

CALIFORNIA COASTAL COMMISSION

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**W6c**

DATE: April 9, 2014

TO: Coastal Commissioners and Interested Public

FROM: Charles Lester, Executive Director
 Sarah Christie, Legislative Director

SUBJECT: LEGISLATIVE REPORT FOR APRIL, 2014

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 03/26/14. 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 Homepage at www.coastal.ca.gov

 2014 Legislative Calendar

April 10	Spring Recess begins
April 21	Legislature reconvenes
May 2	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
May 9	Last day for Policy Committees to hear and report 1 st House non-fiscal 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 meet prior to June 2
May 27-30	Floor Session only. No committees may meet
May 30	Last day to pass bills from house of origin
June 2	Committee hearings resume
June 15	Budget must be passed by midnight
June 26	Last day for Legislative measure to qualify for November ballot
June 27	Last day for Policy Committees to meet and report bills
July 3	Summer Recess begins
Aug 4	Legislature reconvenes from Summer Recess
Aug 15	Last day for Fiscal Committees to hear and report bills to the Floor
Aug 30	Last day for Fiscal Committees to meet and report bills to the Floor
Aug 18-31	Floor session only. No committees may meet
Aug 22	Last day to amend bills on the Floor
Aug 31	Last day for any bill to be passed. Interim Recess begins on adjournment of session
Sept 30	Last day for Governor to sign or veto bills

¹Terms 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. 4) "Enrolled" means the Legislature has passed the bill, but the Governor has not yet acted. 5) "Chaptered" means the bill has been signed.

PRIORITY LEGISLATION

AB 158 (Levine) Solid waste: single-use carryout bags

This bill would prohibit specified retail outlets from providing plastic single-use carryout bags, and require the retail outlets to make reusable or compostable bags available to customers. The bill would allow a city or county to impose administrative civil penalties for violations of this measure, payable to the office that brought the action.

Introduced 01/22/13
Last Amended 04/09/13
Status Assembly Appropriations Committee. Suspense File.

AB 203 (Stone) California Coastal Commission: restoration and cease and desist orders: report

As amended, this bill would authorize the Coastal Commission submit an annual report to the Legislature describing all the enforcement orders acted upon during the previous year.

Introduced 01/30/13
Last Amended 01/27/17
Status Senate Rules Committee

AB 248 (Gorell) Energy: power plants: Ventura County

This bill would require the Public Utilities Commission and the Independent System Operator, in consultation with specified entities including the Coastal Commission, to submit a report to the Legislature by January 1, 2014, detailing recommended legislative actions, policies and incentives necessary to accomplish specific objectives related to once-through-cooling technologies at Ventura County's two coastal power plants.

Introduced 02/07/13
Last Amended 04/04/13
Status Assembly Natural Resources Committee. Held in Committee.

AB 288 (Levine) Coastal Resources

This bill would add PRC Section 30515.5 to require the Coastal Commission to provide a Spanish language translation of its monthly meeting notice.

Introduced 02/11/13
Last Amended 01/09/14
Status Senate N.R.&W. Committee

AB 474 (Stone) Public Resources Code: coastal resources

This bill would require the Coastal Commission to revise its standard ex-parte disclosure forms to so that ex-parte communication disclosures include the names of all individuals participating in the meeting, and a copy of all written and graphic material presented during the meeting.

Introduced 02/19/13
Last Amended 01/06/14
Status Senate N.R.&W. and Judiciary Committees

AB 521 (Stone) Solid waste: plastic

This bill would direct the Department of Resources Recycling and Recovery to develop a list of major sources of marine plastics pollution and notify producers of listed items that they are required to design and submit a plan to reduce the producer's proportion of covered items in the marine environment. The producer would be required to meet the marine plastic pollution reduction targets that the producer of the covered item would be required to achieve, as specified in the regulations

Introduced 02/20/13
Last Amended 05/07/13
Status Assembly Appropriations Committee. Suspense File. Died on Suspense.
Commission Position Support

AB 881 (Chesbro) Oil spill prevention and administrative fee

This bill would increase the existing \$0.07 fee on barrels of crude oil or petroleum products landed at a marine terminal, eliminate the sunset on the existing fee of \$0.065, allow the OSPR Administrator to adjust the fee annually based on the California Consumer Price Index, and transfer up to \$2,000,000 from fees collected to the Oiled Wildlife Care Network until January 1, 2016. The provisions of this section would take effect January 1, 2015, and sunset on January 1, 2016.

