

CALIFORNIA COASTAL COMMISSION

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

**RECORD PACKET COPY****W-8b**

July 11, 2001

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR JULY 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

IMPORTANT LEGISLATIVE DATES

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

July 20	Summer Recess
Aug. 20	Legislature Reconvenes
Aug. 31	Last day for fiscal committees to meet and report bills to Floor
Sept. 7	Last day to amend bills on the Floor
Sept 14	Last day for each house to pass bills, Interim Recess begins
Oct. 14	Last day for Governor to sign or veto bills

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

PRIORITY LEGISLATION

ACR 20 (Pavley) California Coastal Trail

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

Introduced 2/14/01
Status Passed Assm. Passed Senate Natural Resources, Referred to Senate Appropriations
Commission Position Support

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; Passed Assm. Floor; Referred to Senate NR&W

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 06/06/01
Status Passed Assm. Natural Resources, Passed Assm. Transportation; Passed Assm Appropriations, Passed Assembly Floor, Passed Sen. NR&W, Referred to Sen. Trans.

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, Passed Assm. Appropriations; Passed Assm. Floor;
Referred to Senate NR&W

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, Inactive File Assm.
Floor

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, Passed Assm. Appropriations; Passed Assm.
Floor, Referred to Senate E.Q.

AB 640 (Jackson) Coastal Resources: Certified Local Programs

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

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

Introduced 02/22/01
Last Amended 04/23/01
Status Passed Assm. Natural Resources, Passed Assm. Appropriations; Assm. Inactive File
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; Passed
Assembly Floor; Referred to Senate Public Safety

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 Floor, Passed Senate NR&W, Referred to Senate Appropriations

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.

Introduced 02/23/01
Last Amended 05/31/01
Status Passed Assm. Natural Resources, Passed Assm. Appropriations, Passed Assembly Floor; Referred to Senate NR&W

Commission Position Oppose

AB 1561 (Kelley) An Act Relating to Water

This bill requires the Secretary for Resources to issue a report to the Legislature by April 1, 2002, on the progress 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 06/26/01
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 (Keeley) 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 January 1, 2003.

Introduced 02/23/01
Last Amended 06/13/01
Status Passed Assm. Natural Resources; Passed Assm. Appropriations, Passed Assembly,
Passed Senate Natural Resources Committee; Referred to Senate Appropriations

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;
Referred to Assm. W.P.&W Committee

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 (Phytopthera 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 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,
Referred to Assm. W.P.&W. Committee

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, Referred to Assm. B.&P. Committee

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, Passed
Senate Floor, Held at Assm. desk

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, Referred to Assm. Natural Resources Committee.

Commission Position Neutral

SB 908 (Chesbro) California Coastal Trail

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

Introduced 02/23/01
Last Amended 06/04/01
Status Passed N.R.&W. Committee, Passed Senate Appropriations, Passed Senate Floor,
Referred to Assm. Natural Resources Committee

Commission Position Staff Recommends Support

SB 1164 (Sher) Local Coastal Programs: Costs

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

Introduced 02/23/01
Status Passed N.R.&W. Committee, Passed Senate Floor, Referred to Assm. Natural
Resources Committee



AMENDED IN ASSEMBLY JUNE 26, 2001

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE MAY 2, 2001

SENATE BILL

No. 908

Introduced by Senators Chesbro and Karnette
(Principal coauthor: Assembly Member Pavley)

February 23, 2001

An act to add ~~Section 31408~~ *Sections 31408 and 31409* to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 908, as amended, Chesbro. State Coastal Conservancy: California Coastal Trail.

Existing law requires the State Coastal Conservancy to implement various coastal protection and preservation programs in coastal areas of the state.

This bill would require the conservancy, ~~to the extent feasible, to take action to link the California Coastal Trail to inland trail systems, particularly in urban areas that do not have significant open space and parklands, and to develop a system of public accessways to, and along, the state's coastline, provide assistance to public agencies and nonprofit organizations to establish and expand inland trail systems that may be linked to the California Coastal Trail. The bill would require the conservancy,~~ in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail, and would require each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas, to the extent feasible,

and consistent with their individual mandate, to cooperate with the conservancy with respect to planning and making lands available for completion of the trail. The bill would *authorize the conservancy to award grants and provide assistance to public agencies and nonprofit organizations to establish and expand inland trail systems that may be linked to the California Coastal Trail.*

The bill would also require the conservancy, not later than January 31, 2003, in consultation with the California Coastal Commissioner Commission, the California Conservation Corps, and the Department of Parks and Recreation, to complete a plan for the development of the California Coastal Trail, and to submit to the Legislature a copy of the plan by that date. The provisions of the bill would be implemented only during those fiscal years for which funding is provided for the purposes of the bill in the annual Budget Act.

