classifications may continue to be used for the terrestrial and freshwater environments where applicable. The reclassification process shall be the responsibility of the State Interagency Coordinating Committee established pursuant to Section 36800, and shall occur to the extent feasible in conjunction and consistent with the MMA master planning process created pursuant to the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code).

36800. The Secretary of the Resources Agency shall establish and chair the State Interagency Coordinating Committee, whose members are representatives from those state agencies, departments, boards, commissions, and conservancies with jurisdiction or management interests over marine managed areas, including, but not limited to, the Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board, and State Lands Commission. The Secretary of the Resources Agency shall designate additional members of the committee. The committee shall review proposals for new or amended MMAs to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other such designations in the state. The committee shall also serve to ensure the proper and timely routing of site

proposals, review any proposed site-specific regulations for consistency with the state system as a whole, and conduct periodic reviews of the statewide system to evaluate whether it is meeting the mission and statement of objectives.

36850. Designation guidelines based on the classification goals adopted for the state system of MMAs shall be developed jointly by the appropriate managing agencies in cooperation with the committee on or before January 1, 2002. These guidelines shall be used to provide a general sense of requirements for designating a site in any particular classification, and may include characteristics such as uniqueness of the area or resource, biological productivity, special habitats, cultural or recreational values, and human impacts to the area. These designation guidelines shall be provided on a standard set of instructions for each classification.

36870. On or before January 1, 2002, the committee shall establish a standard set of instructions for each classification to guide organizations and individuals in submitting proposals for designating specific sites or networks of sites. On or before January 1, 2003, the relevant site proposal guidelines shall be adopted by each designating entity.

(a) At a minimum, each proposal shall include the following elements for consideration for designation as an MMA:

(1) Name of individual or organization proposing the designation.

(2) Contact information for the individual or organization, including contact person.

(3) Proposed classification.

(4) Proposed site name.

(5) Site location.

(6) Need, purpose, and goals for the site.

(7) Justification for the manner in which the proposed site meets the designation criteria for the proposed classification.

(8) A general description of the proposed site's pertinent biological, geological, and cultural resources.

(9) A general description of the proposed site's existing recreational uses, including fishing, diving, boating, and waterfowl hunting. (b) The following elements, if not included in the original proposal, shall be added by the proposed managing agency in cooperation with the individual or organization making the proposal, prior to a final decision regarding designation:

(1) A legal description of the site boundaries and a boundary map.

(2) A more detailed description of the proposed site's pertinent biological, geological, cultural, and recreational resources.

(3) Estimated funding needs and proposed source of funds.

(4) A plan for meeting enforcement needs, including on-site staffing and equipment.

(5) A plan for evaluating the effectiveness of the site in achieving stated goals.

(6) Intended educational and research programs.

(7) Estimated economic impacts of the site, both positive and negative.

(8) Proposed mechanisms for coordinating existing regulatory and management authority, if any exists, within the area.

(9) An evaluation of the opportunities for cooperative state, federal, and local management, where the opportunities may exist.

36900. Individuals or organizations may submit a proposal to designate an MMA directly through the committee or an appropriate designating entity. Proposals submitted to a designating entity shall be forwarded to the committee to initiate the review process. Proposals for designating, deleting, or modifying MMAs may be submitted to the committee or a designating entity at any time. The committee and scientific review panel established pursuant to subdivision (b) shall annually consider and promptly act upon proposals until an MPA master plan is adopted pursuant to subdivision (b) of Section 2859 of the Fish and Game Code, and thereafter, no less than once every three years. Upon adoption of a statewide MPA plan, subsequent site proposals determined by the committee to be consistent with that plan shall be eligible for a simplified and cursory review of not more than 45 days.

(a) The committee shall review proposals to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other designations of that type in the state. After initial review by the coordinating committee and appropriate agencies, the proposal shall be forwarded to a scientific review panel established pursuant to subdivision (b).

(b) The Secretary of the Resources Agency shall establish a scientific review panel, with statewide representation and direction from the committee, to evaluate proposals for technical and scientific validity, including consideration of such things as site design criteria, location, and size. This panel, to the extent practical, shall be the same as the master plan team used in the process set forth in the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code). Members shall maintain familiarity with the types and effectiveness of MMAs used in other parts of the world for potential application to California. Members shall be reimbursed reasonable costs to participate in the activities of the panel. Where feasible, advice shall be sought from the appropriate federal agencies and existing regional or statewide marine research panels and advisory groups. After review by the scientific review panel, the committee shall forward the proposal and any recommendations to the appropriate designating entity for a public review process.

(c) Designating entities shall establish a process that provides for public review and comment in writing and through workshops or hearings, consistent with the legal mandates applicable to designating entities. All input provided by the committee and scientific review panel shall be made available to the public during this process. Outreach shall be made to the broadest ocean and coastal constituency possible, and shall include commercial and sport fishing groups, conservation organizations, waterfowl groups and other recreational interests, academia, the general public, and all levels of government.

(d) This process does not replace the need to obtain the appropriate permits or reviews of other government agencies with jurisdiction or permitting authority.

(e) Nothing in this section shall be construed as altering or impeding the process identified under the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) or the actions of the master plan team described in that act.

SEC. 23. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB 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 XIIIB of the California Constitution.

CHAPTER 721

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AMENDED IN SENATE JULY 8, 1999

INTRODUCED BY Senator Alpert

JANUARY 25, 1999

An act to amend, repeal, and add Section 8670.32 of the Government Code, relating to oil spills, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 221, Alpert. Oil spill prevention.

(1) Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, prohibits the operation of a nontank vessel, as defined, of 300 gross registered tons or greater in the marine waters of the state unless the owner or operator prepares and submits an oil spill contingency plan to the administrator for oil spill response, in accordance with prescribed procedures and requirements, and the plan is approved. Existing law prohibits a nontank vessel, required to have a contingency plan, from entering marine waters of the state unless the owner or operator has provided to the administrator evidence of financial responsibility that demonstrates the ability to pay at least $300,000,000 to cover damages caused by a spill, and the owner or operator has obtained a certificate of financial responsibility from the administrator for the vessel.