Introduced 02/22/13
Last Amended 09/04/13
Status Senate Inactive File
Commission Position Support

AB 976 (Atkins) Coastal resources

This bill would authorize the Commission to impose administrative penalties for violations of the Coastal Act. All funds collected under this provision would be deposited into the Violation Remediation Account, and that the Commission's administrative penalty authority would sunset after a period of three years.

Introduced 02/22/13
Last Amended 08/26/13
Status Conference Committee
Commission Position Support

AB 1102 (Allen) Public Resources Code: coastal resources

This bill would delay the implementation of any rule or regulation to eliminate or restrict beach burning in existing fire rings until such time as the local government with jurisdiction obtains a coastal development permit (CDP) to do so. The bill clarifies that any CDP issued to remove beach fire rings or restrict their use must comply with all requirements of the Coastal Act.

Introduced 02/22/13
Last Amended 01/17/14
Status Senate E.Q. Committee and Senate N.R. & W. Committee
Commission Position Support

AB 1142 (Bloom) State beaches and parks: smoking ban

This bill would make it an infraction to smoke a tobacco product on a state coastal beach or in a unit of the state park system.

Introduced 02/22/13
Last Amended 03/21/13
Status Assembly G.O. Committee. Died in Committee

AB 1504 (Stone)

This bill would prohibit the sale or use of single-use cigarette filters, subject to a civil fine of \$500.

Introduced 01/14/14
Status Assembly Rules Committee.

AB 1603 (Stone) Outdoor education

This bill would establish the Outdoor Environmental Education and Recreation Program in the Department of Parks and Recreation, for purposes of increasing outdoor programs for underserved and at-risk populations. The bill would create the Outdoor Environmental Education and Recreation Fund to receive private donations and General Fund support for grants to be awarded by the Director of Parks. The California Environmental Education Interagency Network, which Coastal Commission staff participates in, would serve as an advisor to the director in developing the program components.

Introduced 02/05/14
Status Assembly Water, Parks and Wildlife Committee.

***AB 1699 (Bloom) Waste management: microplastics**

This bill would prohibit the sale of any cleaning product or personal care product containing micro plastics. The bill would allow the Attorney General to seek civil penalties of up to \$2,500 per day for each violation.

Introduced 02/20/14
Status Assembly Rules Committee.

***AB 2019 (Fong) Commercial fishing: drift gill net shark and swordfish fishery**

This bill would prohibit the use of drift gill nets for the swordfish and shark fisheries. The bill would limit the legal take of these species to hand-thrust harpoon and/or hand held hook and line.

Introduced 02/20/14
Status Assembly W.P.&W. Committee.

AB 2035 (Chesbro) State lands: revenue

This bill would require that an unspecified amount of State Tidelands revenue be made available for deposit into the State Coastal Conservancy Fund, for expenditure for the preservation and protection of coastal lands.

Introduced 02/20/14
Status Assembly G.O. Committee. Introduced 02/22/13

AB 2140 (Bloom) Orca Welfare and Safety Act

This bill would prohibit the exhibition of captive orcas for entertainment purposes, prohibit the collection of gametes from captive orcas for the purpose of breeding, and prohibit the transportation of captive orcas across state lines.

Introduced 02/20/14
Last Amended 03/07/14
Status Assembly Rules Committee.

AB 2516 (Gordon) Sea level rise planning: data base

This bill would require the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create a Planning for Sea Level Rise Database on its public website describing steps being taken throughout the state to address sea level rise. The bill would require the Coastal Commission to provide information regarding which jurisdictions have adopted LCPs, which have not, and which LCPs contain sea level rise policies.

