

**CALIFORNIA COASTAL COMMISSION**

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**W-9a**

**RECORD PACKET COPY**

June 13, 2001

**TO:** Coastal Commissioners and Interested Public

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

**SUBJECT:** LEGISLATIVE REPORT FOR JUNE 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](http://www.coastal.ca.gov)

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

## IMPORTANT LEGISLATIVE DATES

The California State Legislature re-convened on January 3, 2001. The California Coastal Commission is not sponsoring any bills this session.

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

### 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. (Resolution and Analysis Attached.)

Introduced 2/14/01  
Status Passed Assm. Floor, Referred to Senate Rules  
**Commission Position Staff recommends a Support position**

### 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. This bill tracks funding in SB 31.

Introduced 12/04/00  
Last Amended 5/31/01  
Status Passed Assm. Natural Resources Com; Passed Assm. Appropriations Suspense File; Assm. 2<sup>nd</sup> Reading  
**Commission Position Support**

### 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 05/02/01  
Status Passed Assm. Natural Resources, Passed Assm. Transportation; Referred to Assm Appropriations, Passed Assembly Floor, In Senate Natural Resources

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

AB 388 (Strom-Martin) Oil Spill Prevention and Response: Marine Mammals

This bill would continuously appropriate \$125,000 per year for the purpose of training OSPR personnel and staff to respond to oil spills requiring the rescue of wildlife, and an additional \$135,000 for grants to the Marine Mammal Center for research into the effects of toxic materials on marine mammals. The funds would be generated by fees already collected by the state from the sale of crude oil.

Introduced 02/20/01  
Last Amended 05/01/01  
Status Passed Assm. Natural Resources, Referred to Assm. Suspense File

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 02/22/01  
Last Amended 04/30/01  
Status Passed Assm. Natural Resources; Passed Assm. Appropriations, Assembly 2<sup>nd</sup> Reading  
**Commission Position Support**

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 06/05/01  
Status Passed Assm. ES & TM Committee,

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.
- The bill also requires the Commission to adopt non-regulatory guidelines no later than January 1, 2003, for purposes of implementation.

Introduced 02/22/01

Last Amended 04/23/01

Status Passed Assm. Natural Resources Committee, Passed Assm. Appropriations, Assm. 1<sup>st</sup> Reading

**Commission Position Support**

AB 560 (Jackson) Storm Water

This bill would amend the state Water Code, to allow grant funds to local public agencies for the purpose of acquiring, installing and maintaining devices for the removal of debris and pollutants from storm water drains, and direct the California Conservation Corps to assist with installation, where feasible.

Introduced 02/22/01

Last Amended 04/23/01

Status Passed Assm. ES&TM Committee, Passed Assm. Appropriations, Passed Assm., Referred to Senate Ag & Water Committee

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 05/31/01  
Status Passed Assm. Public Safety Committee; Passed Assm. Appropriations Suspense File,  
3rd Reading Assembly Floor

**Commission Position Support**

AB 985 (Florez) Fully Protected Species

This is a spot bill relating to the Fully Protected Species Act.

Introduced 02/23/01  
Last Amended 05/01/01  
Status Passed Assm. WP&W Committee, Passed Assm. Appropriations Committee, Passed  
Assembly Floor, To Senate Rules

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.

Introduced 02/23/01  
Last Amended 05/09/01  
Status Passed Assm. Local Government Committee; Passed Assm. Appropriations, Passed  
Assembly Floor, Referred to Senate Local Government and Judiciary Committees

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 Senate Natural Resources 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 05/26/01  
Status Passed Assm. Water Parks and Wildlife Committee, Passed Assm. Appropriations Committee, Passed Assembly

AB 1414 (Dickerson) Public Lands

This bill would require any state agency that holds public lands to prepare a management plan for any properties acquired after January 1, 2001, and designates the Office of Planning and Research as the agency charged with coordinating all state agencies that fund, acquire or manage lands for conservation or wildlife purposes. The management plans would be available for public review within 12 months from recordation of the property, and departments would be required to submit annual reports on the status of said lands to the appropriate legislative budget committees. (Analysis and Bill Text Attached)