Existing law, operative until January 1, 2001, authorizes the administrator for oil spill response to establish a lower standard of financial responsibility for nontank barges and marine construction vessels, as defined, that is not less than the expected costs from a reasonable worst case oil spill into marine waters. Existing law defines the term "reasonable worst case spill" for purposes of those nontank barges and marine construction vessels. Existing law provides that after January 1, 2001, the law in effect before that date would again become operative.

This bill would delete the repeal of existing law and would revise the definition of the term "reasonable worst case spill" to apply only to the preparation of contingency plans. The bill would repeal the definitions of marine construction vessels and nontank barge and would revise the definition of nontank vessel to mean a vessel of over 300 gross tons other than a tanker or barge, as those terms are defined in existing law.

The bill would also, until January 1, 2003, authorize the administrator to establish a lower standard of financial responsibility for nontank vessels that have a carrying capacity of 6500

barrels of oil or less or 7500 barrels of oil or less under specified circumstances. The bill would prohibit the administrator from setting a standard that is less than the expected cleanup costs and damages from an oil spill into marine waters.

(2) The bill would declare that it is to take effect immediately as an urgency statute.
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8670.32 of the Government Code, as amended by Section 1 of Chapter 687 of the Statutes of 1999, is amended to read:

8670.32. (a) The following definitions govern the construction of this section:

(1) "Nontank vessel" means a vessel, of 300 gross tons or greater, other than a tanker or barge, as those terms are defined in Section 8670.3.

(2) "Reasonable worst case spill" means, for the purposes of preparing contingency plans pursuant to subdivisions (c) to (h), inclusive, a spill of the total volume of the largest fuel tank on the nontank vessel.

(3) "Qualified individual" means a shore-based representative of a covered nontank vessel owner or operator that, at a minimum, shall be fluent in English, located in the continental United States, be available on a 24-hour basis, and have full written authority to implement the covered nontank vessel's contingency plan.

(b) A nontank vessel of 300 gross registered tons or greater shall not operate in the marine waters of the state unless the owner or operator has an oil spill contingency plan prepared, submitted, and approved in accordance with this section.

(c) On or before September 1, 1999, each owner or operator of a nontank vessel of 300 gross registered tons or greater shall prepare an oil spill contingency plan for that vessel, and submit the plan to the administrator for review and approval. The plan may be specific to an individual vessel or may be developed using either of the following:

(1) A fleet plan submitted by an owner or operator that has a number of vessels that transit the same or substantially the same routes in marine waters of the state. This fleet plan shall contain all prevention and response elements required pursuant to this section. A separate appendix for each vessel shall be included as an attachment to the plan, and shall include both of the following:

(A) Specification of the type and total amount of fuel carried.

(B) Specification of the capacity of the largest fuel tank.

(2) The owner or operator provides evidence of a contract with the Pacific Merchant Shipping Association, a nonprofit corporation, or other nonprofit maritime association, to provide a statewide spill response plan consistent with the requirements of this section, pursuant to its applicable fee structure.

(d) The geographic regions covered by an individual plan shall be defined in regulations adopted by the administrator.

(e) In addition to all other contingency plan requirements in this section, the plan shall contain, at a minimum, a procedure for management of the resources to be used in response to an oil spill.

(f) The vessel owner or operator shall submit any information, or address any plan element that is required by this section but not addressed by a statewide spill response plan.

(g) The administrator shall adopt regulations and guidelines to implement the requirements of this section. All regulations and guidelines shall be developed in consultation with the State Interagency Oil Spill Committee and the Oil Spill Technical Advisory Committee. The administrator shall hold a public hearing on the regulations. The regulations and guidelines shall provide for the best achievable protection of coastal and marine resources and shall include provisions for public review and comment on submitted contingency plans prior to approval. The regulations shall ensure that contingency plan meets all of the following requirements:

(1) Be consistent with the protection and response strategies as well as other elements addressed in the state contingency plan and the appropriate area contingency plan, and is not in conflict with the national contingency plan.

(2) Be a written document, reviewed for feasibility and approved by the owner or operator, or a person designated by the owner or operator.

(3) Establish a specific chain of command and specify the overall responsibilities of crew, supervisorial, contract, and volunteer personnel.

(4) Detail procedures for reporting oil spills to local, state, and federal agencies, and include a list of contacts to call in the event of a drill, threatened discharge, or discharge.

(5) Specify lines of communication between the vessel and the on-scene commanders, response teams, and local, state, and federal response organizations.

(6) Provide for response planning, including coordination with employees, outside contractors, volunteers, and local, state, and federal agencies.

(7) Identify a qualified individual.

(8) Provide the name, address, telephone number, and facsimile number of an agent for service of process, located in the state and designated to receive legal documents on behalf of the planholder.

(9) Demonstrate that shipboard personnel have knowledge of the notification requirements and other provisions of the contingency plan.

(10) Provide for timely and effective oil spill response. This may be provided directly or through membership in, or contract with, a private or public cooperative or other organization

and shall be consistent with the state contingency plan and the appropriate area contingency plan, and not in conflict with the national contingency plan.

(11) Provide evidence that the vessel is in compliance with the International Safety Management Code, established by the International Maritime Organization, as applicable.

(h) Each contingency plan shall be submitted and resubmitted to the administrator for review and approval as specified in Section 8670.31.

