

CALIFORNIA COASTAL COMMISSION

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DATE: MAY 10, 2023

TO: Coastal Commission and Interested Persons

FROM: Kate Huckelbridge, Executive Director
Sarah Christie, Legislative Director
Sean Drake, Legislative Analyst

SUBJECT: LEGISLATIVE REPORT FOR MAY 2023

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

Note: Information contained in this report is accurate as of May 3, 2023. Bills added since the previous report are marked by an asterisk (*). Substantive amendments are summarized in *italics*. Bill text, votes, analyses, and the 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.

2023 Legislative Calendar

Jan 1	Statutes take effect.
Jan 4	Legislature reconvenes.
Jan 10	Budget Bill must be submitted by Governor.
Jan 20	Last day to submit bill requests to Legislative Counsel.
Feb 17	Last day for bills to be introduced.
March 30	Spring Recess begins upon adjournment.
April 10	Legislature reconvenes from Spring Recess.
April 28	Last day for policy committees to hear and report fiscal bills.
May 5	Last day for policy committees to hear and report non-fiscal bills.
May 12	Last day for policy committees to meet prior to June 5.
May 19	Last day for fiscal committees to hear and report bills to the Floor.
June 2	Last day for each house to pass bills introduced in that house.
June 5	Committee meetings may resume.
June 15	Budget Bill must be passed by midnight.

July 14	Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment.
Aug 14	Legislature reconvenes from Summer Recess.
Sep 1	Last day for fiscal committees to meet and report bills.
Sep 5-14	Floor session only.
Sep 8	Last day to amend bills on the floor.
Sep 14	Last day for each house to pass bills. Recess begins upon adjournment.
Oct 14	Last day for Governor to sign or veto bills.

PRIORITY LEGISLATION

COASTAL ACT AMENDMENTS

[AB 45 \(Boerner Horvath\) Coastal resources: coastal development permits: blue carbon projects: new development: greenhouse gas emissions](#)

This bill would add Sections 30275 and 30276 to the Coastal Act, requiring the Commission to authorize the Commission to authorize blue carbon demonstration projects, and amend Section 30253 to require that new development minimize greenhouse gas emissions. A blue carbon project is defined as the creation or restoration of coastal wetland, intertidal, or marine habitats or ecosystems that sequester carbon. State grant programs may be used to contribute toward the project. The bill would also amend Section 30253 to require that new development mitigate greenhouse gas emissions.

Introduced	12/05/22
Last Amended	03/15/23
Status	Assembly Appropriations Committee, Suspense File

[SB 79 \(J. Nguyen\) Coastal resources: preservation](#)

This bill would provide that it is the intent of the Legislature to enact subsequent legislation that would establish policy addressing coastal preservation.

Introduced	01/12/23
Status	Senate Rules Committee

[SB 360 \(Blakespear\) California Coastal Commission: member voting](#)

This bill would amend Coastal Act Section 30318 to allow Coastal Commissioners to simultaneously serve on Local Agency Formation Commissions (LAFCOs) and/or Joint Powers Authorities (JPAs) while also serving on the Coastal Commission.

Introduced	02/08/23
Status	Senate Floor

SB 423 (Wiener) Land use: streamlined housing approvals; multifamily

This bill would allow the Department of General Services to act in place of a local government for the purpose of considering streamlined, ministerial review and approval of a multi-family housing project on state-owned lands. **The bill would also repeal the provision in existing law that precludes the streamlined approval process from applying in the coastal zone.** The effect of this would be that a multifamily housing project would be “deemed consistent” and not subject to a coastal development permit if it provides a variable minimum amount of affordable housing, and meets the objective zoning standards of the General Plan. The bill would also allow development in wetlands or critical habitat for listed species if development has been authorized by federal or other state law.

Introduced 02/13/23
Last Amended 03/28/23
Status Senate Appropriations Committee

AB 584 (Hart) California Coastal Act of 1976: coastal development: emergency waiver

This bill would amend Coastal Act Sec 30611 to increase the value limit of permanent structures that may be authorized by an emergency coastal development permit waiver from \$25,000 to \$125,000. *Amendments of 03/06/23 add language allowing this limit to increase automatically based on the Consumer Price Index.*

Introduced 02/09/23
Last Amended 03/06/23
Status Senate Rules Committee

SB 689 (Blakespear) Local Coastal Program: conformity determination

This bill would amend the Streets and Highways Code to provide that any project contained within or consistent with a bicycle transportation plan is consistent with a certified Local Coastal Program (LCP). It would also provide that any project to restripe a street for the purpose of relieving traffic congestion is consistent with an LCP.

Introduced 01/13/23
Last Amended 03/20/23
Status Senate Transportation Committee: Two-year bill

SB 704 (Min) Coastal Resources: California Coastal Act of 1976: industrial developments: oil and gas facilities: offshore wind

As amended, this bill would amend the Coastal Act to specify that new or expanded oil and gas facilities shall not be considered a coastal-dependent industrial use and may only be permitted if found to be consistent with Chapter 3. The bill would also add statutory findings to the Coastal Act encouraging existing ports to pursue development contributing to offshore wind energy generation, and encouraging the Commission to receive technical advice with regard to offshore wind energy generation.

Introduced 02/16/23
Last Amended 03/27/23
Status Senate Appropriations Committee

SB 782 (Limón) Coastal Resources: public works plan: vegetation management: coastal zone

This bill would require the Coastal Commission to prepare a public works plan (PWP) for vegetation management in the coastal zone.

Introduced 02/17/23
Last Amended 03/22/23
Status Senate Natural Resources and Water Committee: Two-year bill

AB 1287 (Alvarez) Density Bonus Law: additional density bonus and incentives or concessions: California Coastal Act of 1976

This bill would remove long-standing language from Government Code Section 65915(m) specifying that state Density Bonus Law (DBL) does not supersede or lessen the application of the Coastal Act, and would replace this language with an affirmative statement that development standard exceptions granted under DBL can be applied to housing projects notwithstanding Coastal Act or Local Coastal Program policies. The bill would have the effect of exempting projects that take advantage of DBL exceptions from the coastal resource protection policies of the Coastal Act and LCPs. The bill would also stipulate that in order to receive 4 density bonus concessions a developer must provide at least 16% of the total units for very low income households, or at least 45% for families of moderate income in a project for which the units are for sale; and would increase the concessions to which a 100% affordable project is entitled from 4 to 5. *Amendments of 04/26/23 would revert subsection (m) to the existing language stating that DBL does not supersede or lessen the application of the Coastal Act.*

Introduced 02/16/23
Last Amended 04/26/23
Status Assembly Appropriations Committee
Position Neutral

AB 1308 (Quirk-Silva) Single-family residences: parking requirements

As amended, this bill would prohibit a public agency, including the Coastal Commission, from increasing minimum parking standards on a project to remodel, renovate or add to a single-family residence. While this is not a Coastal Act amendment, it has the effect of creating a Coastal Act exemption from parking requirements.

Introduced 02/16/23
Last Amended 03/30/23
Status Assembly Appropriations Committee

AB 1375 (Dixon) Coastal Protection

This is a Coastal Act spot bill.