Introduced 02/21/13
Status Assembly First Reading
Commission position [Recommend support, analysis attached](#)

AB 2554 (Rendon) Bond Accountability Act

This bill was gutted and amended to create the Clean safe and Reliable Drinking Water Act of 2014. If enacted by the voters this measure would repeal the \$11 billion bond act passed by the Legislature in 2012, and replace it with an \$8.5 billion bond

Introduced 02/21/14
Last Amended 03/24/14
Status Assembly Rules Committee

SB 40 (Pavley) Safe, Clean, and Reliable Drinking Water Act of 2012

This bill declares that it is the intent of the Legislature to amend the Safe, Clean, and Reliable Drinking Water Act of 2012 for the purpose of reducing and potentially refocusing the \$11,140,000,000 bond. *Amendments of 01/06 add an urgency clause.*

Introduced 12/10/12
Last Amended 01/06/14
Status Returned to Secretary of Senate

SB 241 (Evans) Oil Severance Tax Law

This bill would impose a severance tax of 9.9% of the gross value of each barrel of oil extracted from California after January 1, 2014, for deposit into the Oil Severance Fund, which this bill creates. The Department of Conservation would allocate those revenues to the UC Regents, the California State University Trustees, the Board of Governors for the Community Colleges, and the Department of Parks and Recreation.

Introduced 05/07/13
Status Senate Appropriations Committee. Suspense File. Held in Committee

SB 257 (Hancock) Coastal resources: physical adaptations to climate change

This bill states that it is the intent of the Legislature to enact legislation to address coastal physical adaptations to climate change.

Introduced 02/13/13
Status Returned to Secretary of Senate

SB 270 (Padilla) Solid waste: single use carry out bags

This bill would prohibit retail stores in California from providing single use plastic bags to customers. The Bill would also prohibit stores from providing paper bags unless they were sold for a minimum of 10 cents per bag.

Introduced 02/14/14
Status Assembly Rules Committee

SB 418 (Jackson) Nuclear Energy Planning and Responsibility Act

This bill would require the PUC to require an applicant for relicensing a nuclear power generating facility submit a detailed study of the full needs and costs of relicensing to assess cost effectiveness of continued operation.

Introduced 02/20/13
Last Amendment 06/26/13
Status Assembly Utilities and Commerce Committee. Failed passage in committee.

SB 461 (Leno) State tide and submerged lands: mineral extraction leases: revenues

This bill creates the Coastal Adaptation Fund through re-allocation of up to \$10,000,000 in state tidelands revenues to state coastal management agencies, including the Coastal Commission for work related to sea level rise.

Introduced 02/13/13
Last Amended 06/24/13
Status Held in Assembly Appropriations Committee. Suspense File

SB 511 (Lieu) Trade promotion of California ports

This bill would require the Governor's Office of Business and Economic Development to develop a strategy for the international promotion of trade for California ports.

Introduced 02/21/13
Last Amended 01/22/14
Status Assembly First Reading

SB 700 (Wolk) Natural resources: parks: carryout bags

This bill would require retail establishments to charge a \$0.05 fee for single-use carryout bags. A portion of the fee would be deposited into the Local Environmental Enhancement Fund (LEEF), which would be created by this bill. Funds from the LEEF would be available for expenditure by the Natural Resources Agency, upon appropriation by the Legislature, as grants to local governments for parks maintenance and litter abatement.

Introduced 02/22/13
Last Amended 04/23/13
Status Held in Senate Appropriations Committee. Suspense File.

SB 848 (Wolk) Safe Drinking Water, Water Quality, and Water Supply Act of 2014

This measure would repeal the \$11,140,000,000 General Obligation Bond Water Bond of 2012 Water Bond and replace it with \$6,825,000,000 measure that, if approved by the voters, would finance a safe drinking water, water quality and water supply program.

Introduced 01/09/14
Last Amended 02/20/14
Status Senate Appropriations Committee.