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

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

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

3 (a) The California Coastal Trail, which has been designated a
4 Millennium Trail by the Governor of California, should be
5 completed in a timely manner.

6 ~~(b) To the extent feasible, the trail should be constructed along~~
7 ~~the state's coastline and, consistent with protection of coastal~~
8 ~~resources, it should be a network of multiuser trails.~~

9 (b) *The California Coastal Trail is a trail that, to the extent*
10 *feasible, should be constructed along the state's coastline from the*
11 *Oregon border to the border with Mexico.*

12 (c) *The California Coastal Trail should be constructed in a*
13 *manner that is consistent with the protection of coastal resources.*

14 (d) *The California Coastal Trail should be developed in a way*
15 *that demonstrates respect for property rights and the proximity of*
16 *the trail to residential uses, and that shows consideration for the*
17 *protection of the privacy of adjacent property owners.*

18 SEC. 2. Section 31408 is added to the Public Resources Code,
19 to read:

20 ~~31408. (a) To the extent feasible, the conservancy shall take~~
21 ~~action to link the California Coastal Trail to inland trail systems,~~

1 particularly in urban areas that do not have significant open space
2 and parklands. The conservancy shall also develop a system of
3 public accessways to, and along, the state's coastline, provide
4 assistance to public agencies and nonprofit organizations to
5 establish and expand inland trail systems that may be linked to the
6 California Coastal Trail.

7 ~~(b)~~

8 31408. (a) The conservancy shall, in consultation with the
9 Department of Parks and Recreation, and the California Coastal
10 Commission, coordinate the development of the California
11 Coastal Trail.

12 ~~(e)~~

13 (b) To the extent feasible, and consistent with their individual
14 mandates, each agency, board, department, or commission of the
15 state with property interests or regulatory authority in coastal areas
16 shall cooperate with the conservancy with respect to planning and
17 making lands available for completion of the trail, including
18 constructing trail links, placing signs and managing the trail.

19 SEC. 3. Section 31409 is added to the Public Resources Code,
20 to read:

21 31409. Consistent with the conservancy's authority under this
22 chapter to develop a system of public accessways to, and along, the
23 state's coastline, the conservancy may award grants and provide
24 assistance to public agencies and nonprofit organizations to
25 establish and expand those inland trail systems that may be linked
26 to the California Coastal Trail.

27 SEC. 4. (a) The conservancy shall, not later than January 31,
28 2003, in consultation with the California Coastal Commission, the
29 California Conservation Corps, and the Department of Parks and
30 Recreation, complete a plan for the development of the California
31 Coastal Trail that includes all of the following elements:

32 (1) Determination of a primary hiking route for the trail,
33 including interim and permanent trail alignments where possible.

34 (2) Description of lands now under public or conservation
35 ownership on which the trail is, or may be, constructed.

36 (3) A designation of various alternative routes for the trail,
37 where necessary, that would encourage broad support and use of
38 the trail, while protecting coastal resources and reducing conflicts
39 among various users.

40 (4) A logo and signing program for the trail.

1 (5) An estimate of the costs for acquisition and construction of
2 missing trail segments.

3 (6) A description of areas where the trail should connect to
4 inland trail routes, especially where those connections can be
5 utilized by underserved communities as an alternative means of
6 accessing the coast. The plan shall include an estimate of the
7 support and capital outlay costs for completing the trail by January
8 31, 2008.

9 (b) Not later than January 31, 2003, the conservancy shall
10 submit to the Legislature a copy of the plan required to be
11 completed pursuant to subdivision (a).

12 ~~SEC. 4. Sections 1, 2, and 3 of this act shall be implemented~~

13 *SEC. 5. This act shall be implemented only during those fiscal*
14 *years for which funding is provided for that purpose in the annual*
15 *Budget Act.*

O