Introduced 02/23/01  
Last Amended 05/31/01  
Status Passed Assm. Natural Resources, Passed Assm. Appropriations, Passed Assembly Floor, To Senate

**Commission Position Staff recommends an oppose position**

AB 1561 (Kelley) An Act Relating to Water

This bill declares the intent of the Legislature to consider the authorization of "take" of certain fully protected birds, fish and reptiles currently protected under the Fully Protected Species Act, if take is caused by the implementation of any component of the Lower Colorado River Multi-Species Conservation Program established by the States of California, Arizona, and Nevada and approved by the Department of Fish and Game.

Introduced 02/23/01  
Last Amended 04/26/01  
Status Passed Assm. WP&W Committee, Passed Assm Appropriations, Passed Assm. Floor, To Senate Rules Committee

AB 1598 (Hollingsworth) Fully Protected Species

This is a spot bill relating to the take 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 (Keely) Oak Woodlands

This bill would enact the Oak Conservation Act of 2001, administered by the Department of Forestry and Fire Protection. The Act would require the Department to do a status report on the health of California's oak woodlands, and to establish the Oak Conservation Advisory Committee. The Committee would make policy recommendations for the conservation of oak woodlands, and submit its recommendations to the director by December 1, 2002.

Introduced 02/23/01  
Last Amended 05/15/01  
Status Passed Assm. Natural Resources; Passed Assm. Appropriations, Passed Assembly, Referred to Senate Natural Resources Committee



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 01/04/00  
Last Amended 05/16/01  
Status Passed N.R.&W. Committee, Passed Sen. Appropriations, Passed Senate Floor

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 Suspense File  
**Commission Position Support**

SB 55 (Kuehl) City of Malibu Local Coastal Program

This bill would authorize the Commission to re-direct \$100,000 of 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).

Introduced 12/21/00  
Last Amended 02/22/01  
Status Chaptered, Statutes of 2001, Chapter 11  
**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.

Introduced 01/22/01  
Last Amended 05/02/01  
Status Passed N.R.&W. Committee, Passed Senate Appropriations, Passed Senate Floor

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

This bill would prohibit the construction of roads by any state or local agency

Introduced 01/24/01  
Last Amended 03/20/01  
Status Passed N.R. & W. Committee, Passed Senate Appropriations, Passed Senate Floor,  
Referred to Assm. Natural Resources and Transportation Committees

**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, Held at Assm. Desk

**SB 196 (Chesbro) Coastal and Historic Bond Act**

This bill authorize the legislature to spend bond funds for financing the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, coastal, and historical resources, as specified.

Introduced 02/08/01  
Last Amended 06/04/01  
Status Passed Senate NR&W Committee, Passed Senate Appropriations Committee, Senate  
3<sup>rd</sup> Reading

**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 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 05/02/01  
Status Passed Senate Local Government Committee, Passed Senate Appropriations  
Committee, Passed Senate Floor, Held at Assembly Desk.

**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.

Introduced 02/23/01

Last Amended 06/04/01

Status Passed N.R.&W. Committee, Passed Senate Appropriations, Passed Senate Floor, Held at Assembly Desk.

**Commission Position Support if Amended**

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, Held at Assembly Desk



## **ANALYSIS; ACR 20 (PAVLEY)**

### **SUMMARY**

This resolution declares that the California Coastal Trail is an official state trail, and urges the California Coastal Commission and the State Coastal Conservancy to work collaboratively on the completion of the trail.

### **PURPOSE OF THE BILL**

The purpose of this resolution is to establish the Legislature's support for the Coastal Trail, and to facilitate coordination between the two agencies responsible for its implementation.

### **EXISTING LAW**

While the Coastal Commission and the Coastal Conservancy have both made the Coastal Trail agency priorities, the State has never granted the Trail official status. SB 908 (Chesbro) was introduced this year to authorize the planning and construction of the trail in statute.

