

**Introduced by Committee on Natural Resources and Wildlife  
(Senators Kuehl (Chair), Alpert, Bowen, Denham,  
Hollingsworth, Oller, Ortiz, Sher, and Torlakson)**

February 13, 2004

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An act to repeal Section 64.5 of the Harbors and Navigation Code, and to amend Sections 6331.5 and 29777 of, and to repeal Sections 6226, 22054, 25689, and 30237 of, the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1264, as introduced, Committee on Natural Resources and Wildlife. Natural resources.

(1) Existing law requires the Department of Boating and Waterways to make a grant of funds to Lake County to conduct a pilot project until December 31, 1999, of aquatic weed control on Clear Lake in Lake County, under specified conditions.

This bill would repeal that provision.

(2) Existing law requires the State Lands Commission to conduct specified research related to seeps of oil, dry gas, and other hydrocarbon products offshore, and requires the commission to report to the Legislature by January 1, 1978, the results of the research.

The bill would repeal that provision.

(3) Existing law requires the State Lands Commission on or before December 31, 1981, to submit to the Legislature a report relating to ungranted tidelands requiring a commission survey.

The bill would delete the date by which the commission is required to submit the report.

(4) Existing law requires the Ventura-Los Angeles Mountain and Coastal Study Commission to submit a final report of its activities to the Governor and the Legislature on or before March 8, 1972.

The bill would repeal that provision.

(5) Existing law requires the State Energy Resources Conservation and Development Commission to prepare a report examining the benefits to the people of the state from specified projects, and to submit the report to the Legislature on or before January 1, 1990.

The bill would repeal that provision.

(6) Existing law requires the Delta Protection Commission to prepare and submit to the Governor and the Legislature, on or before December 31, 1993, a report relating to funding for its activities and operations.

The bill would delete that provision.

(7) Existing law authorizes Orange County or any landowner to petition the Department of Fish and Game, on or before October 1, 1983, to prepare a habitat conservation plan pertaining to the Bolsa Chica Wetlands, and requires the department and the State Coastal Conservancy, upon receipt of the petition, to prepare a habitat conservation plan, as specified, for submission to the California Coastal Commission.

The bill would repeal that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 64.5 of the Harbors and Navigation  
2 Code is repealed.  
3 ~~64.5. The department shall make a grant of funds to Lake  
4 County to conduct a pilot project until December 31, 1999, of  
5 aquatic weed control on Clear Lake in Lake County under the  
6 following conditions:~~  
7 ~~(a) Lake County has met the requirements of the California  
8 Environmental Quality Act (Division 13 (commencing with  
9 Section 21000) of the Public Resources Code) and, by mutual  
10 agreement with the department, agrees to pay a percentage of the  
11 cost of the project not to exceed 25 percent.~~  
12 ~~(b) The aquatic weeds are negatively impacting recreational  
13 boating.~~



1 ~~(c) The department has received a request from the county~~  
2 ~~agricultural commissioner of Lake County requesting the grant.~~

3 ~~(d) Any chemical treatment of aquatic weeds prescribed for the~~  
4 ~~pilot project on Clear Lake, other than those used for the hydrilla~~  
5 ~~eradication or control program pursuant to Article 9 (commencing~~  
6 ~~with Section 6048) of Chapter 9 of Part 1 of Division 4 of the Food~~  
7 ~~and Agricultural Code by the Department of Food and~~  
8 ~~Agriculture, shall be coordinated with the Department of Fish and~~  
9 ~~Game as trustee for fish and wildlife resources in that ecosystem.~~

10 SEC. 2. Section 6226 of the Public Resources Code is  
11 repealed.

12 ~~6226. (a) The commission shall, in cooperation with other~~  
13 ~~appropriate state agencies, conduct research and investigations~~  
14 ~~into natural and manmade seeps of oil, dry gas, and other~~  
15 ~~hydrocarbon products occurring offshore and which contribute or~~  
16 ~~could contribute to the pollution of beaches, tidelands, and~~  
17 ~~submerged lands of the state. Such research shall include, but not~~  
18 ~~be limited to, all of the following:~~

19 ~~(1) Determination of the magnitude and extent of~~  
20 ~~contamination.~~

21 ~~(2) Identification of the sources of the pollution.~~

22 ~~(3) Documentation of the geophysical aspects of active seepage~~  
23 ~~zones.~~

