

**CALIFORNIA COASTAL COMMISSION**

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**W6d**

**DATE:** July 12, 2017

**TO:** Coastal Commission and Interested Persons

**FROM:** John Ainsworth, Executive Director  
 Sarah Christie, Legislative Director

**SUBJECT:** LEGISLATIVE REPORT FOR JULY, 2017

**CONTENTS:** This report provides summaries and status of bills affecting the Coastal Commission and California's Coastal Program, and coastal-related legislation identified by staff.

**Note: Information contained in this report is accurate as of June 30, 2017. Recent amendments are summarized in *italics*.** Bill text, votes, committee analyses and current status of any bill may be viewed on the California Legislature's Homepage at <http://leginfo.legislature.ca.gov/>. This report can also be accessed through the Commission's Homepage at [www.coastal.ca.gov](http://www.coastal.ca.gov)

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 2017 Legislative Calendar

Jan 1	Statutes take effect
Jan 4	Legislature reconvenes
Jan 10	Budget Bill must be submitted by Governor
Jan 15	Last day for committees to hear and report 2017 bills introduced in their house
Jan 20	Last day to submit bill requests to Office of Legislative Counsel
Feb 17	Last day for bills to be introduced
Feb 20	President's Day Observed
March 31	Cesar Chavez Day Observed
April 6	Spring Recess begins upon adjournment
April 17	Legislature reconvenes from Spring Recess
April 28	Last day for policy committees to hear and report fiscal bills
May 12	Last day for policy committees to hear and report non-fiscal bills out of house of origin
May 26	Last day for fiscal committees to hear and report bills to the Floor
May 29	Memorial Day Observed
May 30-June 2	Floor session only
June 2	Last day for each house to pass bills introduced house of origin
June 5	Committee meetings may resume
June 15	Budget Bill must be passed by midnight
July 14	Last day for Policy committees to hear and report fiscal bills
July 21	Last day for policy committees to meet. Summer Recess begins upon adjournment
Aug 21	Legislature reconvenes from summer recess
Sep 1	Last day for fiscal committees to meet and report bills to the Floor
Sep 8	Last day to amend bills on the Floor
Sep 15	Last day for Legislature to pass bills. Interim recess begins upon adjournment
Oct 15	Last day for Governor to sign or veto bill

### **PRIORITY LEGISLATION**

#### **AJR 15 (Aguiar-Curry) Federal public lands**

This measure would urge the President of the United States, the Secretary of the Interior, and the Secretary of Agriculture to protect public lands, support the Antiquities Act of 1906, and honor the integrity of National Monuments designated by past presidents under the Act.

Introduced 05/15/17  
Status Chaptered. Resolution Chapter 85, Statutes of 2017

#### **AB 18 (Eduardo Garcia) California Clean Water, Climate, Coastal Protection and Outdoor Access For All Act of 2018**

This bill would enact the above titled Bond Act, which, if adopted by the voters at the June 5, 2018 statewide election, would authorize the issuance of State General Obligation Bonds in the amount of \$3.105 billion, to finance specified programs. The sum of \$95 million would be allocated to the State Coastal Conservancy for coastal resource protection purposes and completion of the Coastal Trail; \$18 million to the State Coastal Conservancy for climate resilience, sea level rise, ocean acidification and Pacific Flyway habitat protection; \$40 million to BCDC for the purposes of that program; \$30 million would be allocated to the California Climate Resilience Account to assist coastal communities with adaptation measures, and \$600 million, subject to appropriation by the Legislature, would be available to plan, develop and implement climate adaptation projects that protect coastal and rural communities adapt to climate change impacts. *Amendments of 03/08 added \$100,000,000 to fund lower cost visitor serving projects on coastal public lands or coastal lands owned by non-profits.*

Introduced 12/05/16  
Last Amended 03/08/17  
Status Senate Rules.

#### **AB 96 (Ting) Budget Act of 2017-18**

This bill will make appropriations in support of the State of California for public purposes, including the California Coastal Commission's annual budget.

Introduced 01/10/17  
Last Amended 05/31/17  
Status Assembly Budget Committee.

