

**CALIFORNIA COASTAL COMMISSION**

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May 12, 2004

**TO:** Coastal Commissioners and Interested Public

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

**SUBJECT:** LEGISLATIVE REPORT FOR MAY 2004

**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)

**Legislative Calendar**

May 14	Last day for policy committees to meet prior to June 1
May 21	Last day for fiscal committees to hear and report first house bills to the floor
May 28	Last day for Senate, Assembly to pass first house bills
June 15	Budget bill must be passed by midnight
June 25	Last day for policy committees to meet and report second house bills
July 2	Summer recess begins on adjournment
Aug. 2	Legislature reconvenes
Aug. 13	Last day for fiscal committees to meet and report second house bills
Aug. 16-31	Floor session only. No committees may meet
Aug. 31	Last day to pass any non-urgency bill

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

### **PRIORITY LEGISLATION**

#### **AB 90 (Wyland) Coastal Commission: Membership**

This bill would fix terms for all coastal commissioners at 4 years, but provide that the Governor's appointees continue to serve at the pleasure of the Governor.

Introduced	01/08/03
Status	Failed to meet Legislative deadline

#### **AB 105 (Wiggins) Agriculture Land Preservation**

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program and the California Environmental Quality Revolving Loan Program. Amendments taken on 07/02 state that it is the intent of the Legislature to appropriate \$48,000,000 from Proposition 40 funds to the Department of Conservation and the Wildlife Conservation Board for grants under the California Farmland Conservancy Program for the purpose of protecting grazing lands and grasslands.

Introduced	01/10/03
Status	Concurrence in Senate Amendments pending
Last Amended	09/08/03

#### **AB 204 (Nation) Motor Vehicles**

This bill would authorize the Coastal Conservancy to establish the Transportation Fund for Clean Water 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 \$6, 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	01/28/03
Status	Passed Assembly Floor. Referred to Senate Transportation.
Last Amended	01/22/04

#### **AB 586 (Koretz) Litter and Marine Debris**

This bill would impose a 2-cent fee on retailers who provide disposable plastic bags or cups made from less than 40% recycled material, and require that commercial establishments that encourage smoking outside their facilities provide ashtrays for cigarette butts. The fees would be divided between the Coastal Commission, Department of Parks and Recreation, Department of Conservation, CalTrans, for the purpose of providing grants to local governments and non-profit organizations for project related to recycling, litter control and reducing marine debris and litter.

Introduced	02/18/03
Status	Failed to meet Legislative deadlines
Last Amended	04/22/03

**AB 947 (Jackson) Ocean Resources**

This bill would require all state agencies to follow five priorities when planning and constructing coastal erosion projects in the following order: hazard avoidance, restoring natural sand supplies, beach nourishment, structure relocation, hard structure development. The bill would also require applicable state agencies, including the Coastal Commission, to complete a Coastal Sediment Management Master Plan within two years.

Introduced	02/20/03
Status	Failed to meet Legislative deadlines.
Last Amended	04/22/03

**AB 974 (Nation) Coastal Zone: Native American Sites**

This bill would amend section 30244 of the Coastal Act to require avoidance and mitigation measures for new development that would adversely impact archeological and paleontological resources, protect Native American cultural sites and sacred sites from significant disturbance, and require local governments, when processing a major amendment to their LCP, to include ordinances and procedures that implement these policies.

Introduced	02/20/03
Status	Senate Inactive File
Last Amended	06/02/03
Commission Position	Support

**AB 1466 (Koretz) Litter**

This bill would establish a unified litter prevention and recycling message for the State of California, "Don't Trash California." The bill would authorize all relevant agencies to integrate the message into their existing litter and recycling programs. The bill authorizes the establishment of an interagency committee to collaborate on how to implement a unified litter prevention message. The Coastal Commission may participate on the Committee.

Introduced	02/01/03
Status	Passed Assembly. Referred to Senate E.Q.
Last Amended	01/14/04

**AB 1517 (Plescia) Stormwater**

This bill states that it is the intent of the Legislature to utilize science based, results oriented, cost-effective water quality programs that draw upon the strengths of municipalities and reduce duplication of state and local agencies when implementing stormwater permits.