### **PROGRAM BACKGROUND**

A public trail along the length of the California coast has been a concept in the making since the early 1970's. In 1975, the Coastal Commission identified the Coastal Trail in the California Coastal Plan, and the California Department of Parks and Recreation has included the trail in its Recreational Trail Plan. Most recently, the Trail was designated a Millennium Legacy Trail by the Clinton Administration.

In 2000, the Coastal Conservancy awarded a \$600,000 planning grant to Coastwalk, a non-profit organization, for the purpose of preparing a plan to designate the coastal trail.

### **ANALYSIS**

Although efforts to designate and complete the coastal trail have been ongoing, this resolution directs the State of California to work toward the Trail's realization. Actual trail completion will require detailed planning, mapping, acquisition, signing and construction. The development of one contiguous trail that links all of the State's coastal parks and interest points together will add to the public enjoyment of the coastline.

This resolution will assist ongoing efforts to link existing trail segments and identify others of high value to the completion of the trail. Establishing Legislative support is critical to future funding efforts and budget requests. It also establishes the Legislature's intent for the Commission and the Conservancy to work collaboratively on efforts to complete the trail. Both agencies have critical roles to play through their respective authorities, and collaboration will enhance the efforts of both.

### **FISCAL IMPACT**

This resolution does not result in any direct cost to the Commission or the state. This resolution does state the intent of the Legislature to support the completion of the Trail, which will incur costs for planning, acquisition and maintenance. The state has already allocated \$600,000 for the initial planning of the trail.

The economic benefits of trails to local communities has been well documented. According to the author's office, the completed Trail will be one of the premier trails in the nation, and will draw people from around the country. The Trail will potentially have a beneficial impact on environmental awareness, recreation, and tourism.

#### **SUPPORT/OPPOSITION**

##### Support:

Coastwalk, Sierra Club  
Coastal Coalition

##### Opposition:

None on file

#### **RECOMMENDED POSITION**

Staff recommends the Commission **Support** ACR 20.

#### **LEGISLATIVE STAFF CONTACT**

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**Assembly Concurrent Resolution**

**No. 20**

**Introduced by Assembly Member Pavley**  
(Principal coauthor: Senator Kuehl)

February 14, 2001

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Assembly Concurrent Resolution No. 20—Relative to the California Coastal Trail.

LEGISLATIVE COUNSEL'S DIGEST

ACR 20, as introduced, Pavley. California Coastal Trail.

This measure would declare that the California Coastal Trail is an official state trail, and would urge the California Coastal Commission and the State Coastal Conservancy to work collaboratively on the completion of the trail.

Fiscal committee: yes.

- 1 WHEREAS, Through the appointments of Governor Gray
- 2 Davis and the work of the nonprofit organization, Coastwalk, the
- 3 White House Millennium Council has designated the California
- 4 Coastal Trail from Oregon to Mexico as a Millennium Legacy
- 5 Trail; and
- 6 WHEREAS, The California Coastal Trail is identified in the
- 7 California Coastal Plan and the California State Parks
- 8 Recreational Trail Plan; and
- 9 WHEREAS, Public access to and along the coast of California
- 10 is protected under Article X of the California Constitution and the
- 11 California Coastal Act of 1976 (Division 20 (commencing with
- 12 Section 30000) of the Public Resources Code); and

1 WHEREAS, Trails and greenways have a beneficial impact on  
2 quality of life in California, including the environment, economy,  
3 health, education, and community livability; and

4 WHEREAS, The recognition and completion of the California  
5 Coastal Trail is an integral part of the state's responsibility to  
6 provide public coastal access for all in perpetuity; now, therefore,  
7 be it

8 *Resolved, by the Assembly of the State of California, the Senate*  
9 *thereof concurring,* That the Legislature hereby declares that the  
10 California Coastal Trail is an official state trail and urges the  
11 California Coastal Commission and the State Coastal  
12 Conservancy to work collaboratively on the completion of the  
13 trail; and be it further

14 *Resolved,* That the Chief Clerk of the Assembly transmit copies  
15 of this resolution to the author for appropriate distribution.