(i) (1) A nontank vessel, required to have a contingency plan pursuant to this section, shall not enter marine waters of the state unless the vessel owner or operator has provided to the administrator evidence of financial responsibility that demonstrates, to the administrator's satisfaction, the ability to pay at least three hundred million dollars ($300,000,000) to cover damages caused by a spill, and the owner or operator of the vessel has obtained a certificate of financial responsibility from the administrator for the vessel. The administrator may charge a vessel owner or operator a reasonable fee to reimburse costs to verify and process an application for evidence of financial responsibility.

(2) Notwithstanding paragraph (1), the administrator may establish a lower standard of financial responsibility for nontank vessels that have a carrying capacity of 6500 barrels of oil or less, or a carrying capacity of 7,500 barrels of oil or less for nontank vessels owned and operated by California or a federal agency. The standard shall be based upon the quantity of oil that can be carried by the nontank vessel and the risk of an oil spill into marine waters. The administrator shall not set a standard that is less than the expected cleanup costs and damages from an oil spill into marine waters.

(j) A nonprofit maritime association that provides spill response services pursuant to a spill response plan approved by the administrator, and its officers, directors, members, and employees shall have limited liability as follows:

(1) Section 8670.56.6 applies to any nonprofit maritime association that provides spill response services pursuant to its statewide spill response plan.

(2) A nonprofit maritime association providing spill response plan services may require, through agreement of the parties, as a condition of providing these services, the owner or operator of the nontank vessel to defend, indemnify, and hold harmless the association and its officers, directors, members, and employees from all claims, suits, or actions of any nature by whomever asserted, even though resulting, or alleged to have resulted from, negligent acts or omissions of the association or of an officer, director, member, or employee of the association in providing spill response plan services under the contract.

(3) Membership in the association or serving as a director of the association shall not, in and of itself, be grounds for liability resulting from the activities of the association in the preparation or implementation of a contingency plan.

(4) This section shall not be deemed to include the association or its officers, directors, members, or employees as a responsible party, as defined in subdivision (q) of Section 8670.3 of this code and in subdivision (p) of Section 8750 of the Public Resources Code for

the purposes of this chapter, Article 3.5 (commencing with Section 8574.1) of Chapter 7 of this code, and Division 7.8 (commencing with Section 8750) of the Public Resources Code.

(5) This section does not limit the liability of any responsible party, as defined in subdivision (q) of Section 8670.3. The responsible party is liable for all damages arising from a spill, as provided in subdivision (c) of Section 8670.56.6.

(k) Section 8670.56.6 applies to any person, including, but not limited to, an oil spill cooperative, its agents, subcontractors, or employees, that contract with the nonprofit maritime association to provide spill response services for the association spill response plan.

(l) (1) Except as provided in paragraph (2), any nontank vessel that is subject to subdivision (b) or (i), and that enters the waters of the state in violation of subdivision (b) or (i), is subject to an administrative civil penalty of up to one hundred thousand dollars ($100,000). The administrator shall assess the civil penalty against the owner or operator of the vessel pursuant to Section 8670.68. Each day the owner or operator of a nontank vessel is in violation of subdivision (b) or (i) shall be considered a separate violation.

(2) Paragraph (1) does not apply in any of the following circumstances:

(A) A contingency plan has been submitted by the vessel owner or operator to the administrator as required by this section, and the office of the administrator is reviewing the plan and has not denied approval.

(B) The nontank vessel has entered state waters after the United States Coast Guard has determined that the vessel is in distress.

(m) (1) Except as provided in paragraph (2), any owner or operator of a nontank vessel that is subject to subdivision (b) or (i) and who knowingly and intentionally enters the waters of the state in violation of subdivision (b) or (i), is guilty of a misdemeanor punishable by up to one year of imprisonment in the county jail, or by a fine of up to ten thousand dollars ($10,000), or by both that imprisonment and fine. Each day the owner or operator of the nontank vessel is in knowing and intentional violation of subdivision (b) or (i) shall be considered a separate violation.

(2) Paragraph (1) does not apply in any of the following circumstances:

(A) A contingency plan has been submitted by the vessel owner or operator to the administrator as required by this section, and the office of the administrator is reviewing the plan and has not denied approval.

(B) The nontank vessel has entered state waters after the United States Coast Guard has determined that the vessel is in distress.

(n) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 2. Section 8670.32 is added to the Government Code, to read:

8670.32. (a) The following definitions govern the construction of this section:

(1) "Nontank vessel" means a vessel, of 300 gross tons or greater, other than a tanker or barge, as those terms are defined in Section 8670.3.

(2) "Reasonable worst case spill" means, for the purposes of preparing contingency plans pursuant to subdivisions (c) to (h), inclusive, a spill of the total volume of the largest fuel tank on the nontank vessel.

(3) "Qualified individual" means a shore-based representative of a covered nontank vessel owner or operator that, at a minimum, shall be fluent in English, located in the continental United States, be available on a 24-hour basis, and have full written authority to implement the covered nontank vessel's contingency plan.

(b) A nontank vessel of 300 gross registered tons or greater shall not operate in the marine waters of the state unless the owner or operator has an oil spill contingency plan prepared, submitted, and approved in accordance with this section.

(c) On or before September 1, 1999, each owner or operator of a nontank vessel of 300 gross registered tons or greater shall prepare an oil spill contingency plan for that vessel, and submit the plan to the administrator for review and approval. The plan may be specific to an individual vessel or may be developed using either of the following:

(1) A fleet plan submitted by an owner or operator that has a number of vessels that transit the same or substantially the same routes in marine waters of the state. This fleet plan shall contain all prevention and response elements required pursuant to this section. A separate appendix for each vessel shall be included as an attachment to the plan, and shall include both of the following:

(A) Specification of the type and total amount of fuel carried.

(B) Specification of the capacity of the largest fuel tank.

(2) The owner or operator provides evidence of a contract with the Pacific Merchant Shipping Association, a nonprofit corporation, or other nonprofit maritime association, to provide a statewide spill response plan consistent with the requirements of this section, pursuant to its applicable fee
structure.