Introduced	02/21/03
Status	Failed to meet Legislative deadlines.
Last Amended	04/07/03

**AB 1808 (Yee) Littering**

This bill would increase the minimum fine for littering on a state beach under the jurisdiction of the Department of Parks and Recreation from \$100 to \$200. This bill would also specify that half of the fines collected be deposited in the Beach Cleanup and Litter Abatement Fund, which the bill establishes. The funds would be used for litter clean up and prevention on public beaches.

Introduced	01/13/04
Status	Referred to Assm. Appropriations Committee
Last Amended	04/14/04

**AB 1876 (Chan) Beach Sanitation**

This bill would extend existing public beach water quality testing and posting requirements to include beaches under the jurisdiction of BCDC, public bay beaches, if the beach is visited by at least 15,000 people per year, and is located adjacent to a creek mouth or storm drain outfall. This bill would also require that bilingual signs be posted in areas of bilingual use.

Introduced	02/03/04
Last Amended	03/18/04
Status	Passed ES&TM, Referred to NR Committee

**AB 1991 (Lowenthal) Petroleum infrastructure projects**

This bill would give the Energy Commission exclusive jurisdiction over the siting of petroleum infrastructure projects, which include construction or modification of refineries, pipelines, tanker terminals and marine terminals. The bill would establish a \$100,000 fee for the application for certification of a petroleum infrastructure project, and an \$15,000 annual fee for a certified project.

Introduced	02/13/04
Last Amended	03/18/04
Status	Hearing cancelled at request of author

**AB 2093 (Nakano) Cruise ships: graywater**

This bill would prohibit the release of graywater from cruise ships in state water, unless the vessel has met specified requirements to be developed by the State Water Resources Control Board.

Introduced	02/17/04
Last Amended	03/22/04
Status	Referred to Assm. Appropriations Committee

**AB 2305 (Richman) Petroleum infrastructure: permitting process**

This bill would require the Energy Commission to make recommendations on how to streamline the permitting process for petroleum infrastructure projects.

Introduced	02/19/04
Status	Hearing cancelled at request of author

**AB 2434 (Bates) Public Utilities Commission: Railroad crossings**

This bill would require the PUC to approve specified railroad crossings for pedestrian access to the beach in the City of San Clemente on or before June 30, 2004. This is an urgency bill.

Introduced	02/19/04
Last Amended	03/24/04
Status	Referred to Transportation Committee

**AB 2514 (NR Committee)**

This bill makes technical, non-substantive changes to the Coastal Act, and removes the Secretary of Trade and Commerce as an ex-officio member of the Commission, as this agency no longer exists.

Introduced	02/20/04
Status	Referred to NR Committee

**AB 2529 (Kehoe) California Ocean Plan**

This bill would require the State Water Resources Control Board to revise the California Ocean Plan by January 1, 2007, to require that all regional water quality plans (basin plans) which include coastal watersheds provide for the protection, maintenance and restoration of marine ecosystems, and prohibit additional point and nonpoint source discharges that would affect marine managed areas.

Introduced	02/20/04
Last Amended	04/22/04
Status	Referred to Assm. Appropriations Committee

**AB 2672 (Simitian) Large passenger vessels: sewage**

Existing law requires the State Water Resources Control Board to apply to the federal government to prohibit the release of specified substances in waters that are not in state waters, but are in certain marine sanctuaries. This bill would require the board to determine whether it is necessary for the state to apply to the federal government to authorize the state to prohibit the release of sewage, as defined, from large passenger vessels into the marine waters of the state. If the board determines that it is necessary, the bill would require the board to make that application. The bill would require the owner or operator of a large passenger vessel that releases sewage into the marine waters of the state or a marine sanctuary, as defined, to immediately report the release to the board, as specified.

Introduced	02/20/04
Last Amended	04/20/04
Status	Referred to Assm. Appropriations Committee

**AB 2702 (Steinberg) Housing: second units**

This bill gives local governments additional flexibility and discretion over the mandate to allow the construction second units to be approved ministerially. This bill also removes the requirement that occupants of a second unit must be owners, family members or care givers, and prohibits local agencies from establishing a minimum unit size requirements for second units. The bill specifies that none of its provisions shall be construed to lessen the effect or application of the Coastal Act.

