

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



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W 8

February 14, 2001

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR February 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) 455-6067 with any questions on the material contained in this report.

COMMITTEE ASSIGNMENTS

Coastal-related bills in the Assembly are referred to the Natural Resources Committee, and may in some cases be double-referred to Water Parks and Wildlife Committee. The Commission's budget is heard by Assembly Budget Subcommittee 3, before consideration by the full Budget Committee.

Coastal-related bills in the Senate are referred to the Natural Resources Committee, and may in some cases be double-referred to Senate Environmental Quality. The Commission's budget is heard by Senate Budget Subcommittee 2, before consideration by the full Budget Committee.

The Assembly and Senate committee assignments are as follows:

- | | |
|--|--|
| • <u>Assembly Budget Subcommittee 3:</u>
Fran Pavley (Chair)
Dick Dickerson
Fred Keeley
Juan Vargas
Mark Wyland
Tony Cardenas, Alternate
George Runner, Alternate | <u>Senate Budget Subcommittee 2:</u>
Not Yet Announced |
| • <u>Assembly Natural Resources:</u>
Howard Wayne (Chair)
Dennis Hollingsworth (Vice Chair)
Dick Dickerson
Tom Harman
Hannah-Beth Jackson
Fred Keeley
Alan Lownethal
Gloria Negrete-McLeod
Carole Migden
Fran Pavley
Phil Wyman | <u>Senate Natural Resources and Wildlife:</u>
Sheila Kuehl (Chair)
Rico Oller (Vice Chair)
Dede Alpert
Debra Bowen
Maurice Johannessen
Dick Monteith
Deborah Ortiz
Byron Sher
Tom Torlakson |
| • <u>Assembly Water Parks and Wildlife:</u>
Dean Florez (Chair)
Dick Dickerson (Vice Chair)
Sam Aanestad
Dion Aroner
Tom Calderon
Dario Frommer
Jackie Goldberg
Dennis Hollingsworth
Christine Kehoe
Dave Kelley
Tim Leslie
Fran Pavley
Helen Thomson
Howard Wayne
Phil Wyman | <u>Senate Environmental Quality:</u>
Byron Sher (Chair)
Bruce McPherson (Vice Chair)
Dede Alpert
Wes Chesboro
Liz Figueroa
Sheila Kuehl
Tom McClintock
Jack O'Connell |

IMPORTANT LEGISLATIVE DATES

The California State Legislature re-convened on January 3, 2001. The last day to submit bills to Legislative Counsel was Jan. 26, 2001. Over 3,000 bills were submitted on that day. The last day for authors to actually introduce new bills is February 23, 2001. Many of these may be "unjacketed" or "spot" bills, and full text will not be available until later in the year. The California Coastal Commission is not sponsoring any bills this session.

Feb 23; Last day to introduce new bills

April 5-16; Spring Recess

April 27; Last day for policy committees to meet and report, fiscal bills

May 11; Last day for policy committees to meet and report, non-fiscal bills

June 1; Last day for fiscal committees to report to Floor

June 8; Last day for bills to report out of house of origin

June 15; Budget must be passed by midnight

July 20-Aug 20, Summer Recess

Sept 14; Last day for each house to pass bills

Oct. 14; Last day for Governor to sign or veto bills

PRIORITY LEGISLATION

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. (Analysis attached.)

Introduced 01/04/00
Status Referred to N.R.&W. Com.

SB 55 (Kuehl) City of Malibu Local Coastal Program

This bill would authorize the Commission to re-direct Local Government Assistance Grant funds to reimburse the agency for costs associated with the preparation and certification of the city of Malibu's Local Coastal Program, consistent with the provisions of AB 988 (Hertzberg). (Analysis attached.)

Introduced 12/21/00
Status Referred to N.R.&W. Com.

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
Status Awaiting Committee Assignment

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.

Introduced 01/22/01
Status Awaiting Committee Assignment

Attachments

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45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

**BILL ANALYSIS; SB 1 (Alpert)****SUMMARY**

S.B. 1 would create the California Endowment for Marine Preservation, a permanent funding source for projects which conserve, protect, restore and enhance the state's coastal marine resources, governed by a board of directors appointed by the Governor. The bill would also create the California Marine Resources Trust Fund, with the Secretary for Resources and the Director of the Department of Fish and Game serving as trustees for the fund. Both the endowment and the fund would receive their funding primarily from a portion of the savings afforded to owners/operators of de-commissioned oil and gas platforms which are allowed to all or part of their platforms in place, rather than removing them upon expiration of their leases. (Also known as "Rigs to Reefs").

Once permitted, the areas surrounding the rigs would be off limits for fishing and other extractive activities with the exception of permitted research activities.

PURPOSE OF THE BILL

The purpose of the bill is to:

- Allow oil companies to realize cost savings by leaving offshore oil and gas structures in place, rather than bear the full cost of removal as specified in their individual lease agreements;
- Provide a permanent source of funding to support projects which conserve, restore and enhance marine resources;
- Create a funding source for marine-related activities within the Department of Fish and Game;
- Conserve existing marine resources associated with offshore oil and gas platforms.

ANALYSIS

S.B. 1 does not call for the creation or implementation a Rigs to Reefs program. Rather, S.B. 1 seeks to create the mechanism by which any future funds generated by decommissioning through savings to owners may be collected, administered and expended. If no platforms are allowed to remain in place, no funds will be collected from this source. The bill does not favor any particular method of abandonment, nor does the bill limit or affect the authority of the Commission nor any federal, state or local agency with regulatory authority or planning oversight of offshore oil platforms.

However, the creation of an endowment fund and the trust fund in the absence of conclusive scientific evidence supporting the concept of "in situ" rig abandonment, could create expectations on the part of industry and interest groups. Combined with the substantial incentive provided to industry, it is not unreasonable to assume that once the endowment and the fund are created, pressure will be brought to bear on regulatory agencies, including the commission, to approve such conversions. This, in turn, could set up conflicts with existing guidelines pertaining to the location and creation of artificial reefs. Section 6421 of the Fish and Game Code currently defines artificial reefs as:

"...manmade or natural objects intentionally placed in selected areas of the marine environment to duplicate those conditions that induce production of fish and invertebrates on natural reefs and rough bottoms, and that stimulate the growth of kelp or other midwater plant life which creates natural habitat for those species."