SB 968 (Hill) Public lands: Martin's Beach property: access

This bill would direct the State Lands Commission to exercise its eminent domain authority to initiate negotiations to purchase all or a portion of the property known as Martin's Beach County in San Mateo for the purpose of public access.

Introduced 02/10/14
Status Senate Natural Resources Committee
Commission Position Support

SB 1017 (Evans) Oil Severance Tax

This bill would impose an oil tax of 9.5%, and gas severance tax of 3.5% upon any operator for the extraction of oil or gas in California. The bill would require the board to deposit all tax revenues, penalties, and interest collected pursuant to these provisions into the California Higher Education Fund, which is established by this measure.

Introduced 02/14/14
Status Senate Education Committee.

SB 1096 (Jackson) California Coastal Commission: appointments

This bill would repeal Section 30310.5 of the Coastal Act. The effect of this would be that a public member of the Commission would not be able to simultaneously hold two conflicting public offices.

Introduced 02/19/14
Status Senate NR&W Committee

SB 1132 (Mitchell) Oil and gas development: well stimulation treatments

This bill would require the Natural Resources Agency to include additional subjects in the scientific study it is conducting under the requirements of SB 4 (Pavley, 2013) including the cumulative health and environmental impacts of both on and offshore well stimulation, aka “fracking”. It would also prohibit all fracking activities in the state until the report is complete, an independent committee has reviewed the report, and the Governor has issued findings regarding the safety of those activities.

Introduced 02/20/14
Status Senate NR&W and EQ Committee

***SJR 20 (Leno) Safeguard Our Coast Day**

This measure would recognize the 50th anniversary of the federal certification of the California Coastal Management Program, and would proclaim February 16, 2015, and each 3rd Monday of February thereafter, as “Safeguard Our Coast Day.”

Introduced 03/20/14
Status Senate Rules Committee

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**BILL ANALYSIS****AB 2516 (Gordon) Sea Level Rise Planning: Database**
As Introduced February 21, 2014**RECOMMENDED ACTION**

Staff recommends the Commission **Support** AB 2516.

SUMMARY

AB 2516 would establish a statewide Planning for Sea Level Rise Database which would be hosted on the Natural Resources Agency's website. It would serve as a single source of information that provides information regarding California's progress in terms of preparing for and adapting to sea level rise. AB 2516 would require the Natural Resources Agency, in collaboration with the Ocean Protection Council, to collect information from specified public agencies related to projects, plans and other efforts to address sea level rise. Relevant to the Coastal Commission, the bill would require the Commission to provide information regarding which jurisdictions have adopted LCPs, which have not, and which LCPs contain sea level rise policies.

PURPOSE OF THE BILL

The author, who chairs the Select Committee on Sea Level Rise, has introduced this bill to make it easier for interested parties to get a comprehensive, current understanding of what state agencies are doing to address sea level rise.

BACKGROUND

Climate change during the next century is projected to accelerate sea level rise. A 2012 report from the National Research Council found that the average sea level rise projections for California are an additional 6 inches by 2030, 12 inches by 2050, and 36 inches by 2100. The country's longest continuously operating gauge of sea level in San Francisco Bay, recorded a seven-inch rise in sea level over the 20th century. As has been demonstrated by the recent king tides, California's coast is vulnerable to the impacts of sea level rise.

The Assembly Select Committee on Sea Level Rise and the California Economy held four hearings throughout the state over the last year to examine sea level rise's effect on various sectors and industries. The Select Committee found that California State agencies have developed multiple sea level rise planning guidance documents as well as supporting planning and adaptation projects through grants and partnerships. The Select Committee final report

found that the current information is not centrally located. The report found it would be beneficial to create a database with an inventory of all the work being done in this area.

ANALYSIS

Several state agencies are already engaged in addressing various aspects of sea level rise, pursuant to their respective authorities and mandates. The Coastal Commission collaborates closely with the State Lands Commission, BCDC, the State Coastal Conservancy, the Department of Transportation and the Ocean Protection Council to enhance coordination and effectiveness. All of these agencies are well aware of each other's actions with respect to sea level rise. All of these actions are public information and publicly available on the agencies' websites. For instance, the information that the Coastal Commission is required to provide with respect to LCP certification status, is already available on the Commission's website under the "Local Resources" tab on the home page.

