

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL

No. 1319

Introduced by Senators Burton and Alpert
(Coauthors: Assembly Members Kehoe and Pavley)

February 17, 2004

An act to add Division 26.5 (commencing with Section 35500) to the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, as amended, Burton. Natural resources: ocean protection.

Existing law generally regulates activities relating to coastal and ocean resources.

This bill would create the California Ocean Protection Act, which would include various legislative findings and declarations related to coastal and ocean resources. The bill would define terms.

The bill would establish the Ocean Protection Council in state government, consisting of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission. The bill would require 3 Members of the Senate, appointed by the Senate Committee on Rules, and 3 Members of the Assembly, appointed by the Speaker of the Assembly, to meet with the council and participate in its activities to the extent that participation is not incompatible with their positions as Members of the Legislature.

The bill would require the council to coordinate activities of state agencies, that are related to the protection and conservation of coastal waters and ocean ecosystems, to improve the effectiveness of state



efforts to protect ocean resources within existing fiscal limitations, to establish policies and procedures to coordinate the collection and sharing of scientific data between agencies, and to identify and recommend to the Legislature and the Governor changes in law and policy needed to meet ~~this goal~~ *these goals*, as specified. The bill would require the council to be consistent with the expressed legislative findings and declarations. ~~The bill would require the council to undertake other activities related to marine managed areas, as specified.~~

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 for activities related to coastal and ocean resources, as specified.

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

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

1 SECTION 1. Division 26.5 (commencing with Section
2 35500) is added to the Public Resources Code, to read:

3
4 DIVISION 26.5. CALIFORNIA OCEAN PROTECTION
5 ACT

6
7 CHAPTER 1. GENERAL PROVISIONS

8
9 35500. This division shall be known, and may be cited, as the
10 California Ocean Protection Act.

11 35505. The Legislature finds and declares all of the
12 following:

13 (a) California’s coastal and ocean resources are critical to the
14 state’s environmental and economic security, and integral to the
15 state’s high quality of life and culture. A healthy ocean is part of
16 the state’s legacy, and is necessary to support the state’s human and
17 wildlife populations. Each generation of Californians has an
18 obligation to be good stewards of the ocean, to pass the legacy on
19 to their children.

20 (b) Ocean resources contribute more than seventeen billion
21 three hundred million dollars (\$17,300,000,000) to the state’s
22 economy, generating 370,000 jobs, according to a 1997 Resources
23 Agency study, of which nine billion nine hundred million dollars



1 (\$9,900,000,000) is generated from coastal tourism spending.
2 Californians benefit from the economic, heritage, existence, and
3 other intrinsic values of the ocean, including, but not limited to,
4 wildlife watching, recreational and commercial fishing, education
5 and research, biodiversity, and other aesthetic, recreational,
6 environmental, and economic values.

7 (c) The ocean is a public trust. Every public agency and every
8 Californian has a responsibility to protect the state's coastal and
9 ocean resources. Californians have entrusted state government
10 with the responsible stewardship of that public trust resource.

11 (d) The decline in our ocean's health is well documented.
12 Reports such as the 1997 Resources Agency report, "California's
13 Ocean Resources: An Agenda for the Future," and the 2003 Pew
14 Oceans Commission report, "America's Living Oceans: Charting
15 a Course for Sea Change," document degraded ocean values, due
16 to coastal and ocean development, onshore and offshore pollution,
17 certain fishing and aquaculture practices, and invasive species,
18 among other things.

19 (e) The preservation of the state's ocean resources depends on
20 healthy, productive, and resilient ocean ecosystems. To ensure the
21 protection of the public trust, the governance of ocean resources
22 should be guided by principles of sustainability, ecosystem health,
23 precaution, recognition of the interconnectedness between land
24 and ocean, decisions informed by good science and improved
25 understanding of coastal and ocean ecosystems, and public
26 participation in decisionmaking.

27 (f) Good governance and stewardship of ocean resources
28 necessitate more efficient and effective use of public funds.

29 (g) Many different federal, state, and local agencies are
30 responsible for governing or protecting different aspects or values
31 of the state's coastal and ocean resources. There is a critical need
32 for these public agencies to work together in a more coordinated
33 manner to ensure effective, comprehensive, and consistent
34 protection and conservation of the ocean within the state's
35 jurisdiction.

36 (h) The state needs to coordinate governance and stewardship
37 of the state's ~~oceans~~ *ocean*, to identify priorities, bridge existing
38 gaps, and ensure effective and scientifically sound approaches to
39 protecting and conserving the most important ocean resources.



1 35510. The Legislature finds and declares all of the
2 following:

3 (a) The coastal waters offshore of the state and the ocean
4 ecosystems associated with those waters are natural resources that
5 the state holds in trust for the people of the state.

6 (b) It is the state’s policy that all public agencies shall
7 administer the laws associated with the protection and
8 conservation of coastal waters in accordance with the following
9 principles:

10 (1) State decisions affecting coastal waters and the ocean
11 environment shall be designed and implemented to conserve the
12 health and diversity of ocean life and ecosystems, allow and
13 encourage those activities and uses that are sustainable, and
14 recognize the importance of aesthetic, educational, and
15 recreational uses.

16 (2) The ocean ecosystem is inextricably linked to activities on
17 land and all public agencies should consider the impact of
18 activities on land that may adversely affect the health of the coastal
19 and ocean environment.

20 (3) It is the state’s policy to incorporate ecosystem perspectives
21 into the management of coastal and ocean resources, using sound
22 science, with a priority of protecting, conserving, and restoring
23 coastal and ocean ecosystems, rather than managing on a single
24 species or single resource basis.

25 (4) A goal of all state actions shall be to improve monitoring
26 and data gathering, and advance scientific understanding, to
27 continually improve efforts to protect, conserve, restore, and
28 manage coastal waters and ocean ecosystems.

29 (5) State and local actions that affect ocean waters or coastal or
30 ocean resources should be conducted in a manner consistent with
31 protection, conservation, and maintenance of healthy coastal and
32 ocean ecosystems and restoration of degraded ocean ecosystems.
33 State and local agencies should refrain from actions that would
34 cause harm to ocean and coastal ecosystems or impair the
35 restoration of coastal and ocean ecosystems.

36 35515. The Legislature finds and declares that the purpose of
37 this division is to integrate and coordinate the state’s laws and
38 institutions responsible for protecting and conserving ocean
39 resources, including coastal waters and ocean ecosystems, to
40 accomplish all of the following objectives:



1 (a) Provide a set of guiding principles for all state agencies to
2 follow, consistent with existing law, in protecting the state’s
3 coastal and ocean resources.

4 (b) Encourage cooperative management with federal agencies,
5 to protect and conserve representative coastal and ocean habitats
6 and the ecological processes that support those habitats.

7 (c) Improve coordination and management of state efforts to
8 protect and conserve ocean ecosystems without adding to
9 bureaucracy or imposing new costs by establishing a cabinet level
10 oversight body responsible for identifying more efficient methods
11 of protecting the ocean at less cost to taxpayers.

12 (d) Use California’s private and charitable resources more
13 effectively in developing ocean protection and conservation
14 strategies.

15 (e) Redirect some existing state bond funds to address the most
16 critical needs in coastal and ocean resources protection and
17 conservation.

18 (f) *Provide for public access to the ocean and ocean resources,*
19 *including to marine protected areas, for recreational use, and*
20 *aesthetic, educational, and scientific purposes, consistent with the*
21 *sustainable long-term conservation of those resources.*

22
23 CHAPTER 2. DEFINITIONS
24

25 35550. Unless the context requires otherwise, the following
26 definitions govern this division:

27 (a) “Council” means the Ocean Protection Council established
28 pursuant to Section 35600.

29 (b) “Fund” means the California Ocean Protection Trust Fund
30 established pursuant to Section 35650.

31 ~~(e) “Marine managed area” means an area designated pursuant~~
32 ~~to this act or the Marine Managed Areas Improvement Act~~
33 ~~(Chapter 7 (commencing with Section 36600) of Division 27).~~

34 ~~(d)~~

35 (c) “Public agency” means a city, county, city and county,
36 district, or the state or any agency or department of the state.

37 ~~(e)~~

38 (d) “Sustainable” and ”sustainability” mean both of the
39 following:



1 (1) Continuous replacement of resources, taking into account
2 fluctuations in abundance and environmental variability.

3 (2) Securing the fullest possible range of present and long-term
4 economic, social, and ecological benefits, while maintaining
5 biological diversity.

6

7

CHAPTER 3. OCEAN PROTECTION COUNCIL

8

9 35600. The Ocean Protection Council is established in state
10 government. The council consists of the Secretary of the
11 Resources Agency, the Secretary for Environmental Protection,
12 and the Chair of the State Lands Commission.

13 35605. The members of the council shall elect the chair of the
14 council.

15 35610. Three Members of the Senate, appointed by the Senate
16 Committee on Rules, and three Members of the Assembly,
17 appointed by the Speaker of the Assembly, shall meet with the
18 council and participate in its activities to the extent that
19 participation is not incompatible with their respective positions as
20 Members of the Legislature.

21 35615. The council shall do all of the following:

22 (a) (1) Coordinate activities of state agencies, that are related
23 to the protection and conservation of coastal waters and ocean
24 ecosystems, to improve the effectiveness of state efforts to protect
25 ocean resources within existing fiscal limitations.

26 (2) Establish policies and procedures to coordinate the
27 collection and sharing of scientific data between agencies.

28 (3) Identify and recommend to the Legislature changes in law
29 needed to achieve ~~this goal~~ *these goals*.

30 (b) (1) Identify changes in federal law and policy necessary to
31 achieve the goals of this division and to improve protection,
32 conservation, and restoration of ~~the ocean ecosystem~~ *ocean*
33 *ecosystems* in federal and state waters off the state’s coast.

34 (2) Recommend to the Governor and the Legislature actions
35 the state should take to encourage those changes in federal law and
36 policy.

37 (c) Be consistent with Sections 35500, 35510, and 35515.

38 35620. The council shall oversee the State Interagency
39 Coordinating Committee established pursuant to Section 36800
40 and the scientific review panel established pursuant to Section



1 36900. The council may review and recommend proposals to the
2 State Interagency Coordinating Committee, and to designating
3 entities, to further the purposes of this division.

4

5 CHAPTER 4. CALIFORNIA OCEAN PROTECTION TRUST FUND

6

7 35650. (a) The California Ocean Protection Trust Fund is
8 established in the State Treasury.

9 (b) Moneys deposited in the fund may be expended, upon
10 appropriation by the Legislature, for both of the following:

11 (1) Projects and activities authorized by the council consistent
12 with Chapter 3 (*commencing with Section 35600*).

13 (2) Upon authorization by the council, for grants to public
14 agencies or nonprofit agencies or nonprofit corporations, or loans
15 for, or direct expenditures on, projects or activities that do one or
16 more of the following:

17 (A) Eliminate or reduce threats to coastal and ocean
18 ecosystems, habitats, and species.

19 (B) Foster sustainable fisheries, including development of
20 more selective fishing gear, collaborative research and
21 demonstration projects between persons who fish commercially
22 and scientists, promotion of value-added fisheries to offset
23 economic losses attributable to reduced fishing opportunities, and
24 the creation of revolving loan programs for the purpose of
25 implementing sustainable fishery products.

26 (C) Improve coastal water quality.

27 (D) Allow for increased public access to, and enjoyment of,
28 ocean and coastal resources, consistent with sustainable,
29 long-term protection and conservation of those resources.

30 (E) Improve management, conservation, and protection of
31 coastal waters and ocean ecosystems.

32 (G) Provide monitoring and scientific data to improve state
33 efforts to protect and conserve ocean resources.

34 (H) Protect, conserve, and restore coastal waters and ocean
35 ecosystems, including any of the following:

36 (i) Acquisition, installation, and initiation of monitoring and
37 enforcement systems.



- 1 (ii) Acquisition from willing sellers of vessels, equipment,
- 2 licenses, harvest rights, permits, and other rights and property, to
- 3 reduce threats to ocean ecosystems and resources.

O

