

CALIFORNIA COASTAL COMMISSION

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November 14, 2001

TO: Coastal Commissioners and Interested Public
FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator
SUBJECT: LEGISLATIVE REPORT FOR NOVEMBER 2001

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) 445-6067 with any questions on the material contained in this report.

PRIORITY LEGISLATION

ACR 20 (Pavley) California Coastal Trail

This resolution recognizes the California Coastal Trail as a trail of statewide significance, and reaffirms the Legislature's support for the timely planning, siting and construction of the trail.

Introduced 2/14/01
Status **Chaptered**, Resolution Chapter No. 99
Commission Position Support

ACR 109 (Pavley) Coastal Cleanup Day

This resolution proclaims September 15, 2001, as the 17th annual Coastal Cleanup Day in California.

Introduced 08/28/2001
Status **Chaptered**, Resolution Chapter No. 137

AB 62 (Migden) Sudden Oak Death Syndrome

This bill would appropriate \$4.6 million to the Department of Forestry and Fire Protection for the purpose of developing and implementing procedures for the control and management of Sudden Oak Death Syndrome (Phytopthera fungus) subject to budget approval. The Department would be required to assist local governments and property owners in identifying, removal and disposal of trees dying as a result of SODS.

Introduced 12/04/00
Last Amended 09/10/01
Status **Chaptered**, Statutes of 2001, Chapter No. 513
Commission Position Support

AB 93 (Wayne) San Diego County Regional Airport Authority

This bill would establish the San Diego County Regional Airport Authority with jurisdiction throughout the county. It would require the authority to a comprehensive airport land use plan for the county and coordinate the airport planning of public agencies. It would also require the San Diego Unified Port District to transfer the San Diego International Airport to the authority and assign various powers and duties to the authority.

Introduced 01/11/01
Last Amended 09/07/01
Status **Chaptered**, Statutes of 2001, Chapter No. 946

AB 104 (Nation) Coastal Conservancy, Motor Vehicle Mitigation Fund

This bill would authorize the Coastal Conservancy This bill would authorize the conservancy to establish the Motor Vehicle Mitigation Subaccount, for the acquisition of open space, and the protection, restoration, and enhancement of streams, creeks, wetlands and watersheds. The bill would impose a fee of up to \$4, to be collected by the Department of Motor Vehicles, upon the registration or renewal of registration of every motor vehicle registered in the county of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, or Sonoma for purposes of funding the account, should at least three of those counties choose to participate in the program. Ten percent of the funds collected would go to the Regional Water Quality Control Board to fund transportation-related water quality projects.

Introduced 01/12/01
Last Amended 09/12/01
Status **Vetoed by Governor (Veto Message Attached)**

AB 107 (Nation) Wrecks and Wrecked Property

This bill would amend the Harbors and Navigations Code to reduce by half the amount of time required to elapse before an abandoned or derelict vessel on public lands or tidelands within municipal or corporate jurisdiction may be sold. This bill would also triple the allowable amount of fee that can be against owners of derelict or abandoned vessels by a municipality or corporation. This bill would authorize removal of any vessel illegally moored for more than 72 hours when the vessel is docked without valid registration and deemed to be in an unseaworthy condition.

Introduced 01/16/01
Last Amended 06/04/01
Status Passed Assm. Transportation, Assm. Appropriations, Assm. Floor. Referred to Senate Judiciary Committee, Held in Senate Judiciary Committee

AB 388 (Strom-Martin) Industrial Hemp: Research

This bill authorizes privately funded research on industrial hemp to be conducted in California after the State Department of Justice issues a State controlled substance registration and the federal Drug Enforcement Administration issues a federal controlled substance registration for research on the agronomic potential of industrial hemp. The Department of Justice shall monitor all phases of the research. Provides for disclosure requirements of research information and data.

Introduced 02/20/01
Last Amended 08/27/01
Status Passed Assm. Natural Resources, Passed Assm. Appropriations, Passed Assm. Floor, Referred to Senate Ag & Water Resources, Held in Senate Ag & Water Resources

AB 556 (Jackson) Oil and Gas Development: Pipelines

AB 556 would amend Section 30262 of the Coastal Act to require that any new or expanded oil production extracted off the coast of California be transported by pipeline, rather than tanker or barge, to onshore processing and refining facilities, and that all pipelines used to transport this oil utilize the best achievable technology to ensure maximum protection of public health and safety and productivity of terrestrial and marine ecosystems. In cases where overland transport by pipeline is infeasible, shipment of crude oil may be permitted by other modes of environmentally sound onshore transportation such as trains and trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

