

CALIFORNIA COASTAL COMMISSION

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TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR SEPTEMBER 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

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 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	Senate Transportation Committee. Hearing cancelled at request of author.
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. This bill was amended to deal with High School instructional materials

Introduced	02/20/03
Status	Failed to pass Senate Floor. Reconsideration granted.
Last Amended	08/23/04
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	Enrolled
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 1583 (Koretz) Public beaches: smoking

This bill would add Section 30238 to the Coastal Act, prohibiting the smoking of cigarettes, cigars and pipes on all public coastal beaches. Fine for violation would be \$250.

Introduced	02/21/03
Status	Failed Passage in Senate. Reconsideration granted.
Last Amended	06/01/04

AB 1808 (Yee) Beach smoking

This bill would prohibit smoking or disposal of tobacco products on or within 20 feet from any beach operated by the Department of Parks and Recreation. The bill would impose a mandatory fine of between \$150-\$1,000 for violation, and the optional penalty, imposed by the courts, of requiring beach litter removal.

Introduced	01/13/04
Status	Failed to pass Sen. Appropriations Committee
Last Amended	05/28/04

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 Bay Conservation and Development Commission, 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 Enrolled
Commission Position: Support

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 a \$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 Assembly Concurrence Pending.
Commission Position: Support

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 Public Utilities Commission 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) Natural Resources, Environmental License Plate Fund

This bill would raise the fee for personalized license plates, including the Whale Tail plate, from \$25 to \$30, and authorize revenues in the Environmental License Plate Fund to be expended for the purposes enumerated in the California Ocean Protection Act of 2004, if that legislation should be enacted.

Introduced	02/20/04
Last Amended	08/19/04
Status	On Senate Floor

AB 2529 (Kehoe) Marine Managed Areas

This bill would establish a grant program within the State Water Resources Control Board (SWRCB), for the purpose of funding local public agencies and non-profit organizations to restore and protect water quality in marine managed areas. The bill would require the SWRCB to appoint a marine water quality task force for the purpose of recommending projects.

Introduced	02/20/04
Last Amended	06/29/04
Status	Assembly Concurrence pending

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 authorize the Legislature to request the US Congress to grant authority to the State to regulate the discharge of sewage into marine waters of the state. 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, and impose civil penalties.

Introduced	02/20/04
Last Amended	08/10/04
Status	Enrolled

Commission Position: Support

AB 2702 (Steinberg) Housing: second units

This bill further limits local governments' discretion over the mandate to allow the construction ministerially approved second units. This bill would prohibit local governments from establishing a minimum unit size requirements for second units or from requiring covered parking for second units, more than one parking space per bedroom, or that occupants of a second unit must be owners, family members or care givers, of property owner, among other restrictions. 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	08/23/04
Status	Senate Floor

AB 2722 (Laird) Natural Heritage Tax Credit

This bill would allow bond funds to fund the Natural Heritage Tax Credit program, which is currently suspended. This would, in effect, allow the use of bond funds to reimburse the General Fund for tax credits extended to sellers of conservation acquisitions. This bill would also allow local governments and non-profits to apply for the Tax Credit Program directly.

Introduced	02/20/04
Last Amended	08/16/04
Status	Assembly Concurrence pending

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, and require disclosure for off-the-record communications of matters pertaining to litigation.

Introduced	02/20/04
Last Amended	07/07/04
Status	Failed to pass Senate Floor.

AB 2918 (Laird) Desalination facilities: electricity rates

This bill would direct the Public Utilities Commission to prepare a report to the Legislature, on or before January 1, 2006, examining the interrelationship between energy policies and water policies as they relate to desalination. The Commission is one of several state agencies that would be invited to participate in the study.

Introduced	02/20/04
Last Amended	07/12/04
Status	Enrolled

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	Senate Appropriations Suspense File

SB 18 (Burton) Sacred Sites

This bill would allow federally recognized Indian Tribes and tribes recognized by the Native American Heritage Commission to acquire and hold conservation easements. This bill would require the Office of Planning and Research to prepare guidelines for contacting and consulting with Native American tribes when a local government in preparing an amendment to a mandatory element of a General Plan, for the purpose of protecting cultural sites, and allow local open space plans to protect open space for the purpose of preserving Native American cultural resources.

Introduced	12/02/02
Last Amended	07/01/04
Status	Enrolled

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 Enrolled
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 Held in Assembly Local Government Committee
Last Amended 06/03/03

SB 792 (Sher) Martini Creek Bypass

This bill would authorize Caltrans to declare as excess property and transfer to the Department of Recreation approximately 300 acres of land within McNee State Park. This transfer will effectively allow the construction of the Devil's Slide tunnel to begin, by fulfilling mitigation requirements associated with the project.

Introduced 02/21/04
Status Senate Concurrence
Last Amended 08/17/04

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) California Coastal Commission

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 Assembly NR Committee

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.

Introduced 02/10/04
Last Amended 08/23/04
Status Assembly Floor

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 Enrolled
Last Amended 06/17/04
Status Assembly NR 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 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	08/23/04
Status	Assembly Floor

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	07/28/04
Status	Senate Floor