Introduced	02/20/04
Last Amended	04/19/04
Status	Assembly Housing Committee

**AB 2725 (Laird) Ex parte communications**

This bill would prohibit communications between commissioners and interested parties on issues pertaining to litigation and certain enforcement actions.

Introduced	02/20/04
Status	Referred to Assm. Appropriations Committee

**AB 2814 (Simitian) Natural resources: CEQA**

This bill would exempt from the California Environmental Quality Act any activity carried out by state or local government if the project's express purpose is to maintain, restore, enhance, protect, or conserve coastal or marine resources in a marine life reserve, marine life managed area or marine protected area, if any potential adverse environmental impact is expected to be offset by the intended beneficial environmental effect. .

Introduced	02/20/04
Status	Assembly NR Committee. Hearing cancelled at request of author

**AB 2918 (Laird) Desalination facilities: electricity rates**

This bill would direct the Public Utilities Commission to initiate ratesetting proceedings to determine the feasibility of establishing a separate rate class for desalination plants operated by public agencies or by regulated utilities, which are placed in service after January 1, 2006. The bill would only apply to electrical corporations serving more than 1,000,000 customers.

Introduced	02/20/04
Last Amended	04/15/04
Status	Water Parks & Wildlife Committee

**AB 3039 (ES&TM Committee) Ocean use planning: California Coastal Act**

This bill would direct the Secretary for Environmental Protection and the Secretary of the Resources Agency to conduct a joint review of their respective regulatory programs in light of the recommendations of the report of the Pew Oceans Commission. The secretaries would report to the Legislature by April 1, 2005, with recommendations for structural or budgetary changes the Legislature should evaluate in order to ensure a coordinated coastal and marine program.

Introduced	02/26/04
Last Amended	04/22/04
Status	Assembly Appropriations Committee

**SB 18 (Burton) Sacred Sites**

This bill would protect Native American Cultural Sites by expanding the jurisdiction of the Native American Heritage Commission (NAHC), and requiring consultation with Native American Tribes under CEQA. This bill would create a statewide, confidential Traditional Tribal Cultural Sites (TTCS) list, and require state agencies to incorporate the final determinations of the NAHC into their findings.

Introduced	12/02/02
Last Amended	08/25/03
Status	Assembly Inactive File

**SB 236 (Alpert) Fishing: Bottom Trawling**

This bill would prohibit the Department of Fish and Game from authorizing the use of trawl nets to take fish or other marine life from the ocean floor, unless the Fish and Game Commission determines that the operator of each vessel participates in an observer program, and that the bottom trawling does not produce a bycatch of more than 15% by weight of the target catch, and does not cause significant environmental harm to the ocean floor. The bill would allow the use of trawl nets for scientific research and to target certain fish in a manner in which the nets and related gear do not contact the ocean floor. The bill also grants authority to the Fish and

Game Commission to manage all bottom trawl fisheries not currently managed by the National Marine Fisheries Service, including Halibut, Sea Cucumber, Pink Shrimp, and Ridgeback, Spot and Golden Prawns.

Introduced	02/14/03
Status	Passed Senate. Held at Assembly Desk.
Last Amended	04/02/03
Commission Position	Support

**SB 318 (Alpert) Desalinated Water**

This bill would require that Urban Water Management Plans, prepared by urban water suppliers and submitted to the Department of Water Resources, must include a description of the opportunities for providing water via desalination.

Introduced 02/19/03  
Status Assembly Inactive File.  
Last Amended 04/08/03

**SB 681 (Morrow) Coastal Commission: Permits**

This bill would prohibit coastal development permit conditions that require environmental mitigations for repairing or maintaining seawalls.

Introduced 02/21/03  
Status Returned to Secretary of Senate.  
**Commission Position: Oppose**

**SB 744 (Dunn) Housing**

This bill would create the Housing Accountability Committee, consisting of 5 members appointed as specified, to hear appeals of local government decisions that deny or condition affordable housing projects. It would exempt conditions or mitigation measures imposed pursuant to a coastal development permit.