24 ~~(4) Examination of the cause and effect relationship between~~  
25 ~~offshore oil sources and marine pollution.~~

26 ~~(5) Methods of reducing, mitigating, or eliminating pollution~~  
27 ~~from such leaks.~~

28 ~~(b) For the purpose of this section, the commission may~~  
29 ~~contract, upon such terms and conditions as will be in the best~~  
30 ~~interests of the people of the state, with one or more private~~  
31 ~~persons, firms, associations, organizations, partnerships,~~  
32 ~~corporations, companies, or public agencies to conduct such~~  
33 ~~research and investigation.~~

34 ~~(c) The commission may apply to any agency of the federal or~~  
35 ~~state government or private foundation which may now or in the~~  
36 ~~future provide financial assistance for the programs as~~  
37 ~~contemplated by this section.~~

38 ~~(d) The commission shall report to the Legislature by January~~  
39 ~~1, 1978, the results of the research and investigations of seeps of~~



1 ~~oil, gas, and other hydrocarbons conducted pursuant to the~~  
2 ~~provisions of this section.~~

3 SEC. 3. Section 6331.5 of the Public Resources Code is  
4 amended to read:

5 6331.5. The commission shall make an inventory to ascertain  
6 and describe by metes and bounds the location and extent of all  
7 ungranted tidelands. The commission shall, in ~~any~~ a local agency  
8 where the ungranted tideland boundary is described by metes and  
9 bounds, acquire and evaluate the existing boundary description to  
10 determine whether or not additional surveys should be conducted.  
11 When available, ~~such~~ the local agency shall provide copies of ~~such~~  
12 the descriptions, together with all materials supporting ~~these~~ the  
13 descriptions, including field notes and other basic data, to the  
14 commission at no cost, other than the reproduction cost, to the  
15 state.

16 No appropriation is made by the act adding this section, nor is  
17 any obligation created thereby ~~under Section 2231 of the Revenue~~  
18 ~~and Taxation Code~~, for the reimbursement of ~~any~~ a local agency  
19 for any costs, other than reproduction costs, that may be incurred  
20 by it in carrying on ~~any~~ a program or performing ~~any~~ a service  
21 required to be carried on or performed by it by this section.  
22 Reimbursements for reproduction expenditures shall be made by  
23 the commission from appropriations to the commission for the  
24 preparation of the inventory.

25 The commission shall evaluate each survey and shall adopt  
26 boundary descriptions already in common use where these metes  
27 and bounds descriptions approximate the existing line of ordinary  
28 high water where it is in a state of nature, or where the descriptions  
29 approximate the last position occupied in a state of nature by the  
30 line of ordinary high water in areas where the existing shoreline  
31 has ceased to be in a state of nature, and where sound engineering  
32 practices were used to conduct the survey. The inventory and  
33 evaluation shall commence on January 1, 1976, and shall be  
34 completed on or before December 31, 1981. If metes and bounds  
35 descriptions of tideland boundaries are not available, or if ~~such~~ the  
36 surveys do not describe the tideland boundary in a state of nature  
37 as hereinbefore defined, or if unsound ~~engineering~~ engineering  
38 practices were used to describe a tideland boundary, the  
39 commission may conduct its own survey. Unless otherwise  
40 provided by law, prior to undertaking a survey on any ungranted



1 tidelands, the commission shall prepare an inventory of those  
2 ungranted tidelands which will require a commission survey and  
3 shall submit a report of its findings to the Legislature ~~on or before~~  
4 ~~December 31, 1981.~~ *The* report shall contain a geographic  
5 identification of the ungranted tidelands ~~which~~ *that* will require a  
6 survey, a plan establishing priorities for the orderly conduct of the  
7 needed surveys, and an estimate of the cost needed to complete  
8 such surveys.