## **BILL ANALYSIS; AB 1414 (Dickerson)**

### **SUMMARY**

This bill would require all state agencies that acquire and/or manage land for public benefit to prepare management plans for all properties, and submit annual reports to the Legislature. The bill also designates the Governor's Office of Planning and Research as the agency responsible for coordinating all agencies which acquire, or fund acquisition of lands for the purpose of conservation or restoration. This bill also encourages the Department of Fish and Game (DFG) and the Department of Parks and Recreation (DPR) to first use, where possible, non-acquisition methods such as easements and cooperative agreements for habitat restoration and other conservation goals.

### **PURPOSE OF THE BILL**

The purpose of this bill is to improve the state's management and oversight of public land acquisition, in response to the State Auditor's 6/00 Report, "California's Wildlife Habitat and Ecosystem: the State Needs to Improve its Acquisition and Oversight."

### **EXISTING LAW**

Continuously appropriates money in the Fish and Game Preservation Fund to DFG to carry out the provisions of the Fish and Game Code.

### **ANALYSIS**

This preparation of management plans and regular reports on the status of their implementation is a worthy goal. However, the state's resource agencies are chronically underfunded and understaffed in virtually all areas, and it is likely that they will not be able to meet the requirements of this bill without reducing staff allocations in other, critical areas. In addition, without funding augmentations to carry out the provisions of this bill within the specified timeline, departments may be forced to publish incomplete, inadequate or hastily prepared documents.

The bill encourages departments to prioritize the use of easements or cooperative agreements to achieve conservation goals, rather than fee title acquisition. While easements and cooperative agreements are legitimate tools of conservation which work well in some instances, they require regular monitoring efforts to ensure their effectiveness. Unless staff is available to oversee the continued use of the property, the value of an easement or agreement is minimized. In addition, it should be noted that conservation easements are legal instruments which may include a variety of uses and can be nullified or amended with the agreement of both parties. They often make little or no provisions for public access. Thus, they do not necessarily achieve habitat protection in totality or perpetuity. Given these limitations, fee title acquisition is generally considered to be the preferable method of achieving lasting habitat protection.

Designation of the Office of Planning and Research as the agency responsible for coordinating the state's land acquisitions would place the State Coastal Conservancy, State Lands Commission, Wildlife Conservation Board, Department of Fish and Game and the State Parks Department in the position of reporting annually to a central coordinating body. As each of these agencies have different missions and mandates, it may not always be possible or appropriate to coordinate activities. While some acquisitions may benefit from inter-agency coordination, staff of these departments report that they already work closely with one another and local governments and community groups to maximize conservation efforts.

The State Auditor's report recommended that OPR develop and implement a comprehensive approach for addressing statewide land use planning, inherent in which would be the acquisition and restoration of habitat. Designating OPR as the coordinating agency for land acquisitions in the absence of the greater mission to address acquisition and restoration in the context of statewide land use policy is contrary to the stated recommendation of the report.

### **COST**

The Assembly Appropriations Committee estimates one-time costs of about \$800,000 in FY 2001-02 and about \$250,000 annually thereafter, to the DFG and the DPR to complete land management plans for both current and proposed land holdings. Ongoing costs of about \$200,000 starting in FY 2001-02, to the OPR to act as the coordinating agency and to annually report land acquisition and management information to the governor and Legislature.

### **SUPPORT/OPPOSITION**

#### Support:

Agricultural Council of California, California Cattlemen's Association, California Farm Bureau Federation, California Forestry Association, Northern California Water Association, Regional Council of Rural Counties

#### Opposition:

None on file

### **RECOMMENDED POSITION**

Staff recommends the Commission **Oppose** AB 1414.