(d) The geographic regions covered by an individual plan shall be defined in regulations adopted by the administrator.

(e) In addition to all other contingency plan requirements in this section, the plan shall contain, at a minimum, a procedure for management of the resources to be used in response to an oil spill.

(f) The vessel owner or operator shall submit any information, or address any plan element that is required by this section but not addressed by a statewide spill response plan.

(g) The administrator shall adopt regulations and guidelines to implement the requirements of this section. All regulations and guidelines shall be developed in consultation with the State Interagency Oil Spill Committee and the Oil Spill Technical Advisory Committee. The administrator shall hold a public hearing on the regulations. The regulations and guidelines shall provide for the best achievable protection of coastal and marine resources and shall include provisions for public review and comment on submitted contingency plans prior to approval. The regulations shall ensure that a contingency plan meets all of the following requirements:

(1) Be consistent with the protection and response strategies as well as other elements addressed in the state contingency plan and the appropriate area contingency plan, and is not in conflict with the national contingency plan.

(2) Be a written document, reviewed for feasibility and approved by the owner or operator, or a person designated by the owner or operator.

(3) Establish a specific chain of command and specify the overall responsibilities of crew, supervisorial, contract, and volunteer personnel.

(4) Detail procedures for reporting oil spills to local, state, and federal agencies, and include a list of contacts to call in the event of a drill, threatened discharge, or discharge.

(5) Specify lines of communication between the vessel and the on-scene commanders, response teams, and local, state, and federal response organizations.

(6) Provide for response planning, including coordination with employees, outside contractors, volunteers, and local, state, and federal agencies.

(7) Identify a qualified individual.

(8) Provide the name, address, telephone number, and facsimile number of an agent for service of process, located in the state and designated to receive legal documents on behalf of the planholder.

(9) Demonstrate that shipboard personnel have knowledge of the notification requirements and other provisions of the contingency plan.

(10) Provide for timely and effective oil spill response. This may be provided directly or through membership in, or contract with, a private or public cooperative or other organization and shall be consistent with the state contingency plan and the appropriate area contingency plan, and not in conflict with the national contingency plan.

(11) Provide evidence that the vessel is in compliance with the International Safety Management Code, established by the International Maritime Organization, as applicable.

(h) Each contingency plan shall be submitted and resubmitted to the administrator for review and approval as specified in Section 8670.31.

(i) A nontank vessel, required to have a contingency plan pursuant to this section, shall not enter marine waters of the state unless the vessel owner or operator has provided to the administrator evidence of financial responsibility that demonstrates, to the administrator's satisfaction, the ability to pay at least three hundred million dollars ($300,000,000) to cover damages caused by a spill, and the owner or operator of the vessel has obtained a certificate of financial responsibility from the administrator for the vessel. The administrator may charge a vessel owner or operator a reasonable fee to reimburse costs to verify and process an application for evidence of financial responsibility.

(j) A nonprofit maritime association that provides spill response services pursuant to a spill response plan approved by the administrator, and its officers, directors, members, and employees shall have limited liability as follows:

(1) Section 8670.56.6 applies to any nonprofit maritime association that provides spill response services pursuant to its statewide spill response plan.

(2) A nonprofit maritime association providing spill response plan services may require, through agreement of the parties, as a condition of providing these services, the owner or operator of the nontank vessel to defend, indemnify, and hold harmless the association and its officers, directors, members, and employees from all claims, suits, or actions of any nature by whomever asserted, even though resulting, or alleged to have resulted from, negligent acts or omissions of the association or of an officer, director, member, or employee of the association in providing spill response plan services under the contract.

(3) Membership in the association or serving as a director of the association shall not, in and of itself, be grounds for liability resulting from the activities of the association in the preparation or implementation of a contingency plan.

(4) This section shall not be deemed to include the association or its officers, directors, members, or employees as a responsible party, as defined in subdivision (q) of Section 8670.3 of this code and in subdivision (p) of Section 8750 of the Public Resources Code for the purposes of this chapter, Article 3.5 (commencing with Section 8574.1) of Chapter 7 of this code, and Division 7.8 (commencing with Section 8750) of the Public Resources Code.

(5) This section does not limit the liability of any responsible party, as defined in subdivision (q) of Section 8670.3. The responsible party is liable for all damages arising from a spill, as provided in subdivision (c) of Section 8670.56.6.

(k) Section 8670.56.6 applies to any person, including, but not limited to, an oil spill cooperative, its agents, subcontractors, or employees, that contract with the nonprofit maritime association to provide spill response services for the association spill response .

(l) (1) Except as provided in paragraph (2), any nontank vessel that is subject to subdivision (b) or (i), and that enters the waters of the state in violation of subdivision (b) or (i), is subject to an administrative civil penalty of up to one hundred thousand dollars ($100,000). The administrator shall assess the civil penalty against the owner or operator of

the vessel pursuant to Section 8670.68. Each day the owner or operator of a nontank vessel is in violation of subdivision (b) or (i) shall be considered a separate violation.

(2) Paragraph (1) does not apply in any of the following circumstances:

(A) A contingency plan has been submitted by the vessel owner or operator to the administrator as required by this section, and the office of the administrator is reviewing the plan and has not denied approval.

(B) The nontank vessel has entered state waters after the United States Coast Guard has determined that the vessel is in distress.

(m) (1) Except as provided in paragraph (2), any owner or operator of a nontank vessel that is subject to subdivision (b) or (i) and who knowingly and intentionally enters the waters of the state in violation of subdivision (b) or (i), is guilty of a misdemeanor punishable by up to one year of imprisonment in the county jail, or by a fine of up to ten thousand dollars ($10,000), or by both that imprisonment and fine. Each day the owner or operator of the nontank vessel is in knowing and intentional violation of subdivision (b) or (i) shall be considered a separate violation.