#### **AB 184 (Berman) Sea level rise planning: data base**

This bill would repeal Section 30968 of the Public Resources Code, deleting the January 1, 2018 sunset date for agencies to regularly submit specified information to the Natural Resources Agency for inclusion in the state's Sea Level Rise Data Base. *Amendments of 05/23 extend sunset date to January 1, 2023.*

Introduced 01/19/17  
Last Amended 05/23/17  
Status Senate Appropriations Committee. Hearing date 06/26/17

**AB 250 (Gonzalez) State Coastal Conservancy: Lower Cost Coastal Accommodations Program**

This bill would direct the State Coastal Conservancy to work with State Parks and the Coastal Commission to prepare and implement a Lower Cost Visitor Serving Accommodations plan within and adjacent to the coastal zone. The bill would authorize the Conservancy to identify and test various measures that support the identification, development, improvement and operation of lower cost accommodations by private entities. *Amendments of 05/30 authorize in lieu fees that have been assessed but not expended by January 1, 2018 to be expended by the Conservancy for projects meeting the criteria of this bill, upon appropriation by the Legislature or allocation by a local public agency to the Conservancy. Amendments agreed to in policy committee delete the Appropriations Committee amendment and give the Commission the authority to reclaim and reassign LCVS in lieu fees to projects which meet the original intent of the fee, upon a written finding of the Executive Director.*

Introduced 01/30/17  
Last Amended 05/30/17  
Status Senate Appropriations Committee.  
**Commission Position Support**

**AB 313 (Gray) Water**

This bill would create a new Water Rights Division within the Office of Administrative Law (OAL), staffed by a minimum of four attorneys with no less than 8 years of legal experience with water rights law. The bill would transfer the State Water Resources Control Board's Cease and Desist and Administrative Penalty authority from the Executive Director (current law) to an administrative law judge (ALJ) within the OAL's Water Rights Division. *Per amendments agreed to in the Senate Natural Resources Committee on 06/27, the ALJ's decision would be subject to review by the SWRCB.*

Introduced 02/06/17  
Last Amended 04/18/17  
Status Senate Judiciary Committee

**AB 366 (Oberholte) Water supply: new residential development: building permits**

This bill would allow the issuance of a building permit where the source of the water supply is delivered from a legal source by a licensed hauler. Existing law prohibits new residential development where the water supply would be provided by bottled water, a vending machine or a water hauler. *Amendments of 06/20 make minor, technical changes.*

Introduced 02/08/17  
Last Amended 06/20/17  
Status Senate Environmental Quality Committee. Hearing date 07/05/17.

**AB 388 (Mullin) Greenhouse Gas Reduction Fund: wetland restoration projects**

This bill will authorize the use of GGRF moneys for the beneficial reuse of dredged materials for wetland restoration projects, provided that the investment furthers the purposes of the California Global Warming Solutions Act of 2006 (AB 32). *Amendments of 06/22 make minor, technical changes.*

Introduced 02/09/17  
Last Amended 06/22/17  
Status Senate Natural Resources and Water Committee. Hearing date 07/11/17.

**AB 457 (Cunningham) Saline water conversion: Diablo Canyon Nuclear Plant**

This bill would require the Public Utilities Commission to contract with an independent third party to study of the feasibility of utilizing Diablo Canyon’s existing desalination facility for local water use as part of the decommissioning process.

Introduced 02/13/17  
Last Amended 05/26/17  
Status Senate Rules Committee.

**AB 494 (Bloom) Land use: accessory dwelling units**

This bill makes minor clarifications to Government Code Section 65852.2, related to accessory dwelling units (ADUs). The bill clarifies that ADUs may be rented separately from the main house, defines “tandem parking” and clarifies that a studio, pool house, or other similar structure may be converted to an ADU consistent with the requirements of the section. The bill provides that parking requirements for ADUs cannot exceed one space per unit or per bedroom, whichever is less, and that no setback is required for an existing garage that is converted to a portion of an ADU.

Introduced 02/13/17  
Last Amended 03/28/17  
Status Senate Governance and Finance Committee.

**AB 554 (Cunningham) Desalination: statewide goal**

This bill would establish a statewide goal of desalinating 300,000 acre-feet per year of drinking water by 2025, and 500,000 acre-feet per year by 2030. *Amendments of 03/27 make non-substantive changes to the findings portion of the bill.*

Introduced 02/14/17  
Last Amended 03/27/17  
Status Assembly Appropriations Committee. Held Under Submission.