### **LEGISLATIVE STAFF CONTACT**

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AMENDED IN ASSEMBLY MAY 31, 2001  
AMENDED IN ASSEMBLY APRIL 30, 2001  
AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1414**

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**Introduced by Assembly Members Dickerson and Florez**  
(Principal coauthor: Senator Oller)  
(Coauthor: Assembly Member Aanestad)

February 23, 2001

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An act to add Section 1019 to the Fish and Game Code, to add Section 65040.7 to the Government Code, and to add Section 515 to the Public Resources Code, relating to public land, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1414, as amended, Dickerson. Public lands.

(1) Existing law establishes the Department of Fish and Game and the Department of Parks and Recreation in the Resources Agency.

This bill would require those departments to prepare land management plans for all of their existing properties, which would describe their goals and strategies for managing the land and would identify and describe both ongoing and any necessary restoration, rehabilitation, and improvement projects for the land. The bill would require those departments to prepare and complete land management plans for all existing properties before they acquire additional property for the purpose of ecosystem restoration and wildlife habitat preservation. The bill would require these departments, *for land*

acquired on or after January 1, 2002, to complete draft management plans ~~for land acquired on or after January 1, 2002, ready for public review~~ within 9 12 months of the recordation date. The bill would require those departments to report, on or before February 1 of each year, to the appropriate legislative budget subcommittees regarding the plans.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the Department of Fish and Game to carry out the Fish and Game Code. Because this bill would impose duties on the department, the bill would make an appropriation.

(3) Existing law establishes the Office of Planning and Research in the Governor's office to serve the Governor and his or her Cabinet as staff for long-range planning and research and to constitute the comprehensive state planning agency.

This bill would provide that the office is the coordinating agency for all state agencies, boards, and programs with authority either to acquire or fund the acquisition of land for ecosystem restoration and wildlife habitat preservation and would impose duties on the office in that regard.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares that the  
2 State Auditor determined the following in a report entitled  
3 "California's Wildlife Habitat and Ecosystem: The State Needs to  
4 Improve Its Land Acquisition Planning and Oversight":

5 (1) The two departments that are acquiring the most land for  
6 wildlife and habitat and ecosystem purposes have not performed  
7 key tasks for managing these properties. Specifically, the  
8 Department of Fish and Game and the Department of Parks and  
9 Recreation have not prepared management plans for at least  
10 one-third of their properties, use outdated management plans for  
11 many properties, inadequately manage some land because they  
12 have not achieved certain management objectives or undertaken  
13 specific projects, and insufficiently document their management  
14 efforts.

15 (2) The state needs to improve its land acquisition planning and  
16 oversight.

1 (3) These departments should prepare final plans for all of their  
2 properties and parks that describe goals and strategies for  
3 managing the land, update their older land management or general  
4 plans, perform restoration, rehabilitation, and improvement  
5 projects, as well as periodic inspections of all land, in accordance  
6 with their land management or general plans.

7 (b) It is the intent of the Legislature to encourage the use of  
8 cooperative agreements and easements to accomplish ecosystem  
9 restoration or habitat preservation goals on private land.

10 SEC. 2. It is the intent of the Legislature in enacting this act  
11 to ensure that the Department of Fish and Game and the  
12 Department of Parks and Recreation correct the deficiencies  
13 identified by the State Auditor described in Section 1 and to  
14 establish a uniform statewide process for acquiring lands with  
15 oversight by the Office of Planning and Research.

16 SEC. 3. Section 1019 is added to the Fish and Game Code, to  
17 read:

18 1019. (a) The department shall, wherever feasible, seek to  
19 achieve ecosystem restoration and habitat preservation goals  
20 through cooperative agreements or easements with the landowner.

21 (b) The department shall prepare land management plans for all  
22 of its properties, whether in existence on the effective date of the  
23 act adding this section, or acquired in the future. The land  
24 management plans shall describe the department's goals and  
25 strategies for managing the land and public access opportunities,  
26 such as hiking, hunting, fishing, camping, or environmental or  
27 historical education, in a matter that is compatible with the primary  
28 goal of the plan, and shall identify and describe both ongoing and  
29 any other necessary restoration, rehabilitation, and improvement  
30 projects and related costs.