9 SEC. 4. Section 22054 of the Public Resources Code is  
10 repealed.

11 ~~22054. A final report of the activities of the commission,~~  
12 ~~including its recommendations for legislative and administrative~~  
13 ~~action, shall be filed with the Governor and the Legislature not~~  
14 ~~later than March 8, 1972.~~

15 SEC. 5. Section 25689 of the Public Resources Code is  
16 repealed.

17 ~~25689. The commission shall prepare an extensive report~~  
18 ~~examining the benefits to the people of this state from the research,~~  
19 ~~development, and demonstration projects for which financing was~~  
20 ~~provided under this chapter, and submit it to the Legislature on or~~  
21 ~~before January 1, 1990.~~

22 SEC. 6. Section 29777 of the Public Resources Code is  
23 amended to read:

24 29777. (a) ~~The commission shall submit to the Governor and~~  
25 ~~the Legislature, on or before December 31, 1993, a report setting~~  
26 ~~forth its recommendation for legislation that would provide~~  
27 ~~funding sources to replace the penalty assessment prescribed by~~  
28 ~~Section 29775 that would provide sufficient funds, in an amount~~  
29 ~~not to exceed two hundred fifty thousand dollars (\$250,000) in any~~  
30 ~~fiscal year, for its activities and operations pursuant to this~~  
31 ~~division.~~

32 (b) ~~In preparing the report, the commission shall meet and~~  
33 ~~consult with individuals and groups whose activities the~~  
34 ~~commission is considering as potential funding sources.~~

35 (c) ~~The commission shall not incur costs in excess of the~~  
36 ~~amount of funds available for expenditure by the commission in~~  
37 ~~any fiscal year.~~

38 SEC. 7. Section 30237 of the Public Resources Code is  
39 repealed.



1     ~~30237. (a) This section shall apply only to the Bolsa Chica~~  
2 ~~wetlands or a portion thereof in the County of Orange.~~

3     ~~The County of Orange or any landowner may petition the~~  
4 ~~Department of Fish and Game, on or before October 1, 1983, to~~  
5 ~~prepare a habitat conservation plan. Upon receipt of the petition,~~  
6 ~~the Department of Fish and Game and the State Coastal~~  
7 ~~Conservancy, in cooperation with the county and any landowner,~~  
8 ~~shall jointly prepare a habitat conservation plan in order to carry~~  
9 ~~out the following objectives:~~

10     ~~(1) To provide for the conservation of the habitat of fish and~~  
11 ~~wildlife resources.~~

12     ~~(2) To anticipate and resolve potential conflicts between the~~  
13 ~~conservation of fish and wildlife resources or their habitat and~~  
14 ~~actions by local, state, or federal agencies and private persons.~~

15     ~~(3) To provide for greater certainty and predictability regarding~~  
16 ~~the conservation of fish and wildlife resources and their habitat and~~  
17 ~~regarding private and public activities potentially affecting those~~  
18 ~~resources.~~

19     ~~(b) With respect to the preparation of the habitat conservation~~  
20 ~~plan, the Department of Fish and Game shall be the lead agency~~  
21 ~~for wetland identification purposes and the State Coastal~~  
22 ~~Conservancy shall be the lead agency for the purposes of~~  
23 ~~identifying land use alternatives. Upon completion of the habitat~~  
24 ~~conservation plan and on or before July 20, 1984, the Department~~  
25 ~~of Fish and Game and the State Coastal Conservancy shall jointly~~  
26 ~~forward it to the commission for approval. The commission shall~~  
27 ~~approve the plan if it finds it raises no substantial issue as to~~  
28 ~~conformity with the planning and management policies of this~~  
29 ~~chapter. If the plan is approved by the commission, it may be~~  
30 ~~incorporated into the county's local coastal program.~~

31     ~~(c) All costs of preparation of the habitat conservation plan,~~  
32 ~~including, but not limited to, additional necessary personnel~~  
33 ~~temporarily appointed by the Department of Fish and Game and~~  
34 ~~the State Coastal Conservancy, shall be paid by the petitioner or~~  
35 ~~petitioners. If additional personnel are necessary, the Department~~  
36 ~~of Finance shall review the requests to ensure that the personnel~~  
37 ~~required will be utilized to carry out only the purposes of this~~  
38 ~~section. If the Department of Finance finds the additional~~  
39 ~~personnel required will be utilized only to carry out the purposes~~  
40 ~~of this section, the temporary appointment requests shall be~~



1 ~~processed and approved by the Department of Finance in an~~  
2 ~~expedited fashion, in no event longer than 10 working days after~~  
3 ~~the requests are made. Furthermore, these requests for temporary~~  
4 ~~appointments shall be exempt from all state personnel hiring~~  
5 ~~requirements and procedures, except for affirmative action~~  
6 ~~requirements, for the review provided in this subdivision by the~~  
7 ~~Department of Finance, and from any personnel hiring limitations~~  
8 ~~during the time period set forth in this section for the preparation~~  
9 ~~of the habitat conservation plan.~~

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