(2) Paragraph (1) does not apply in any of the following circumstances:

(A) A contingency plan has been submitted by the vessel owner or operator to the administrator as required by this section, and the office of the administrator is reviewing the plan and has not denied approval.

(B) The nontank vessel has entered state waters after the United States Coast Guard has determined that the vessel is in distress.

(n) This section shall become operative on January 1, 2003.

SEC. 2.5. Section 8670.32 of the Government Code, as added by Section 2 of Chapter 687 of the Statutes of 1999, is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the administrator for oil spill response may authorize a lower standard of financial responsibility for nontank vessels as soon as possible, as authorized for small barges pursuant to subdivision (a) of Section 8670.37.53 of the Government Code, it is necessary for this act to take effect immediately.

SENATE BILL No. 1562

INTRODUCED BY Senator Burton

PASSED THE SENATE AUGUST 25, 2000
PASSED THE ASSEMBLY AUGUST 21, 2000
AMENDED IN ASSEMBLY AUGUST 18, 2000
AMENDED IN ASSEMBLY AUGUST 11, 2000
AMENDED IN ASSEMBLY JULY 6, 2000
AMENDED IN SENATE MAY 24, 2000
AMENDED IN SENATE MAY 4, 2000
AMENDED IN SENATE MAY 3, 2000
AMENDED IN SENATE APRIL 5, 2000

FEBRUARY 18, 2000

CHAPTER _____

An act to add and repeal Sections 21085.7 and 21151.10 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1562, Burton. Mitigation of projects through wetlands restoration.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. Existing law declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effect of the project.

This bill would require the lead agency to include a detailed statement of mitigation, with specified analyses, in an environmental impact report for a specified airport project, if the environmental impact report identifies as a proposed mitigation the payment of funds to one or more public agencies to mitigate the impacts of the project for which the lead agency of the airport project prepared the document, and the agencies propose to use the funds for that purpose. The bill would require the lead agency of the airport project to make the approval of the project and the payment of funds for mitigation measures contingent upon a specified agreement between the lead agency of the airport project and the public agency.

The bill would also require the lead agency, if the project includes more than one acre of fill in the San Francisco Bay, to include in the environmental impact report an analysis of a form of joint management of the airport by the city and county and the Oakland International Airport, as an alternative to the project. By imposing these requirements on a lead agency, 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, including the creation of a State Mandates Claims Fund to pay

the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that no reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17550 of the Government Code and Section 6 of Article XIIIB of the California Constitution.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21085.7 is added to the Public Resources Code, to read:

21085.7. (a) (1) If an environmental impact report for a project at an airport that is owned by a city and county and that is located in another county identifies as a proposed mitigation measure the acquisition, enhancement, and restoration of salt ponds and the lead agency proposes the payment of funds to one or more public agencies to mitigate the impacts the proposed project and the public agency or agencies propose to use those funds to acquire, enhance, and restore land, the lead agency shall include in the environmental impact report on the proposed project a detailed statement of the mitigation measure, including all of the following:

(A) An analysis of the relationship between the impacts of the proposed project and the benefits of the proposed acquisition, enhancement, and restoration of land that the payment of funds would allow.

(B) An analysis of the feasibility of the proposed acquisition, enhancement, and restoration.

(C) A discussion of the expected impacts of the proposed acquisition, enhancement, and restoration.

(2) The detailed statement of the mitigation measure shall consist of the following:

(A) Information in existence at the time the environmental impact report is prepared, including the restoration goals specific to salt ponds as identified in the San Francisco Estuary Baylands Ecosystem Goals Report published in 1999.

(B) Information that is reasonably obtainable, including, but not limited to, a hydrodynamic analysis of potential flood impacts, and analyses regarding the potential for the following:

(i) Changes to the waters and tidal currents of the southern portions of the San Francisco Bay.

(ii) Potential alterations to the San Francisco Bay floor.

(iii) Related impacts on water quality.

(3) If, at the time of the publication of the draft environmental impact report, a restoration plan has not been adopted by a public agency with jurisdiction to carry out the restoration

project, the lead agency for the airport project need not prepare a detailed restoration plan or analyze the impacts of a restoration plan for the lands proposed for acquisition, enhancement, and restoration; however, the lead agency shall evaluate a conceptual restoration plan, and shall fully evaluate a potentially feasible alternate mitigation measure that does not depend on the salt ponds.

(b) If the lead agency for the airport project approves the proposed project and approves the payment of funds for the acquisition, enhancement, and restoration of land as a mitigation measure, it shall make both such approvals contingent upon an agreement between the lead agency and the public agency or agencies wherein the public agency or agencies agree to use the funds solely for the following purposes:

(1) The acquisition, enhancement, and restoration of the lands identified by the lead agency in its detailed statement of the mitigation measure.

(2) The preparation and implementation of a restoration plan that, at a minimum, mitigates the significant impact that would be substantially lessened or avoided by implementation of the mitigation measure as identified in the final environmental impact report certified by the lead agency.

(c) The agreement described in subdivision (b) shall identify a feasible alternative mitigation measure to be implemented if the restoration of all or a portion of the salt ponds proves to be infeasible, as determined by the lead agency.

(d) Nothing in this section shall be interpreted to assess or assign liability with respect to the salt ponds.

(e) Funds for the costs of mitigation shall include the costs of the environmental reviews conducted by a state agency of the restoration plan prepared by a state agency.

(f) This section shall only apply to the acquisition, enhancement, and restoration of salt ponds located in the southerly portion of the San Francisco Bay.

(g) As used in this section, "acquisition, enhancement, and restoration" also includes acquisition, enhancement, or restoration.

