

CALIFORNIA COASTAL COMMISSION

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W-22

October 15, 2008

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR October 2008

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: Information contained in this report is accurate as of 10/03/08. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date.¹ Current status of any bill may be checked by visiting the California Senate Homepage at www.senate.ca.gov. This report can also be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Legislative Calendar

March 24	Legislature reconvenes
April 18	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
May 2	Last day for Policy Committees to hear and report 1 st House nonfiscal bills to the Floor
May 16	Last day for Policy Committees to meet prior to June 2
May 23	Last day for Fiscal Committees to hear and report fiscal bills to the Floor
May 27-30	Floor Session only. No committees may meet
May 30	Last day to pass bills from house of origin
June 2	Committee meetings may resume
June 3	Statewide Primary Election
June 15	Budget must be passed by midnight
June 27	Last day for Policy Committees to hear and report bills to the Floor from the second house
July 3	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug. 4	Legislature reconvenes
Aug. 15	Last day for Fiscal Committees to meet and report bills to the Floor
Aug. 18	Last day to amend bills on the Floor
Aug. 31	Last day for any bill to be passed. Final Recess begins on adjournment of session
Sept. 30	Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1

¹ Terms used in this report relating to bill status. 1) "On Suspense" means bill is held in Appropriations because of potential costs to state agency. Bills usually heard by Appropriations near Fiscal Committee Deadline in June. 2) "Held in committee" means bill was not heard in the policy committee this year. 3) "Failed passage" means a bill was heard by policy committee but failed to get a majority vote. Reconsideration can be granted by the committee.

PRIORITY LEGISLATION

AB 1338 (Committee on Budget) Natural Resources

The relevant portion of this bill would amend section 30620 of the Coastal Act and add section 30620.1 to the Coastal Act, creating the Coastal Act Services Fund, and authorizing the Commission to deposit all permit fees into this account. Funds accruing in this account, upon appropriation by the Legislature, may be expended to enforce and implement the Coastal Act. \$500,000 of these funds will be allocated to the State Coastal Conservancy.

Status Chaptered with the Secretary of State, Chapter 760, Statutes of 2008

AB 1991 (Mullin) Subdivisions: tentative maps

This bill would implement the terms of a negotiated settlement agreement between the City of Half Moon Bay and the owners of the Beachwood Subdivision. The terms of the settlement allow the development of 129 homes on 37 acres in Half Moon Bay; exclude the subject properties from the coastal zone and the Coastal Act, as well as CEQA, Porter Cologne, and the Fish and Game Code.

Introduced	02/14/08
Last Amended	04/21/08
Status	Withdrawn from Senate Local Government. Re-referred to Rules Committee
Commission Position	Oppose

AB 2031 (Hancock) Oil spill prevention and response

This bill would amend the Lempert-Keene Oil Spill Prevention and Response Act to authorize the OSPR administrator to train and certify volunteers to work under his or her direction. This bill would require the local spill response managers to provide the state onscene coordinator with timely information in the event of a spill. This bill would also require the Office of Emergency Services to notify appropriate local government agencies when an oil spill has occurred.

Status Chaptered with the Secretary of State, Chapter 760, Statutes of 2008

AB 2032 (Hancock) Oil spill prevention and response

This bill would amend the Lempert-Keene Oil Spill Prevention and Response Act to increase upper limit on the Oil Spill Response Fee, which is imposed on imported or extracted crude oil, from 0.05 cents to 0.08 cents per barrel.

Status Vetoed, 9/29/08 – Veto message attached

AB 2935 (Huffman) Oil spill prevention and response

This bill would require the Director of Fish and Game, within 24 hours of notification of an oil spill, to close affected state waters to the take of fish and shellfish, and to order testing to determine when the fish and shellfish are safe for human consumption before re-opening, unless the Office of Environmental Health Hazard Assessment determines that no health risk exists or is likely to exist. The bill would also require the California Oil Spill Response Plan to consider the use of private working crafts and mariners for containment/clean up of oil spills.