**AB 663 (Bloom) Coastal resources: housing**

This bill would reinstate the Coastal Act affordable housing policies that were repealed in 1981. The bill would also repeal language precluding the Commission from requiring local governments to include affordable housing policies in their LCPs. *Amendments of 04/19 add a 5 year sunset provision.*

Introduced 02/14/17  
Last Amended 04/19/17  
Status Assembly Inactive File.  
**Commission Position Support**

**AB 684 (Stone) California Coastal Commission: ex parte communications: data base**

This bill would require the Commission, by July 1, 2018, to develop and implement an online data base for the reporting of ex parte communications. The bill would require that the database be publicly searchable, and that all ex-parte communications must be posted on line within 7 days of the communication. Communications taking place less than 7 days prior to the hearing must be posted on line prior to the beginning of the meeting at which the matter is to be discussed. *Amendments of 06/29 require the Commission to provide training and technical support to Commissioners upon request; and provide that if an Commissioner is unable to post an ex parte communication on the database due to a problem with the Server within 2 days of the hearing, the Commissioner shall verbally disclose the ex parte on the matter from the dais, and state the reason for not posting the ex parte. The communication must be posted on the database as soon as the technical issue is resolved.*

Introduced 02/15/17  
Last Amended 06/29/17  
Status Senate Natural Resources Committee. Hearing date 07/11/17

**AB 725 (Levine) State beaches and parks: smoking ban**

This bill would make it a civil misdemeanor to smoke cigars or cigarettes on state coastal beaches, punishable by fines up to \$250. The bill would authorize the State Parks Director to post signs regarding smoking restrictions, as well as to designate areas within a state park unit that is exempt from the ban.

Introduced 02/15/17  
Status Senate Appropriations Committee.

**AB 816 (Kiley) Webcasts of public meetings and workshops**

This bill would require all boards and commissions within the Natural Resources Agency and the Environmental Protection Agency provide a live webcast of all public meetings in a manner that allows for listeners and viewers to provide public comment. The bill does not apply to meetings held at “non-agency” sites as defined: “A location other than agency headquarters or state government buildings or facilities where the primary operations of the agency...take place.”

Introduced 02/15/17  
Status Senate Natural Resources and Water Committee. Hearing date 07/11/17

**AB 1077 (O'Donnell) Off-highway vehicles**

This bill would indefinitely extend the authorization for the Department of State Parks' authorization to administer the Off-Highway Motor Vehicle Recreation Program. Amendments of 04/05 extend the sunset date to *January 1, 2019, unless a specified report is not received by the Legislature by January 1, 2018, in which case the act would be repealed on July 1, 2018.*

Introduced 02/16/17  
Last Amended 04/05/17  
Status Assembly Appropriations Committee. Held Under Submission.

**AB 1129 (Stone) California Coastal Commission**

This bill would require that shoreline protective devices and would amend PRC 30235 to define "existing structure" as structures built prior to January 1, 1977, and to specify that shoreline protective devices must be approved consistent with Coastal Act policies protecting public access, shoreline ecology, natural landforms and other impacts on coastal resources. The bill would specify that emergency permits issued for shoreline protective devices are intended to allow the minimum amount of temporary development necessary to address the emergency situation. The bill would also amend PRC 30821 to allow for the imposition of administrative penalties for unpermitted shoreline protective devices.

Introduced 02/17/17  
Last Amended 02/09/17  
Status Assembly Inactive File.

**Commission Position Support**

**AB 1151 (Gloria) Vaquita-harmful fish and fish products**

This bill would make it unlawful to sell, offer for sale, trade or distribute fish or fish products whose capture methods are harmful to the critically endangered vaquita, the world's smallest and most rare cetacean, found only in the northern Gulf of Mexico. This bill would prohibit the sale of fish species which are caught through the use of gill nets in vaquita habitat. *Amendments of 05/30 would require the Department of Fish and Wildlife to adopt regulations to enforce the prohibition by January 1, 2019, and prohibit the Department from taking any enforcement actions pursuant to the regulations prior to July 1, 2019.*

Introduced 02/17/17  
Last Amended 05/30/17  
Status Senate Natural Resources and Committee. Hearing date 06/27/17

**Commission Position Recommend Support – Analysis attached.**

**AB 1281 (Limon) State parks: climate change: study**

This bill would require the Department of Parks and Recreation to conduct a study that includes recommendations for actions needed to address the impacts of climate change at state parks by July 1, 2018.

