

AMENDED IN ASSEMBLY AUGUST 23, 2004

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**

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**Introduced by Senators Burton and Alpert**

(Coauthors: Assembly Members Hancock, Jackson, Kehoe, Laird,  
Lieber, and Pavley)

February 17, 2004

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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~~ *one Member* of the Senate, appointed by the Senate Committee on Rules, and ~~3~~

~~Members~~ *one Member* of the Assembly, appointed by the Speaker of the Assembly, to meet with the council as nonvoting, ~~ex officio~~ *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~~ *legislative* findings and declarations, to establish policies 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 the above goals. The bill would require the 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  
17 wildlife populations. Each generation of Californians has an



1 obligation to be good stewards of the ocean, to pass the legacy on  
2 to their children.

3 (b) The ocean and coastal waters offshore of the state are  
4 unique and valuable natural resources that the state holds in trust  
5 for the people of California. The state of our ocean's health is well  
6 documented. Reports such as the 1997 Resources Agency report,  
7 "California's Ocean Resources: An Agenda for the Future," the  
8 2003 Pew Oceans Commission report, "America's Living  
9 Oceans: Charting a Course for Sea Change," and the United States  
10 Commission on Oceans Policy's 2004 preliminary report,  
11 document degraded ocean values, due to coastal and ocean  
12 development, onshore and offshore pollution, certain fishing and  
13 aquaculture practices, and invasive species, among other things.

14 (c) The preservation of the state's ocean resources depends on  
15 healthy, productive, and resilient ocean ecosystems. The  
16 governance of ocean resources should be guided by principles of  
17 sustainability, ecosystem health, precaution, recognition of the  
18 interconnectedness between land and ocean, decisions informed  
19 by good science and improved understanding of coastal and ocean  
20 ecosystems, and public participation in decisionmaking.

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

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

27 (f) The California Ocean Resources Management Act of 1990  
28 (Division 27 (commencing with Section 36000)) establishes the  
29 California Ocean Resources Management Program. The mission  
30 of the program is to ensure comprehensive and coordinated  
31 management, conservation, and enhancement of the state's ocean  
32 resources, for their intrinsic value and the benefit of current and  
33 future generations.

34 (g) Terrestrial sources of ocean pollution in the state contribute  
35 to significant water quality degradation, causing deleterious  
36 impacts to public health and marine ecosystems, as well as coastal  
37 and recreational economics that are essential to the state's future.  
38 35510. The Legislature finds and declares all of the  
39 following:



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

4 (b) It is the state’s policy that all public agencies shall consider  
5 the following principles in administering the laws established for  
6 the protection and conservation of coastal waters:

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

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

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

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

26 (5) State and local actions that affect ocean waters or coastal or  
27 ocean resources should be conducted in a manner consistent with  
28 protection, conservation, and maintenance of healthy coastal and  
29 ocean ecosystems and restoration of degraded ocean ecosystems.

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

32 35515. The Legislature finds and declares that the purpose of  
33 this division is to integrate and coordinate the state’s laws and  
34 institutions responsible for protecting and conserving ocean  
35 resources, including coastal waters and ocean ecosystems, to  
36 accomplish all of the following objectives:

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



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

4 (c) Improve coordination and management of state efforts to  
5 protect and conserve the ocean by establishing a cabinet level  
6 oversight body responsible for identifying more efficient methods  
7 of protecting the ocean at less cost to taxpayers.

8 (d) Use California’s private and charitable resources more  
9 effectively in developing ocean protection and conservation  
10 strategies.

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

15  
16 CHAPTER 2. DEFINITIONS

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18 35550. Unless the context requires otherwise, the following  
19 definitions govern this division:

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

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

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

26 (d) “Sustainable” and ”sustainability” mean both of the  
27 following:

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

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

33  
34 CHAPTER 3. OCEAN PROTECTION COUNCIL

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36 35600. The Ocean Protection Council is established in state  
37 government. The council consists of the Secretary of the  
38 Resources Agency, the Secretary for Environmental Protection,  
39 and the Chair of the State Lands Commission.



1 35605. The Secretary of the Resources Agency is the chair of  
2 the council.

3 35610. ~~Three Members~~ *One Member* of the Senate, appointed  
4 by the Senate Committee on Rules, and ~~three Members~~ *one*  
5 *Member* of the Assembly, appointed by the Speaker of the  
6 Assembly, shall meet with the council as nonvoting, exofficio  
7 members.

8 35612. (a) The council's meetings shall be open to the public.

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

13 35615. The council shall do all of the following:

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

19 (2) Establish policies to coordinate the collection and sharing  
20 of scientific data related to coast and ocean resources between  
21 agencies.

22 (3) Identify and recommend to the Legislature changes in law  
23 needed to achieve the goals of this section.

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

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

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

38 35625. (a) Under the direction of the Secretary of the  
39 Resources Agency, the executive officer of the State Coastal  
40 Conservancy shall act as secretary to the council, administer its



1 affairs, and provide the staff services that the council needs to carry  
2 out this division, including, but not limited to, both of the  
3 following:

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

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

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

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14 CHAPTER 4. CALIFORNIA OCEAN PROTECTION TRUST FUND

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

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

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

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

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

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

35 (C) Improve coastal water quality.

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

39 (E) Improve management, conservation, and protection of  
40 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.