Introduced 02/21/01
Last Amended 04/30/01
Status Passed Assm. Natural Resources, Passed Assm. Appropriations, Inactive File Assm. Floor

Commission Position Support

AB 560 (Jackson) Local Used Oil Collection Programs: Pollution

This bill relates to the Used Oil Recycling Fund. It authorizes a local government that has implemented a used oil collection program to include in the program provisions for the mitigation and the collection of oil and oil byproducts, including other solid waste from stormwater runoff that may be mixed with oil and oil byproducts through the use of certain devices. Prohibits local government from receiving a block grant unless it has a stormwater management program.

Introduced 02/21/01
Last Amended 09/04/01
Status **Chaptered**, Statutes of 2001, Chapter No. 500

AB 639 (Nakano) Coastal Waters: Contamination

AB 639 would direct the State Water Board to conduct pilot programs at three public beaches with high closure rates for the purpose of identifying best management practices for the control and management of polluted runoff.

Introduced 02/22/01
Last Amended 08/22/01
Status **Chaptered**, Statutes of 2001, Chapter No. 502

AB 640 (Jackson) Coastal Resources: Certified Local Programs

This bill would amend Section 30519.5 of the Coastal Act, relating to Periodic Reviews of Local Coastal Programs. The legislative findings related to changed circumstances and out-dated LCPs direct the Commission and local governments to undertake, as expeditiously as possible, the review of previously certified LCPs and take corrective measures as necessary to ensure that implementation meets the goals and policies of the Coastal Act. The bill provides that if, after public hearings and notifications as prescribed in the bill, a local government elects not to amend its LCP as recommended by the Commission, the Commission may vote to:

- a) Not process any further amendments to the affected local coastal program until the local government takes the actions recommended by the Commission;
- b) Review on appeal any permits issued by the local Government;
- c) Review all appeals using the Chapter 3 policies of the Coastal Act, not the LCP as the standard of review.

Introduced 02/22/01
Last Amended 05/01/01
Status Passed Assm. Natural Resources, Passed Assm. Appropriations, Assm. Inactive File
Commission Position Support

AB 715 (Wayne) Oil Spill Prevention & Response: Ballast Water

This bill would repeal provisions providing for interim marine facility and vessel oil spill contingency plans. Prohibits operation of a nontank vessel of 300 gross tons or greater in the marine waters of the state unless the owner or operator submits an oil spill contingency plan to the administrator for oil spill response. Defines nontank vessel, Oil Spill Response Organization, tank barge and tank ship. Authorizes a fee to process an OSRO rating application or renewal.

Introduced 02/22/01
Last Amended 09/12/01
Status **Chaptered**, Statutes of 2001, Chapter No. 748

AB 759 (Shelley) Personal Watercraft: bans

This bill would allow any city or county to adopt an ordinance banning the use of personal watercrafts (jetskis) in any navigable waterway within the jurisdiction of the city or county. The bill would authorize fines of up to \$200 for violation of the ordinance.

Introduced 02/22/01
Last Amended 05/14/01
Status Passed Assm. Transportation, Assembly Inactive File

AB 949 (Kehoe) Natural Community Conservation Plans

This bill would allow Natural Community Conservation Plans to provide for the conservation of wetlands and wetland-dependent species that are not subject to federal jurisdiction. With respect to coastal wetlands, as defined in Section 30121 of the Public Resources Code, this bill requires NCCPs to meet the requirements of the California Coastal Act.

Introduced 02/23/01
Last Amended 05/01/01
Status Passed Assm. Water Parks & Wildlife, Assm. Appropriations Suspense File

AB 960 (Keely) Crime Prevention

This bill would appropriate \$300,000 from the General Fund to continue funding the California District Attorneys Association's Environmental Circuit Prosecution Project, and to perform an evaluation of the project. The project has convened two multi-agency enforcement task forces on the North Coast, in which Coastal Commission participates.

Introduced 02/23/01
Last Amended 09/07/01
Status **Vetoed by Governor (Veto Message Attached)**
Commission Position Support

AB 985 (Florez) Fully Protected Species

This is a spot bill relating to the Fully Protected Species Act. The author intends to hold public hearings and workshops this summer before submitting final language.