Introduced 02/17/17  
Last Amended 03/30/17  
Status Assembly Appropriations Committee. Held under submission.

**AB 1282 (Mullin) Transportation Permitting Task Force**

This bill would require the Natural Resources Secretary to establish an interagency Transportation Task Force consisting of specified agencies including the Coastal Commission, for the purpose of establishing early engagement practices and deadlines for permitting transportation projects. *The Secretary would prepare and submit a report to the Legislature on the taskforce's findings. Amendments of 06/29 delete the EPA Secretary and the Department of Water Resources from the task force, and add the SWRCB and RWQCBs.*

Introduced                    02/17/17  
Last Amended                06/29/17  
Status                         Senate Transportation and Housing Committee. Hearing date 06/27/17.

**AB 1594 (Bloom) Ocean protection: plastic pollution**

This bill would require the Ocean Protection Council on or before March 1, 2018, to complete exiting data on the primary sources of plastics pollution in the ocean, as determined by an analysis of coastal cleanup efforts in the state. The report would include recommendations to the Legislature regarding possible legislative actions or other measures to reduce plastics pollution in coastal beaches and ocean waters. The bill would also require the Council to report to the Legislature on the status of the OPC's 13-point plan to prevent and reduce marine debris, as outlined by the Council's 2007 resolution. *Amendments of 06/26 strike the previous provisions and state that it is the intent of the Legislature to increase the diversion of single-use food packaging in order to reduce a primary source of litter and marine debris.*

Introduced                    02/17/17  
Last Amended                06/26/17  
Status                         Senate Rules Committee.

**AB 1642 (Caballero) California Coastal Commission: ex parte communications: disclosure**

This bill would require the Director of the Coastal Commission to post all written ex parte communication disclosures on the Commission's internet website.

Introduced                    02/17/17  
Status                         Assembly Rules Committee.

**SB 5 (De Leon) California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018**

This bill would enact the above titled Bond Act, which, if adopted by the voters at the June 5, 2018 statewide election, would authorize the issuance of State General Obligation Bonds in the amount of \$3.5 billion, to finance specified programs. Half of the funding would go toward investments in park, trails and other projects that promote social and environmental equity and enhance disadvantaged communities, and half would be spent on clean drinking water and drought preparedness projects. Of the \$400 million for climate adaptation and resiliency projects, \$42 million would be allocated to the San Francisco Bay Area Conservancy Program for program purposes; \$99,840,000 for Division 21 purposes, including \$30 million for restoration of Southern steelhead habitat, and \$3 million to the Coastal Conservancy’s Santa Ana River Conservancy Program. *Amendments of 05/26 direct agencies receiving funding from this measure to conduct outreach to diverse populations, and take actions to increase visitation and access by diverse and minority populations.*

Introduced 12/05/16  
Last Amended 05/26/17  
Status Assembly Rules Committee.

**SB 35 (Wiener) Planning and zoning: streamlined approval process**

This bill would provide that multi-family housing (two or more units) which meets certain criteria related to siting, zoning, and deed restrictions for affordability, among others, shall be eligible for a streamlined approval process. The bill is based on the Governor’s “by right” housing proposal of 2016, including many of the alternative proposals voiced by groups in opposition. The current version of the bill excludes the coastal zone.

Introduced 12/05/16  
Last Amended 06/20/17  
Status Assembly Housing Committee.

**SR 35 (Jackson) Oil and gas leasing in federal waters off California**

This measure states the Senate’s strong and unequivocal support of the current moratorium on new offshore oil and gas leasing in federal waters, and opposes any attempts to modify the prohibition.

Introduced 05/01/17  
Status Enrolled.



**SB 42 (Hill) Public lands: Martins Beach: property acquisition**

This bill would create the Martins Beach Subaccount within the Kapiloff Land Bank Fund, and make an appropriation \$360,000 from the General Fund to the subaccount to enable the State Lands Commission (SLC) to purchase of a public right-of-way to Martins Beach in San Mateo County. The bill would authorize the SLC to transfer up to \$1 million for expenditure to secure said access, either through eminent domain or negotiated settlement. This bill requires a 2/3 vote. Amendments of 05/26 authorize the SLC to deposit funds from San Mateo County into the Subaccount. Amendments of 06/22 specify that any expenditure of funds transferred from the Kapiloff fund for acquisition must not involve imminent domain.