However, it can be challenging and time-consuming for a member of the public to collect statewide information on sea level rise, or even know where to look or what agencies may be involved. Collecting all relevant information on a single website within the Resources Agency may enhance public awareness of the state's efforts, and more easily facilitate public engagement.

AB 2516 directs the Natural Resources Agency to create a database on their website of projects including: studies, modeling, mapping, cost-benefit analysis, vulnerability assessments, adaptation projects as well as the status of Local Coastal Programs, including updates and amendments. The database would reveal what steps are being taken by state agencies to address and respond to sea level rise. The bill would require the Commission to provide the following information to the Resources Agency:

- Which local governments have implemented a local coastal program
- When the local coastal program was created
- All dates on which the local coastal program was updated, if updated
- Whether the local coastal program addresses sea level rise
- Cities, counties, and cities and counties that do not have a local coastal program in place

The Commission has largely compiled this information either internally or on its website. The Commission can fairly readily provide the Resources Agency with this information, and has already done so, in a variety of contexts. The bill currently contemplates that the NRA would update the database monthly. It may be that less frequent updates (e.g. quarterly semi-annually) would suffice for the purposes of the proposed data base. No existing law, policy or program within the Coastal Commission would be affected by this bill.

Other public agencies which would be required to provide information related to sea level rise include the State Lands Commission, the Coastal Conservancy, BCDC, State Water Resources

BILL ANALYSIS AB 2516 (Gordon)

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Control Board, Regional Water Quality Control Boards, the Department of Transportation, the Energy Commission, Ports, Airports and Utilities.

The database may allow the state to easily determine local and regional progress in addressing sea level rise and perhaps more importantly, where gaps exist. This could assist policymakers target limited resources and to vulnerable areas where little or no work has been done.

The database could also benefit members of the public seeking to better understand the state's response. And it could encourage additional collaboration between state agencies and local governments with respect to studies, modeling, mapping and project implementation.

SUPPORT

The Nature Conservancy
City of Mountain View

OPPOSITION

None on file

RECOMMENDED POSITION

Staff recommends the Commission **Support** AB 2516.

ASSEMBLY BILL

No. 2516

**Introduced by Assembly Member Gordon
(Coauthors: Assembly Members Achadjian, Lowenthal, Skinner,
and Ting)**

February 21, 2014

An act to add Division 20.6 (commencing with Section 30961) to the Public Resources Code, relating to sea level rise.

LEGISLATIVE COUNSEL'S DIGEST

AB 2516, as introduced, Gordon. Sea level rise planning: database.

Existing law establishes the Natural Resources Agency consisting of various entities, departments, and boards, including the Department of Water Resources, the California Coastal Commission, the State Energy Resources Conservation and Development Commission, the State Lands Commission, the San Francisco Bay Conservation and Development Commission, and the State Coastal Conservancy.

This bill would require, on or before January 1, 2016, the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, update monthly, and post on its Internet Web site a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. The bill would require various public and private entities to provide, by July 1, 2015, and on a monthly basis thereafter, information to the Natural Resources Agency to be included in the database, including descriptions of projects that address or prepare for sea level rise that are within the entity's control or jurisdiction. The bill would require the agency to organize the database by geographic region and provide an entry for each city,

county, and city and county within the coastal zone and San Francisco Bay area.

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. Division 20.6 (commencing with Section 30961)
2 is added to the Public Resources Code, to read:

3
4 DIVISION 20.6. PLANNING FOR SEA LEVEL RISE
5 DATABASE
6

7 30961. On or before January 1, 2016, the Natural Resources
8 Agency, in collaboration with the Ocean Protection Council, shall
9 create and post on its Internet Web site a Planning for Sea Level
10 Rise Database describing steps being taken throughout the state
11 to prepare for, and adapt to, sea level rise. To be an effective
12 inventory of sea level rise planning in the state, the Natural
13 Resources Agency shall update the database on a monthly basis
14 with information provided by the entities described in Section
15 30964.