Introduced 02/17/23
Status Assembly Rules Committee

AB 1590 (Friedman) Coastal resorts: coastal development permits: audits: waste

As amended, this bill would establish the Major Coastal Resorts Environmental Accountability Act, and would require the Coastal Commission, with the assistance of a qualified consultant, to every 2 years prepare an audit of a major coastal resort's compliance with the requirements of its coastal development permit including the coastal development permit, as provided. The bill would require the Commission to document the audit's investigation and findings in a public report. The bill would also require any coastal development permit pertaining to a major coastal resort approved after January 1, 2024, to include, as a condition of approval, submittal of a turf, landscape, and pest management plan; and the Commission would be required to add this condition to any existing coastal development permit pertaining to a major coastal resort whenever such a permit is next amended. Finally, the bill would prohibit the use of any non-organic pesticide at a major coastal resort, would prohibit a major coastal resort from providing single-use plastic bottled beverages, and would require a major coastal resort to provide at least one recycling bin in each guest room. Violation of these requirements would be punishable by a civil penalty of \$500 per day.

Introduced 02/17/23
Last Amended 03/23/23
Status Assembly Natural Resources Committee. Failed Passage.

NATURAL AND MARINE RESOURCES

AB 72 (Boerner Horvath) Coastal resources: research: landslides and erosion

This bill would extend the deadline for the Scripps Institution of Oceanography at UCSD to conduct research and provide a report to the Legislature regarding early warning systems that could detect landslides from March 15, 2025 to March 30, 2026.

Introduced 12/13/22
Status Senate Rules Committee

AB 234 (Bauer-Kahan) Microparticles

As amended, this bill would prohibit the sale of rinse-off cosmetics, detergents, waxes, and polishes that contain synthetic polymer microparticles, based on legislation passed by the European Union. The bill would impose a \$5,000 per day penalty for violation. *Amendments of 03/30/23 specify screening criteria for compliance.*

Introduced 01/12/23
Last Amended 03/30/23
Status Assembly Natural Resources Committee: Two-year bill

AB 343 (Muratsuchi) Southern Los Angeles: ocean dumpsites: chemical waste

This bill would require Cal EPA to hold at least four public meetings per year, between March 31, 2024 to until January 1, 2028 to provide the public with current information efforts to study and mitigate DDT and other chemical waste dumped off the coast of Los Angeles. The bill would require the agency, to report to the Legislature with policy recommendations on how to further mitigate the impacts of chemical waste deposits at or from the dumpsites.

Introduced 01/31/23
Status Assembly Appropriations Committee, Suspense File

SB 378 (Gonzalez) State parks: state beaches: expanded polystyrene food container and cooler ban

This bill would prohibit a person from bringing a Styrofoam food container or cooler onto a state beach or any unit of the State Parks system. An infraction would be punishable by a \$25 fine.

Introduced 02/09/23
Status Senate Natural Resources and Water Committee: Two-year bill

AB 566 (Pellerin) Department of Parks and Recreation: acquisition and protection of real property

As amended, this bill would authorize the Department of Parks and Recreation (DPR) to acquire for the state park system by the department on its own behalf. The bill would also authorize DPR to enter into an agreement with an eligible entity to permanently protect lands in or for the state park system. The bill would authorize DPR to coordinate with other relevant agencies, including the Wildlife Conservation Board, the Department of Fish and Wildlife, and the State Coastal Conservancy, to identify priority properties for permanent protection to fulfill the objectives of each unit of the state park system. The bill would require DPR, upon execution of an acquisition agreement and appropriation by the Legislature, to act to permanently protect properties identified in the agreement within 24 months.

Introduced 02/08/23
Last Amended 04/26/23
Status Assembly Appropriations Committee

AB 706 (L. Rivas) Leasing of public lands: minerals others than oil and gas

This bill would authorize the State Lands Commission (SLC) to issue prospecting permits and leases minerals (other than oil and gas) on state lands without approval by the Attorney General. The bill would delete the current 960-acre maximum for lease areas, as well as the requirement for the lease area to be surveyed by the SLC or another entity. The bill would also authorize the SLC to issue permits for geological or geophysical exploration permits on state lands, and if minerals are discovered, require a lessee to pay an annual rental based on fair market value.

Introduced 02/13/23
Status Assembly Floor

AB 748 (Villapudua) California Abandoned and Derelict Commercial Vessel Program

The bill would require the State Lands Commission (SLC) to, by July 1, 2025, create an inventory of abandoned and derelict commercial vessels in commercially navigable waters. This bill would direct the SLC to convene multiagency group to identify, prioritize, and fund the removal and disposal of abandoned and derelict commercial vessels, and would create a state agency task force to develop guidance for carrying out these responsibilities. The bill would further impose civil penalties on vessels that become derelict. Penalty money would be deposited in a fund, created by the bill, and would be used to fund removal of abandoned and derelict commercial vessels.

Introduced 02/13/23
Last Amended 03/23/23
Status Assembly Appropriations Committee

AB 953 (Connolly) Coastal resources: voluntary vessel speed reduction

This bill would require the OPC, by May 1, 2025, to implement a statewide voluntary vessel speed reduction program in shipping corridors to reduce whale strikes, air pollution, and underwater acoustic impacts. *Amendments of 03/16/23 specify that the program required by the bill would expand on existing voluntary vessel speed reduction programs. Amendments of 03/29/23 add the US Coast Guard to the list of entities that OPC must consult. Amendments of 04/19/23 revise the deadline to implement the program to January 1, 2026.*

Introduced 02/14/23
Last Amended 03/29/23
Status Assembly Appropriations Committee

[AB 1407 \(Addis\) Coastal resources: ocean recovery and restoration: large-scale restoration](#)

This bill would require the Ocean Protection Council to establish a Kelp Forest and Estuary Restoration and Recovery Framework that has a goal of restoring by 2050 an unspecified number of acres of kelp forests, eelgrass meadows, and native oyster beds. The bill would also require the OPC to establish an interagency Ocean Restoration and Recovery Working Group that includes the Coastal Commission and other departments to coordinate and facilitate large-scale restoration in the coastal areas of the state. *Amendments of 04/06/23 specify restoration targets of 5,000 acres of kelp, 9,000 acres of oyster beds, and 16,000 acres of eelgrass habitats by 2050.*

Introduced 02/17/23
Last Amended 04/06/23
Status Assembly Appropriations Committee

CLIMATE CHANGE & SEA LEVEL RISE

[AB 225 \(Grayson\) Real property: environmental hazards handbook](#)

This bill would express the intent of the Legislature to require the Department of Real Estate to include wildfire, climate change and sea level rise in its informational booklet on environmental hazards, when the booklet is next updates. The bill would require the State Department of Public Health to seek the advice and assistance of departments within the Natural Resources Agency in the writing of the new sections.

Introduced 01/11/23
Status Assembly Appropriations Committee

[SB 272 \(Laird\) Sea level rise: planning and adaptation](#)

This bill would require all local governments in the coastal zone to address sea level rise through Local Coastal Programs by January 1, 2034. Jurisdictions that complete this requirement by January 1, 2029, would be prioritized for state funding. Vulnerability assessments and implementation policies would be based on the best available science, cover specified priorities, and would get updated on a timeline agreed upon by the local governments and the Coastal Commission. The measure would also require the Commission and BCDC to collaborate with OPC and the Sea Level Rise State and Regional Support Collaborative on the establishment of guidelines to assist local governments in this work by December 31, 2024.

Introduced 12/05/22
Status Senate Appropriations Committee
Position Support

***AB 966 (Davies) Division of Boating and Waterways: shoreline erosion control**

This bill would require the Division of Boating and Waterways to submit a report to the Legislature by January 1, 2025 that identifies critically eroded shorelines, discusses ways to increase natural sedimentation, evaluates existing restoration and beach nourishment programs, and evaluates whether the application process for existing programs needs to be altered.