Clearly, location and material for constructing offshore platforms were chosen for the suitability of oil and gas extraction, not for enhancing underwater ecosystems. A 1995 study conducted by DFG on 5

artificial reefs in the San Diego area reaffirmed previous determinations by the department that metal structures (in this case, sunken vessels) are less suitable than other materials for artificial reef habitat, and support less diversity than other types of reefs. While the bill specifies that decommissioned rigs converted to artificial reefs must benefit marine resources, comply with water quality laws and navigational safety, any change in current policy on the criteria for placement and construction of artificial reefs should occur only after rigorous scientific review.

S.B. 1 also raises questions outside the scope of the Coastal Commission's purview. The issue of the state's potential liability for maintenance and legal exposure resulting from personal claims and potential environmental impacts should be reviewed.

LEGISLATIVE HISTORY

This bill is the re-introduction of SB 241, introduced by the author during the 1999-2000 session. SB 241 was withdrawn by the author after substantial changes suggested by the Department of Fish and Game were met with opposition by environmental groups at the end of session.

PROGRAM BACKGROUND

Offshore oil and gas platforms in state and federal waters have become defacto habitat for many species of fish and invertebrates. As these platforms approach the end of their productive years, and the leases authorizing their operations expire, the companies that own them must initiate the process of "decommissioning." This involves capping the wells and removing the platforms. The pilings supporting the platform structures must also be removed, or cut off at a depth that does not pose a risk to vessels. The California Coastal Commission must issue Coastal Development Permits (CDPs) for all decommissioned platforms in state and federal waters under jurisdiction provided under the California Coastal Act and the federal Coastal Zone Management Act. The Minerals Management Service (MMS) estimates that the federal government does not expect to decommission any platforms before 2005.

Commercial fishers and some environmental groups support the complete removal of all structures upon decommissioning. Commercial fishers feel that partial removal poses a hazard to their vessels and equipment, particularly nets and trawling devices. Environmental groups feel that leaving portions of the rigs in place produces a constant pollution source as structures decompose, contributes to the unnatural littering of the ocean floor, and may attract species to gather in areas which cannot actually sustain healthy, reproducing populations.

Oil companies, sports fishers, recreational divers and some members of the scientific community argue that the submerged portions of the rigs should be left in place. While no oil companies have gone on record in support of S.B. 1, the industry has been actively promoting the concept of Rigs to Reefs. Leaving the pilings in place would result in substantial savings to oil companies. Sports fishers point out that complete removal of the pilings results in the loss of marine species and habitat. Biological inventories indicate a high concentration and diversity of species are present in the vicinity of some, but not all, of the platforms.

While expert opinions have been offered on both sides of the issue, conclusive scientific evidence supporting the actual habitat value of offshore oil rigs in comparison to intentionally built artificial reefs or undisturbed reef structures has been lacking in this debate. The Coastal Commission has been participating since 1997 in an interagency decommissioning working group comprised of federal, state and local government agencies with regulatory interest in a variety of decommissioning issues. Public workshops, along with recognition on the part of the working group that better science was needed to address the question of converting oil rigs to artificial reefs in part led to the formation of the Select Scientific Advisory Committee on Decommissioning. Convened under the auspices of the University of California, this is a panel of marine biologists and research scientists who are looking specifically at the

habitat value of these artificially created ecosystems. The advisory committee released the initial draft of their last December will be submitted in the summer of 2000. It may or may not contain conclusions or specific recommendations, pending further research.

OTHER STATES' INFORMATION

All five gulf states (Texas, Louisiana, Florida, Mississippi and Alabama) have rigs to reefs programs. These programs relocate the structures rather than leaving them in place, which adds significantly to the cost of conversion, and reduces the amount available to the state. While rigs to reefs has enhanced recreational use in the Gulf, it has not provided substantial economic benefits. A typical conversion nets \$25,000 to \$300,000 to the state. As of fy 1999-2000, Louisiana had received a total of \$5.1 million from 36 conversions. Texas has received \$2.5 million. It should be noted that ocean conditions in the Gulf are different than those off the coast of California, (many rigs are in extremely shallow depths, the bottom is primarily sandy, etc.) thus the comparison is not entirely analagous.

FISCAL IMPACT

Cost savings to the owner or operator of a platform or facility from partial removal would be calculated and accrue to the state as follows:

35% of the cost for total removal from facilities in water less than 200 feet in depth, 50% of the cost for total removal if the facility is in water between 200-400 feet of water, and 65% of the cost for total removal if the facility is in water greater than 600 feet in depth. An unspecified percentage of these funds would be deposited in the trust fund, the endowment and directly with county governments adjacent to the decommissioned rigs.

The formula for calculating the funds paid to the state affords the greatest percentage of savings to the platforms most likely to be proposed as reefs. The majority of platforms (12) are located in waters less than 200 feet. These would generate for the state only 35% of the total cost of removal, affording a 65% savings to the owner/operator. As shallow depths harbor greater species diversity and have the highest recreational value, it is likely that these platforms would be the most desirable for the Rigs to Reefs program. Requiring a greater percentage of savings to the state for shallow rigs would be more fiscally beneficial for the state.

ECONOMIC IMPACT

Exact economic benefits to the state or local governments cannot be calculated with assurance, as estimates for the cost of rig removal vary widely, and the bill does not yet proscribe the percentages for distribution.

EXISTING LAW

State waters extend three miles seaward from the mean high tide line. Federal waters extend from 3 to 12 miles and the United States Exclusive Economic Zone extends from 12 to 200 miles. (The Outer Continental Shelf, or OCS is the submerged land in federal waters). The removal of de-commissioned oil and gas rigs is controlled by the specific language contained in the state and/or federal leases that apply to them and, where applicable, Coastal Commission approvals. While some leases require complete removal, others include options for leaving portions in place, or defer the applicable environmental and engineering constraints to the time of removal.

Decommissioning and removal of oil rigs in either state or federal waters is subject to regulatory review by the California Coastal Commission. The federal Coastal Zone Management Act (CZMA) subjects any federal activity (i.e. federal permits or authorization to remove platforms) that affects coastal resources to review by the commission for consistency with the state's Coastal Management Program (i.e., the Coastal

Act). The Commission has fairly broad regulatory discretion to approve, deny, or approve with modifications a request to remove all or part of an offshore platform in state or federal waters.

The Army Corps of Engineers, Environmental Protection Agency, National Marine Fisheries Service and the Minerals Management Service have jurisdiction over OCS platform issues. The California Department of Fish and Game regulates the creation, placement and maintenance of artificial reefs in state waters by administration of the California Artificial Reef Program (CARP).

This bill does not supercede any existing regulatory authority of any federal, state or local agency. This bill does not relieve the prior owner or operator of the oil rigs from any continuing liability associated with seepage or release of oil into the marine environment. The bill does not address liability issues associated with personal injury or loss associated with future use.

