

AMENDED IN ASSEMBLY AUGUST 17, 2004

AMENDED IN ASSEMBLY JUNE 16, 2004

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 Hancock, Jackson, Kehoe, Laird,
Lieber, 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 as nonvoting, ex officio members.~~

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, *consistent with specified Legislative findings and declarations*, to establish policies ~~and procedures~~ to coordinate the collection and sharing of scientific data *related to coast and ocean resources* between agencies, and to identify and recommend to the Legislature and the Governor changes in law and policy needed to meet ~~these~~ *the above* goals, ~~as specified~~. The bill would require the ~~council to be consistent with specified legislative findings and declarations~~ *executive officer of the State Coastal Conservancy to act as secretary to the council, 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



1 wildlife populations. Each generation of Californians has an
2 obligation to be good stewards of the ocean, to pass the legacy on
3 to their children.

4 ~~(b) Ocean resources contribute more than seventeen billion~~
5 ~~three hundred million dollars (\$17,300,000,000) to the state's~~
6 ~~economy, generating 370,000 jobs, according to a 1997 Resources~~
7 ~~Agency study, of which nine billion nine hundred million dollars~~
8 ~~(\$9,900,000,000) is generated from coastal tourism spending.~~
9 ~~Californians benefit from the economic, heritage, existence, and~~
10 ~~other intrinsic values of the ocean, including, but not limited to,~~
11 ~~wildlife watching, recreational and commercial fishing, education~~
12 ~~and research, biodiversity, and other aesthetic, recreational,~~
13 ~~environmental, and economic values.~~

14 ~~(c) The ocean is a public trust. Every public agency and every~~
15 ~~Californian has a responsibility to protect the state's coastal and~~
16 ~~ocean resources. Californians have entrusted state government~~
17 ~~with the responsible stewardship of that public trust resource.~~

18 ~~(d) The decline in~~

19 ~~(b) *The ocean and coastal waters offshore of the state are*~~
20 ~~*unique and valuable natural resources that the state holds in trust*~~
21 ~~*for the people of California. The state of our ocean's health is well*~~
22 ~~documented. Reports such as the 1997 Resources Agency report,~~
23 ~~"California's Ocean Resources: An Agenda for the Future," the~~
24 ~~2003 Pew Oceans Commission report, "America's Living~~
25 ~~Oceans: Charting a Course for Sea Change," and the United States~~
26 ~~Commission on Oceans Policy's 2004 preliminary report,~~
27 ~~document degraded ocean values, due to coastal and ocean~~
28 ~~development, onshore and offshore pollution, certain fishing and~~
29 ~~aquaculture practices, and invasive species, among other things.~~

30 ~~(e)–~~

31 ~~(c) The preservation of the state's ocean resources depends on~~
32 ~~healthy, productive, and resilient ocean ecosystems. To ensure the~~
33 ~~protection of the public trust, the *The* governance of ocean~~
34 ~~resources should be guided by principles of sustainability,~~
35 ~~ecosystem health, precaution, recognition of the~~
36 ~~interconnectedness between land and ocean, decisions informed~~
37 ~~by good science and improved understanding of coastal and ocean~~
38 ~~ecosystems, and public participation in decisionmaking.~~

39 ~~(f)–~~



1 (d) Good governance and stewardship of ocean resources
2 necessitate more efficient and effective use of public funds.

3 ~~(g) Many different federal, state, and local agencies are~~
4 ~~responsible for governing or protecting different aspects or values~~
5 ~~of the state's coastal and ocean resources. There is a critical need~~
6 ~~for these public agencies to work together in a more coordinated~~
7 ~~manner to ensure effective, comprehensive, and consistent~~
8 ~~protection and conservation of the ocean within the state's~~
9 ~~jurisdiction.~~

10 ~~(h)~~

11 (e) The state needs to coordinate governance and stewardship
12 of the state's ocean, to identify priorities, bridge existing gaps, and
13 ensure effective and scientifically sound approaches to protecting
14 and conserving the most important ocean resources.

