

Assembly Bill No. 2727

CHAPTER 958

An act to amend Sections 31007, 31008, 31010, 31150.1, 31156, 31200, 31206, 31207, 31207.1, 31251, 31255.1, 31257, 31260, 31303, 31307, 31310, 31350, 31351, 31352, 31352.5, 31353, 31354, and 31355 of, and to add Sections 31017, 31111, 31112, 31120, and 31406 to, the Public Resources Code, relating to conservation.

[Approved by Governor September 26, 2002. Filed with Secretary of State September 27, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2727, Keeley. State Coastal Conservancy: coastal zone land.

(1) Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing a program of agricultural land protection, area restoration, and resource enhancement within the coastal zone, as defined. The conservancy is authorized to acquire fee title, development rights, easements, and other interests in designated lands located in the coastal zone, subject to specified conditions.

Existing law authorizes the conservancy to enter into options to purchase land provided the cost of the option does not exceed \$100,000 and the Legislature makes funds available for the specified purpose. Those options include the option to purchase lands included in a coastal restoration project, coastal resource enhancement project, or urban waterfront project when necessary to reserve those lands during the preparation of the plan and acquisition proceedings.

This bill would revise and recast those provisions and provide that those options may not exceed \$600,000.

This bill would additionally authorize the conservancy to enter into an option to acquire interests in real property in connection with a public access project under the same conditions described above.

(2) Existing law authorizes the conservancy, as part of an approved coastal resource enhancement project, to fund up to 40% of any state agency land acquisition costs and up to 100% of any local agency land acquisition costs.

This bill would delete the above limitation and instead authorize the conservancy to fund all or part of the costs of land acquisition.

(3) Existing law provides that after the conservancy approves a local coastal restoration project or a local coastal enhancement project, the

conservancy may provide up to \$100,000 of the cost of preparing the plans for the project.

This bill would instead authorize the conservancy to fund up to \$300,000 of the cost of preparing those plans.

(4) Existing law generally authorizes federal, state, and local public agencies or nonprofit organizations to acquire lands designated as significant coastal resource areas held by the conservancy for public purposes indicated in prescribed programs or plans that are consistent with the California Coastal Act of 1976. Existing law prohibits the conservancy from holding the lands described above for more than 10 years from the time of acquisition.

This bill would revise the acquisition procedures and authorize the conservancy to place permanent restrictions on the acquired land, limiting use to the acquisition purposes.

(5) This bill would authorize the conservancy to fund and undertake plans and feasibility studies for the purpose of implementing the provisions governing the conservancy.

(6) This bill would permit the conservancy to accept subscriptions and nonpolitical advertising for its publications and to accept proceeds related to each. The bill would require the proceeds to be deposited into the State Coastal Conservancy Fund.

(7) This bill would additionally make conforming changes to related definitions and provisions of law.

The people of the State of California do enact as follows:

SECTION 1. Section 31007 of the Public Resources Code is amended to read:

31007. “Coastal restoration project” means an action taken by a public agency, including the conservancy, or a nonprofit organization, to correct undesirable development patterns in the coastal zone.

SEC. 2. Section 31008 of the Public Resources Code is amended to read:

31008. “Coastal resource enhancement project” means an action taken by a public agency, including the conservancy, or a nonprofit organization, to restore, as nearly as possible, degraded natural areas to their original condition or to enhance the resource values of a coastal zone.

SEC. 3. Section 31010 of the Public Resources Code is amended to read:

31010. “Local public agency” includes, but is not limited to, a city, county, city and county, district, association of governments, or joint powers agency.



SEC. 4. Section 31017 is added to the Public Resources Code, to read:

31017. “Public agency” includes, but is not limited to, local public agencies, state agencies, federal agencies, colleges and universities, intergovernmental bodies, and federally recognized Indian tribes.

SEC. 5. Section 31111 is added to the Public Resources Code, to read:

31111. In implementing this division, the conservancy may fund and undertake plans and feasibility studies, and may award grants to public agencies and nonprofit organizations for these purposes.

SEC. 6. Section 31112 is added to the Public Resources Code, to read:

31112. With respect to its publications, the conservancy may accept subscriptions and nonpolitical advertising, and proceeds from them. All proceeds shall be deposited into the State Coastal Conservancy Fund and be available for expenditure upon appropriation by the Legislature.

SEC. 7. Section 31120 is added to the Public Resources Code, to read:

31120. In awarding grants to, or entering into agreements with, a federally recognized Indian tribe, the conservancy shall recognize and respect the limited sovereignty of the tribe.

SEC. 8. Section 31150.1 of the Public Resources Code is amended to read:

31150.1. Notwithstanding any other provision of law, the conservancy may enter into an option to acquire an interest in real property for an agricultural preservation project, when the Legislature appropriates funds for purposes of carrying out the objectives of this division. The total cost of the option may not exceed six hundred thousand dollars (\$600,000).