(h) 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 21151.10 is added to the Public Resources Code, to read:

21151.10. (a) If an environmental impact report is prepared for a project at an airport that is owned by a city and county and that is located in another county that includes more than one acre of fill in the San Francisco Bay, the environmental impact report shall analyze, as an alternative to the project, a form of joint management of that airport owned by the city and county and the Oakland International Airport. This joint management alternative shall separately analyze an underground high-speed rail transit connection and a high-speed ferry connection between the two airports and shall utilize in both analyses all technological

enhancements reasonably expected to be available. The analysis of the joint management alternative shall include a meaningful evaluation, analysis, and comparison of the alternative with the proposed project, and shall assess the feasibility of the alternative notwithstanding that changes in state law may be required for its implementation. The environmental impact report shall identify any changes in state law that would be required in order to implement this alternative.

(b) Nothing in this section or in Section 21085.7 shall be interpreted in a manner that alters the lead agency's obligation to comply with this division in connection with proposed mitigation measures other than the mitigation measure described in Section 21085.7.

(c) 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. The Legislature finds and declares that because of a unique situation involving a construction project at San Francisco International Airport, a statute of general applicability cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution and that a special statute is therefore necessary.

SEC. 4. 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 are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17550 of the Government Code and Section 6 of Article XIII B of the California Constitution.

CHAPTER 428

FILED WITH SECRETARY OF STATE SEPTEMBER 13, 2000
APPROVED BY GOVERNOR SEPTEMBER 12, 2000
PASSED THE SENATE AUGUST 30, 2000
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AMENDED IN SENATE MARCH 30, 2000

INTRODUCED BY Senator Murray
(Principal coauthor: Assembly Member Wesson)
(Coauthors: Senators Hughes and Solis)
(Coauthors: Assembly Members Longville and Wright)

FEBRUARY 22, 2000

An act to add and repeal Division 22.7 (commencing with Section 32550) of the Public Resources Code, relating to the Baldwin Hills Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1625, Murray. Baldwin Hills Conservancy.

Existing law authorizes various conservancies to acquire, manage direct the management of, and conserve public lands in the state.

This bill would, until January 1, 2008, establish the Baldwin Hills Conservancy to acquire and direct the management of public lands within the Baldwin Hills area of Los Angeles County, as defined, and would prescribe the management, powers, and duties of the conservancy.

The bill would require the Legislative Analyst, not later than December 31, 2006, to review the effectiveness of the conservancy in acquiring and developing open-space land and recreational opportunities in the Baldwin Hills area, and to submit to the Legislature a report on specified matters concerning the conservancy.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Division 22.7 (commencing with Section 32550) is added to the Public Resources Code, to read:

DIVISION 22.7. BALDWIN HILLS CONSERVANCY ACT

CHAPTER 1. GENERAL PROVISIONS

32550. This division shall be known, and may be cited, as the Baldwin Hills Conservancy Act.

32551. The Legislature hereby finds and declares all of the following:

(a) The Baldwin Hills area within the County of Los Angeles and the cities of Los Angeles and Culver City constitutes an area with unique and important cultural, scientific, educational,

recreational, and scenic resources, and includes land with the highest elevation in the Los Angeles Basin.

(b) The state recognized the importance of, and the need for, recreational venues in this area by purchasing and establishing the Kenneth Hahn State Recreation Area in 1983, which is under the jurisdiction of the Department of Parks and Recreation. The County of Los Angeles operates the state recreation area pursuant to a contract with the Department of Parks and Recreation.

(c) In recognition of the evolving community needs in the Baldwin Hills area, in 1999 the Legislature directed the review and revision of the master plan for the existing state recreation area as well as the acquisition of other lands in the Baldwin Hills.

(d) As one of the last remaining urban open spaces in Los Angeles County, the Baldwin Hills area should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations.

(e) The Baldwin Hills Conservancy should be created to develop and coordinate an integrated program of resources stewardship so that the Baldwin Hills area is managed for its optimum recreational and natural resource values based upon the needs and desires of the surrounding community.

CHAPTER 2. DEFINITIONS

32553. As used in this division, the following terms have the following meaning:

(a) "Baldwin Hills area" means the land area currently within the Kenneth Hahn State Recreation Area, the Baldwin Hills community, the surrounding property bordered on the south by Slausen Avenue, and on the east by La Brea Avenue, and including a spur of land extending from Stocker Avenue to an area between La Brea Avenue and Crenshaw Boulevard, and including Ballona Creek and adjacent property within one-quarter mile of Ballona Creek on either side, from the Santa Monica Freeway (Interstate 10) to the Marina Freeway (Interstate 90).

(b) "Board" means the governing board of the Baldwin Hills Conservancy.

(c) "Conservancy" means the Baldwin Hills Conservancy.

(d) "Fund" means the Baldwin Hills Conservancy Fund created pursuant to subdivision (b) of Section 32574.

(e) "Nonprofit organization" means an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(f) "Territory" means the land in the Baldwin Hills area that is under the jurisdiction of the conservancy.

CHAPTER 3. CONSERVANCY

32555. There is in the Resources Agency, the Baldwin Hills Conservancy, which is created for the following purposes:

(a) To acquire and manage public lands within the Baldwin Hills area, and to provide recreational, open-space, wildlife habitat restoration and protection, and lands for educational uses within the area.

(b) To acquire open-space lands within the territory of the conservancy.

(c) To provide for the public's enjoyment, and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of lands and resources in the area.

32556. (a) The board shall consist of nine voting members and six nonvoting members.

(b) The nine voting members of the board shall consist of the following:

(1) The Secretary of the Resources Agency, or his or her designee.

(2) The Director of Parks and Recreation, or his or her designee.

(3) The Director of Finance, or his or her designee.

(4) The Director of the Los Angeles County Department of Parks, or his or her designee.

(5) Three members of the public appointed by the Governor who are residents of Los Angeles County selected from a list of prominent members of the community who shall represent the diversity of the surrounding community.

(6) A resident of Los Angeles County appointed by the Speaker of the Assembly, and a resident of Los Angeles County appointed by the Senate Committee on Rules.