Introduced 02/21/03  
Status In Assembly. Held at Desk.  
Last Amended 06/03/03

**SB 909 (Machado) Public Water Systems**

This bill would specify that private, for-profit water purveyors are eligible for public bond revenues, unless specifically excluded by the language of the bond.

Introduced 02/21/03  
Status Hearing cancelled at request of author.  
Last Amended 06/23/03  
**Commission Position: Oppose**

**SB 1198 (Oller) California Coastal Commission**

This bill would make technical, non-substantive changes to the Coastal Act.

Introduced 02/10/04  
Status Senate Rules Committee

**SB 1199 (Oller)**

This bill would make technical, non-substantive changes to the Coastal Act.

Introduced 02/10/04  
Status Senate Rules Committee

**SB 1318 (Burton) California Ocean Protection Act**

This bill would amend Prop 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, to authorize grants for coastal water and watershed protection to be awarded to the Ocean Protection Council. (See SB 1319)

Introduced 02/10/04  
Last Amended 04/14/04  
Status Senate Appropriations Committee; suspense file

**SB 1319 (Burton) California Ocean Protection Act**

This bill would establish the Ocean Protection Council, consisting of the Secretary for Resources, Secretary for EPA, Chair of the State Lands Commissions and six members of the Legislature. The bill would require the council to coordinate and integrate the activities of state agencies active in the areas of ocean ecosystems and coastal waters. The activities of the council would be supported with existing resources. The bill would also create the Ocean Protection Trust Fund, and authorize funds to be deposited in the account for appropriation by the Legislature. (Bill language attached.)

Introduced	02/10/04
Last Amended	04/14/04
Status	Senate Appropriations Committee; suspense file

**SB 1369 (Kuehl) Fire protection**

This bill would require that the owner or occupant of a dwelling in a very high fire hazard severity zone, as defined in Govt. Code Section 51179, remove all flammable brush, vegetation and combustible growth within 100 feet of the structure, unless local ordinance requires greater clearance. The bill would authorize the Director of Forestry and Fire to cause the fire clearance to take place if a property owner does not comply.

Introduced	02/18/04
Last Amended	03/26/04
Status	Senate Appropriations Committee

**SB 1459 (Alpert) Fishing: trawl nets**

This bill would grant the Department of Fish and Game authority over all state-managed bottom trawl fisheries, require a permit for all trawling activities, require that a previously held trawl permit be a requirement for obtaining a new or renewed permit by 2007, prohibit the transfer of permits, prohibit the use of certain types of trawl gear, authorize the Fish and Game Commission to facilitate programs that promote the conversion of trawl vessels to more sustainable practices, and prohibit trawling activities in portions of Monterey Bay, Estero Bay and San Luis Obispo Bay.

Introduced	02/19/04
Last Amended	04/19/04
Status	Referred to Senate Appropriations Committee

**SB 1742 (McPherson) Oil spills**

This bill amends state Oil Spill Contingency Plan to specifically include waterways used for waterborne commercial traffic in the ports of Stockton and Sacramento; defines an oil spill or discharge as the release of at least 1 barrel of oil over a 24 hour period; includes wildlife rehabilitation as an allowable activity for volunteer workers; adds the state of Hawaii to the list of coastal states with whom the administrator shall coordinate oil spill prevention activities; makes non-substantive, technical changes and deletes obsolete sections of the code.

Introduced	02/20/04
Last Amended	04/14/04
Status	Referred to Senate NR&W Committee



AMENDED IN SENATE APRIL 14, 2004

**SENATE BILL**

**No. 1319**

**Introduced by Senators Burton and Alpert**  
(Coauthors: Assembly Members Kehoe and Pavley)

February 17, 2004

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An act to add Division 26.5 (commencing with Section 35500) to the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, as amended, Burton. Natural resources: ocean protection.

Existing law generally regulates activities relating to coastal and ocean resources.

This bill would create the California Ocean Protection Act, which would include various legislative findings and declarations related to coastal and ocean resources. The bill would define terms.

The bill would establish the Ocean Protection Council in state government, consisting of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission. The bill would require 3 Members of the Senate, appointed by the Senate Committee on Rules, and 3 Members of the Assembly, appointed by the Speaker of the Assembly, to meet with the council and participate in its activities to the extent that participation is not incompatible with their positions as Members of the Legislature.