15 (f) *The California Ocean Resources Management Act of 1990*
16 *(Division 27 (commencing with Section 36000)) establishes the*
17 *California Ocean Resources Management Program. The mission*
18 *of the program is to ensure comprehensive and coordinated*
19 *management, conservation, and enhancement of the state's ocean*
20 *resources, for their intrinsic value and the benefit of current and*
21 *future generations.*

22 (g) *Terrestrial sources of ocean pollution in the state contribute*
23 *to significant water quality degradation, causing deleterious*
24 *impacts to public health and marine ecosystems, as well as coastal*
25 *and recreational economics that are essential to the state's future.*

26 35510. The Legislature finds and declares all of the
27 following:

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

31 (b) It is the state's policy that all public agencies shall
32 ~~administer the laws associated with~~ *consider the following*
33 *principles in administering the laws established for the protection*
34 *and conservation of coastal waters in accordance with the*
35 *following principles:*

36 (1) State decisions affecting coastal waters and the ocean
37 environment ~~shall~~ *should* be designed and implemented to
38 conserve the health and diversity of ocean life and ecosystems,
39 allow and encourage those activities and uses that are sustainable,



1 and recognize the importance of aesthetic, educational, and
2 recreational uses.

3 (2) The ocean ecosystem is inextricably linked to activities on
4 land and all public agencies should consider the impact of
5 activities on land that may adversely affect the health of the coastal
6 and ocean environment.

7 (3) It is the state's policy to incorporate ecosystem perspectives
8 into the management of coastal and ocean resources, using sound
9 science, with a priority of protecting, conserving, and restoring
10 coastal and ocean ecosystems, rather than managing on a single
11 species or single resource basis.

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

16 (5) State and local actions that affect ocean waters or coastal or
17 ocean resources should be conducted in a manner consistent with
18 protection, conservation, and maintenance of healthy coastal and
19 ocean ecosystems and restoration of degraded ocean ecosystems.
20 ~~State and local agencies should refrain from actions that would~~
21 ~~cause harm to ocean and coastal ecosystems or impair the~~
22 ~~restoration of coastal and ocean ecosystems.~~

23 (6) *Improving the quality of coastal waters and the health of*
24 *fish in coastal waters should be a priority for the state.*

25 35515. The Legislature finds and declares that the purpose of
26 this division is to integrate and coordinate the state's laws and
27 institutions responsible for protecting and conserving ocean
28 resources, including coastal waters and ocean ecosystems, to
29 accomplish all of the following objectives:

30 (a) Provide a set of guiding principles for all state agencies to
31 follow, consistent with existing law, in protecting the state's
32 coastal and ocean resources.

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

36 (c) Improve coordination and management of state efforts to
37 protect and conserve ~~ocean ecosystems without adding to~~
38 ~~bureaucracy or imposing new costs~~ *the ocean* by establishing a
39 cabinet level oversight body responsible for identifying more
40 efficient methods of protecting the ocean at less cost to taxpayers.



1 (d) Use California’s private and charitable resources more
2 effectively in developing ocean protection and conservation
3 strategies.

4 ~~(e) Redirect some existing state bond funds to address the most~~
5 ~~critical needs in coastal and ocean resources protection and~~
6 ~~conservation.~~

7 ~~(f)–~~

8 (e) Provide for public access to the ocean and ocean resources,
9 including to marine protected areas, for recreational use, and
10 aesthetic, educational, and scientific purposes, consistent with the
11 sustainable long-term conservation of those resources.

12
13 CHAPTER 2. DEFINITIONS

14
15 35550. Unless the context requires otherwise, the following
16 definitions govern this division:

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

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

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

23 (d) “Sustainable” and ”sustainability” mean both of the
24 following:

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

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

30
31 CHAPTER 3. OCEAN PROTECTION COUNCIL

32
33 35600. The Ocean Protection Council is established in state
34 government. The council consists of the Secretary of the
35 Resources Agency, the Secretary for Environmental Protection,
36 and the Chair of the State Lands Commission.

37 35605. ~~The members of the council shall elect~~ *Secretary of the*
38 *Resources Agency is* the chair of the council.