Introduced 02/23/01
Last Amended 08/29/01
Status Passed Assm. WP&W Committee, Passed Assm. Appropriations Committee, Passed Assembly Floor, Referred to Sen. NR&W, Rule Waiver Denied

AB 1011 (Pavley) County Records

This bill would require the county recorders to maintain a comprehensive index of conservation easements recorded within the county, and to transmit a copy of any conservation easement to the county assessor, once the easement has been recorded, after January 1, 2002. Conservation easements are defined in the bill as including any easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to that easement and is binding upon successive owners of the land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition. (Analysis attached.)

Introduced 02/23/01
Last Amended 09/07/01
Status **Chaptered, Statutes of 2001, Chapter No. 819**
Commission Position Support

AB 1108 (Pavley) Santa Monica Mountains: transfer of land

This bill would allow the Resources Secretary to directly acquire lands held by the State Controller, that have been identified by the Secretary as having significant statewide resource value, without an appropriation of state funds. The bill is limited to lands within the Santa Monica Mountains zone.

Introduced 02/23/01
Status Passed Assm. Natural Resources Committee, Referred to Assm. Appropriations
Suspense File

AB 1145 (Jackson) Regional Open Space District: County of Ventura

This bill would allow the Ventura County Board of Supervisors to form a regional open space district by way of resolution, and to place the formation of the district on a ballot within the county of Ventura.

Introduced 02/23/01
Status Passed Assm. Local Government Committee, Assembly Floor Inactive File

AB 1172 (Keeley) Natural Community Conservation Planning

This bill would require the Department of Fish and Game, in three year intervals, to prepare and submit to the Legislature a report on the functioning and effectiveness of the NCCP Act. The report would include an evaluation of the functioning and effectiveness of the program, an inventory of NCCP plans underway or in the process of review, and the science being utilized in the preparation of those plans.

Introduced 02/23/01
Status Passed Water Parks and Wildlife Committee, Passed Assm. Appropriations, Passed
Assembly, Referred to Sen. NR&W Committee

AB 1192 (Pavley) Water Quality and Watershed Protection Act of 2002

This bill would enact the Water Quality and Watershed Protection Act, authorizing the financing of the program through the sale of general issue bonds of an unspecified amount. The money would be used for grants and loans to local agencies to implement pilot projects for storm water quality improvement, water conservation and recycling, watershed restoration, nonpoint source pollution control and other specified water quality projects.

Introduced 02/23/01
Last Amended 05/01/01
Status Passed Environmental Safety and Toxic Materials Committee, Referred to Assm.
Appropriations Committee

AB 1256 (Harman) Bolsa Chica

This bill would require the Department of Parks and Recreation, in consultation with Department of Fish and Game and the State Department of Education, to study options for the future purchase of the Bolsa Chica Mesa, including a consideration of its public recreational uses, and report back to the Legislature by January 1, 2002.

Introduced 02/23/01
Last Amended 05/25/01
Status Passed Assm. Water Parks and Wildlife Committee, Passed Assm. Appropriations
Committee, Passed Assembly Floor, Passed Senate NR&W, Referred to Sen.
Appropriations, Enrolled to Governor, **Vetoed by Governor**

AB 1414 (Dickerson) Public Lands

This bill would require the Department of Fish and Game to prepare a draft management plan within 18 months for any properties acquired after January 1, 2001. It would also require the Resources Agency, in conjunction with departments, boards and conservancies, to develop and maintain a database of lands and easements that have been acquired by the departments and boards within the agency, and to prepare an annual report of expenditures made using Parks Bond monies through January 1, 2010. Substantial amendments to this bill have allowed staff to recommend changing the Commission's position from oppose to neutral.

Introduced 02/23/01
Last Amended 09/14/01
Status Passed Assm. Natural Resources, Passed Assm. Appropriations, Passed Assembly Floor; Passed Sen. NR&W; Passed Sen. Appropriations; On Senate Floor

Commission Position Neutral

AB 1561 (Kelley) An Act Relating to Water

This bill authorizes the Department of Fish and Game and the Fish and Game Commission to authorize the taking of certain birds and fully protected species if the taking it related to interstate conservation program and project agreements. Deems certain statutory requirements relating to impacts or potential impacts at the Salton Sea on any species resulting from conservation measures, water transfers and any other actions carried out in furtherance of a specified agreement.

Introduced 02/23/01
Last Amended 09/04/01
Status Passed Assm. WP&W Committee, Passed Assm Appropriations, Passed Assm. Floor, Referred to Sen. NR&W, Rule Waiver Denied

AB 1598 (Hollingsworth) Fully Protected Species

This is a spot bill relating to the taking of fully protected species.