Introduced 02/14/23
Last Amended 03/02/23
Status Assembly Appropriations Committee, Suspense File

AB 970 (L. Rivas) Climate and Sustainability Insurance and Risk Reduction Program

This bill would require the Department of Insurance to establish and administer the Climate and Sustainability Insurance and Risk Reduction Program, to expand insurance options, especially in vulnerable and disadvantaged communities where climate risks are currently uninsured or underinsured.

Introduced 02/14/23
Status Assembly Appropriations Committee, Suspense File

AB 1554 (Gallagher) CEQA: exemption: wildfire fuels reduction program

This bill would exempt from CEQA projects to reduce of fuels in areas within moderate, high, and very high fire hazard severity zones.

Introduced 02/14/23
Status Assembly Natural Resources Committee: Two-year bill

ENERGY

AB 3 (Zbur) Offshore wind energy: reports

This bill would require the Energy Commission to develop a plan related to seaport readiness for offshore wind energy development, in consultation with the State Lands Commission. The bill would require the Commission to submit a report to the Legislature January 1, 2026. The Commission would also develop recommendations for the ports best suited for supporting offshore wind energy developments and in-state workforce opportunities, including opportunities for low-income and environmental justice communities, by January 1, 2026. A second report, due by July 1, 2027, would analyze the feasibility of achieving 70% and 85% in-state assembly and manufacturing of offshore wind energy projects. *Amendments of 04/26/23 add operators of ocean-going vessels to the list of stakeholders to be consulted.*

Introduced 12/05/22
Last Amended 04/26/23
Status Assembly Appropriations Committee

[AB 65 \(Mathis\) Energy: nuclear generation facilities](#)

This bill would exempt small, modular nuclear reactors from the current prohibition against the certification of any new nuclear power plants in California. The bill would also require the Public Utilities Commission, on or before January 1, 2026, to adopt a plan to increase the procurement of electricity generated from nuclear facilities and to phase out the procurement of electricity generated from natural gas facilities.

Introduced 12/06/22
Last Amended 02/14/23
Status Assembly Natural Resources Committee. Failed passage.

[AB 80 \(Addis\) Coastal resources: ocean research: West Coast Offshore Wind Science Entity](#)

As amended, this bill would require the OPC to establish and oversee a West Coast Offshore Wind Science Entity to ensure comprehensive baseline modeling of California's ocean ecosystem to inform state and federal decisions about offshore wind development. The entity would also oversee and direct funding to targeted research. *Amendments of 04/17/23 require coordination with federal agencies, and would require the OPC to establish a steering committee to provide governance and oversight.*

Introduced 01/31/23
Last Amended 04/17/23
Status Assembly Appropriations Committee, Suspense File

[SB 286 \(McGuire\) Offshore wind energy projects](#)

As amended, this bill would designate the State Lands Commission (SLC) as the CEQA lead agency for all offshore wind projects. It would also create the Offshore Wind Energy Resiliency Fund in the State Treasury, and establish the Offshore Wind Energy Fisheries Working Group which the Coastal Commission would convene with SLC, the Ocean Protection Council, the Department of Fish and Wildlife, federal agencies, representatives of the fishing industry, and other stakeholders as appropriate. The working group would be required to develop a statewide strategy by January 1, 2026 to ensure the avoidance, minimization and/or mitigation of impacts to ocean fisheries, establish compensation for commercial and recreational fishers for economic impacts, and develop best practices for monitoring, communications and engaging affected communities. *Amendments of 05/01/23 remove the specific dollar amounts to be paid to the fishing industry and the public as part of seafloor lease rent payments, leaving the amount to be determined by the working group.*

Introduced 02/02/23
Last Amended 05/01/23
Status Senate Appropriations Committee
Position **Recommend Support (analysis attached)**

SB 319 (McGuire) Electricity: transmission planning

As amended, this bill would require the Energy Commission, Public Utilities Commission, and Independent System Operator to develop an expedited permitting roadmap for electrical transmission infrastructure, and to submit the roadmap to the Natural Resources Agency and Legislative by December 31, 2024. The bill further requires the agencies to coordinate in various transmission forecasting and planning processes, and requires electrical corporations to submit annual and project reports to the PUC, which is required to report the information to the Legislature.

Introduced 02/06/23
Last Amended 03/22/23
Status Senate Energy, Utilities, and Communications Committee

AB 344 (Wood) Load serving entities: offshore wind facilities

This bill would authorize electrical corporations, electric service providers, and community choice aggregators to jointly enter into agreements to procure electricity generated from offshore wind facilities.

Introduced 01/31/23
Status Assembly Appropriations Committee

SB 420 (Becker) Electricity: electrical transmission facility projects

This bill would require the Governor to identify a lead agency to monitor clean energy and electrical transmission planning and deployment, and require that agency to identify those electrical transmission facility projects necessary to maintain system reliability and to meet specified targets. Those projects would qualify for a streamlined approval process under the Jobs and Economic Improvement Through Environmental Leadership Act of 2021. In a proceeding to determine whether to issue certificates of public convenience and necessity for those projects, the bill would establish a rebuttable presumption that the project is necessary if certain requirements related to the Independent System Operator are satisfied. *Amendments of 03/30/23 require the lead agency to consult with the Natural Resources Agency, and would except from the provisions of the bill transmission projects within state and national park units. Amendments of 05/01/23 remove the requirement that the lead agency consult with the Natural Resources Agency.*

Introduced 02/09/23
Last Amended 05/01/23
Status Senate Appropriations Committee

AB 547 (Alanis) Distribution of energy resources

This is a spot bill related to the distribution of energy resources throughout the state.

Introduced 02/08/23
Status Assembly Rules Committee.

SB 559 (Min) Offshore oil drilling: leases

This bill would require the State Lands Commission to negotiate with oil and gas lessees for the voluntary relinquishment of leases associated with oil and gas production on state lands.

Introduced 02/15/23
Status Senate Natural Resources and Water Committee: Two-year bill

SB 605 (Padilla) Wave and tidal energy

As amended, this bill would require the Energy Commission and the Ocean Protection Council (OPC), in consultation with the Coastal Commission and other departments, to conduct a study to evaluate the feasibility and benefits of ocean wave and tidal energy by February 1, 2024. The study would provide findings about the feasibility of deploying wave and tidal energy, evaluate the need for transmission planning and workforce development, identify suitable sea space for tidal and wave energy, and develop a monitoring strategy to evaluate impacts to marine and tidal ecosystems and wildlife.

Introduced 02/15/23
Last Amended 04/27/23
Status Senate Appropriations Committee

AB 914 (Friedman) Electrical infrastructure: California Environmental Quality Act: exemptions: review time period

This bill would provide a CEQA exemption for the expansion or upgrade of an existing electrical transmission facility, or the construction of a new electrical transmission facility, if the project is intended to provide capacity or enhance reliability to accommodate increased demand or forecasted demand. It would also provide a CEQA exemption for electrical storage facilities (battery storage facilities).