SUPPORT/OPPOSITION

Support:

None on file

Opposition:

None on file

ARGUMENTS

Pro: The quality of California's marine environment and the diversity of fisheries it supports continues to decline. More funding is needed for marine research and projects which preserve and restore critical habitat and natural resources. The research and projects funded by the California Endowment for Marine Preservation would benefit the state by preserving and enhancing marine resources.

While the biological sustainability of this type of artificial reef has not yet been quantified, one positive effect of leaving them in place is not in dispute. Trawl fishing, extremely disruptive to benthic ecosystems and indiscriminate in its take of targeted and non-targeted species, is not feasible within a certain radius of these structures. Thus, the ocean floor remains undisturbed in the vicinity of these structures.

CON: S.B. 1 may be premature. Both MMS and the State Lands Commission estimate that no oil rigs will be decommissioned before 2005. The habitat viability of offshore platforms is questionable. If S.B. 1 is enacted, and the Rigs to Reefs program is not deemed to be an environmentally acceptable alternative to complete removal, then the state will have created an endowment fund of questionable value.

By providing a substantial economic incentive for leaving decommissioned rigs in place, the state will be characterized as having anticipated and perhaps even suggested a preference for a determination that the Rigs to Reefs program is in the best interests of the state. Requiring oil companies to contribute the full amount of decommissioning, less the cost of necessary studies and administrative costs, would remove this incentive, and allow the state to make an independent determination free from the industry intervention about the relative merits of the program relative to the merits of the program.

The bill provides that the oil companies must provide sufficient funds to the state to provide for overall management and to ensure that the state can defend itself against any liability, but it is unclear how the amount necessary to accomplish this would be calculated. If endowment funding is utilized to cover the costs of enforcement, monitoring, maintenance and liability, it is unclear how much will be left for the purpose of marine research and enhancement.

Items beyond the scope of the Commission's purview also raise concerns. While Commission staff is supportive of the concept of creating "no take" zones around the decommissioned platforms, it is unclear whether DFG has the necessary resources to enforce this, along with ongoing maintenance.

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45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
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**BILL ANALYSIS S.B. 55 (Kuehl)****SUMMARY**

This bill would allow the Coastal Commission to shift funds (\$150,000) currently and previously allocated for grants to local governments for the purpose of preparing Local Coastal Plans (LCP), to the Commission for the purpose of preparing an LCP for the city of Malibu, pursuant to the provisions of AB 988 (Chapter 952, Statutes of 2000).

PURPOSE OF THE BILL

The purpose of this bill is to reimburse the Coastal Commission for costs associated with preparing and certifying an LCP for the city of Malibu.

ANALYSIS

This bill would allow the Coastal Commission to shift funds currently allocated for grants to local governments for the purpose of preparing Local Coastal Plans (LCP), to the Commission for the purpose of preparing an LCP for the city of Malibu, pursuant to the provisions of AB 988 (Chapter 952, Statutes of 2000).

- The Coastal Act requires coastal cities and counties to prepare LCPs which are certified by the Coastal Commission if consistent with the Coastal Act. After certification, the local jurisdiction assumes permitting authority. Until certification, the Coastal Commission retains permitting authority.
- The city of Malibu has not prepared a certifiable LCP.
- AB 988 (Chapter 952, Statutes of 2000) requires the Commission to prepare and certify a Local Coastal Plan for the city of Malibu by September 15, 2002.
- This bill would divert \$150,000 of unencumbered local government grant funds to the Commission to reimburse the costs of contracting with a consultant to assist with preparation of the plan.
- This bill would cover the Commission's budgetary shortfall caused by the unfunded mandate from the Legislature to prepare Malibu's LCP.
- The Commission cannot encumber these grant funds for this purpose without legislative authorization.

LEGISLATIVE HISTORY

AB 988 (Hertzberg) (Chapter 952, Statutes of 2000) mandated the Commission to prepare and certify an LCP for the city of Malibu. The Commission must produce a public review a draft version of the land use plan portion of the local coastal program by May 1, 2001, complete an initial draft of the land use portion by January 15, 2002, and the entire local coastal program by September 15, 2002. The bill did not include any funding or additional staff to complete the work.

PROGRAM BACKGROUND

The Coastal Act currently requires each local government lying, in whole or in part, within the Coastal Zone to prepare a Local Coastal Program consistent with the policies of the Coastal Act for that portion of the coastal zone within its jurisdiction. The Commission is required to review a Local Coastal Program submitted by a local government and, if the Commission finds the submittal is in conformity with the policies of the Coastal Act, certify the LCP.

Assembly Bill 988, which went into effect January 1, 2001, amended the Coastal Act, Public Resources Code Sections 30000, et seq., to add Section 30166.5 which establishes mandatory timelines and delegates responsibility for preparation and certification of a LCP for the City of Malibu to the Coastal Commission. As amended, pursuant to AB 988, the Coastal Act requires the Commission to submit to the City of Malibu an initial draft of the Land Use Plan (LUP) portion of the LCP for the City of Malibu on or before January 15, 2002. The bill further requires the

Commission, after public hearing and consultation with the City of Malibu, to certify a Local Coastal Program for the City on or before September 15, 2002.

Additionally, the bill requires the City of Malibu, subsequent to certification of the LCP, to immediately assume coastal development permitting authority, thereby imposing a state-mandated LCP. The bill further provides that, notwithstanding specified requirements for the review and approval of development projects, once the City assumes coastal development permit authority, 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.

Preparation of the LCP for certification by the Commission will be the responsibility of the staff of the Commission's South Central Coast District office in Ventura. This office has been responsible for reviewing and analyzing coastal development permit applications and making recommendations to the Commission relative to consistency with the Coastal Act for various projects within the City since its incorporation in 1991. Coastal Act issues raised by development applications in Malibu are often complex and sometimes contentious which has resulted in a heavy demand on the workload of staff in the Ventura office as well as the Commission which must ultimately rule on applications for development proposals within the City in lengthy public hearings.

Preparation of the LCP in accordance with the mandatory timelines established by AB 988 will require adherence to a strict timetable in order to provide for the required 6-week public review period, consultation with the City and public hearings before the Malibu City Council and the Commission prior to adoption and certification of the LUP and the subsequent Implementation Plan (IP). It is necessary to release the draft LUP for public review by May 1, 2001 in order to provide a minimum of two public hearings before the Commission in October, 2001 and January, 2002. Correspondingly, it will be necessary to release the draft Implementation Plan by March 1, 2002 to allow for public review and hearings to achieve final certification by September 15, 2002.