The bill would require the council to coordinate activities of state agencies, that are related to the protection *and conservation* of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, *to establish policies and procedures to coordinate the collection and*

*sharing of scientific data between agencies*, and to identify and recommend to the Legislature and the Governor changes in law and policy needed to meet this goal, as specified. The bill would require the council to be consistent with the expressed legislative findings and declarations. The bill would require the council to undertake other activities related to marine managed areas, as specified.

The bill would establish the California Ocean Protection Trust Fund and authorize moneys deposited in the fund, upon appropriation by the Legislature, to be expended for activities related to coastal and ocean resources, as specified.

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

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

SECTION 1. Division 26.5 (commencing with Section 35500) is added to the Public Resources Code, to read:

DIVISION 26.5. CALIFORNIA OCEAN PROTECTION  
ACT

CHAPTER 1. GENERAL PROVISIONS

35500. This division shall be known, and may be cited, as the California Ocean Protection Act.

35505. The Legislature finds and declares all of the following:

(a) California's coastal and ocean resources are critical to the state's environmental and economic security, and integral to the state's high quality of life and culture. A healthy ocean is part of the state's legacy, and is necessary to support the state's human and wildlife populations. Each generation of Californians has an obligation to be good stewards of the ocean, to pass the legacy on to their children.

(b) Ocean resources contribute more than seventeen billion three hundred million dollars (\$17,300,000,000) to the state's economy, generating 370,000 jobs, according to a 1997 Resources Agency study, of which nine billion nine hundred million dollars (\$9,900,000,000) is generated from coastal tourism spending.

1 Californians benefit from the economic, heritage, existence, and  
2 other intrinsic values of the ocean, including but not limited to,  
3 wildlife watching, recreational and commercial fishing, *education*  
4 *and research*, biodiversity, and other aesthetic, recreational,  
5 environmental, and economic values.

6 (c) The ocean is a public trust. Every public agency and every  
7 Californian has a responsibility to protect the state's coastal and  
8 ocean resources. Californians have entrusted state government  
9 with the responsible stewardship of that public trust resource.

10 (d) The decline in our ocean's health is well documented.  
11 Reports such as the 1997 Resources Agency report, "California's  
12 Ocean Resources: An Agenda for the Future," and the 2003 Pew  
13 Oceans Commission report, "America's Living Oceans: Charting  
14 a Course for Sea Change," document degraded ocean values, due  
15 to coastal and ocean development, onshore and offshore pollution,  
16 certain fishing and aquaculture practices, and invasive species,  
17 among other things.

18 (e) The preservation of the state's ocean resources depends on  
19 healthy, productive, and resilient ocean ecosystems. To ensure the  
20 protection of the public trust, the governance of ocean resources  
21 should be guided by principles of sustainability, ecosystem health,  
22 precaution, recognition of the interconnectedness between land  
23 and ocean, decisions informed by good science and improved  
24 understanding of coastal and ocean ecosystems, and public  
25 participation in decisionmaking.

26 (f) Good governance and stewardship of ocean resources  
27 necessitate more efficient and effective use of public funds.

28 (g) Many different *federal*, state and local agencies are  
29 responsible for governing or protecting different aspects or values  
30 of the state's coastal and ocean resources. There is a critical need  
31 for these public agencies to work together in a more coordinated  
32 manner to ensure effective, comprehensive, and consistent  
33 protection *and conservation* of the ocean within the state's  
34 jurisdiction.

35 (h) The state needs to coordinate governance and stewardship  
36 of the state's oceans, to identify priorities, bridge existing gaps,  
37 and ensure effective and scientifically sound approaches to  
38 protecting *and conserving* the most important ocean resources.

39 35510. The Legislature finds and declares all of the  
40 following:

1 (a) The coastal waters offshore of the state and the ocean  
2 ecosystems associated with those waters are natural resources that  
3 the state holds in trust for the people of the state.