Status Chaptered with the Secretary of State, Chapter 564, Statutes of 2008

ACR 153 (Laird) California Coastal Trail Day

This measure would declare October 11, 2008 to be California Coastal Trail Day in California. This measure makes numerous findings and declarations about the statewide and national importance of the Coastal Trail.

Status Chaptered, Resolution Chapter 164

AJR 49 (Nava) California gray whales: assessment: protected

This measure would request the United States Congress and the President of the United States to call upon the National Marine Fisheries Service to undertake an immediate, comprehensive assessment of the California gray whale population and to add the California gray whale to the Federal Endangered Species List, if warranted by the comprehensive, scientific assessment.

Status Chaptered, Resolution Chapter 98

AJR 51 (Nava) Oil and gas: offshore leases: drilling: moratorium

This measure would request that Congress continue the existing federal offshore oil and gas leasing moratorium for the 2009 fiscal year and beyond, and would express the State's opposition to specified provisions of proposed federal energy policies and legislation.

Status Chaptered, Resolution Chapter 146

AJR 62 (Leno) West coast sea turtle protection

This measure would request the National Marine Fisheries Service to delay consideration of, or deny, the swordfish longline exempted fishing permit, and defer consideration of efforts to introduce shallow-set longline fishing off the California coast, until critical habitat has been designated.

Status Chaptered, Resolution Chapter 100

SB 242 (Torlakson) Claims against the state

This bill would appropriate \$793,730.76 from the General Fund to the Dept. of Justice for payment of specified claims against the state, including a judgment of \$64,530 against the Coastal Commission in the case of Habitat for Hollywood Beach v. California Coastal Commission.

Status Chaptered, Chapter 59, Statutes of 2008

SB 375 (Steinberg) Transportation planning: travel demand models

This bill would require the California Transportation Commission to develop regional travel demand models for regional transportation agencies to incorporate into their transportation plans for the purpose of reducing vehicle miles traveled. This bill would set standards for evaluating projects eligible for state funding according to their consistency with these plans, and other "sustainable community" guideline, and authorize the California Air Resources Board to review each metropolitan region's "sustainable community strategy" and require revisions if it is found that implementation will not meet greenhouse gas reduction targets. This bill would create CEQA exemptions for "transit priority projects" that are part of a "sustainable community" project. This bill would increase the number of years in which a local government is required to update its housing element from 5 years to 8, if certain requirements are met.

Status Chaptered with the Secretary of State, Chapter 728, Statutes of 2008

SB 863 (Yee) Parks: funding: Half Moon Bay

August 22 amendments would appropriate \$10 million to the Coastal Conservancy from Proposition 1C funds for the purpose of providing a grant or grants to the City of Half Moon Bay. Eligible projects would be limited to the acquisition of the Beachwood property and/or the Pilarcitos Creek Park property, subject to state-mandated appraisal process, and park, trail and restoration projects at either or both of those properties.

Introduced 02/23/07
Last Amended 08/22/08
Status Assembly Appropriations Committee

SB 899 (Simitian) Fishing gear

This bill would require the Department of Fish and Game, in consultation with the Ocean Protection Council, to prepare a report to the Fish and Game Commission on sustainable funding sources for a program to remove derelict fishing gear, by January 1, 2010. The bill would require commercial fishing vessels that lose fishing gear to report to the department within 48 hours the location where the gear was lost. The bill would require the department to create and maintain a database that tracks the location of all known derelict fishing gear. The bill would require the department include information on all fishing licenses detailing how to report derelict fishing gear.

Status Vetoed 9/30/08 - Veto message attached

SB 1056 (Migden) Oil spill prevention and response

This bill would amend the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act to require the Office of Emergency Services to notify the Bay conservation and Development Commission (BCDC), and the counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco of any oil spill occurring within the jurisdiction of BCDC. It also sets standards for response time at 2 hours or less, requires the administrator to notify any local governments that may be affected by the spill, and requires the state to reimburse local jurisdictions for associated costs. Amendments of 07/02 require the administrator to conduct studies for the purpose of evaluating ways to improve oil spill response, and to determine whether regulations are achieving best available protection of the coast.