In order to meet the statutory requirements of AB 988, the Commission has had to hire an independent consultant. This bill would allow the Commission to utilize local government assistance grant funds which have not yet been encumbered for the purpose of retaining the consultant. The LCP preparation work is consistent with the stated purpose of the grant funding.

FISCAL IMPACT

This bill does not make a new appropriation. Nor does it augment the Commission's existing budget. This bill reallocates local government assistance grant money that would otherwise have been provided to local jurisdictions (including Malibu) for LCP preparation, to the Commission for the same purpose. The reallocation provides the equivalent of 2 additional PYs to complete the work in the required time frame. The additional costs cannot be absorbed by the Commission's existing budget without curtailing staff training, travel and related program costs. This bill would prevent a net loss to the Commission's approved budget. This bill does not affect the city of Malibu, the regulated community nor the state general fund.

SUPPORT/OPPOSITION

None on file

RECOMMENDATION: SUPPORT

Because AB 988 mandated the Coastal Commission to prepare and certify an LCP for the city of Malibu without providing additional funding or personnel, the Commission has had to tap funds budgeted for core programs to hire a consultant to perform the work. Reallocating funds already appropriated for LCP work to reimburse the Commission would allow these funds to be spent for actual LCP work as intended, rather than reverting back to the general fund. SB 55 would also allow the Commission to use previously budgeted core program funding as planned.

LEGISLATIVE STAFF CONTACT

Sarah Christie, Legislative Coordinator
(916) 445-6067
schristie@coastal.ca.gov

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45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



W8

January 10, 2001

To: Senator Steve Peace, Chair
Joint Legislative Budget Committee

RECORD PACKET COPY

Senator Dede Alpert, Chair
Senate Appropriations Committee

Assemblymember Carole Migden, Chair
Assembly Appropriations Committee

From: Peter Douglas,
Executive Director

Susan Hansch,
Chief Deputy Director

Subject: Supplemental Report of the 2000 Budget Act: Item 3720-001-0001
California Coastal Commission Required Report 3.
Local Coastal Program Reviews

On behalf of the Coastal Commission, we are submitting the report regarding *Local Coastal Program Reviews* as required in the Supplemental Report of the 2000 Budget Act.

The Supplemental Report of the 2000 Budget Act states:

Item 3720-001-0001 #3 – California Coastal Commission

Local Coastal Programs. On or before January 10, 2001, the Coastal Commission shall provide to the Joint Legislative Budget Committee and fiscal committees of both houses a work plan for eliminating its backlog of statutorily mandated Local Coastal Program (LCP) reviews. The work plan shall (a) list all LCPs with their date of certification; (b) group the LCPs into two or more ranks indicating their priority, based on their relative impact on the goals of the Coastal Act, for review by the commission; (c) estimate the staff time and other resources necessary for reviewing each group of LCPs; and (d) provide a time line for the review of each group of LCPs, based on anticipated resources.

The Legislature requested this report because of the Coastal Act requirements for reviews of certified Local Coastal Programs. Due to long-term staffing constraints, the Coastal Commission is not meeting the LCP review requirements of the Coastal Act and has a large workload backlog. This report on the status of Local Coastal Programs reviews list the status of the reviews of all certified LCPs and groups the LCPs into three priority rankings and estimates the staff time needed to complete the described work. Figure 1 shows that the Coastal Commission needs approximately 16.5 positions to complete all required LCP reviews statewide in five years.

The cost of 16.5 positions with associated operating costs for the Coastal Commission would be approximately \$1.56 million per year for at least five years. This cost is based on completing all reviews in five years. Costs would be less if less staff were added and the workload was spread over a longer period of time.

Please call Susan Hansch at (415) 904-5244 if you have any questions.

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45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



January 10, 2001

**SUPPLEMENTAL REPORT OF THE 2000 BUDGET ACT
ITEM 3720-001-0001 Part 3
CALIFORNIA COASTAL COMMISSION
LOCAL COASTAL PROGRAM REVIEWS**

This report has been prepared by the California Coastal Commission¹ in compliance with the provisions contained in the Supplemental Report of the 2000 Budget Act, Item 3720-001-0001 (3). This report responds to the following provisions:

On or before January 10, 2001, the Coastal Commission shall provide to the Joint Budget Committee and the Fiscal Committees of both houses a work plan for eliminating its backlog of statutorily mandated Local Coastal Program (LCP) Reviews. The work plan shall

- (a) list all LCPs with their date of certification;
- (b) group the LCPs into two or more ranks indicating their priority, based on their relative impact on the goals of the Coastal Act, for review by the Commission;
- (c) estimate the staff time and other resources necessary for reviewing each group of LCPs; and
- (d) provide a timeline for the review of each group of LCPs, based on anticipated resources.

¹ This report was prepared by Commission staff and has not been formally adopted by the Commission.

A. List All LCPs with their Date of Certification

There are currently 73 coastal jurisdictions. Because the Coastal Act Section 30511(c) allows jurisdictions to submit their LCPs in separate geographic units, there are currently 126 geographic LCP segments, listed below. However, for the purpose of developing a work program as outlined in sections B and D of this report, multiple segments within jurisdictions have been consolidated. All certified LCP segments and the applicable date of certification are shown in the following Table 1.

Table 1
List of LCP segments, Dates of Certification and Status of Periodic Reviews

	LCP segment	year effectively certified	Yr. Review due (+5 yrs.)	No. of Yrs. Overdue	Notes
North Coast District					
1	Del Norte County	1983	1988	12	
2	Del Norte Co. Harbor	1987	1992	8	
3	Del Norte Co. Lopez Creek	1987	1992	8	
4	Del Norte Co. Pt. St. George	Not yet certified			
5	City of Crescent City	1983	1988	12	
6	Crescent City McNamara- Gillespie	1984	1989	11	
7	Humboldt Co. Northcoast	1986	1991	9	
8	Humboldt Co. Trinidad Area	1986	1991	9	
9	Humboldt Co. McKinleyville	1986	1991	9	
10	Humboldt Co. Humboldt Bay	1986	1991	9	
11	Humboldt Co. Eel River	1986	1991	9	
12	Humboldt Co. Southcoast	1986	1991	9	
13	City of Trinidad	1980	1994	6	Review done 7/89
14	City of Arcata	1989	1994	6	
15	City of Eureka	1984	1989	11	
16	Mendocino Co. Balance	1992	1997	3	
17	Mendocino Co. Town	1996	2001	N/A	
18	Mendocino Co. Pygmy Forest	Not yet certified			
19	City of Ft. Bragg	1983	1988	12	
20	City of Pt. Arena	1981	1986	14	