4 (b) It is the state's policy that all public agencies shall  
5 administer the laws associated with ~~protection~~ *the protection and*  
6 *conservation* of coastal waters in accordance with the following  
7 principles:

8 (1) ~~All state~~ *State* decisions affecting coastal waters and the  
9 ocean environment shall be designed and implemented to conserve  
10 the health and diversity of ocean life and ecosystems, allow and  
11 encourage ~~only~~ those activities and uses that are sustainable, and  
12 recognize the importance of ~~nonconsumptive~~ aesthetic,  
13 educational, and recreational uses.

14 (2) The ocean ecosystem is inextricably linked to activities on  
15 land and all public agencies should consider the impact of  
16 activities on land that may adversely affect the health of the coastal  
17 and ocean environment.

18 (3) It is the state's policy to incorporate ecosystem perspectives  
19 into the management of coastal and ocean resources, using sound  
20 science, with a priority of protecting, *conserving*, and restoring  
21 coastal and ocean ecosystems, rather than managing on a single  
22 species or single resource basis.

23 (4) A goal of all state actions shall be to improve monitoring  
24 and data gathering, and advance scientific understanding, to  
25 continually improve efforts to protect, *conserve*, restore, and  
26 manage coastal waters and ocean ecosystems.

27 (5) State and local actions that affect ocean waters or coastal or  
28 ocean resources should be conducted in a manner consistent with  
29 protection, *conservation*, and maintenance of healthy coastal and  
30 ocean ecosystems and restoration of degraded ocean ecosystems.  
31 State and local agencies should refrain from actions that would  
32 cause harm to ocean and coastal ecosystems or impair the  
33 restoration of coastal and ocean ecosystems.

34 35515. The Legislature finds and declares that the purpose of  
35 this division is to ~~reorganize and reorient~~ *integrate and coordinate*  
36 the state's laws and institutions responsible for protecting *and*  
37 *conserving* ocean resources, including coastal waters and ocean  
38 ecosystems, to accomplish all of the following objectives:

1 (a) Provide a set of guiding principles for all state agencies to  
2 follow, *consistent with existing law*, in protecting the state's  
3 coastal and ocean resources.

4 ~~(b) Strengthen and streamline state regulatory laws related to~~  
5 ~~coastal and ocean ecosystem health, and encourage~~ *Encourage*  
6 cooperative management with federal agencies, to protect *and*  
7 *conserve* representative coastal and ocean habitats and the  
8 ecological processes that support those habitats.

9 (c) Improve coordination and management of state efforts to  
10 protect *and conserve* ocean ecosystems without adding to  
11 bureaucracy or imposing new costs by establishing a cabinet level  
12 oversight body responsible for identifying more efficient methods  
13 of protecting the ocean at less cost to taxpayers.

14 (d) Use California's private and charitable resources more  
15 effectively in developing ocean protection *and conservation*  
16 strategies.

17 (e) Redirect some existing state bond funds to address the most  
18 critical needs in coastal and ocean resources protection *and*  
19 *conservation*.

20  
21 CHAPTER 2. DEFINITIONS  
22

23 35550. Unless the context requires otherwise, the following  
24 definitions govern this division:

25 (a) "Council" means the Ocean Protection Council established  
26 pursuant to Section 35600.

27 (b) "Fund" means the California Ocean Protection Trust Fund  
28 established pursuant to Section 35650.

29 (c) "Marine managed area" means an area designated pursuant  
30 to this act or the Marine Managed Areas Improvement Act  
31 (Chapter 7 (commencing with Section 36600) of Division 27).

32 (d) "Public agency" means a city, county, city and county,  
33 district, or the state or any agency or department of the state.

34 (e) "Sustainable" and "sustainability" mean both of the  
35 following:

36 (1) Continuous replacement of resources, taking into account  
37 fluctuations in abundance and environmental variability.

38 (2) Securing the fullest possible range of present and long-term  
39 economic, social, and ecological benefits, while maintaining  
40 biological diversity.

## CHAPTER 3. OCEAN PROTECTION COUNCIL

35600. The Ocean Protection Council is established in state government. The council consists of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission.

35605. The members of the council shall elect the chair of the council.

35610. Three Members of the Senate, appointed by the Senate Committee on Rules, and three Members of the Assembly, appointed by the Speaker of the Assembly, shall meet with the council and participate in its activities to the extent that participation is not incompatible with their respective positions as Members of the Legislature.