Introduced 02/15/23
Last Amended 03/09/23
Status Assembly Appropriations Committee

AB 1533 (Utilities and Energy Committee) Electricity

Relevant to the Coastal Commission, this bill would specify that energy generated by Diablo Canyon after August 26, 2025, could not be counted toward the state's "zero carbon" energy goals; extend the work of the Diablo Canyon seismic peer review panel for an additional 5 years; and add additional reporting requirements related to safety, system reliability, and annual electricity demand forecasts. *Amendments of 05/01/23 add an urgency clause to the measure.*

Introduced 02/17/23
Last Amended 05/01/23
Status Assembly Appropriations Committee

HOUSING

SB 4 (Wiener) Planning and zoning: housing development; higher education and religious institutions

This bill would provide that a housing development project that is 100% available to lower income and moderate income households would be a use by right on any land owned by an independent institution of higher education or religious institution that was in their ownership prior to January 1, 2024, if the project meets objective zoning standards, is at least ¼ acre in size, the applicant hires skilled and trained labor, and is located within ½ mile of a major transit stop, a high quality corridor, or within one block of a car-share vehicle. *Amendments of 02/22/23 allow up to 5% of the housing to be available to staff of the institution if made available at an affordable rate. Amendments of 3/28/23 delete the provision that the property must be at least ¼ acre in size, specify that projects are eligible for density bonus, incentives, waivers of development standards, and parking ratios.*

Introduced	12/05/23
Last Amended	03/28/23
Status	Senate Appropriations Committee

SB 18 (McGuire) Housing programs: Tribal Housing Reconstitution And Resiliency Act

As amended, this bill would establish the Tribal Housing Grant Program Trust Fund, to provide a source of funding to tribes and tribal entities for housing, housing-related program services, and community development, upon appropriation by the Legislature. The Fund would be administered by the Department of Housing and Community Development.

Introduced	12/05/22
Last Amended	03/22/23
Status	Senate Appropriations Committee

AB 49 (Soria) Affordable housing

This bill would express the intent of the Legislature to enact legislation that would increase the supply of affordable housing and reduce homelessness.

Introduced	12/05/22
Status	Assembly Rules Committee

AB 68 (Ward) Land use: streamlined housing approvals: density, subdivision, and utility approvals

This bill would create a streamlined application process for housing development proposals on climate-smart parcels, as defined in the bill. The bill would also prohibit a city or county from increasing density on climate-risk lands or climate-refugia lands, as defined. *Amendments of 04/12/23 refine the definition of a “climate-smart parcel.”*

Introduced 12/08/22
Last Amended 04/12/23
Status Assembly Housing Committee: Two-year bill

SB 91 (Umberg) California Environmental Quality Act exemption: supportive and transitional housing; motel conversion

This bill would remove the January 1, 2025 sunset date for the CEQA exemption that currently applies to conversion of hotels and motels for transitional and support housing.

Introduced 01/17/23
Status Senate Floor

AB 986 (Berman) General plans

This bill is a spot bill related to housing.

Introduced 02/15/23
Status Assembly Rules Committee

AB 1630 (Garcia) Planning and zoning: housing development approvals: student housing projects

As amended, this bill would make student housing and faculty housing an allowable use within 1,000 feet of a university campus, provided that 20% of the units are occupied by students or faculty of that university, and 20% of the units are available to lower income households. The bill would also prohibit local governments from imposing a minimum parking requirement.

Introduced 02/17/23
Last Amended 03/21/23
Status Assembly Housing Committee: Two-year bill

WATER

[ACA 2 \(Alanis\) Water and Wildfire Resiliency Act of 2023](#)

This measure would establish the Water and Wildfire Resiliency Fund, and would require the Treasurer to annually transfer an amount equal to 3% of all state General Fund revenues to the WWR Fund. The measure would require that 50% of the money in the fund be used for water projects, including desalination, recycling, conveyance and drinking water quality projects. The other 50% of the money in the fund would be used for forest maintenance and health projects, including fuel breaks, fuel reduction, home hardening and workforce training.

Introduced 12/05/22
Status Assembly Water, Parks, and Wildlife Committee

[SB 23 \(Caballero\) Water supply and flood risk reduction projects: expedited permitting](#)

This bill would make substantial revisions to the process, timelines, and standard of review by which CDFW, SWRCB and RWQCBs review and approve water supply and flood risk projects, with the objective of reducing timelines and environmental requirements to 180 days. The bill would also authorize any state agency to enter into agreements with project proponents to recover costs for expedited review of environmental documents with the goal of completing permit review and approval in an expeditious manner, and to hire or compensate staff or to contract for services needed to complete permit review and approval in an expeditious manner. *Amendments of 03/30/23 clarify that the agencies shall approve water supply and flood risk reduction projects within 180 days of receiving a complete application, or within 60 days of receiving the final CEQA document, whichever is later; and add nature-based solutions to the definition of "flood risk reduction project."* *Amendments of 04/12/23 add reporting requirements and a sunset of 01/01/2029. Amendments of 05/01/23 remove provisions of the bill related to SWRCB review of federal water quality certifications, and require the water boards address the impacts of dredge and fill activities from water supply and flood risk projects.*

Introduced 12/05/22
Last Amended 05/01/23
Status Senate Appropriations Committee

AB 66 (Mathis) Natural Resources Agency: water storage projects: permit approval

This bill would require every agency within the CNRA to approve the necessary permits for water storage projects within 180 days from receiving the permit application. If the permit approval does not occur within this time period, the permit would be deemed approved. *Amendments of 03/29/23 remove the completion requirement and the automatic approval mechanism, and require every agency to post updates on permit application process on its website.*

Introduced 12/06/22
Last Amended 03/29/23
Status Assembly Appropriations Committee

AB 345 (Wilson) Habitat restoration: flood control: advance payments

This bill would authorize DWR to provide advance payments to local agencies for projects to restore habitat for threatened and endangered species or flood protection. *Amendments of 03/20/23 extend the authorization to the Central Valley Flood Protection Board, stipulate that advance payments must be spent within 6 months, and impose reporting requirements on recipients.*

Introduced 01/31/23
Last Amended 03/20/23
Status Assembly Appropriations Committee

AB 1596 (Alvarez) Watershed, Clean Beaches, and Water Quality Act: beaches: water quality.

This bill would require the State Water Resources Control Board to identify and implement projects to improve beach access and address ocean water quality on public beaches that experience bacteria levels that exceed public health standards, whether the source is from urban runoff or transboundary flows.

Introduced 02/17/23
Status Assembly Environmental Safety and Toxic Materials Committee:
Two-year bill

PUBLIC ACCESS

AB 612 (Berman) State Parks: Pedro Point

This bill would require Caltrans to transfer surplus property in San Mateo County to the City of Pacifica for the purpose of expanding the California Coastal Trail by closing a gap between Pacifica State Beach and Pedro Point Headlands, and providing for additional parking and trailhead amenities.

Introduced 02/09/23
Status Assembly Appropriations Committee

SB 620 (McGuire) Low-impact Camping Areas

This bill would exempt low-impact camping areas from being regulated under the Special Occupancy Parks Act. The bill would define a “low-impact camping area” as any area of private property that provides for the transient occupancy rental of a temporary sleeping accommodation for recreational purposes that is not a commercial lodging facility and meets specified requirements. The bill would authorize the county in which a low-impact camping area is located to enforce specified requirements relating to waste disposal and quiet hours.

Introduced 02/15/23
Last Amended 04/20/23
Status Senate Appropriations Committee

AB 859 (Gallagher) Hunting: navigable waters

This bill would amend the hunting provision of the Fish and Game Code to clarify that nothing in the provision restricts the right of the public to use navigable waters for hunting, fishing, or other public purpose as guaranteed under Section IV of Article X of the California Constitution.