Introduced 02/23/01
Last Amended 05/01/01
Status Passed Assm WP&W Committee, Referred to Assm. Appropriations, Held in Committee

AB 1602 (Keeley) California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002

This bill would enact the Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002. It would finance a program for the acquisition, development, restoration, protection, rehabilitation, preservation and interpretation of park, coastal, and historical resources with the issuance of \$2.1 billion in general obligation bonds, including \$200 million for the State Coastal Conservancy and \$40 million for the Santa Monica Mountains Conservancy. Requires voter approval.

Introduced 02/23/01
Last Amended 09/14/01
Status **Chaptered**, Chaptered 2001, Chapter No. 875

SB 1 (Alpert) California Endowment for Marine Preservation

This bill would create the California Endowment for Marine Preservation, and the California Marine Resources Trust Fund, to be administered as proscribed by the bill. Both funds would receive a portion of the savings afforded to owner/operators of offshore oil and gas platforms, in the event they choose to participate in a "Rigs to Reefs" program, to be administered by the Department of Fish and Game, in consultation with the Commission, State Lands Commission, BCDC and Minerals Management Service.

Introduced 12/04/00
Last Amended 09/12/01
Status **Vetoed by Governor**

SB 31 (Chesbro) Sudden Oak Death Syndrome: Funding

This bill would appropriate \$10.265 million to the Department of Forestry and Fire Protection for the purpose of developing and implementing procedures for the control and management of Sudden Oak Death Syndrome (Phytophthora fungus). The Department would be required to assist local governments and property owners in identifying, remove and dispose of trees ding as a result of SODS. The bill would take effect immediately as an Urgency statute. This bill makes the same appropriation as AB 64.

Introduced 12/04/00
Last Amended 02/22/01
Status Passed N.R.&W. Com, Referred to Senate Appropriations
Commission Position Support

SB 107 (Sher) Natural Community Conservation Planning

This bill would repeal the Natural Community Conservation Planning Act of 1982, and replace it with the new Act. This bill would authorize the Department of Fish and Game to enter into agreements with local governments and private property owners for the purpose of allowing 'take' of species covered by the plan, subject to certain standards relating to collection of data, application of scientifically sound principles, and a process for public participation. (Bill language attached.)

Introduced 01/22/01
Last Amended 09/14/01
Status Passed N.R.&W. Committee, Passed Senate Appropriations, Passed Senate Floor, Passed Assm. W.P.&W. Committee, Passed Assm. Appropriations, Passed Assm. Floor, To Senate for Concurrence

SB 116 (Kuehl) State Parks: roads, construction and improvement

This bill would prohibit the construction of roads by any state or local agency through a state park, unless certain findings are made.

Introduced 01/24/01
Last Amended 03/20/01
Status Passed N.R. & W. Committee, Passed Senate Appropriations, Passed Senate Floor, Held in Assm. WP&W Committee

SB 124 (Johnson) Property Transfer

This bill would require the Department of Transportation to transfer a 15-acre parcel of open space from the Department of Transportation to the Department of Parks and Recreation, for a sum of \$1,356,485, contingent upon the city's agreement to manage and improve the parcel as a public park. The parcel is located in the coastal zone adjacent to Pacific Coast Highway in the City of Newport Beach.

Introduced 01/25/01
Last Amended 06/04/01
Status Passed Governmental Organization Comm., Passed Senate Appropriations, Passed Senate Floor, Passed Assm. B.&P. Committee; Passed Assm. Appropriations, Passed Assm. Floor, Enrolled, **Chaptered**, Resolution Chapter No. 761

SB 142 (Haynes) Religious Practices

This bill would prohibit any city or county from enacting regulations in residential land use categories which would impose a burden on religious practices, including but not limited to Bible studies and prayer meetings in private residences.

Introduced 01/29/01
Last Amended 05/08/01
Status Passed Senate Local Government Committee, Failed Senate Judiciary Committee. Reconsideration Granted

SB 196 (Burton/Chesbro) Coastal and Historic Bond Act

This bill would enact the Resources Legacy Bond Act of 2002. It would authorize the issuance of state bonds for the purpose of financing a program for the acquisition, development, restoration, protection, rehabilitation, stabilization, reconstruction, preservation and interpretation of park, coastal protection, agricultural land preservation, air pollution prevention and historical resources.