	LCP segment	year effectively certified	Yr. Review due (+5 yrs.)	No. of Yrs. Overdue	Notes
North Central District					
21	Sonoma County	1982	1987	12	
22	Marin Co. South I	1981	1986	14	
23	Marin Co. North II	1982	1987	13	
24	San Francisco	1986	1991	9	
25	S.F. Olympic Club	Not yet certified			
26	City of Daly City	1984	1989	11	
27	City of Pacifica	1994	1999	1	
28	City of Half Moon Bay	1996	2001	N/A	
29	San Mateo Co.	1981	1986	14	
Central District					
30	Santa Cruz Co.	1983	1988	12	
31	City of Santa Cruz	1985	1990	10	
32	City of Capitola	1990	1995	5	
33	City of Watsonville	1988	1993	7	
34	Monterey Co. North	1988	1993	7	
35	Monterey Co. Del Monte Forest	1988	1993	7	
36	Monterey Co. Carmel Area	1988	1993	7	
37	Monterey Co. Big Sur	1988	1993	7	
38	City of Marina	1982	1987	13	
39	City of Sand City	1984	1989	5	Review done 9/90
40	City of Seaside	Not yet certified			
41	City of Monterey Laguna Grande	Not yet certified			
42	City of Monterey Del Monte Beach	Not yet certified			
43	City of Monterey Harbor	Not yet certified			
44	City of Monterey Cannery Row	Not yet certified			
45	City of Monterey Skyline	Not yet certified			
46	City of Pacific Grove	Not yet certified			
47	City of Carmel	Not yet certified			
48	San Luis Obispo Co.	1987	1992	8	Review in progress
49	City of Morro Bay	1984	1989	11	

	LCP segment	year effectively certified	Yr. Review due (+5 yrs.)	No. of Yrs. Overdue	Notes
50	City of Pismo Beach	1984	1989	11	
51	City of Grover Beach	1984	1989	11	
South Central District					
52	County of Santa Barbara	1982	1987	13	
53	City of Guadalupe	1991	1996	4	
54	City of Santa Barbara/City	1986	1991	9	
55	City of Santa Barbara/ Airport	1991	1996	4	
56	City of Carpinteria	1982	1987	13	
57	Ventura Co.	1983	1988	12	
58	City of San Buenaventura	1983	1988	12	
59	City of Oxnard	1985	1990	10	
60	City of Port Hueneme	1984	1989	11	
61	LA County/Malibu Mnts.	Not yet certified			
62	City of Malibu	Not yet certified			
South Coast District					
63	LA County Marina/Ballona	1990	1995	5	
64	LA County Playa Vista A	Not yet certified			
65	LA County Sta. Catalina Is.	1990	1995	5	
66	City of LA Pac Palisades	Not yet certified			
67	City of LA Venice	Not yet certified			
68	City of LA Playa Vista	Not yet certified			
69	City of LA Del Rey Lagoon	Not yet certified			
70	City of LA Airport/Dunes	Not yet certified			
71	City of LA San Pedro	Not yet certified			
72	City of Santa Monica	Not yet certified			
73	City of El Segundo	1982	1987	13	
74	City of Manhattan Beach	1995	2000	N/A	
75	City of Hermosa Beach	Not yet certified			
76	City of Redondo Beach	Not yet certified			
77	City of Torrance	Not yet certified			

	LCP segment	year effectively certified	Yr. Review due (+5 yrs.)	No. of Yrs. Overdue	Notes
78	City of Palos Verdes Estates	1991	1996	4	
79	City of Rancho Palos Verdes.	1983	1988	12	
80	City of Long Beach	1981	1986	14	
81	City of Avalon	1981	1986	14	
82	Orange Co. Sunset	1983	1988	12	
83	Orange Co. Bolsa Chica	Not yet certified			
84	Orange Co. Santa Ana River	Not yet certified			
85	Orange Co. Santa Ana Hts.	Not yet certified			
86	Orange Co. Newport (Irvine) Coast	1988	1993	7	
87	Orange Co. Aliso Viejo	1983	1988	12	
88	Orange Co. Emerald Bay	1989	1994	6	
89	City of Seal Beach	Not yet certified			
90	City of Huntington Beach	1985	1990	10	
91	City of Costa Mesa	Not yet certified			
92	City of Newport Beach	Not yet certified			
93	City of Irvine	1982	1987	13	
94	City of Laguna Beach	1993	1998	2	
95	City of Laguna Niguel	1990	1995	5	
96	City of Dana Point	1989	1994	6	
97	City of San Clemente	Not yet certified			
San Diego District					
98	Co. of San Diego	Not yet issuing permits			
99	City of Oceanside	1986	1991	9	
100	City of Carlsbad Agua Hedionda	Not yet certified			
101	City of Carlsbad Mello I	1996	2001	N/A	
102	City of Carlsbad Mello II	1996	2001	N/A	
103	City of Carlsbad W. Batiquitos/Sammis	1996	2001	N/A	
104	City of Carlsbad E. Batiquitos/Hunt	1996	2001	N/A	

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	LCP segment	year effectively certified	Yr. Review due (+5 yrs.)	No. of Yrs. Overdue	Notes
105	City of Carlsbad Village Redevel. Area	1987	1992	8	
106	City of Encinitas	1995	2000	N/A	
107	City of Solana Beach	Not yet certified			
108	City of Del Mar	Not yet certified			
109	City of S.D. North City	1988	1993	7	
110	City of San Diego La Jolla	1988	1993	7	
111	City of San Diego Pacific Beach	1988	1993	7	
112	City of San Diego Mission Beach	1988	1993	7	
113	City of San Diego Mission Bay	Not yet certified			
114	City of San Diego Ocean Beach	1988	1993	7	
115	City of San Diego Peninsula	1988	1993	7	
116	City of San Diego Centre City	1988	1993	7	
117	City of San Diego Barrio Logan	1988	1993	7	
118	City of San Diego Otay Mesa	1988	1993	7	
119	City of San Diego Tijuana River	1988	1993	7	
120	City of San Diego Border Highlands	1988	1993	7	
121	City of Coronado	1984	1989	11	
122	City of National City	1991	1996	4	
123	City of Chula Vista	1985	1990	10	
124	City of Chula Vista So. Bay Is.	Not yet certified			
125	City of Imperial Beach	1984	1989	11	

Date Modified 2/23/00

B. Group the LCPs into two or more ranks indicating their priority based on their relative impact on the goals of the Coastal Act, for review by the Commission.