Introduced 02/14/23
Status Assembly Appropriations Committee

AB 1150 (Assembly Water, Parks, and Wildlife Committee) Department of Parks and Recreation: community access agreements: interpretive and visitor services

This bill would authorize the Department of Parks and Recreation to enter into community access agreements with non-profit organizations and Native American tribes to provide interpretive and visitor services to underserved populations at state parks. It would authorize a community access agreement to offer free or reduced-cost access to members of the public participating in interpretive services and visitor services offered by the organization.

Introduced 02/16/23
Status Assembly Appropriations Committee, Suspense File
Position Support

EQUITY, ENVIRONMENTAL JUSTICE & TRIBES

SB 310 (Dodd) Prescribed fire: civil liability: cultural burns

This bill would authorize the Natural Resources Secretary to enter into agreements with California Native American Tribes regarding cultural burning, and as part of those agreements the Secretary may waive state permitting or regulatory requirements.

Amendments of 04/12/23 would require the Secretary to convene a cultural burn working group consisting of state agencies, California Native American tribes, and local governments, with the goal of determining a framework to enable conditions conducive to cultural burning. The bill would require the working group to report its findings to the Legislature on or before January 1, 2025.

Introduced 02/06/23
Last Amended 04/12/23
Status Senate Appropriations Committee

AB 437 (Jackson) State government: equity

As amended, this bill would require state agencies to ensure that their policies, allocation of resources, and systemic practices are equitable in meeting the needs of diverse and underserved populations.

Introduced 02/06/23
Last Amended 04/13/23
Status Assembly Appropriations Committee

AB 1077 (Jackson) State agencies and counties: antiracism audits

This bill would require the State Controller to conduct comprehensive antiracism audits on all state agencies and counties. The bill would require each state agency and county to establish and implement an action plan within one year of the audit to rectify deficiencies in efforts to identify and dismantle racist practices, policies, and attitudes identified by the audit. If the Controller determines that appropriate progress has not been made by a state agency or county toward rectifying deficiencies within 3 years, the Controller may impose a civil penalty or bring a court action.

Introduced 02/15/23
Status Assembly Accountability and Administrative Review Committee:
Two-year bill

AB 1284 (Ramos) Tribal ancestral lands and waters: co-governance and co-management agreements

As amended, this bill would authorize the Natural Resource Agencies and its subsidiary agencies to enter into co-governance and co-management agreements with federally recognized tribes for the purpose of shared responsibility, decision-making and partnership in resource management and conservation within a tribe's ancestral lands and waters.

Introduced 02/16/23
Last Amended 03/23/23
Status Assembly Appropriations Committee, Suspense File

AB 1495 (S. Nguyen) Office of Tribal Affairs

This bill would establish the Office of Tribal Affairs within the Governor's office, managed by the Secretary of the Office of Tribal Affairs. The bill would also establish a Deputy of Tribal Affairs and a Tribal Advisor position in every state agency, department, or commission, and in every constitutional office. The bill would require the Governor to appoint a Tribal Advisory Committee, to advise the Secretary of Tribal Affairs.

Introduced 02/17/23
Status Assembly Rules Committee: Two-year bill

TRANSPORTATION

AB 692 (Patterson) CEQA: exemptions: egress route projects: fire safety

This bill would provide a CEQA exemption for the construction of secondary egress routes to improve emergency access for communities identified by CalFire.

Introduced 02/13/23
Status Assembly Appropriations Committee, Suspense File

AB 756 (Papan) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters

As amended, this bill would require the Department of Transportation (Caltrans), in consultation with the State Water Board, DTSC, and CDFW, to develop a programmatic environmental review process to prevent 6PPD and 6PPD-quinone from entering salmon and steelhead trout bearing surface waters of the state. The bill would require the process to include a pilot project at a particular highway crossing over San Mateo Creek to study the effectiveness of installing bioretention and biofiltration controls to eliminate the discharge of 6PPD and 6PPD-quinone into waters of the state. This bill would require Caltrans to annually install bioretention or biofiltration controls at 10% of specified locations for 10 years, until Caltrans has installed bioretention or biofiltration controls at all locations.

Introduced 02/13/23
Last Amended 03/02/23
Status Assembly Appropriations Committee

AB 894 (Friedman) Parking requirements: shared parking

This bill would require public agencies and other entities to share underutilized parking spaces with other users, if 20% or more of the dedicated parking is unused. The bill would also require a public agency to allow for shared parking agreements to be counted toward minimum parking requirements.

Introduced 02/14/23
Last Amended 04/20/23
Status Assembly Appropriations Committee

SB 677 (Blakespear) Intercity rail: LOSSAN Rail Corridor

As amended, this bill would require the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency to include a description of the effects of climate change on the LOSSAN corridor, to identify projects planned to increase climate resiliency on the corridor, and to discuss possible funding options for those identified projects as part of the annual business plan submitted to the Secretary of Transportation.

Introduced 02/16/23
Last Amended 04/17/23
Status Senate Appropriations Committee

BOND ACTS

AB 305 (Villapudua) California Flood Protection Bond Act of 2024

This bill would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters in the November 2024 general election, would authorize the issuance of bonds in the amount of \$4.5 billion pursuant to the State General Obligation Bond Law for flood protection projects. *Amendments of 04/25/23 specify that projects funded by the bond shall provide workforce education and training, contractor, and job opportunities for vulnerable populations or socially disadvantaged groups.*

Introduced 01/26/23
Last Amended 04/25/23
Status Assembly Appropriations Committee

SB 638 (Eggman) Climate Resiliency and Flood Protection Bond Act of 2024

This bill would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters in the November 5, 2024 general election, would authorize the issuance of bonds in the amount of \$4.5 billion for flood protection and climate resiliency projects. *Amendments of 03/20/23 increase the amount of the bond to \$6 billion.*

Introduced 02/16/23
Last Amended 03/20/23
Status Senate Appropriations Committee, Suspense File

SB 867 (Allen) Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2024

This bill would enact the above-referenced bond act which, if approved by the voters, would authorize the issuance of bonds to finance projects for drought and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, parks, and outdoor access programs. *Amendments of 04/19/23 set the amount of the bond at \$15.5 billion, and add various requirements to the expenditure of bond funds, including that coastal resilience projects must be consistent with the sea level rise policies and guidelines established by the Coastal Commission and partner agencies.*

Introduced 02/17/23
Last Amended 04/19/23
Status Senate Appropriations Committee

AB 1567 (Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024

This bill would enact the above-referenced bond act which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,105,000,000 for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs. Among other provisions, the bond would authorize the Legislature to appropriate \$30 million to the Coastal Commission for grants to local governments for local adaptation planning and updating local coastal programs. *Amendments of 04/07/23 specify that the measure would be placed on the March 2024 statewide primary ballot.*

Introduced 02/17/23
Last Amended 04/26/23
Status Assembly Appropriations Committee

ADMINISTRATIVE

AB 433 (Jackson) State and county funded grants: advance payments

This bill would require state and county departments that offer grants to nonprofit organizations to advance a payment of 10% of the total grant amount awarded to the nonprofit organization, upon request of the nonprofit administrators.