SEC. 9. Section 31156 of the Public Resources Code is amended to read:

31156. The conservancy may award grants to public agencies and nonprofit organizations for the purpose of acquiring fee title, development rights, easements, or other interests in land located in the coastal zone in order to prevent loss of agricultural land to other uses and to assemble agricultural lands into parcels of adequate size permitting continued agricultural production. The conservancy may also award grants to public agencies and nonprofit organizations for the purpose of undertaking improvements to and development of these lands where that action is required to meet the purposes of this section. The expenditure of any of these funds shall be consistent with the provisions of this chapter.

SEC. 10. Section 31200 of the Public Resources Code is amended to read:

31200. The conservancy may award grants to public agencies and nonprofit organizations for the purpose of restoration of areas of the coastal zone that, because of scattered ownerships, poor lot layout, inadequate park and open space, incompatible land uses, or other conditions, are adversely affecting the coastal environment or are impeding orderly development. Grants under this section shall be utilized for the assembly of parcels of land within designated coastal restoration areas, for the redesign of those areas, and the installation of public improvements required to serve those areas. As provided in this chapter, the cost of acquisition of certain coastal access and open-space lands, other than those acquired through dedication, within restoration areas may be funded through the conservancy. Grants under this section may not be utilized as a method of acquisition of public park, recreation, or wildlife areas, except as those uses may be incidental to a coastal restoration project. After redesign and installation of public improvements, if any, lands containing coastal restoration projects, with the exception of lands acquired for public purposes as provided in this chapter, shall be conveyed to any person for the purpose of development in accordance with a restoration plan approved under Section 31208.

SEC. 11. Section 31206 of the Public Resources Code is amended to read:

31206. In accordance with procedures adopted by the conservancy, public agencies and nonprofit organizations may submit proposed coastal restoration projects for consideration by the conservancy.

SEC. 12. Section 31207 of the Public Resources Code is amended to read:

31207. In connection with proposed coastal restoration projects, the conservancy may fund up to three hundred thousand dollars (\$300,000) of the cost of preparing coastal restoration plans.

SEC. 13. Section 31207.1 of the Public Resources Code is amended to read:

31207.1. Notwithstanding any other provision of law, the conservancy may enter into an option to acquire an interest in real property in connection with a restoration project, when the Legislature appropriates funds for purposes of carrying out the objectives of this division. The cost of the option may not exceed six hundred thousand dollars (\$600,000).

SEC. 14. Section 31251 of the Public Resources Code is amended to read:

31251. The conservancy may award grants to public agencies and nonprofit organizations for the purpose of enhancement of coastal



resources that, because of indiscriminate dredging or filling, improper location of improvements, natural or human-induced events, or incompatible land uses, have suffered loss of natural and scenic values. Grants under this chapter shall be utilized for the assembly of parcels of land within coastal resource enhancement areas to improve resource management, for relocation of improperly located or designed improvements, and for other corrective measures that will enhance the natural and scenic character of the areas. As provided in this chapter, the cost of acquisition of certain lands within coastal resource enhancement areas may be funded through the conservancy. Grants under this section may not be utilized as a method of acquisition of public park, wildlife, or natural areas, except as those uses may be incidental to a coastal resource enhancement project.

SEC. 15. Section 31255.1 of the Public Resources Code is amended to read:

31255.1. Notwithstanding any other provision of law, the conservancy may enter into an option to acquire an interest in real property in connection with an enhancement project, when the Legislature appropriates funds for purposes of carrying out the objectives of this division. The cost of the option may not exceed six hundred thousand dollars (\$600,000).

SEC. 16. Section 31257 of the Public Resources Code is amended to read:

31257. In connection with proposed coastal resource enhancement projects, the conservancy may fund up to three hundred thousand dollars (\$300,000) of the cost of preparing coastal resource enhancement plans.

SEC. 17. Section 31260 of the Public Resources Code is amended to read:

31260. As part of an approved coastal resource enhancement project, the conservancy may fund the costs of land acquisition.

SEC. 18. Section 31303 of the Public Resources Code is amended to read:

31303. The conservancy shall request the commission, public agencies, nonprofit organizations, and other public and private groups to assist in the development of criteria and guidelines for the submission, evaluation, and determination of priority of projects. After considering comments received from those sources and ensuring that adequate opportunity for public review and comment has been provided, the conservancy shall adopt guidelines and criteria for the administration of the urban waterfront restoration program authorized under this chapter.

In accordance with procedures adopted by the conservancy, public agencies and nonprofit organizations may submit proposed urban



waterfront projects for consideration by the conservancy for state or federal funding.

SEC. 19. Section 31307 of the Public Resources Code is amended to read:

31307. The conservancy may award grants to public agencies and nonprofit organizations for the restoration of urban coastal waterfront areas.

SEC. 20. Section 31310 of the Public Resources Code is amended to read:

31310. Notwithstanding any other provision of law, the conservancy may enter into an option to acquire an interest in real property in connection with an urban waterfront project, when the Legislature appropriates funds for purposes of carrying out the objectives of this division. The cost of the option may not exceed six hundred thousand dollars (\$600,000).