Introduced 12/05/16  
Last Amended 06/22/17  
Status Assembly Judiciary Committee. Hearing Date 07/11/17.

**SB 44 (Jackson) Coastal Oil Well Cleanup Act**

This bill would require the State Lands Commission (SLC) to conduct a statewide assessment of improperly abandoned “legacy” oil wells along the coast for which there is no responsible party; identify those with a high priority for remediation; survey and monitor natural oil seeps in state waters, begin remediation efforts in cooperation with the Department of Oil Gas and Geothermal Resources, and allocate \$2 million per year from State Tidelands Revenue to support the program. *Amendments of 5/26 require the SLC to report annually to the Legislature and specified committees on the activities and effectiveness of the program.*

Introduced 12/05/16  
Last Amended 05/26/17  
Status Assembly Natural Resources Committee. Hearing Date 07/10/17.

**Commission Position Support**

**SR 44 (Jackson) National Marine Sanctuaries**

This measure states the Senate’s commitment to defending U.S. National Marine Sanctuaries, and the designation and expansion of National Marine Sanctuaries according to the current federal process.

Introduced 06/06/17  
Status Enrolled.

**SB 96 (Committee on Budget and Fiscal Review) Budget Act of 2017-18**

This bill will make appropriations in support of the State of California for public purposes including the California Coastal Commission’s annual budget.

Introduced 01/10/17  
Last Amended 06/09/17  
Status Chaptered.

**SB 188 (Jackson) State lands: leasing; oil and gas**

This bill would prohibit the State Lands Commission from entering into any new lease or other conveyance that authorizes the exploration, development or production of oil and natural gas on state tidelands. The bill would prohibit the commission from entering into any lease renewals, modifications or extensions that authorize the lessee to engage in new or additional exploration, development, or production of oil and natural gas. Amendments of 06/08 make minor, technical changes.

Introduced 01/25/17  
Last Amended 06/08/17  
Status Assembly Natural Resources Committee. Hearing Date 07/10/17.

**SB 249 (Allen) Off-highway motor vehicle recreation**

This bill would extend the existing January 1, 2018 sunset of the Off-Highway Motor Vehicle Recreation Act of 2003 to January 1, 2023; require the department to update the 2008 Soil Conservation Guidelines and Standards; implement a monitoring program to better measure the conditions of habitat, wildlife, soils and vegetation; identify and protect sensitive natural, cultural and archeological resources, and make revisions to gasoline tax calculations and funding restrictions. *Amendments of 05/26 delete the requirement to form a science advisory team, adds reporting requirements to the Natural Resources Agency, requires the division to develop protocols and practices to assure management measures are met, and makes further revisions to the gas tax and other fee collections. Amendments of 06/26 delete the revisions to the Revenue and Tax Code, relating to revisions in gas tax collection and distribution.*

Introduced 06/26/17  
Status Assembly Water Parks and Wildlife Committee.

**SB 290 (Jackson) Marine mammals and sea turtles: entanglement and stranding: emergency rescue services: grants**

This bill would require the Wildlife Health Center at UC Davis to provide grants to qualified organizations to respond to marine mammal or sea turtle entanglement or stranding events. *The May 1 amendments make changes to the Findings Section of the bill, eliminates the reference to the Sea Turtle Stranding and Salvage Network, and adds the Large Whale Entanglement Response Program as a “qualified organization.”*

Introduced 02/09/17  
Last Amended 05/01/17  
Status Assembly Appropriations Committee.

**SB 386 (Glazer) State beaches and parks: smoking ban**

This bill would make it a civil misdemeanor to smoke cigars or cigarettes on state coastal beaches, punishable by fines up to \$250. The bill would authorize the State Parks Director to post signs regarding smoking restrictions, as well as to designate areas within a state park unit that is exempt from the ban. *Amendments of 06/28 would authorize the Director of Parks and Recreation to designate areas within state park units as exempt from the smoking ban.*

Introduced                    02/14/17  
Last Amended                06/28/17  
Status                         Assembly Appropriations Committee.