Introduced 01/07/08
Last Amended 08/20/08
Status Vetoed, 9/29/08 - Veto message attached

SB 1185 (Lowenthal) Land divisions: tract maps

This bill would extend by 12 months the life of any vesting tentative tract map that has not expired by the date that this bill takes effect.

Status Chaptered, Chapter 124, Statutes of 2008

SB 1473 (Calderon) Building standards; green building

This bill would require local governments to charge a minimum fee for all building permits, at a rate of up to \$4 per \$100,000 of valuation. 10% of this fee may be retained by the jurisdiction for overhead and administrative costs. 90% of this fee would go to the California Building Standards Commission, to be deposited in the Building Standards Administration Special Revolving Fund which the bill would establish in the State Treasury. Funds would be used by the Commission to create, adopt and update green building standards, and promote public education. Funds would be available to carry out various provisions of existing law, as well as new provisions of law relating to building standards. This bill would require the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

Status Chaptered with the Secretary of State, Chapter 719, Statutes of 2008

SB 1739 (Simitian) Oil spill contingency plan

This bill would authorize the OSPR Administrator to impose new requirements for oil spill preparedness drills conducted out of state in which no state agency is able to participate. The Administrator could require the operator of a vessel or a marine facility to provide for an independent monitor to evaluate the drill and prepare a report for the administrator and the owner/operator. The bill would authorize the Administrator to rely on the report to make an evaluation of whether the drill complied with the provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. This bill would also require annual drills and training for all elements of an oil spill contingency plan by the owner or operator.

Status Chaptered with the Secretary of State, Chapter 566, Statutes of 2008

SCR 71 (Yee)

This resolution would designate a portion of State Highway 1 in San Mateo County as Tom Lantos Tunnel at Devil's Slide. The resolution would also request Caltrans, upon receiving adequate funding in the form of private donations, to erect signs to that effect.

Status Chaptered, Resolution Chapter 85

SCR 85 (Kuehl) Pacific bluefin tuna

This resolution would seek the assistance of the Governor, the Fish and Game Commission, the Department of Fish and Game and the Ocean Protection Council, NMFS, NOAA, PRFMC and other agencies and organizations to cooperate in a robust stock assessment an international effort to enforce catch limits and combat illegal, unreported and unregulated overfishing of bluefin tuna in the Exclusive Economic Zone.

Status Chaptered, Resolution Chapter 106

To the Members of the California State Assembly:

I am returning Assembly Bill 2032 without my signature.

This bill would authorize the Administrator of the Office of Spill Prevention and Response (OSPR) to increase the per barrel oil fee on oil delivered to a marine terminal or transported into the state by a pipeline through marine waters from the current 5 cents per barrel up to 8 cents per barrel.

The per-barrel fee was increased in 2002, and OSPR is currently using those increased funds to implement a number of strategies to improve preparedness and operations that will not result in costs above what is included in the 2008 Budget Bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 899 without my signature.

While I support the intent of this bill to reduce the quantity of abandoned fishing gear in the ocean, this bill would result in substantial, unsustainable costs to the Fish and Game Preservation Fund and the General Fund. Given our ongoing budget issues, I cannot support such a measure at this time.

I encourage the author and stakeholders to work with the Department of Fish and Game to convene a group to develop a workable program that does not rely exclusively on government funds and employees for this effort.

For this reason, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 1056 without my signature.

This bill requires that the standards for response to an oil spill in the marine waters of the state not exceed two hours.

This is a meritorious goal, but mandating a two-hour response time in statute does not take into consideration the environmental conditions at the time of an oil spill. These conditions could jeopardize health and safety by forcing the Oil Spill Response Organizations to respond in potentially unsafe circumstances to fulfill this requirement. Flexibility is needed to ensure that spill response is as swift as possible, without endangering our first responders.

The Office of Spill Prevention and Response (OSPR) is currently conducting a thorough review of current response requirements and it is my expectation that the OSPR Administrator will adopt regulations to require the most expeditious response times possible, while still protecting the health and safety of our responding personnel.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger