

**California Coastal Conservancy  
Legislative Report  
November, 2007**

The 2007 legislative session has come to an end. This report is divided into three sections: bills signed by the Governor that are of particular interest to the Conservancy; notable bills vetoed by the Governor; and 2-year bills we can expect to hear more about in 2008.

Highlights:

- Coastal Trail progress
- Serious attention to water quality and ocean conservation
- No Proposition 84/urban greening/planning implementation bills this year
- Limited appropriations for Department of Parks and Recreation; local assistance grants availability delayed

*Chaptered bills*

Coastal Trail

[AB 1368](#) requires regional transportation planning agencies with coastal zone jurisdiction to incorporate the Coastal Trail in their regional transportation plans. It also requires Caltrans, the Conservancy, and Coastal Commission to coordinate more closely on Coastal Trail implementation.

[AB 1568](#) (Berg) commemorates a portion of a planned Coastal Trail segment in Humboldt County in honor of former Senator Wesley Chesbro.

Conservation/Easements

[AB 188](#) (Aghazarian) requires the Secretary of the Resources Agency to establish a central public registry of all conservation easements held or required by the state, or purchased with state grant funds provided by an agency, department, or division of the state on or after January 1, 2006. The bill changes the date to January 1, 2000 and modifies the information that is required to be included in the registry.

[SB 701](#) (Wiggins) reinstates, until January 1, 2015, the California Forest Legacy Program, which sunset on January 1, 2007. The program, which authorizes the state to acquire conservation easements on private forestland, was created by the Legislature in 2000.

## Pollution/Water Quality

[AB 739](#) (Laird) requires the State Water Resources Control Board (SWRCB) to develop a framework for assessing the effectiveness of current stormwater management programs. It establishes grant criteria for Proposition 84 stormwater funding and develops a framework for assessing the effectiveness of municipal stormwater management programs.

[AB 258](#) (Krekorian) requires the state water board and the regional boards, by January 1, 2009, to implement a program to control discharges of preproduction plastics from point and non-point sources.

[AB 800](#) (Lieu) requires a person, without regard to intent or negligence, who permits or causes the discharge of sewage or waste in or on any waters of the state to notify the local health officer (LHO) or director of environmental health (DEH) as soon as the person has knowledge of the discharge and requires the Office of Emergency Services (OES) to immediately notify the appropriate LHO or DEH. The bill requires the LHO or the DEH, upon receiving notification of the discharge, to determine whether notification of the public is required to safeguard public health and safety.

## Ocean-Related

[AB 1056](#) (Leno) authorizes the Ocean Protection Council (OPC) to establish a science advisory team to identify scientific research priorities necessary to protect coastal water and ocean ecosystems and authorizes the OPC to spend funds without the approval of the State Coastal Conservancy.

[AB 1280](#) (Laird) expands the eligible uses of monies in the California Ocean Protection Trust Fund to include the development of fisheries management plans and authorizes expenditures from that fund for community-based management and allocation strategies that would increase incentives for ecosystem improvement.

[AB 740](#) (Laird) expands the marine invasive species program by requiring specified in-water cleaning and record keeping for vessels that visit a California port or place, and requires State Lands Commission (SLC) to develop regulations governing the management of hull fouling on vessels by January 1, 2012.

[AB 1220](#) (Laird) makes a number of substantive and technical amendments pertaining to the Lempert-Keene-Seastrand Oil Spill and Response Act.

## ***Vetoed bills***

[AB 319](#) (Nava) establishes the California Tsunami Steering Committee to guide tsunami hazard preparation activities in the state. It requires the Office of Emergency Services

(OES) to establish a statewide tsunami hazard mitigation program to maintain consistent planning efforts regarding preparation, communication, response, and mitigation in the event of a tsunami.

[AB 527](#) (Torrico) requires the Department of General Services (DGS), in consultation with the California Energy Commission (CEC), to develop and adopt, by January 1, 2009, a plan to include energy efficiency technology in public buildings, exempting leased facilities. It creates the California Energy Efficient Technology Pooled Investment Fund (CEETPIF), administered by the State and Consumer Services Agency (SCSA).

[AB 828](#) (Ruskin) requires the Wildlife Conservation Board (WCB), in consultation with the Department of Fish and Game (DFG) to investigate study and recognize what areas in the state are most essential as wildlife corridors and habitat linkages, and to make that information available to the public.

[AB 1393](#) (Leno) requires state and local agencies to make their records available for public inspection and, upon request of any person, to provide a copy of any public record unless the record is exempt from disclosure. The bill requires, as of July 1, 2009, any state agency that publishes an Internet Web site to include on the homepage of that site specified information that is not exempt from disclosure under the act about how to contact the agency, how to request records under the act, and a form for submitting online requests for records. It authorizes any person to bring an action to enforce the duty of a state agency to post this information and provides for penalties including monetary awards to be paid by the agency, with specified provisions to become operative on January 1, 2009.

[SB 669](#) (Torlakson) Existing law requires the Delta Protection Commission to adopt a plan and implementation program for a continuous regional recreation corridor around the delta, including bicycle and hiking trails and a finance and maintenance plan. This bill additionally requires the plan to promote water conservation, encourage greater infill and compact development, protect natural resources and agricultural lands, and revitalize urban and community centers, consistent with a delta resource management plan adopted by the commission.

[AB 1002](#) (Perata) This bill appropriates \$610.89 million in bond funding to the Department of Water Resources (DWR, unless otherwise specified below) for a variety of water-related projects, particularly related to the Sacramento-San Joaquin Delta.

### ***2-year bills***

Bills receiving insufficient votes to pass out this year automatically become two-year bills. Of particular interest:

## Proposition 84 Implementation

[AB 1602](#) (Nunez) establishes the Sustainable Communities and Urban Greening Grant Program in the Resources Agency and provides for expenditure of Proposition 84 urban greening funds for this program, upon appropriation by the Legislature.

[SB 732](#) (Steinberg) enacts provisions to develop and implement several new programs for which funding is made available under Proposition 84, including programs for nature education facilities and museums, statewide water planning and design, and a new sustainable communities and climate change reduction program. The bill creates the Sustainable Communities Council, consisting of the Secretary of the Resources Agency (chair), the Secretary for Environmental Protection, the Secretary of Business, Transportation and Housing, and two public members appointed by the Governor. Requires the Council to develop and implement separate grant programs for urban greening planning and implementation projects, to improve the sustainability and livability of communities.

## Parks

[AB 31](#) (DeLeon) changes the name of the local assistance grants program administered by the Department of Parks and Recreation (DPR) from the Urban Park Act of 2006 to the Statewide Park Development and Community Revitalization Act of 2007 and modifies the program. The term "critically underserved community" replaces the term "heavily urbanized county", with "critically underserved" defined to include a community with less than 3 acres of usable parkland per 1,000 resident, or a disadvantaged community, or a community that can demonstrate to DPR that the community has insufficient or no park and recreation facilities. The bill revises the criteria for awarding grants, and requires the department on or before April 1, 2009, to adopt guidelines to amplify or clarify the grant criteria or develop a procedural guide.

[AB 1252](#) (Caballero) does same as AB 31.

[AB 1457](#) (Huffman) prohibits a state or local agency from funding or authorizing construction of a road that will physically encroach upon, traverse, bisect or impair a state park, unless the DPR director makes a specific determination.

## Pollution/Water Quality

[AB 820](#) (Karnette) provides that on and after January 1, 2009, state facilities and state contractors may not sell, possess, or distribute expanded polystyrene (EPS) food containers.

[AB 1338](#) (Huffman) enacts the California Coastal Protection Act of 2007. The bill requires every local coastal government when preparing and adopting a local coastal program (LCP) for certification by the Coastal Commission to include a non-point source

pollution prevention element within its LCP. It also requires a major LCP amendment application to include a non-point source pollution prevention element.

[SB 899](#) (Simitian) enacts the Toxic Free Oceans Act of 2007 which prohibits, on and after June 1, 2015, a person from manufacturing, processing or distributing plastic packaging containing toxic materials for commercial purposes, as defined.

### Ocean-Related

[SB 412](#) (Simitian) requires the California Energy Commission (CEC) to study and report on the need for importing liquefied natural gas (LNG) to meet the state's energy demand. The bill prohibits the governor or a state or local entity from approving the construction of an LNG terminal until the final report is issued and all appeals have been exhausted, or November 1, 2008, whichever is earlier. The bill also requires the CEC, by March 31, 2008 and to the extent data is publicly available, to create a matrix on its website allowing the public to compare and contrast specified information regarding LNG terminals existing or proposed in California, as well as terminals located anywhere else along the West Coast from Alaska through Mexico. The commission is to update the matrix as information becomes available and no less than quarterly.

[SB 965](#) (Lowenthal) establishes the California Physical Oceanographic Real-Time System (CalPORTS) information network, which would link existing and proposed information systems in order to improve the efficiency and access to critical environmental information affecting safe navigation.

### Conservation

[AB 923](#) (Wolk) requires DFG to prioritize and implement the recommendations of the California Comprehensive Wildlife Action Plan prepared by the department. The bill requires DFG to create a committee to advise and assist in implementing the plan; develop a detailed plan to monitor the species, habitats, and actions identified or recommended in the plan; review and update the plan every 5 years; and make progress reports.

### Climate Change

[AB 1066](#) (Laird) Existing law requires the Governor's Office of Planning and Research to develop and adopt guidelines for the preparation and the content of the mandatory elements required in city and county general plans. This bill requires those guidelines to include advice that cities and counties may use to address the effects of climate change and sea level rise on the California coast and bays. It requires the office to consult with the California Coastal Commission in developing the guidelines.