**SB 503 (Newman) Personal income taxes: voluntary contributions: minimum contributions**

In relevant part, his bill would set the minimum contribution level for all voluntary tax contributions, including the Coastal Commission’s “Protect Our Coast and Ocean” fund, at \$0 for 2017. This will prevent any voluntary tax contribution fund from being dropped from the 2018 income tax returns for failure to meet the minimum contribution threshold. Due to an unanticipated change in personal income tax software, voluntary contributions are significantly lower for the 2016 tax year. This measure has an urgency clause, and would take effect immediately if enacted. *Amendments of 06/29 delete the provision related to minimum voluntary tax contribution levels. This language was amended into a Budget Trailer Bill (AB 111) and has already been enacted.*

Introduced                    02/16/17  
Last Amended                06/29/17  
Status                         Assembly Revenue and Taxation Committee.

**Commission Position: Support**

**SB 588 (Hertzberg) Marine resources and preservation**

This bill would substantially revise the Marine Resources Legacy Act (aka the “Rigs to Reefs” program) in the Fish and Game Code, related to the regulatory process of offshore oil and gas facilities conversion to artificial reefs. The bill designates the State Lands Commission as the lead agency for environmental review under CEQA for an application to partially remove an offshore structure. The bill requires the Department to determine the cost savings of partial removal compared with full removal, as well as make the determination of whether partial removal provides a net environmental benefit. The bill includes consideration of greenhouse gas emissions as part of the analysis of net environmental benefit. The bill makes changes to the application process, and changes to the timing of the distribution of funds; requires the applicant to provide sufficient funds for all agencies to perform the responsibilities proscribed by the bill, and gives the Ocean Protection Council the responsibility of determining the appropriate weight to be given to adverse impacts to the marine environment versus greenhouse gas emissions. The bill would allow the first applicant to partially remove an offshore platform to pay startup and other costs associated with processing the application as determined by the department. *Amendments of 06/19 specify that only platforms located deeper than 100’ are eligible.*

Introduced                    02/17/17  
Last Amended                06/19/17  
Status                         Assembly Natural Resources Committee. Hearing Date 07/10/17.

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**BILL ANALYSIS**  
**AB 1151 (Gloria)**  
As Amended 05/30/17

**RECOMMENDED MOTION**

*"I move the Commission support AB 1151, and I recommend a yes vote."*

**SUMMARY**

AB 1151 would amend the Fish and Game Code to make it unlawful to sell, trade or distribute fish or fish products in California that are not "vaquita friendly". Vaquita friendly products are those that are not caught with gill nets within the range of the critically endangered vaquita porpoise (*Phocoena sinus*). The bill would define the vaquita's range as anywhere vaquita are found in the wild, including the northern Gulf of California, Mexico above 30 degrees longitude.

**PURPOSE OF THE BILL**

The purpose of the bill is to encourage international efforts intended to prevent the extinction of this critically endangered porpoise species which is highly susceptible to mortality through gill net bycatch. The bill would direct the Department of Fish and Game to adopt regulations on or before January 1, 2019 to enforce the prohibition.

**EXISTING LAW**

The federal Marine Mammal Protection Act (MMPA) and the California Fish and Game Code generally prohibit the take of marine mammals. The Fish and Game Code also prohibits the sale or distribution of certain animal products harvested outside of California, such as shark fins, kangaroo meat and leather, and elephant ivory and rhinoceros horn.

The MMPA also implements the Convention on International Trade in Endangered Species (CITES) and allows the International Union for Conservation of Nature (IUCN) to list species for protection. In 1996, the IUCN listed the vaquita as critically endangered.

**PROGRAM BACKGROUND**

The vaquita is the world's smallest cetacean, averaging just 5' in length. It is also the world's most critically endangered marine mammal. Their numbers have dropped 95% in the last 25 years, with the current population estimated at fewer than 30 individuals. Their extremely small range in Mexico is limited to the northern portions of the Gulf of California above 30 degrees longitude.

Because of their small size, vaquita are vulnerable to entanglement in gill nets. The vaquita itself has no commercial value. Its decline is attributed to the number of individuals killed as bycatch associated with other target species.

Although the Mexican government has imposed bans on most types of gillnets within the vaquita's range, and instituted anti-poaching measures on land, sea and air, the corvina (*Cynoscion othonopterus*) gill net fishery is still authorized in the area where vaquitas live. These nets were initially determined to pose no risk for vaquita due to their size and method of use. However, their continued use has made enforcement of the broader gill net ban more difficult, and enabled the continuation of the undesirable activities, including the much more lucrative and illegal totoaba (*Totoaba macdonaldi*) fishery. These protected, endangered fish are highly sought after by poachers for their swim bladders, which can sell for as much as \$25,000 per pound in Asia.