(c) The six nonvoting members shall consist of the following:

(1) The Secretary of the California Environmental Protection Agency, or his or her designee.

(2) The Executive Officer of the State Coastal Conservancy, or his or her designee.

(3) The Executive Officer of the State Lands Commission, or his or her designee.

(4) An appointee of the Governor with experience in developing contaminated sites, commonly referred to as "brownfields."

(5) The Executive Director of the Santa Monica Mountains Conservancy, or his or her designee.

(6) The Director of the Culver City Department of Parks and Recreation.

(d) A quorum shall consist of five voting members of the board, and any action of the board affecting any matter before the board shall be decided by a majority vote of the voting members present, a quorum being present. However, the affirmative vote of at least four of the voting members of the board shall be required for the transaction of any business of the board.

32557. (a) The voting members of the board shall serve for two-year terms. Any vacancy on the board shall be filled within 60 days from its occurrence by the appointing authority.

(b) No person shall continue as a member of the board if that person ceases to hold the office that qualifies that person for board membership. Upon the occurrence of that event, that person's membership on the board shall automatically terminate.

32558. The chairperson and vice-chairperson of the board shall be selected by a majority of the voting members of the board for one-year terms.

32559. The conservancy may employ an executive officer and other staff to perform those functions that cannot be provided by volunteers.

32560. All meetings of the board shall be subject to the requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

32561. All members shall receive reimbursement for actual, necessary, and reasonable expenses. Any member of the board who is not a full-time public employee shall be compensated at a rate not to exceed one hundred dollars ($100) per regular meeting, not to exceed 12 regular meetings a year. Any member of the board may waive compensation.

32562. The conservancy shall obtain and maintain adequate liability insurance or its equivalent for acts or omissions of the conservancy's agents, employees, volunteers, and servants.

CHAPTER 4. POWERS AND DUTIES

32565. The jurisdiction of the conservancy includes those lands or other areas that are donated to, or otherwise acquired by, or are operated by the conservancy, that are located in the Baldwin Hills area.

32565.5. The conservancy shall do all of the following:

(a) Develop and coordinate an integrated program of resource stewardship so that the entire Baldwin Hills area is managed for optimum recreational and natural resource values based upon the needs and desires of the surrounding community.

(b) Establish policies and priorities within the Baldwin Hills area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.

(c) Give priority to related projects that create expanded opportunities that provide recreation, aesthetic improvement, and wildlife habitat in the Baldwin Hills area.

(d) Approve conservancy funded projects that advance the policies and proprieties set forth in this division.

(e) Enter into a memorandum of understanding with the Department of Parks and Recreation that would require the conservancy and the department to cooperate in the sharing of technical assistance, data, and information.

(f) Upon submission to the Legislature of the master plan required to be prepared pursuant to subdivisions (b) and (c) of Section 1 of Chapter 752 of the Statutes of 1999 by the Secretary of the Resources Agency and the Director of Parks and Recreation, the conservancy shall, by May 1, 2002, approve the master plan, and prioritize and implement both of the following in accordance with the master plan and with the master plan recommendations:

(1) The acquisition of additional recreational and open space and a plan for the management of lands under the jurisdiction of the conservancy, including additional or upgraded facilities and parks that may be necessary or desirable.

(2) The planned conveyance of lands acquired and restored, or lands acquired, restored, and developed, to the Department of Parks and Recreation or to any other public agency once the acquisition and improvements have been finalized. Any such transfer shall be subject to the approval of the Secretary of the Resources Agency. The secretary may require all lands andfacilities subject to transfer to be repaired, replaced, or rehabilitated to a fully operable condition, prior to the transfer occurring.

(g) Review and approve any operating agreement or amendments to an existing operating agreement between the Department of Parks and Recreation and any local operating agency, including the County of Los Angeles, for the Kenneth Hahn State Recreation Area. Any proposed operating agreement or an amendment to an agreement shall be submitted to the conservancy at least 90 days prior to the proposed effective date of the agreement and shall not become effective unless the conservancy certifies, in writing, its approval of the proposed agreement.

32566. The conservancy may direct the management, operation, administration, and maintenance of the lands and facilities it acquires in accordance with the purposes set forth in Section 32555. The conservancy may adopt regulations governing the use by the public of conservancy lands and facilities and may provide for the enforcement of those regulations.

32567. The conservancy shall determine acquisition priorities and may acquire real property or any interest in real property within the Baldwin Hills area from willing sellers and at fair market value or on other mutually acceptable terms, upon a finding that the acquisition is consistent with the purposes of the conservancy. The conservancy may acquire the property itself, or may coordinate the acquisition with other public agencies with appropriate responsibility and available funding or land to exchange. The overall objectives of the land acquisition program shall be to assist in accomplishing land transactions that are mutually beneficial to the landowners and the conservancy, and that meet the conservancy's purposes. Neither the conservancy nor the State Board of Public Works shall exercise the power of eminent domain for the purposes of this division. The

conservancy shall have the first right of refusal to acquire public lands suitable for park and open space within the conservancy's territory, and may accept private or public lands offered for recreational trails or private lands offered in satisfaction of delinquent taxes owed on land located within the territory of the conservancy.

32568. The conservancy may undertake site improvement projects; regulate public access; revegetate and otherwise rehabilitate degraded areas, in consultation with other public agencies with appropriate jurisdiction and expertise; upgrade deteriorating facilities; and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resource protection. These projects shall be directed by the conservancy and undertaken by other public agencies, with the conservancy providing overall coordination through setting priorities for projects and assuring uniformity of approach.

32569. (a) The conservancy may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this division.

(b) Grants to nonprofit organizations for the acquisition of real property or interests in real property shall be subject to all of the following conditions:

(1) The conservancy may acquire property at fair market value and consistent with the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), except that the acquisition price of lands acquired from public agencies shall be based on the public agencies' cost to acquire the land.