Introduced 02/06/23
Status Assembly Accountability and Administrative Review Committee:
Two-year bill

AB 469 (V. Fong) California Public Records Act Ombudsman

This bill would create a Public Records Act Ombudsperson within the office of the State Auditor. The office would receive requests to investigate cases where a member of the public believes a Public Records Act request has been improperly denied. The Ombudsperson would have the authority to require the release of records found to be improperly denied. Agencies found to have improperly withheld records may be required to reimburse the office for its expenses. The bill would require the Ombudsperson to submit a report to the Legislature by January 1, 2025 and every year thereafter.

Introduced 02/06/23
Status Assembly Appropriations Committee, Suspense File

SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing

This bill would indefinitely extend the provisions of the Governor's Executive Order related to the Bagley-Keene Open Meetings Act, allowing state agencies to conduct public meetings without the need to post notice of each location of each member that will be participating in the public meeting by teleconference, post an agenda at each teleconference location, or to require that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to listen and observe remotely and address the state body both remotely and directly at one physical site with staff present. *Amendments of 04/27 require a member of a state body who is participating remotely to disclose whether a person over the age of 18 is in the room; and require a state body which is meeting remotely to adjourn the meeting if it is discovered that a means of remote meeting has failed during the meeting.*

Introduced 02/15/23
Last Amended 04/27/23
Status Senate Appropriations Committee

AB 696 (Lowenthal) State agency grants and contracts

As amended, this bill would require all state agencies that administer grant programs to accept electronic signatures and allow for electronic fund transfers. It would also require the State Library to create a website through which non-profit agencies could submit any documents associated with their grant contracts, and require the Department of General Services to create a website for non-profits to submit invoices, progress reports, budget modifications, and other documents. *Amendments of 04/25/23 expand the scope of the bill from nonprofit agencies to all entities eligible for each grant.*

Introduced 02/13/23
Last Introduced 04/25/23
Status Assembly Appropriations Committee

AB 749 (Irwin) State agencies: information security: uniform standards

This bill would require every state agency to make specified cyber-security upgrades by January 1, 2025. *Amendments of 04/13/23 extend the deadline by one year to January 1, 2026.*

Introduced 02/13/23
Last Amended 04/25/23
Status Assembly Appropriations Committee

AB 1217 (Gabriel) Business pandemic relief

This bill would extend the sunset for the Covid-19 Pandemic Relief authorization to restaurants, bars, and clubs to expand their outdoor seating and sales areas onto adjacent public sidewalks, parking spaces and parklets pursuant to licenses issued by the Department of Alcoholic Beverage Control (ABC). The new sunset date has not been determined, and the terms of the ABC licenses do not supersede local ordinances. *Amendments of 04/17/23 extend the sunset to January 1, 2026. Amendments of 05/01/23 extend the sunset by six months to July 1, 2026.*

Introduced: 02/13/23
Last Amended 05/01/23
Status Assembly Appropriations Committee

AB 1713 (Gipson) State and local agencies: state and federal funds: reports

This bill would require a state or local agency that receives state or federal funds that are subject to an expiration date to report to the Legislature within one year of the funding expiration date a summary of how funds have been expended and a plan for the remaining funds to be expended. *Amendments of 04/25/23 limit the bill to federal funds.*

Introduced 02/17/23
Last Amended 04/25/23
Status Assembly Appropriations Committee

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BILL ANALYSIS

SB 286 (McGuire)

As Amended 3/22/23

SUMMARY

This bill would direct the California Coastal Commission to process a consolidated coastal development permit (CDP) for any new development associated with or necessary for offshore wind development; designate the State Lands Commission (SLC) as the lead agency for CEQA for all new development associated with offshore wind; create the Offshore Wind Energy Resiliency Fund; and establish the Offshore Wind Energy Fisheries Working Group. The fund would receive a portion of annual rents paid to the SLC for bottom leases. The working group would be required to develop a statewide strategy by January 1, 2026 to: (1) ensure the avoidance/mitigation of impacts to ocean fisheries; (2) establish a compensation framework for economic impacts to fishers; and (3) develop best practices for monitoring, communications, and engagement with affected communities, and other benchmarks.

RECOMMENDED MOTION

I move that the Commission **SUPPORT** SB 286, and I recommend a **YES** vote.

PURPOSE OF THE BILL

The reason for the bill is to expedite the deployment of offshore wind energy generation without sacrificing environmental protections, and to ensure that the state creates a funding source and a standardized, fair approach for understanding, avoiding, mitigating, and compensating for impacts to fisheries, Tribes, and communities.

EXISTING LAW

In circumstances where a proposed project straddles the Commission's original or retained permit jurisdiction and one or more local governments' certified LCP jurisdiction within the coastal zone—such as a public pier that has both onshore and offshore components, or a bridge or highway that connects a city with a certified Local Coastal Program (LCP) and an uncertified area of a neighboring county—Public Resources Code Section 30601.3 authorizes the Coastal Commission to issue a single, consolidated permit for the entire project, provided that the applicant, the Commission and the local government(s) agree and consolidation will not substantially impair public participation. Once the Commission takes jurisdiction over the project, Chapter 3 of the Coastal Act becomes the legal standard of review, guided by the certified LCP(s).

PROGRAM BACKGROUND

The Commission is the only state agency that would have jurisdiction over an entire offshore wind project that includes development in federal waters, state waters, and land-based development in the coastal zone. It is the only state agency with the authority to review and authorize activities in federal waters under the federal Coastal

Zone Management Act. In spring of 2022, the Coastal Commission reviewed the Bureau of Ocean Energy Management's (BOEM) potential lease sales in federal waters off the coast of Humboldt County and San Luis Obispo County. The Commission unanimously concurred in the federal consistency determination, allowing the individual lease sales to proceed in December of that year.

In its consistency determination for both lease areas, the Commission found that the proposed activities had the potential for adverse impacts to marine resources, commercial and recreational fishing, environmental justice communities, and tribal cultural resources, among other things. Examples of these adverse impacts to fisheries include temporary or permanent loss of fishing grounds, gear loss, seafloor habitat disturbance, elevated levels of underwater sound, marine species displacement, invasive species, and an increased risk of vessel strikes to marine mammals. In view of these findings, the Coastal Commission made its concurrence contingent upon seven conditions. Condition 7c addressed impacts to fishing and fishing communities.

Condition 7c requires the formation of a working group consisting of fishing organizations and representatives of different regions/ports representing different commercial and recreational fisheries. This working group will develop a statewide strategy for avoidance, minimization, and mitigation of impacts to fishing and fisheries that prioritizes long-term resilience. The statewide strategy should include a methodology for a comprehensive socioeconomic analysis of direct and indirect impacts to fishing, a framework for compensatory mitigation for unavoidable impacts, and a fishing agreement template that memorializes the elements of the statewide strategy.

SB 286 codifies the requirements of Condition 7c into state law, and provides additional specificity and detail in terms of what entities will be represented in the working group and the types of information and topics that will be addressed in the framework.

ANALYSIS

Currently, there are only two offshore wind facilities in the U.S., with a combined total of 7 turbines off the coasts of Virginia and Rhode Island. These are built on fixed platforms in relatively shallow waters. There is only one existing floating wind farm in the world, located off the coast of Scotland and consisting of 5 turbines providing up to 30MW of power. There are two more floating wind projects in various stages of planning and construction, in Norway (11 turbines providing 88MW) and South Korea (60-100 turbines providing 1300MW)

In December of 2022, the Bureau of Ocean Energy Management (BOEM) conducted an auction for 5 lease areas in federal waters approximately 20 miles off the coast of Humboldt and San Luis Obispo Counties covering 373,268 acres. The leases, which are the first federal offshore wind energy leases in the Pacific Ocean, sold for \$757.1M.