The IUCN has determined that exempting the corvina fishery from the Upper Gulf gill net ban is enabling the continuation of illegal totoaba fishing to the detriment of the vaquita population. In November 2016, the IUCN stated that the corvina gill net fishery is "being used to disguise illegal totoaba fishing", and called for a revocation of the corvina exemption. The Society of Marine Mammalogy (SMM) reports that despite the general gill net ban over the last two years, gill nets have still been commonly deployed in the closed area, and the population has dropped by 50%, from 60 to 30 individuals. Dead vaquitas continue to be recovered with clear evidence of net entanglement. The international scientific community concerned with cetacean conservation and marine conservation groups around the world have backed the Comité Internacional para la Recuperación de la Vaquita (CIRVA) in calling for a complete ban on gill nets within the vaquita's range as essential in order to save the species from extinction.

## ANALYSIS

Both the vaquita and the totoaba are endemic to the Gulf of Mexico. The totoaba migrate in a specific "clockwise" pattern throughout the Gulf, and spawn in the Colorado River Delta in late spring. The vaquita's range is limited to the northern reaches of the Gulf, in an area approximately one quarter the size of metropolitan Los Angeles.

In 2004, the US Commission on Ocean Policy identified bycatch as the greatest global threat to cetaceans. Marine researchers estimate that more than 300,000 whales, dolphins and porpoises are killed by fishing gear every year. Because the vaquita's range is so limited, its population numbers are so low, and its range coincides with an extremely lucrative gill net fishery, the effect of indirect bycatch is intensified on this critically endangered species.

Under a recently announced partnership agreement between the Leonardo DiCaprio Foundation, the Carlos Slim Foundation, the World Wildlife Fund and the President of Mexico, the country has agreed to transition toward new fishing gear and techniques which will allow local fishers to resume legal, sustainable fishing alternatives to gill nets that reduce bycatch, including vaquita.

In addition, the U.S. and Mexican Governments, ocean advocates, philanthropic organizations, and some US importers are working toward developing a "Vaquita Friendly" certification program, similar to the highly successful "Dolphin Safe" tuna certification that led to modifications in the "purse sein" nets used for catching tuna. This could create a more lucrative market for sustainably harvested corvina, while raising public awareness at the same time.

California is a significant market for corvina. By prohibiting the sale of any fish caught with fishing gear not deemed “vaquita friendly”, California can send an important market signal that induces a voluntary shift away from harmful activities and also encourages participation in, and implementation of an effective certification program. Demand reduction has been proven to be an effective conservation strategy for species threatened by global markets. In 2014, WildAid reported that sales of shark fin soup in China had fallen by 50-70% following public awareness campaigns, and various government bans including the 2011 California law.

This bill would not affect the majority of corvina caught in the Gulf of California, or any other species of fish caught legally in the upper Gulf. AB 1151 is intended to discourage the use of gill nets in vaquita habitat, including totoaba poachers posing as corvina fishers.

The vaquita is not a California coastal species. However, the Coastal Commission has historically supported legislation and programmatic efforts that benefit marine wildlife species outside of California waters, with the understanding that preserving the health and biodiversity of the world’s oceans contributes to the health of California marine species. The Commission has taken positions on policy that involves orcas, sea turtles, and gray whale calving lagoons in Baja California. Eliminating the California market for any fish caught with gill nets in vaquita habitat will reduce the amount of that is lethal to vaquitas.

Staff recommends the Commission **Support AB 1151**.

**SUPPORT**

Defenders of Wildlife (co-sponsor)  
NRDC (co-sponsor)  
Audubon California  
Animal Welfare Institute  
Asian Pacific Environmental Network  
AZUL  
CCPN  
CLCV  
Center for Biological Diversity  
Clean Water Action  
Humane Society of the United States  
San Diego Humane Society  
Seventh Generation Advisors  
Sierra Club  
Numerous additional environmental organizations

**OPPOSITION**

Pacific Seafood Group

**RECOMMENDED POSITION**

Staff recommends the Commission **Support AB 1151**.