Introduced 02/08/01
Last Amended 09/06/01
Status Passed Senate NR&W Committee, Passed Senate Appropriations Committee, Passed Senate Floor, Held at Assm. desk, Passed Assm. WP&W Committee, Referred to Assm. Natural Resources Committee, To Suspense

SB 497 (Sher) Land Use: Certificates of Compliance

This bill would amend the Subdivision Map Act (SMA). This bill clarifies existing law and brings the statute back to its original intent in the following ways:

- 1) Clarifies that illegally created lots must receive conditional certificates of compliance.
- 2) Limits the "lot line adjustment exemption" in the SMA to four or fewer lots.
- 3) Clarifies that new parcels created via lot line adjustment must be consistent with all applicable general plan and local coastal program (LCP) policies.

Introduced 02/22/01
Last Amended 09/04/01
Status **Chaptered**, statutes of 2001, Chapter No. 873

SB 516 (Johnson) Local Coastal Programs

This bill would allow the County of Orange to continue to implement the Irvine Coast LCP for that portion of the Irvine Coast which will be annexed by the City of Newport Beach. This bill creates the Newport Beach LCP Forfeiture Account for the deposit of fines accrued as specified in the bill. Urgency clause adopted.

Introduced 02/22/01
Last Amended 06/25/01
Status **Chaptered**, Statutes of 2001, Chapter No. 537
Commission Position Neutral

SB 908 (Chesbro) California Coastal Trail

This bill would require the Coastal Conservancy, in consultation with the Coastal Commission and the Department of Parks and Recreation, to develop a plan designating the primary hiking route and alternate routes for the California Coastal Trail, to estimate of costs of acquiring and developing the trail, and a description of where the trail might connect with existing, inland trail routes. The Commission's current position is Support if Amended. The bill has been amended to reflect the Commission's concerns.

Introduced 02/23/01
Last Amended 09/05/01
Status **Chaptered**, Statutes of 2001, Chapter No. 446
Commission Position Support

SB 1069 (Chesbro) Plastic Pollution Prevention Fee

This bill would amend the California Integrated Waste Management Act to require manufacturers of plastic containers to increase plastic recycling rates to at least 50%. This bill would authorize the California Integrated Waste Management Board to adopt regulations to implement the bill. (Analysis attached).

Introduced 02/23/01
Last Amended 04/30/01
Status Passed Senate Env. Quality Committee, Senate Appropriations Suspense File
Commission Position Support

SB 1164 (Sher) Local Coastal Programs: Costs

This bill would amend Section 30353 of the Public Resources Code to allow local governments to recover from the state costs incurred as a result of defending local actions pursuant to local coastal programs prior to the rendering of judgement if the Attorney General has intervened in support of the local government's position and the amount paid does not exceed \$500,000. Local governments would repay the state from any costs recovered as a result of final judgement. The bill would require the Director of the Commission, in consultation with the Attorney General, to establish procedures for the payment of litigation costs.

Introduced 02/23/01
Status Passed N.R.&W. Committee, Passed Senate Floor, Passed Assm. Natural Resources Committee, On Assembly Floor, To Assm. Floor Inactive File

To Members of the California State Assembly:

I am returning Assembly Bill 104 without my signature.

This bill would increase fees on every San Francisco Bay Area motorist by up to \$4 without a vote of the electorate for the purpose of funding water quality projects that mitigate the effects of pollution caused by motor vehicles.

I have supported and the state has provided substantial funding for these types of important projects. Proposition 13, approved by the voters last year, provides \$190 million for water quality nonpoint source projects and \$90 million for watershed protection and pollution prevention projects. In addition, I have just signed Assembly Bill 1602, which if approved by the voters on the March 2002 statewide ballot, will provide additional funds to protect our natural resources, including funds that can help address motor vehicle-related water pollution. Specifically, AB 1602 includes \$300 million for water quality projects to protect our beaches, lakes, streams and rivers from pollution.

Given the rapid decline of our economy and increasing layoffs, the amount of money this program would raise does not warrant the additional burden on the motoring public.

Sincerely,

GRAY DAVIS

To the Members of the California State Assembly:

I am returning Assembly Bill 960 without my signature.

This bill would appropriate \$300,000 from the General Fund to the Office of Criminal Justice Planning to support the Environmental Circuit Prosecutor Project (ECPP).

Notwithstanding the merits of this excellent program, I must veto this measure. Due to the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending. However, I am directing the Environmental Protection and the Resource Agencies to bring affected state agencies and stakeholders together to help craft a long term solution for supporting the ECPP.

Sincerely,

GRAY DAVIS