16 30962. The Planning for Sea Level Rise Database shall include,
17 but shall not be limited to, the following information:

18 (a) Title and description of all state and local private and public
19 projects addressing or preparing for sea level rise, including
20 information described in Section 30963. For purposes of this
21 division, “projects” includes studies, programs, modeling, mapping,
22 cost-benefit analyses, vulnerability assessments, and adaptation
23 assessments.

24 (b) Information regarding which cities, counties, and cities and
25 counties have implemented a local coastal program, including all
26 of the following information:

- 27 (1) When the local coastal program was created.
- 28 (2) All dates on which the local coastal program was updated,
29 if updated.
- 30 (3) Whether the local coastal program addresses sea level rise.
- 31 (c) Cities, counties, and cities and counties that do not have a
32 local coastal program in place.

1 30963. To the extent applicable, the following information
2 shall be included in the description of a project:

- 3 (a) Purpose.
- 4 (b) The person or entity charged with carrying out the project
5 and other contributors or collaborators.
- 6 (c) Whether the project is required to be completed by local,
7 state, or federal law.
- 8 (d) Geographic location of the project.
- 9 (e) Geographic scope of the project.
- 10 (f) If the project is an assessment, whether it is a risk or
11 vulnerability assessment.
- 12 (g) Whether the project has governance, environmental,
13 economic, social equity, or public education objectives, or any
14 combination thereof.
- 15 (h) Whether the project results are measurable.
- 16 (i) Whether the project is replicable and, if it is replicable,
17 whether the project can be adjusted to apply to different sized
18 regions.
- 19 (j) Source of funding for the project.
- 20 (k) Cost of the project.
- 21 (l) Any scientific considerations or science-based facts that are
22 involved in the project.
- 23 (m) Relevant maps.
- 24 (n) The project's estimated date of completion.
- 25 (o) Links to other Internet Web site materials that provide further
26 information.

27 30964. The following entities shall provide information
28 described in Sections 30962 and 30963 for projects and local
29 coastal programs that are within the entity's control or jurisdiction,
30 as applicable, to the Natural Resources Agency by July 1, 2015,
31 and shall continue to provide updated information to the Natural
32 Resources Agency on a monthly basis:

- 33 (a) Airports within the California coastal zone or San Francisco
34 Bay area.
- 35 (b) California Coastal Commission.
- 36 (c) State Energy Resources Conservation and Development
37 Commission.
- 38 (d) California ports.
- 39 (e) Department of Transportation.

- 1 (f) Utilities within the California coastal zone or the San
- 2 Francisco Bay area.
- 3 (g) Regional water quality control boards.
- 4 (h) San Francisco Bay Conservation and Development
- 5 Commission.
- 6 (i) State Coastal Conservancy.
- 7 (j) State Lands Commission.
- 8 (k) State Water Resources Control Board.
- 9 30965. The Natural Resources Agency, in developing the
- 10 Planning for Sea Level Rise Database, shall organize the database
- 11 by geographic regions, provide an entry for each city, county, and
- 12 city and county within the coastal zone and San Francisco Bay
- 13 area, and include information described in Sections 30962 and
- 14 30963 under each entry. The agency shall organize the database
- 15 in a manner it determines best to provide the public with clear,
- 16 useful, and readily accessible information.
- 17 30966. It is the intent of the Legislature that the Planning for
- 18 Sea Level Rise Database provide the public with an educational
- 19 tool that will enable parties to view up-to-date information from
- 20 a single, centrally located source about actions taken by cities,
- 21 counties, cities and counties, regions, and public and private entities
- 22 to address sea level rise.
- 23 30967. Nothing in this division shall alter the duties,
- 24 responsibilities, and jurisdiction of state agencies that provide
- 25 information pursuant to this division.