35615. The council shall do all of the following:

(a) (1) Coordinate activities of state agencies, that are related to the protection *and conservation* of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations.

(2) *Establish policies and procedures to coordinate the collection and sharing of scientific data between agencies.*

(3) Identify and recommend to the Legislature changes in law needed to achieve this goal.

(b) (1) Identify changes in federal law and policy necessary to achieve the goals of this division and to improve protection, *conservation*, and restoration of the ocean ecosystem in federal and state waters off the state's coast.

(2) Recommend to the Governor and the Legislature actions the state should take to encourage those changes in federal law and policy.

(c) Be consistent with Sections 35500, 35510, and 35515.

35620. ~~(a)~~ The council shall oversee the State Interagency Coordinating Committee established pursuant to Section 36800 and the scientific review panel established pursuant to Section 36900. *The council may review and recommend proposals to the State Interagency Coordinating Committee, and to designating entities, to further the purposes of this division.*

~~(b) The council may accept proposals to designate a ocean managed area, as defined in subdivision (d) of Section 36602, and~~

act on the proposals using the procedures established for the State Interagency Coordinating Committee.

35625. As a pilot project to improve protection of the state's ocean resources at less cost to taxpayers, the council shall solicit one or more proposals for the designation of a marine managed area. To be eligible for submission to the council under the pilot project, a proposal shall be developed using nonstate funds and with the participation of interested parties. A proposal shall identify restrictions on polluting and ocean development activities necessary to protect the resources of the proposed marine managed area. The council shall give preference to proposals with the primary goal of ensuring the sustainability of ocean resources and ecosystems within large areas. The council shall review proposals submitted to it under the pilot program, and may adopt a proposed designation of a marine managed area, in whole or in part, or may refer the proposal to an entity that designates marine managed areas pursuant to Division 27 (commencing with Section 36000). The council shall review proposals for consistency with the master plan adopted pursuant to Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code.

#### CHAPTER 4. CALIFORNIA OCEAN PROTECTION TRUST FUND

35650. (a) The California Ocean Protection Trust Fund is established in the State Treasury.

(b) Moneys deposited in the fund may be expended, upon appropriation by the Legislature, for both of the following:

(1) Projects and activities authorized by the council consistent with Chapter 3.

(2) Upon authorization by the council, for grants to public agencies or nonprofit agencies or nonprofit corporations, or loans for, or direct expenditures on, projects or activities that do one or more of the following:

(A) Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species.

~~(B) Create incentives for sustainable fisheries, including revolving loan programs, fishing capacity reduction, and socioeconomic transition projects.~~

*(B) Foster sustainable fisheries, including development of more selective fishing gear, collaborative research and*

1 *demonstration projects between persons who fish commercially*  
2 *and scientists, promotion of value-added fisheries to offset*  
3 *economic losses attributable to reduced fishing opportunities, and*  
4 *the creation of revolving loan programs for the purpose of*  
5 *implementing sustainable fishery products.*

6 (C) Improve coastal water quality.

7 (D) Allow for increased public access to, and enjoyment of,  
8 ocean and coastal resources, consistent with sustainable,  
9 long-term protection *and conservation* of those resources.

10 (E) Improve management, *conservation*, and protection of  
11 coastal waters and ocean ecosystems.

12 (G) Provide monitoring and scientific data to improve state  
13 efforts to protect *and conserve* ocean resources.

14 (H) Protect, *conserve*, and restore coastal waters and ocean  
15 ecosystems, including any of the following:

16 (i) Acquisition, installation, and initiation of monitoring and  
17 enforcement systems.

18 ~~(ii) Acquisition of rights in coastal and submerged lands,~~  
19 ~~vessels, equipment, licenses, harvest rights, permits, and other~~  
20 ~~rights and property, to reduce threats to ocean ecosystems and~~  
21 ~~resources.~~

22 ~~(iii) Mitigation costs related to the protection of coastal and~~  
23 ~~ocean resources.~~

24 *(ii) Acquisition from willing sellers of vessels, equipment,*  
25 *licenses, harvest rights, permits, and other rights and property, to*  
26 *reduce threats to ocean ecosystems and resources.*