When completed, the offshore wind facilities authorized under the 5 California leases will constitute the largest offshore wind development in the world, with the potential to provide up to 4500MW of electricity from a combined total of 300-400 turbines, depending on the size of the installed turbines. Due to ocean depths off California, the

turbines must be built on floating platforms affixed to the ocean floor with a system of cables. Deployment of this relatively new technology at this scope and scale carries both opportunities and challenges. While gleaning knowledge from offshore wind development elsewhere is an important component in planning and permitting California offshore wind generation, the proposed projects and habitats of the Pacific Ocean are unique in several ways. For instance, the wind projects proposed offshore of California are in much deeper waters and on a much larger scale than any existing wind farm, which will create both unique engineering challenges and environmental concerns. In addition, California's rare mix of marine species, including plants, marine mammals, fish, birds, and benthic species, make California's offshore waters some of the most productive in the world, supporting many endangered and protected species as well as valuable fisheries.

California offshore wind energy can make a significant contribution to the global transition to clean energy, not only from the electricity produced, but also from the data collected, the testing of new technologies, the lessons we learn, and the example we set in terms of addressing environmental justice and protection of ocean wildlife and habitats. We are still very much at the beginning of a new frontier for California renewable energy generation, and there are many legitimate perspectives and priorities to include as we move forward at this critical stage.

Since the lease sales, members of the Legislature have been stressing the need for California to accelerate the development and deployment of OSW.

Offshore wind companies have consistently expressed concern over the scenario of numerous local governments preparing multiple environmental documents that may overlap or conflict with each other, as well as local governments' capacity and expertise.

Environmental NGOs support rapid deployment of offshore wind energy, but also advocate strongly for the preservation of California's bedrock environmental statutes: CEQA and the Coastal Act.

Commercial fishing organizations and seafood producers harbor grave concerns about the impact offshore wind energy development will have on the livelihood of their members, the viability of their industry and health of their communities.

This bill has the potential to address all of these concerns by reducing timeframes for permitting and environmental review without circumventing the Coastal Act or CEQA, and ensuring that the state develops a comprehensive framework for reducing impacts to fisheries and calculating equitable compensation for those negatively affected by OSW development.

This analysis will address three components of the bill: permit streamlining, CEQA, and the Offshore Wind Fisheries Working Group. This analysis will defer to SLC on the sections of the bill related to lease payment amounts or how rent is assessed, collected, and distributed by the SLC.

Permit Streamlining

In order to expedite the regulatory process for OSW energy development, this bill would:

- Require the Coastal Commission to process a consolidated CDP for any new development that is associated with, appurtenant to, or necessary for the construction and operation of offshore wind energy projects.
- Require the State Lands Commission to be the CEQA lead agency for those offshore wind projects.
- Require the Coastal Commission and the State Lands Commission to coordinate with federal agencies for any projects requiring joint environmental documents.

In circumstances where a proposed project straddles the Commission's original or retained permit jurisdiction and one or more local governments' within the coastal zone, (such as a public pier that has both onshore and offshore components, or a bridge or highway that connects a city with a certified LCP and an uncertified area of a neighboring county), the Coastal Act authorizes the Coastal Commission to issue a single, consolidated permit for the entire project, provided that the applicant and the local government(s) agree. Once the Commission takes jurisdiction over the project, Chapter 3 of the Coastal Act becomes the legal standard of review, guided by the certified LCP.

The consolidated permit process was designed primarily to facilitate the permitting of large, multi-jurisdictional, public works infrastructure projects. The Commission has processed dozens of consolidated permits over the last five decades for bridges, road realignments, transit improvements, pipelines, and fiber-optic cable landings. The Commission is currently processing two consolidated permits for the coastal portion of Caltrans' Broadband Middle Mile project on the North Coast and Central Coast. The obvious benefit is that the entire project will be authorized under one permit, not two or three or many more. The applicant pays only one permit fee instead of several. (Note: The Commission does not charge permit fees to public agencies.) And there is no chance of conflicting permit conditions or duplicative mitigation requirements.

For projects that are appealable to the Coastal Commission, (which includes several categories of development, including all development between the first public road and the sea), the consolidated permit process can save a significant amount of time, because it eliminates all of the local permitting (which can take several years), as well as the potential for an appeal to the Commission at the conclusion of the local process.

This bill would streamline offshore wind energy deployment by essentially "fast-forwarding" OSW projects to the final stage of the coastal regulatory process. Depending on the complexity of the project and the internal capacity of local governments, this could shave 1-3 years or more from the overall timeline for getting offshore wind energy online. In those instances where local zoning would otherwise require an LCP amendment, this process could allow the Commission to issue the

permit directly, provided the development was consistent with Chapter 3. This alone could save an additional 1-2 years off the current process.

However, this approach eliminates the current discretionary, consensus-based process in existing law, which raises local control issues for coastal cities and counties. Local governments are the Commission's essential partners in coastal management. Although the Coastal Act specifies that LCPs shall be used as guidance in the consolidated permit process, in practice the Commission has always implemented that section by following the LCP, ensuring that outcomes are consistent with local policies and priorities. If a deviation from the LCP is required for an aspect of the larger project, Chapter 3 is the legal standard of review, meaning that coastal resources would still be protected. Whenever the Commission undertakes a consolidated permit process, it works closely with local governments and stakeholders and remains sensitive to local concerns. This would certainly be the case for any permitting done pursuant to this bill.

It is important to stress that the consolidated permit process is an *existing* feature of the Coastal Act. It is a familiar process that most local governments have agreed to at various times without issue. If the Legislature is going to pursue permit streamlining for OSW, which appears likely if not inevitable, this approach is the best way to ensure that local governments' LCP policies are respected and accounted for.

CEQA Review

If local governments are no longer in the role of issuing discretionary coastal development permits for offshore wind, they would no longer serve as lead agency under CEQA. This bill would also designate the State Lands Commission as the CEQA lead agency for any OSW activities associated with, appurtenant to, or necessary for the construction and operation of offshore wind energy projects and transmission facilities.

This analysis defers to SLC in terms of their perspective on fiscal impacts or other considerations associated with lead agency status, but for context, the Coastal Commission has a long, positive history of working with the SLC on a variety of CEQA documents, including mitigated negative declarations (MNDs) and Environmental Impact Reports (EIRs) for oil pipelines, piers, certain aquaculture projects and platform decommissioning. (The Coastal Commission and the SLC, along with the State Coastal Conservancy and State Parks, are currently working on a Programmatic EIR for a public access plan at Hollister Ranch in Santa Barbara County).

Typically, the public agency with the first discretionary action is designated as the lead agency under CEQA, and is responsible for overseeing the environmental review process. Because of SLC's role in issuing leases for activities in state waters and tidelands, it would likely be serving as lead agency for any of the development in state waters. But there are many details yet to work out regarding location and sequencing of OSW development, and it is possible that in some cases, another entity such as the Humboldt Harbor District, the Port San Luis Harbor District or a coastal city with granted tidelands may be the first agency to act. Environmental review for onshore, upland

development would almost certainly fall to the local government. Given SLC's institutional experience, staff expertise, and extensive background in the area of environmental analysis for energy development in state waters and on state tidelands, as a policy matter, the SLC is the appropriate state entity to conduct/oversee CEQA analysis for OSW projects.