39 35610. Three Members of the Senate, appointed by the Senate
40 Committee on Rules, and three Members of the Assembly,



1 appointed by the Speaker of the Assembly, shall meet with the
2 council and participate in its activities to the extent that
3 participation is not incompatible with their respective positions as
4 ~~Members of the Legislature.~~ *council as nonvoting, exofficio*
5 *members.*

6 35612. (a) *The council's meetings shall be open to the public.*

7 (b) *The council may sponsor conferences, symposia, and other*
8 *public forums, to seek a broad range of public advice when*
9 *establishing priorities for ocean resource protection,*
10 *enhancement, and restoration.*

11 35615. The council shall do all of the following:

12 (a) (1) Coordinate activities of state agencies, that are related
13 to the protection and conservation of coastal waters and ocean
14 ecosystems, to improve the effectiveness of state efforts to protect
15 ocean resources within existing fiscal limitations, *consistent with*
16 *Sections 35510 and 35515.*

17 (2) Establish policies ~~and procedures~~ to coordinate the
18 collection and sharing of scientific data *related to coast and ocean*
19 *resources* between agencies.

20 (3) Identify and recommend to the Legislature changes in law
21 needed to achieve ~~these goals~~ *the goals of this section.*

22 (b) (1) Identify changes in federal law and policy necessary to
23 achieve the goals of this division and to improve protection,
24 conservation, and restoration of ocean ecosystems in federal and
25 state waters off the state's coast.

26 (2) Recommend to the Governor and the Legislature actions
27 the state should take to encourage those changes in federal law and
28 policy.

29 ~~(c) Be consistent with Sections 35510 and 35515.~~

30 35620. The council shall take into account the research,
31 findings, recommendations, and determinations of the State
32 Interagency Coordinating Committee established pursuant to
33 Section 36800 and the scientific review panel established pursuant
34 to Section 36900. The council may review and recommend
35 proposals to the State Interagency Coordinating Committee, and
36 to designating entities, to further the purposes of this division.

37 35625. (a) *Under the direction of the Secretary of the*
38 *Resources Agency, the executive officer of the State Coastal*
39 *Conservancy shall act as secretary to the council, administer its*
40 *affairs, and provide the staff services that the council needs to*



1 carry out this division, including, but not limited to, both of the
2 following:

3 (1) Administering grants and expenditures authorized by the
4 council from the fund or other sources, including, but not limited
5 to, block grants from other state boards, commissions, or
6 departments.

7 (2) Arranging meetings, agendas, and other administrative
8 functions in support of the council.

9 (b) The Legislature may make appropriations to be used for the
10 purposes of this division directly to the State Coastal Conservancy,
11 for expenditures authorized by the council.

12

13 CHAPTER 4. CALIFORNIA OCEAN PROTECTION TRUST FUND

14

15 35650. (a) The California Ocean Protection Trust Fund is
16 established in the State Treasury.

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

19 (1) Projects and activities authorized by the council consistent
20 with Chapter 3 (commencing with Section 35600).

21 (2) Upon authorization by the council, for grants or loans to
22 public agencies, nonprofit corporations, or private entities for, or
23 direct expenditures on, projects or activities that do one or more
24 of the following:

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

27 (B) Foster sustainable fisheries, including development of
28 more selective fishing gear, collaborative research and
29 demonstration projects between persons who fish commercially
30 and scientists, promotion of value-added fisheries to offset
31 economic losses attributable to reduced fishing opportunities, and
32 the creation of revolving loan programs for the purpose of
33 implementing sustainable fishery products.

34 (C) Improve coastal water quality.

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

38 (E) Improve management, conservation, and protection of
39 coastal waters and ocean ecosystems.



1 (F) Provide monitoring and scientific data to improve state
2 efforts to protect and conserve ocean resources.

3 (G) Protect, conserve, and restore coastal waters and ocean
4 ecosystems, including any of the following:

5 (i) Acquisition, installation, and initiation of monitoring and
6 enforcement systems.

7 (ii) Acquisition from willing sellers of vessels, equipment,
8 licenses, harvest rights, permits, and other rights and property, to
9 reduce threats to ocean ecosystems and resources.

10 (H) Address coastal water contamination from biological
11 pathogens, including collaborative projects and activities to
12 identify the sources of pathogens and develop detection systems
13 and treatment methods.

14 (c) Grants or loans may be made to a private entity pursuant to
15 this section only for projects or activities that further public
16 purposes consistent with Sections 35510 and 35515.

