

DATE: August 31, 2004

TO: Coastal Conservancy

FROM: Julia McIver

SUBJECT: Legislative Report

Attached is an updated legislative report. Further information on the status of bills and more analysis will be handed out at the Board meeting, but for now, here is a list of enrolled and signed bills:

- AB 105 Wiggins Ag bill clean up.
- AB 1701 Laird required agency disclosure for major acquisitions.
- AB 2600 Laird the Sierra Nevada Conservancy.
- AB 2722 Laird Use of bond funds to reimburse the General Fund for tax credits from the Natural Heritage Tax Credit Act (through the Wildlife Conservation Board).
- SB 86 Machado Delta Conservancy Program within the Coastal Conservancy.
- SB 1319 Burton Ocean Protection Act, with the Conservancy acting as staff to the Ocean Protection Council.
- SB 1567 Sher would permit the SF Bay Area Conservancy to enter into Joint Powers Agreements.

Signed bills:

- SB 694 (Senate Natural Resources) was chaptered August 16
- AB 2690 (Hancock), which addresses the use of volunteers in publicly funded projects, was signed August 30.

Please feel free to call me at 510-207-7513 or email me at jmciver@scc.ca.gov if you have any questions.

Enrolled and signed bills, 2003-2004 legislative session

AB 105 **Wiggins** **Enrolled**

The Conservancy is a co-sponsor of this bill with the Department of Conservation, which repeals the Coastal Farmland Conservation Program (CFCP) and the EQIP loan program established in AB 52 in 2002.

AB 1701 **Laird** **Enrolled**

This bill would require an acquisition agency, prior to approving the acquisition of conservation land for more than \$25,000,000, to contract for at least one independent appraisal of the fair market value of the land, with certain specifications for the appraisal... The bill would require the acquisition agency to make available for public review, among other things, the independent appraisal review, a summary of the basis for the recommendation of approval for the acquisition of the land, and any relevant environmental studies, documents, or other information.

The bill would also prohibit, with specified exceptions, conservation lands from being sold to another owner or having possession and control transferred to another agency, unless specified actions occur. The bill would require proceeds from the sale or transfer of conservation lands to be used solely for acquisition of conservation lands to achieve the same or equivalent objectives as the original acquisition of the property that was sold or transferred, or to further the purposes of the Coastal Conservancy.

AB 2600 **Laird** **Enrolled**

These bills would establish the Sierra Nevada Conservancy. The authors were working together to come up with a single version, but significant differences remained, among them the issue of local control. The Leslie bill did not make it out of Senate Natural Resources, the Laird bill is enrolled.

AB 2690 **Hancock** **Chaptered 8.30**

This bill attempts to address a recent controversy regarding the validity of using volunteer labor *versus* paying prevailing wages for work on watershed projects. It has been substantially amended to exempt volunteers, as defined, from the prevailing wage requirement, along with employees of the California or Community Conservation Corps.

AB 2722 **Laird** **Enrolled**

This bill would enable landowners to make use of the Natural Heritage Tax Credit Act, administered by the Wildlife Conservation Board, using bond dollars to reimburse the General Fund for state tax credits that accrue to landowners for a land donation. The bill passed out of Senate Appropriations, but is being held by Senate Rules. It is of particular interest in the context of the Hearst acquisition.

SB 86 **Machado** **Enrolled**

This bill would establish a Delta Conservancy Program in the Coastal Conservancy, on the model of the San Francisco Bay Conservancy Program. The bill provides that no action need be taken by the Conservancy until new funding is provided.

SB 694

Sen Committee on Natural Resources

Chaptered 8.16

One provision of this omnibus committee bill would provide for creation of the Coastal Trust Fund, which would enable the Department of Finance to better track the non-state funds held by the Conservancy.

SB 1319

Burton

Enrolled

This bill would create the California Ocean Protection Act, and establish the Ocean Protection Council. The Council would consist of the Secretary of the Resources Agency (chair), the Secretary for Environmental Protection, and the Chair of the State Lands Commission. The bill would provide that one member of the Senate and one member of the Assembly be nonvoting members.

The bill would require the council to coordinate activities of state agencies that are related to the protection of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources and identify and recommend to the Legislature and the Governor any needed changes in law and policy to meet that goal.

The Executive Officer of the Conservancy shall act as secretary to the Council, under the direction of the Secretary for Resources, administering its affairs and providing staff services to the Council. The Legislature may make appropriations to the Conservancy for use as directed by the Council.

The bill would establish the California Ocean Protection Trust Fund and authorize moneys deposited in the fund, upon appropriation by the Legislature, to be expended through grants, loans, or direct expenditure, to:

- Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species.
- Create incentives for sustainable fisheries, including revolving loan programs, fishing capacity reduction, and socioeconomic transition projects.
- Improve coastal water quality.
- Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term protection of those resources.
- Improve management and protection of coastal waters and ocean ecosystems.
- Provide monitoring and scientific data to improve state efforts to protect ocean resources.
- Protect and restore coastal waters and ocean ecosystems, including any of the following:
 - Acquisition, installation, and initiation of monitoring and enforcement systems.
 - Acquisition of rights in coastal and submerged lands, vessels, equipment, licenses, harvest rights, permits, and other rights and property, to reduce threats to ocean ecosystems and resources.
- Mitigation costs related to the protection of coastal and ocean resources.

SB 1567

Sher

Enrolled

This bill would permit the San Francisco Bay Conservancy to enter into joint powers agreements pursuant to the Joint Exercise of Powers Act.