Local governments may have mixed reactions to losing lead agency status under CEQA. But to the extent that local governments may be issuing other associated permits, such as building permits, grading permits, etc., they will still be involved in the CEQA process as responsible agencies, giving them the opportunity to review, comment and raise issues as the CEQA process moves forward.

The bill also directs both the Coastal Commission and SLC to coordinate with federal agencies for projects requiring both federal and state environmental review. The National Environmental Policy Act (NEPA) is the federal analog to CEQA. Both laws require that the potential environmental impacts of a proposed project be assessed, quantified, disclosed, minimized, and eliminated whenever possible. The NEPA process begins when a project requires approval by a federal agency, or when development is proposed on federal lands or in federal waters. Such activities are subject to either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) pursuant to NEPA.

While the two laws are analogous, they are not identical. Conflict arising from these differences can create unnecessary delay, confusion, and legal vulnerability. The bill would encourage state/federal coordination in the production of a joint CEQA/NEPA document that meets the requirements of both laws. This would require an MOU between the agencies, but once executed, the joint review process can shorten timelines for both CEQA and NEPA, as both will require much of the same information, and will analyze many of the same activities and impacts. Coordination can also reduce litigation risk.

Offshore Wind Fisheries Working Group

The industry likely to be most directly impacted by OSW development is the commercial and recreational fishing industry, including seafood processors. Although it is difficult to say exactly how impacts will manifest across the industry, it is inevitable that there will be some level of permanent displacement of commercial fishing boats from their usual fishing grounds in and around the lease development areas as well as myriad other potential impacts both on the ocean and in the ports.

Commercial fishing and recreational boating are priority uses under the Coastal Act and protected under Chapter 3 (PRC Section 30234). New development cannot impact these facilities, and existing harbor space for commercial fishing and recreational boating cannot be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided.

SB 286 (McGuire) Analysis

The Commission worked closely with stakeholders from both the commercial and recreational fishing industry when preparing the federal consistency determinations for Humboldt and San Luis Obispo, to ensure their issues would be acknowledged and addressed in the leases. Condition 7c addressed steps that BOEM, the lessees and the Commission would undertake to address impacts to fishing and fishing communities. Condition 7c requires:

“... the development of a working group consisting of fishing organizations, state and federal agencies and representatives from different regions/ports of the state, representing different fisheries and gear types, in both the commercial and recreational sectors. The working group will develop a statewide strategy for avoidance, minimization, and mitigation of impacts to fishing and fisheries that prioritizes fisheries productivity, viability, and long-term resilience. The strategy should include protocols for communication, best practices for surveys and data collection, a methodology for comprehensive socioeconomic analysis of direct and indirect impacts to fishing, a framework for compensatory mitigation for unavoidable impacts, and a Fishing Agreement template that memorializes the elements of the strategy. The strategy should include specific consideration for those fisheries that are disproportionately and/or directly affected by offshore wind development.”

SB 286 would codify Condition 7c in state law and expand on its provisions by specifying that the membership of the Working Group shall include the Department of Fish and Wildlife, the State Lands Commission, the Ocean Protection Council, the offshore wind energy industry, and other stakeholders. It would also establish a deadline for the working group to develop the statewide strategy by January 1, 2026.

The bill would also ensure implementation of the strategy by requiring applicants seeking approval from a state entity for an OSW energy project to comply with the terms, recommendations, and best practices established in the statewide strategy.

Condition 7c requires the working group to develop a methodology for comprehensive socioeconomic analysis of direct and indirect impacts to fishing, a framework for compensatory mitigation for unavoidable impacts, and a Fishing Agreement template that memorializes the elements of the strategy.

The bill additionally requires that the framework for compensatory mitigation shall include the following:

- Career and workforce training and retraining for those whose livelihoods are disrupted by offshore energy resources.
- Support for robust monitoring and evaluation of offshore wind turbines and their impact on fisheries and the surrounding environment.
- Compensation for commercial fishers for personal property losses caused by offshore wind energy projects.

SB 286 (McGuire) Analysis

- Support for one-time investments for fishers to strengthen the existing fishing fleet to make it more resilient.
- Compensation for commercial fisherman for lost economic activity due to reduced fishing grounds with annual payments to be determined by the working group.
- Financial assistance for coastal cities and counties for critical infrastructure to facilitate offshore energy generation and deployment.
- Financial assistance for impacted tribal communities.
- A proportionate share of state costs to each lessee.

Codifying Condition 7c in state law with additional specificity could benefit the process in a number of ways:

- Establishing specific agency and stakeholder participation eliminates questions about the makeup of the group which saves time. However, given that the compensatory framework includes financial assistance to Tribes as well as cities and counties, it would be appropriate to designate seats for those groups as well, rather than leaving it to a catchall of “other stakeholders as appropriate.”
- Deadlines tend to sharpen the focus of any endeavor. In this case, a single year (January 1, 2025 – January 1, 2026) may be overly ambitious, given the expanded responsibilities of the working group. But the Commission has already begun initial efforts to convene the group pursuant to 7c. Should the bill become law January 1, 2024, the working group will already be underway.
- Legislative direction on the expected components of the compensatory framework puts statutory guardrails on what could otherwise be an extended, open-ended debate within the Working Group regarding what the framework should include and how it should be structured.
- Once completed, this process will result in a template that can be used for future benefit agreements, providing time and cost savings as well as certainty for lessees as well as fishing operators, Tribes, and communities.

The level of specificity in this bill is not appropriate for a federal consistency determination, but it is appropriate for statutory language. In this way, codifying and building on Condition 7c in this measure is neither duplicative nor conflicting. Rather, it is a complementary approach that builds on and refines the significant amount of work already done by the Commission and its state and federal agency partners, to ensure that the final work product will contain the information and recommendations most useful to the Administration, lessees, and state agencies.

FISCAL IMPACTS

Currently, the Commission has one, full-time, limited-term staff person dedicated to working on offshore wind. The Commission would not be able to fulfill the requirements of this bill without significant additional staff resources. That said, the Commission will not be able to meet its existing workload requirements for the existing leases without significant staff resources. The Senate Budget Subcommittee 2 will be holding a hearing to discuss various state permitting agencies' offshore wind-related workload needs later

this month. This will be an opportunity to work with the Administration and the Legislature to determine the appropriate number and type of staff needed, as well as considering appropriate fund sources.

CONCLUSION

SB 286 is an environmentally responsible approach to permit streamlining. It would meet the state’s goal of expedited approvals for offshore wind energy development without undermining coastal resource protections or local LCP policies. It would also codify and add specific guidance to the charge of the 7c Fisheries Working Group, and expand the scope of the working group to include financial assistance to tribes and local governments.

SUPPORT

Alliance of Communities for Sustainable Fisheries	Fishermen’s Marketing Association
Bodega Bay Fisherman’s Marketing Association	Fishermen’s Marketing Association Humboldt
California Coastal Protection Network	Morro Bay Commercial Fishermen’s Organization
California Fishermen’s Resiliency Association	Pacific Coast Federation of Fishermen’s Associations
California Wetfish Producers Association	Responsible Offshore Development Alliance
Coastal Environmental Rights Foundation	State Building and Constructions Trades Council of California
Commercial Fishermen of Santa Barbara	Surfrider Foundation

OPPOSITION

None on file.

RECOMMENDED POSITION

Staff recommends that the Commission **SUPPORT** SB 286.

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