SEC. 21. Section 31350 of the Public Resources Code is amended to read:

31350. It is the policy of the Legislature to assure that significant coastal resource sites shall be reserved for public use and enjoyment. To achieve this objective, it is the intent of the Legislature to vest in the conservancy authority to acquire, hold, protect, and use interests in key coastal resource lands, as indicated in the chapters of this division, that otherwise would be lost to public use.

SEC. 22. Section 31351 of the Public Resources Code is amended to read:

31351. (a) The conservancy shall cooperate with the commission, bay commission, and other public agencies and with nonprofit organizations in ensuring the reservation of interests in real property for purposes of this division, as well as for park, recreation, fish and wildlife habitat, historical preservation, or scientific study required to meet the policies and objectives of the California Coastal Act of 1976 (commencing with Section 30000), or a certified local coastal plan or program; or, in the case of San Francisco Bay, the sites identified in the bay plan, the Suisun Marsh Protection Plan, or in any other local plan that the bay commission determines to be consistent with those plans; or, in coastal areas not within the coastal zone or the San Francisco Bay, any other local plans.

(b) The provisions of this division shall not diminish or otherwise affect the authority of the bay commission to approve, deny, or modify permits as provided in Section 66632 of the Government Code.

SEC. 23. Section 31352 of the Public Resources Code is amended to read:



31352. (a) If a public agency or nonprofit organization is unable, due to limited financial resources or other circumstances, to acquire, hold, protect, or use an interest in real property for a purpose provided in Section 31351, the conservancy may do either of the following:

(1) Award a grant to the public agency or nonprofit organization for a purpose provided in Section 31351.

(2) Acquire and hold the interest for subsequent conveyance to an appropriate public agency or nonprofit organization.

(b) The conservancy may provide the technical assistance required to aid a public agency or nonprofit organization in completing the acquisition or related functions described in subdivision (a).

SEC. 24. Section 31352.5 of the Public Resources Code is amended to read:

31352.5. Where a nonprofit organization is better situated than the conservancy to acquire temporarily an interest in real property for later acquisition by a public agency or nonprofit organization, the conservancy may loan the nonprofit organization the necessary funds to accomplish the acquisition. As a condition of that loan, the nonprofit organization shall adhere to the procedures and restrictions of this chapter in accomplishing the acquisition.

SEC. 25. Section 31353 of the Public Resources Code is amended to read:

31353. Notwithstanding any other provision of law, the conservancy may enter into an option to acquire an interest in real property in connection with a site-reservation project, when the Legislature appropriates funds for purposes of carrying out the objectives of this division. The cost of the option may not exceed six hundred thousand dollars (\$600,000).

SEC. 26. Section 31354 of the Public Resources Code is amended to read:

31354. The conservancy may not hold fee interests acquired in accordance with this chapter for more than 10 years from the time of acquisition. A public agency shall have the right to acquire the fee interest at any time during this period for the public purposes indicated in this chapter. At any time during this period, a nonprofit organization may acquire the fee interest if the city or county where the lands are located approves the acquisition. The acquisition shall be deemed approved thirty days after the conservancy has mailed written notice, unless the city or county objects in writing within that time. When deemed appropriate by the conservancy, the instrument conveying an interest in real property to a nonprofit organization may include a restriction permanently limiting the use of those lands to the acquisition purposes. The price to public agencies or to nonprofit organizations that



acquire interests in real property from the conservancy may include the cost of acquisition or the conservancy's administrative and management costs in reserving and managing the land, or both. The payment of this acquisition price shall be either monetary or conservancy approved property of an equivalent value, or a combination thereof. The lands acquired under this section shall not be disposed of under Section 11011.1 of the Government Code. If, at the expiration of this 10-year period, no public agency or nonprofit organization is willing or able to acquire the lands, the conservancy shall request the Department of General Services to dispose of those lands at fair market value without restriction on subsequent land use under this division.

Any funds received by the state upon disposition of lands acquired in accordance with Section 31352 shall be deposited with the conservancy and shall be available for expenditure when appropriated by the Legislature for the purposes of funding the programs specified in this division.

SEC. 27. Section 31355 of the Public Resources Code is amended to read:

31355. The conservancy is authorized to lease interest in real property acquired in accordance with this chapter. When the leases are made to private individuals or groups, the conservancy shall annually, upon appropriation of the amounts by the Legislature, transfer 24 percent of the gross income of the leases to the county where the interests in real property are situated.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county where the property is situated. The amount distributable to the county and each revenue district or other taxing agency shall be proportionate to the ratio that the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all those districts and agencies, including the county, on the property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, that shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district, or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.



Where a county receives a payment pursuant to this section in an amount of twenty-five dollars (\$25) or less in respect to any parcel of leased property, all of that payment shall be distributed to the county for deposit in the county general fund.

SEC. 28. Section 31406 is added to the Public Resources Code, to read:

31406. Notwithstanding any other provision of law, the conservancy may enter into an option to acquire an interest in real property in connection with a public access project, when the Legislature appropriates funds for purposes of carrying out the objectives of this division. The cost of the option may not exceed six hundred thousand dollars (\$600,000).