(2) The conservancy shall approve the terms under which the interest in land is acquired.

(3) The interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt incurred by the nonprofit organization unless the conservancy approves the transaction.

(4) The transfer of land acquired pursuant to a grant shall be subject to the approval of the conservancy and the execution of an agreement between the conservancy and the transferee sufficient to protect the interests of the conservancy.

(5) The conservancy shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.

(6) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the conservancy, except that, prior to that termination, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property, by recording its acceptance of title, together with the conservancy's approval, in writing.

(c) Any deed or other instrument of conveyance whereby real property is acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executory interest or right of entry on the part of the conservancy.

32570. (a) Notwithstanding any other provision of law, the conservancy may lease, rent, sell, exchange, or otherwise transfer any real property or interest therein or option acquired under this division to a local public agency, state agency, federal agency, nonprofit organization, individual, or other entity for management purposes pursuant to terms and conditions approved by the conservancy. The conservancy may request the Director of General Services to undertake these actions on its behalf.

(b) The conservancy may initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, state agencies, federal agencies, nonprofit organizations, individuals, or other entities and may enter into any other agreements authorized by state or federal law.

(c) The conservancy shall approve changes to the current agreement for the operation of the Kenneth Hahn State Recreation Area that may be proposed for adoption by the Department of Parks and Recreation.

32571. Local public agencies may enter into an agreement to transfer responsibility for the management of the land located within the Baldwin Hills area to the conservancy. Local public agencies shall retain exclusive authority over all zoning or land use regulations within their jurisdiction.

32572. The conservancy shall restrict access on acquired lands that are unsuitable for parks and open-space use by entering into temporary agreements with other state or local public agencies for the protection of public health and safety, resource management and protection, and security.

32573. The conservancy shall do all of the following:

(a) Establish policies and priorities regarding the territory within the Baldwin Hills area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.

(b) Give priority to related projects that create expanded opportunities that provide recreation, aesthetic improvement, and wildlife habitat in the Baldwin Hills area.

(c) Approve conservancy-funded projects that advance the policies and priorities set forth in this division.

(d) Review the master plan required pursuant to subdivisions (b) and (c) of Section 1 of Chapter 752 of the Statutes of 1999 and implement prioritization for the acquisition and operation of additional recreational and open-space needs, including additional or upgraded facilities and parks that may be necessary or desirable.

32574. (a) The conservancy may fix and collect fees for the use of any land owned or controlled, or for any service provided, by the conservancy. No fee shall exceed the cost of maintaining and operating the land or of providing the service for which the fee is charged.

(b) The fee revenue and all other revenue received pursuant to this division shall be deposited in the Baldwin Hills Conservancy Fund, which is hereby created in the State

Treasury. The money in the fund shall be expended by the conservancy, upon appropriation by the Legislature, for the purposes of this division.

(c) Nothing in this act changes the Kenneth Hahn State Recreation Area's status to receive funds as part of the state parks system.

32574.5. The conservancy shall coordinate its actions with state and local public safety agencies.

32575. The conservancy shall administer any funds appropriated to it and any revenue generated by public agencies for the Baldwin Hills area and contributed to the conservancy, and may expend those funds for capital improvements, land acquisition, or support of the conservancy's operations. Subject to Section 11005 of the Government Code, the conservancy may also accept any revenue, money, grants, goods, or services contributed to the conservancy by any public agency, private entity, or person, and, upon receipt, may expend any such revenue, money, or grants for capital improvements, land acquisitions, or support of the conservancy's operations.

32576. The conservancy may recruit and coordinate volunteers and experts to assist with conservancy projects and the maintenance of conservancy lands.

32577. The conservancy shall coordinate its actions with state and local public safety agencies.

32578. The conservancy shall have, and may exercise, all rights and powers, expressed or implied, necessary to carry out the purposes of this division, except as otherwise provided.

32579. The conservancy may sue and be sued.

32580. This division 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. Not later than December 31, 2006, the Legislative Analyst shall review the effectiveness and progress of the Baldwin Hills Conservancy established pursuant to Division 22.7 (commencing with Section 32550) of the Public Resources Code in acquiring and developing open-space land and recreational opportunities in the Baldwin Hills area, as defined in subdivision (a) of Section 32553 of the Public Resources Code. The Legislative Analyst shall, not later than December 31, 2006, submit to the Legislature a report evaluating whether the termination date for the conservancy should be extended to meet the goals of Division 22.7 (commencing with Section 32550) of the Public Resources Code, and whether the land under the jurisdiction of the conservancy should be transferred to the control of the Department of Parks and Recreation for inclusion in the state park system.

BILL NUMBER: California Senate Bill 1834
VETO DATE: SEPTEMBER 25, 2000

To Members of the California Senate:

I am returning Senate Bill 1834 without my signature.

This bill would require the State Water Resources Control Board (SWRCB) to adopt guidelines, by January 1, 2003, that describe the process by which the SWRCB and the Regional Water Quality Control Boards (RWQCB) would implement state and federal antidegradation requirements for point and non point source pollution.

Pursuant to federal regulations that require the states to adopt implementation procedures for antidegradation, California has already developed adequate guidance on this subject. In response to a 1968 directive from the U. S. Department of the interior, the SWRCB adopted Resolution No. 68-16, the state antidegradation policy, which covers both surface waters and groundwater and protects potential as well as actual uses. Resolution 68-16 is incorporated as a water quality objective for all state waters in all of the basin plans for the nine RWQCBs and is addressed in SWRCB legal memoranda, providing a detailed description of the state's antidegradation policy.

While I believe SB 1834 is redundant and unnecessary, I am asking the SWRCB to review the application of the antidegradation policy and to ensure that staff receive adequate training on this subject.

Sincerely,

GRAY DAVIS