Rank 1: High Priority LCPs: A number of factors contribute to identifying these as LCPs as being a high priority for Periodic Review:

- 1) they include areas formally adopted for priority review by the Coastal Commission in December 1998;
- 2) they have a high level of post-certification permit and appeals activity;
- 3) they contain critical coastal resource management issues;
- 4) they are faced with high growth and development pressures;
- 5) they have experienced a higher number of project-driven amendments; and/or,
- 6) they have LCP policies and standards, which are most out of date.

<u>North Coast District</u> Del Norte County Humboldt County Mendocino County City of Fort Bragg	<u>South Central Coast District</u> Santa Barbara County Ventura County
<u>North Central Coast District</u> City of Half Moon Bay San Mateo County	<u>South Coast District</u> Los Angeles County/2 of 5 segments ²
<u>Central Coast District</u> Santa Cruz County Monterey County San Luis Obispo County (periodic review in progress)	<u>San Diego Coast District</u> City of Carlsbad City of San Diego

² Only two segments of the Los Angeles County LCP are completed and would be reviewed in one periodic review.

Rank 2: Medium Priority LCPs: These include LCPs with significant coastal resource management issues but of generally less complexity than high priority areas. They also have less post-certification permitting and appeals activity.

<u>North Coast District</u>	<u>South Central Coast</u>
City of Crescent City	City of Santa Barbara
City of Eureka	City of San Buenaventura
City of Point Arena	City of Oxnard
	City of Pt. Hueneme
<u>North Central Coast District</u>	<u>South Coast District</u>
Marin County	City of Manhattan Beach
City of Pacifica	City of Long Beach
Sonoma County	Orange County
	City of Huntington Beach
<u>Central Coast District</u>	City of Laguna Beach
City of Santa Cruz	City of Dana Point
City of Capitola	City of Rancho Palos Verdes
City of Watsonville	
City of Morro Bay	
City of Pismo Beach	<u>San Diego Coast District</u>
City of Marina	City of Coronado
City of San Diego	City of Oceanside
	City of Imperial Beach

Rank 3: Lower Priority LCPs: These are areas where the coastal management issues raised are less complex or fewer coastal resources are at stake. These areas also generally have less permit and appeals activity.

<u>North Coast District</u>	<u>South Coast District</u>
City of Trinidad	City of El Segundo
City of Arcata	City of Palos Verdes Estates
	City of Avalon
<u>North Central Coast District</u>	City of Irvine
City of San Francisco	City of Laguna Niguel
<u>Central Coast District</u>	<u>San Diego Coast District</u>
City of Grover Beach	City of National City
	City of Chula Vista
<u>South Central Coast District</u>	
City of Carpinteria	

C. Estimate the staff time and other resources necessary for reviewing each group of LCPs.

In prior budget reports, the Commission staff estimated staff requirements based on completion of a *complex* Periodic Review for a regional grouping of one County and 3 cities. This approach to review a regional grouping of LCPs was designed to increase efficiency, target the highest priority LCPs and improve the evaluation and management of the cumulative impacts of coastal development. Using his approach, approximately 9.0 staff positions would be required to review four LCPs within a one-year period. This

includes staff requirements for analysis, project management, mapping and other technical assistance and monitoring. This estimate also assumed that the LCP review for a large county would be more complex than the review for a smaller city.

However, to develop a work program for completion of individual reviews as requested in this report, a single, complex LCP review for a high priority jurisdiction is estimated to require about half of that (4.5 PY) for a regional review. Less complex reviews would require somewhat less staff time, estimated to be 2.0 PY for a high priority review. Medium and lower priority reviews, which are likely to address far fewer issues than a high priority review would be allocated fewer resources. Also, because the various LCPs are within different CCC districts, staff would need to be allocated to each district office in order to conduct the various reviews. Based on the estimates, each grouping would requiring the following staff time:

Staffing Required for High Priority LCP Reviews:

<i>Jurisdiction</i>	<i>Person Years</i>
Del Norte County	4.5
Humboldt County	4.5
Mendocino County	4.5
City of Ft. Bragg	2.0
North Coast Subtotal	15.5
City of Half Moon Bay	2.0
San Mateo County	4.5
North Central Subtotal	6.5
Santa Cruz County	4.5
Monterey County	4.5
San Luis Obispo County ³	4.5
Central Coast subtotal	13.5
Santa Barbara County	4.5
Ventura County	4.5
South Central Coast Subtotal	9.0
Los Angeles County ⁴	2.0
South Coast subtotal	2.0
City of Carlsbad	2.0
City of San Diego	2.0
San Diego Subtotal	4.0
Total Staffing Needed to complete Review of all High Priority LCPs	50.5

³ San Luis Obispo County currently is progress with 4.5 PY assigned

⁴ Staff estimates based on only 2 of 5 certified segments

Staffing Required for Medium Priority LCP Reviews:

Jurisdiction	Person Years
City of Crescent City	1
City of Eureka	1
City of Point Arena	1
North Coast Subtotal	3.0
Marin County	1
City of Pacifica	1
Sonoma County	1
North Central Coast subtotal	3.0
Jurisdiction	Person Years
City of Santa Cruz	1
City of Capitola	1
City of Watsonville	1
City of Morro Bay	1
City of Pismo Beach	1
City of Marina	1
City of San Diego	1
Central Coast Subtotal	7.0
City of Santa Barbara	1
City of San Buenaventura	1
City of Oxnard	1
City of Point Hueneme	1
South Central Coast District	4.0
City of Manhattan Beach	1
City of Long Beach	1
Orange County	1
City of Huntington Beach	1
City of Laguna Beach	1
City of Dana Point	1
City of Rancho Palos Verdes	1
South Coast District	7.0
City of Coronado	1
City of Oceanside	1
City of Imperial Beach	1
San Diego District	3.0
Total Staffing Needed to complete Review of all Medium Priority LCPs	27.0

Staffing Required for Lower Priority LCP Reviews:

Jurisdiction	Person Years
City of Trinidad	.5
City of Arcata	.5
North Coast Subtotal	1.0
City of San Francisco	.5
North Central District subtotal	.5
City of Grover Beach	.5
Central Coast Subtotal	.5
City of Carpinteria	.5
South Central District subtotal	.5
City of El Segundo	.5
City of Palos Verdes Estates	.5
City of Avalon	.5
City of Irvine	.5
City of Laguna Niguel	.5
South Coast District Subtotal	2.5
City of National City	.5
City of Chula Vista	.5
San Diego District Subtotal	1.0
Total Staffing Needed to complete Review of all Lower Priority LCPs	6.0