31 (c) For land acquired on or after January 1, 2002, the  
32 department shall complete ~~management plans within nine draft~~  
33 *management plans ready for public review within 12 months* of the  
34 recordation date. The department shall submit, on or before  
35 February 1 of each year, to the appropriate budget subcommittee  
36 of each house of the Legislature, a list of plans for lands acquired  
37 during the past year and a list of lands acquired during the last year  
38 for which plans are not yet complete. The subcommittee shall  
39 consider these lists in its budget decisions for the department.

1 SEC. 4. Section 65040.7 is added to the Government Code, to  
2 read:

3 65040.7. (a) The Office of Planning and Research is the  
4 coordinating agency under existing law for all state agencies,  
5 boards, and programs with authority either to acquire or fund the  
6 acquisition of land for ecosystem restoration and wildlife habitat  
7 preservation.

8 (b) To carry out the duties and responsibilities required by  
9 subdivision (a), the director shall do all of the following:

10 (1) On or before September 1, 2002, and each year thereafter,  
11 request that all state agencies or boards provide the office with  
12 information, including a description of the land and the purpose for  
13 which the land was acquired, of any acquisitions of land or funding  
14 that was directed to the acquisition of land, undertaken by the  
15 board or agency.

16 (2) On or before October 1, 2002, and each year thereafter,  
17 require that all state agencies or boards provide the office with  
18 information, including a description of the land, the purpose for  
19 which the land is to be acquired during the next fiscal year, the  
20 projected annual cost and funding source for the proposed  
21 acquisition, restoration, management, and monitoring of these  
22 lands.

23 (3) Review and evaluate any available information from  
24 federal agencies pertaining to their land acquisition activities to  
25 coordinate and better understand their impact on California state  
26 proposals.

27 (4) Compile the information provided in paragraphs (1) to (3),  
28 inclusive, and provide a report to the Governor and the Legislature  
29 on or before December 31, 2002, and each year thereafter, that  
30 does all of the following:

31 (A) Describes the amount of land acquired by each state agency  
32 or board during the past year and the amount of money spent for  
33 the acquisition.

34 (B) Projects the amount of land that will be acquired by each  
35 agency or board during the following year.

36 (C) Determines whether the acquisitions described in  
37 subparagraphs (A) and (B) are consistent with the current  
38 comprehensive state environmental goals and policy report  
39 prepared pursuant to Section 65041.

1 (5) Provide the report described in paragraph (4) to the  
2 Secretary of Food and Agriculture, the Secretary of the Resources  
3 Agency, and the Director of Conservation.

4 (6) Establish a representative public process to ensure that  
5 local, state, and federal agencies, water suppliers, landowners, and  
6 other interested parties are given notice of proposed land  
7 acquisitions throughout the state.

8 (7) *Develop strategies with local, state, and federal agencies so*  
9 *that a revenue stream is established to ensure management plans*  
10 *are adequately funded for all new acquisitions.*

11 SEC. 5. Section 515 is added to the Public Resources Code,  
12 to read:

13 515. (a) The department shall prepare land management  
14 plans for all of its properties, whether in existence on the effective  
15 date of the act adding this section, or acquired in the future. The  
16 land management plans shall describe the department's goals and  
17 strategies for managing the land and public access opportunities in  
18 a manner that is compatible with the primary goal of the plan, and  
19 shall identify and describe both ongoing and any other necessary  
20 restoration, rehabilitation, and improvement projects and related  
21 costs.

22 (b) For land acquired on or after January 1, 2002, the  
23 department shall complete ~~management plans within nine draft~~  
24 *management plans ready for public review within 12 months* of the  
25 recordation date. The department shall submit, on or before  
26 February 1 of each year, to the appropriate budget subcommittee  
27 of each house of the Legislature, a list of plans for lands acquired  
28 during the past year and a list of lands acquired during the last year  
29 for which plans are not yet complete. The subcommittee shall  
30 consider these lists in its budget decisions for the department.

