

CALIFORNIA COASTAL COMMISSION

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December 12, 2012

TO: Coastal Commissioners and Interested Persons
FROM: Legislative Unit and Legal Division
SUBJECT: LEGISLATIVE REPORT: NEW LAWS MEMO: 2012 Chaptered Legislation

The 2012 California Legislative session resulted in one piece of chaptered legislation that directly amended the Coastal Act, and one bill that refers directly to the Coastal Commission. SB 71 (Chapter 728, Statutes of 2012) eliminates one of the Commission's annual reports. AB 2584 (Chapter 487, Statutes of 2012), specifies how the Commission shall review CEQA exemption for certain pipeline projects. The following summaries include excerpts of the two bills as enacted.

**1) SB 71 (Leno) State agencies: Boards, commissions and reports
Chapter 728, Statutes of 2012**

Relevant to the Commission, this bill eliminates Section 30533 of the Public Resources Code, which required the Commission, in conjunction with the State Coastal Conservancy, to prepare an annual public access report to the Governor and the Legislature including specified information on the status of Offers to Dedicate (OTDs).

Implementation: No action required. The Commission will no longer be responsible for producing and distributing the report.

SEC. 157. Section 30533 of the Public Resources Code is repealed.

Section 30533 Annual reports; implementation of program

(a) On or before January 1 of each year, the commission and the State Coastal Conservancy shall report to the Governor and the Legislature the progress made in implementing the public coastal access program established by this article. The report shall include progress in facilitating the acceptance of outstanding offers to dedicate and shall identify new offers to dedicate recorded in the previous fiscal year. For each offer to dedicate accepted or recorded in the previous calendar year, the report shall include all of the following information:

- (1) Type of offer to dedicate.
- (2) Location of property.
- (3) Expiration date of offer.
- (4) Name of entity that accepted the offer to dedicate.

(b) It is the intent of the Legislature that the commission, the State Coastal Conservancy, and all other appropriate public agencies proceed with all deliberate speed to implement the provisions of this article prior to the deadlines established in this article.

**2) AB 2564 (Ma) Environmental quality: pipelines: project applicants
Chapter 487, Statutes of 2012.**

When reviewing a subsurface pipeline project less than one mile in length, as defined, for the applicability of a CEQA exemption, the relevant section of this bill would limit the Coastal Commission's review to that section of the pipeline that is within the Commission's legal jurisdiction. The law sunsets on January 1, 2018.

Implementation: No action required. This bill does not affect the Commission's Coastal Act regulatory authority for the defined projects. Pipeline projects that meet the statutory criteria, however, will not be subject to CEQA. The intent of this bill is to expedite the upgrade of subsurface natural gas lines in response to the explosion of a PG&E pipeline in San Bruno.

Section 21080.21

Section 21080.21 of the Public Resources Code is amended to read:

(a) This division does not apply to any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline.

(b) For purposes of this section, "pipeline" means subsurface pipelines and subsurface or surface accessories or appurtenances to a pipeline, such as mains, traps, vents, cables, conduits, vaults, valves, flanges, manholes, and meters.

(c) In determining the applicability of the exemption provided by this section to a natural gas pipeline safety enhancement activity under review by a resource agency, the resource agency shall consider only the length of pipeline that is within its legal jurisdiction.

(d) For purposes of this section, the following definitions shall apply:

(1) "Natural gas pipeline safety enhancement activity" means an activity undertaken by a public utility as part of a program to enhance the safety of intrastate natural gas pipelines in accordance with a decision, rule, or regulation adopted by the Public Utilities Commission.

(2) "Resource agency" means the State Lands Commission, the California Coastal Commission, the Department of Fish and Game, or the State Water Resources Control Board, and local or regional agencies with permitting authority under the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)) or Chapter 4 (commencing with Section 13200) of Division 7 of the Water Code.

(e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.