D. Provide a timeline for the review of each group of LCPs, based on anticipated resources.

Eliminating the backlog of overdue periodic reviews in one year is infeasible. The required staff resources and Commission public hearing time alone would be prohibitive. Even completing reviews of the 12 highest priority reviews in one year is not possible. Even with additional budgetary support, it should be noted that the task cannot be completed solely by new staff. It is essential that the limited number of existing District Commission staff participate in the review teams because they are familiar with the LCPs and their geography and they have conducted the general oversight of the local programs since their certification. Therefore, the Commission staff assumes each district office will develop annual work programs based on initiating from one to three periodic reviews (for example, one high, one medium, and one lower priority review) in any given year, depending upon the actual allocation of staff to the program. Further, it should be noted that some district offices have a greater number of certified LCPs that are overdue for review. Therefore, staffing resource requirements will be higher in those districts, as reflected in Table 1.

The timeline for eliminating the backlog of reviews within a 5-year period, would require 16.5 positions for new program staff statewide. These positions would then be allocated based on the number of projected reviews in each district. For example, one high priority review, one medium priority review and one low priority review would require roughly 6.0 PY based on a one-year work program. A high priority review might extend over two years based on staff allocations. A projected 5-year timeline is presented in Figure 1.

E. Conclusion.

Section 30519.5 of the Coastal Act requires that the Commission review the implementation of certified LCPs every 5 years in order to determine whether the LCP is being effectively implemented in conformity with the policies of the Coastal Act. In enacting this mandate, the Legislature recognized the importance of ongoing monitoring, evaluation and update of LCPs to effective coastal management.

To date the Commission has completed only a few LCP reviews⁵ and roughly 50 LCP reviews are overdue, some by more than 10 years. Yet, significant changes have occurred in the coastal zone. LCPs that contain out of date policies and standards for managing sensitive coastal resources become far less effective in guiding sound coastal management and threaten the continued protection of fragile coastal land and water areas.

The Commission currently is undertaking a single review with use of federal grant funds that are awarded competitively each year and thus are not assured as a long-term funding source. To establish a stable periodic review program statewide will require a substantial commitment of time and resources. Such an infusion of support, however, is absolutely critical to preventing the longterm erosion of the coastal resource management planning process that is one of the basic tenants of the Coastal Act.

The proposed staffing and timeline contained in this report is the Commission's staff's best estimate for the resources needed to make progress in fulfilling the Commission's mandate under the Coastal Act. Figure 1 shows that the Coastal Commission needs approximately 16.5 positions to complete all required LCP reviews statewide in five years.

The cost of 16.5 positions with associated operating costs for the Coastal Commission would be approximately \$1.56 million per year for at least five years. This cost is based on completing all reviews in five years. Costs would be less if less staff were added and the workload was spread over a larger period of time.

G: Executive\SHs ltrs\Mandated Reports\LCP Report 1/01

⁵ City of Trinidad; City of Sand City; San Luis Obispo County in progress

**Figure 1: Projected Timeline for Completion of All LCP Periodic Reviews Over a 5-Year Period
with a Staffing Allocation Statewide of 16.5 Positions***

District	Staffing	Year 1	Year 2	Year 3	Year 4	Year 5
North Coast	4.5 positions	Del Norte Co.	Humboldt Co.	Mendocino	Fort Bragg	City of Point Arena
	total				City of Crescent City	City of Trinidad
					City of Eureka	City of Arcata
North Central Coast	2.5 positions	San Mateo County		Half Moon Bay	Marin	Pacifica
	total				San Francisco	Sonoma
Central Coast	4.5 positions	San Luis Obispo Co.**	Monterey Co.	Santa Cruz Co.	City of Marina	City of Capitola
	total				City of Morro Bay	City of Pismo Beach
					City of Santa Cruz	City of Grover Beach
					City of Sand City	City of Watsonville
South Central Coast	3.0 positions	Santa Barbara Co.		Ventura Co.		City of Pt. Hueneme
	total		City of San Buenaventura	City of Carpinteria	City of Oxnard	
South Coast	3.0 positions	Los Angeles County	City of Long Beach	City of Laguna Beach	City of Laguna Niguel	
	total	City of Manhattan Beach	Orange County	City of Dana Point	City of El Segundo	
			City of Huntington Beach	City of Rancho Palos Verdes	City of Avalon	
					City Of Irvine	
					City of Palos Verdes Es	
San Diego	2.0 positions	City of Carlsbad	City of San Diego	City of Coronado	City of Imperial Beach	
	total			City of Oceanside	City of National City	
					City of Chula Vista	
total statewide staffing	16.5 positions					

* Note that this estimation does not include the necessary staff or time to implement the results of each Periodic Review. Such implementation, however, could be accomplished by extending this 5-year time line for a longer period with the same number of proposed staff.

** In progress FY 00/01

CALIFORNIA COASTAL COMMISSION

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

**RECORD PACKET COPY****W 8**

January 25, 2001

TO: Coastal Commissioners and Interested Persons

FROM: Legal Division and Legislative Unit

SUBJECT: New Laws

One bill amended the Coastal Act during the 2000 legislative session, adding Section 30166.5 (a) and (b), relating to the City of Malibu. Several additional bills were signed into law that amend or revise other laws directly and indirectly affecting the Commission. These new laws go into effect January 1, 2001, unless noted otherwise. Key provisions of these new laws are noted below.

1. COASTAL ACT**AB 988 (Hertzberg) – Local Coastal Program: City of Malibu (Chapter 952)
(Public Resources Code section 30166.5)**

AB 988 adds Section 30166.5 to the Coastal Act. Subsection (a) requires the Commission to draft a land use plan for the City of Malibu and submit it to the city on or before January 15, 2002. Subsection (b) requires the Commission, after public hearing and consultation with the City of Malibu, to certify a Local Coastal Program for the City of Malibu by September 15, 2002. The city must assume coastal development permit authority within 30 days of certification. The law exempts the city's coastal development permit process from the Permit Streamlining Act after the city assumes coastal development permitting authority from the Commission.

Implementation: Significant Commission staff resources will be required to comply with the legislation. Commission staff has been working closely with the city to prepare a work program and an MOU that will maximize coordination and city participation.

2. COASTAL ACT RELATED LEGISLATION: ENDANGERED SPECIES**SB 1679 (Sher) – Environmental Protection (Chapter 87)
(Government Code section 12805.1)**

SB 1679 was an omnibus budget trailer bill. One of its many provisions added Section 12805.1 to the Government Code, requiring the Secretary for Resources to facilitate coordination between the California Department of Fish and Game and the Coastal Commission in a manner consistent with, and in furtherance of, the goals and policies of the Coastal Act and the Natural Community Conservation Planning Act. The purpose of this amendment is to clarify and define the process by which NCCPs and HCPs in the coastal zone, or those that will likely affect coastal zone resources, will be drafted and acted upon by the respective agencies in the future.

3. COASTAL ACT RELATED LEGISLATION: WATER QUALITY

AB 885 (Jackson) – Onsite Sewage Treatment Systems (Chapter 781) (Water Code sections 13290 - 13291.7)

AB 885 requires 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 regulations or standards for the permitting and operation of prescribed onsite sewage treatment systems that meet certain requirements. Regional boards must then incorporate the SWRCB's regulations or standards into the appropriate regional water quality control plans.

The new regulations will apply to any sewage treatment system that: (1) is constructed or replaced, (2) is subject to a major repair, (3) pools or discharges to the surface, or (4) 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. The regulations and standards adopted will include requirements relating to system operation, performance, monitoring, and corrective action, among other requirements.

Implementation: Commission staff will assist the SWRCB staff to establish requirements for the siting, design, operation, and maintenance of onsite sewage treatment systems with considerations for specific coastal conditions, including Critical Coastal Areas. Commission staff will also work to ensure the incorporation of appropriate onsite sewage treatment system requirements or standards into Local Coastal Programs and coastal development permits brought before the Commission.

4. COASTAL ACT RELATED LEGISLATION: PUBLIC BEACHES

AB 1946 (Wayne) – Public Beaches (Chapter 152) (Health and Safety Code section 115910)

AB 1946 repeals and adds Section 115910 of the Health and Safety Code, relating to public beaches. This amendment requires the State Water Resources Control Board, by February 1, 2001, to develop uniform guidelines for local health officers to report beach postings, closures and related information. It requires monthly reports be made available to the public via the internet, and requires the SWRCB to publish its statewide annual report by July 3 of each year.

Implementation: No action on the part of the Commission is necessary to implement this amendment. However, the information contained in the public reports may be of interest to the Commission.

5. COASTAL ACT RELATED LEGISLATION: BEACH DEVELOPMENT

AB 1781 (Pacheco) – State Beaches (Chapter 782) (Urgency Clause Adopted) (Public Resources Code section 5002.6)

AB 1781 amends Section 5002.6 of the Public Resources Code, relating to state beaches. The amendment removes a previously existing \$250,000 cap on non-commercial projects for specified

beaches controlled by the City of Los Angeles, allowing for the construction of wheelchair ramps, pedestrian accessways, and other improvements to meet provisions of the Americans with Disabilities Act.

Implementation: No action on the part of the Commission is necessary to implement this amendment. However, projects contemplated by this amendment that constitute "development" under Coastal Act section 30106 will require coastal development permits.

6. COASTAL ACT RELATED LEGISLATION: WETLANDS

AB 2286 (Davis) – Wetlands (Chapter 964) (Public Resources Code sections 5811 – 5817)

AB 2286 amends certain sections of the Keene-Nejedly California Wetlands Preservation Act relating to wetlands. This amendment requires 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 both private/public partnerships in wetland restoration and 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.

Implementation: No action on the part of the Commission is necessary to implement this legislation. However, the results of the updated inventory may affect future Commission action.

7. COASTAL ACT RELATED LEGISLATION: AIRPORT

SB 1562 (Burton) - Project Mitigation Through Wetlands Restoration (Chapter 385) (Public Resources Code sections 21085.7, 21151.10)

SB 1562 adds sections to the Public Resources Code that relate to project mitigation through wetlands restoration for one specified CEQA project, i.e., the San Francisco International Airport expansion. This legislation requires the lead agency for the airport project to include a detailed statement of mitigation, with specified analyses, in an environmental impact report, if the EIR identifies as a proposed mitigation the payment of funds to one or more public agencies to mitigate the impacts of the project and the agencies propose to use the funds for that purpose. The legislation requires the lead agency of the airport project to make approval of the project and payment of funds for mitigation measures contingent upon a specified agreement between the lead agency and the public agencies.

Implementation: No Commission action is necessary to implement this legislation, as San Francisco International Airport falls within the jurisdiction of the San Francisco Bay Conservation and Development Commission. However, mitigation projects which may be proposed pursuant to this legislation may be located within the coastal zone. Therefore, the Commission may, in the future, be considering the information contained in the airport's EIR as part of a coastal development permit approval for proposed wetlands restoration projects.

8. COASTAL ACT RELATED LEGISLATION: MARINE RESOURCES

**AB 2800 (Shelley) – Marine Managed Areas Improvement Act (Chapter 385)
(Fish and Game Code sections – various)
(Public Resources Code sections – various)**

AB 2800, the Marine Managed Areas Consolidation and Improvement Act, amends Sections 1525, 1528, 1580, 2852, 8610.14, 10503, and 10711 of, and adds Article 5 of Division 2 of the Fish and Game Code; and amends Sections 5001.65, 5003.1, 5019.50, 5019.53, 5019.56, 5019.59, 5019.62, 5019.65, 5019.71, and 5019.74 of, and adds Sections 538, 5001.4, 5019.80 and Chapter 7 to the Public Resources Code, relating to marine resources.

This bill requires the Resources Agency 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 for Resources to create the State Interagency Coordinating Committee, whose members are representatives from the Department of Fish and Game, Department of Parks and Recreation, Coastal Commission, State Water Resources Control Board, and State Lands Commission.

Implementation: The Commission is required to participate as a member of the State Interagency Coordinating Committee, to consider inclusion of and management strategies for newly designated marine managed areas. The management criteria for some of these areas, particularly those relating to water quality and discharge requirements, may affect the Commission's actions on coastal development permits and Local Coastal Plan amendments.

9. OTHER LEGISLATION: COMMISSION MOU

AB 2144 (Keeley) –Land Use (Chapter 407)

AB 2144 requires that the Commission, the City of Watsonville and the County of Santa Cruz comply with the Memorandum of Understanding entered into by those entities on June 14, 2000. This legislation enables anyone to petition the court if any of the three entities fail to comply with the MOU. 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's Department of Housing and Community Development, and either the county or the city takes action to amend or repeal the supermajority voting requirements of the MOU.

Implementation: No action on the part of the Commission is necessary. The Commission agreed to the provisions of the MOU during a public hearing on June 14, 2000.

