

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 1, 2006

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1843

**Introduced by Committee on Natural Resources and Water
(Senators Kuehl (Chair), Aanestad, Kehoe, Lowenthal,
Machado, Margett, and Migden)**

March 7, 2006

An act to amend Sections 30233, 30265, 30333.1, 30333.2, ~~and 30340.5~~ 30340.5, 32604, and 32605 of, to add Section 30601.3 to, and to repeal Sections 30342, 30343, 30608.5, and 30713 of, the Public Resources Code, relating to ~~coastal~~ *natural* resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1843, as amended, Committee on Natural Resources and Water. ~~Coastal resources:~~ *Natural resources: California Coastal Act: San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.*

(1) The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act. Existing law allows the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes, within the coastal zone, in specified areas and under prescribed conditions.

This bill would eliminate the authority for these activities in wetland areas for entrance channels for boating facilities and in a degraded wetland for boating facilities.

(2) Existing law requires each local government lying within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. Existing law requires a person who is to perform or undertake a development, as defined, to obtain from a local government and, under certain circumstances, from the California Coastal Commission, a coastal development permit authorizing the development.

This bill would authorize the commission to process and act upon a consolidated coastal development permit application if a proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission, and if the applicant, local government, and commission agree to consolidate the permit action, provided public participation is not substantially impaired.

(3) The bill would also delete various obsolete provisions in the act.

(4) *Existing law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (conservancy) to, among other purposes, acquire and manage public lands, provide open-space, provide the public low-impact recreational and educational uses, water conservation, wildlife and habitat restoration, and watershed improvement. The conservancy is required to prepare a San Gabriel and Lower Los Angeles Parkway and Open Space Plan to be approved by specified entities.*

This bill would replace the San Gabriel Valley Watermaster, as one of the entities from which the conservancy is required to gain approval for a San Gabriel and Lower Los Angeles Parkway and Open Space Plan, with the San Gabriel Valley Water Association. The bill would allow the conservancy board member from the Board of Supervisors of the County of Los Angeles to have a designee represent that Supervisor on the conservancy board.

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. Section 30233 of the Public Resources Code is
2 amended to read:
3 30233. (a) The diking, filling, or dredging of open coastal
4 waters, wetlands, estuaries, and lakes shall be permitted in
5 accordance with other applicable provisions of this division,

1 where there is no feasible less environmentally damaging
2 alternative, and where feasible mitigation measures have been
3 provided to minimize adverse environmental effects, and shall be
4 limited to the following:

5 (1) New or expanded port, energy, and coastal-dependent
6 industrial facilities, including commercial fishing facilities.

7 (2) Maintaining existing, or restoring previously dredged,
8 depths in existing navigational channels, turning basins, vessel
9 berthing and mooring areas, and boat launching ramps.

10 (3) In open coastal waters, other than wetlands, including
11 streams, estuaries, and lakes, new or expanded boating facilities
12 and the placement of structural pilings for public recreational
13 piers that provide public access and recreational opportunities.

14 (4) Incidental public service purposes, including, but not
15 limited to, burying cables and pipes or inspection of piers and
16 maintenance of existing intake and outfall lines.

17 (5) Mineral extraction, including sand for restoring beaches,
18 except in environmentally sensitive areas.

19 (6) Restoration purposes.

20 (7) Nature study, aquaculture, or similar resource-dependent
21 activities.

22 (b) Dredging and spoils disposal shall be planned and carried
23 out to avoid significant disruption to marine and wildlife habitats
24 and water circulation. Dredge spoils suitable for beach
25 replenishment should be transported for these purposes to
26 appropriate beaches or into suitable longshore current systems.

27 (c) In addition to the other provisions of this section, diking,
28 filling, or dredging in existing estuaries and wetlands shall
29 maintain or enhance the functional capacity of the wetland or
30 estuary. Any alteration of coastal wetlands identified by the
31 Department of Fish and Game, including, but not limited to, the
32 19 coastal wetlands identified in its report entitled, "Acquisition
33 Priorities for the Coastal Wetlands of California", shall be
34 limited to very minor incidental public facilities, restorative
35 measures, nature study, commercial fishing facilities in Bodega
36 Bay, and development in already developed parts of south San
37 Diego Bay, if otherwise in accordance with this division.

38 For the purposes of this section, "commercial fishing facilities
39 in Bodega Bay" means that not less than 80 percent of all boating
40 facilities proposed to be developed or improved, where the

1 improvement would create additional berths in Bodega Bay, shall
2 be designed and used for commercial fishing activities.

3 (d) Erosion control and flood control facilities constructed on
4 watercourses can impede the movement of sediment and
5 nutrients that would otherwise be carried by storm runoff into
6 coastal waters. To facilitate the continued delivery of these
7 sediments to the littoral zone, whenever feasible, the material
8 removed from these facilities may be placed at appropriate points
9 on the shoreline in accordance with other applicable provisions
10 of this division, where feasible mitigation measures have been
11 provided to minimize adverse environmental effects. Aspects that
12 shall be considered before issuing a coastal development permit
13 for these purposes are the method of placement, time of year of
14 placement, and sensitivity of the placement area.

15 SEC. 2. Section 30265 of the Public Resources Code is
16 amended to read:

17 30265. The Legislature finds and declares all of the
18 following:

19 (a) Transportation studies have concluded that pipeline
20 transport of oil is generally both economically feasible and
21 environmentally preferable to other forms of crude oil transport.

22 (b) Oil companies have proposed to build a pipeline to
23 transport offshore crude oil from central California to southern
24 California refineries, and to transport offshore oil to out-of-state
25 refiners.

26 (c) California refineries would need to be retrofitted if
27 California offshore crude oil were to be used directly as a major
28 feedstock. Refinery modifications may delay achievement of air
29 quality goals in the southern California air basin and other
30 regions of the state.

31 (d) The County of Santa Barbara has issued an Oil
32 Transportation Plan that assesses the environmental and
33 economic differences among various methods for transporting
34 crude oil from offshore California to refineries.

35 (e) The Governor should help coordinate decisions concerning
36 the transport and refining of offshore oil in a manner that
37 considers state and local studies undertaken to date, that fully
38 addresses the concerns of all affected regions, and that promotes
39 the greatest benefits to the people of the state.

1 SEC. 3. Section 30333.1 of the Public Resources Code is
2 amended to read:

3 30333.1. The commission shall periodically review its
4 regulations and procedures and determine what revisions, if any,
5 are necessary and appropriate to simplify and expedite the review
6 of any matter that is before the commission for action pursuant to
7 this division. The commission shall implement, within 60 days of
8 the review, any revisions it determines to be appropriate, so that
9 its regulations and procedures may continue to be as simple and
10 expeditious as practicable.

11 SEC. 4. Section 30333.2 of the Public Resources Code is
12 amended to read:

13 30333.2. Notwithstanding any other provision of law and
14 except as provided in the State Building Standards Law, Part 2.5
15 (commencing with Section 18900) of Division 13 of the Health
16 and Safety Code, the commission shall not adopt nor publish a
17 building standard, as defined in Section 18909 of the Health and
18 Safety Code, unless the provisions of Sections 18930, 18933,
19 18938, 18940, 18943, 18944, and 18945 of the Health and Safety
20 Code are expressly excepted in the statute under which the
21 authority to adopt rules, regulations, or orders is delegated. A
22 building standard adopted in violation of this section shall have
23 no force or effect. A building standard expressly required by a
24 provision of federal law, specifically requiring that building
25 standard, shall be adopted and published in the State Building
26 Standards Code within the time required by federal law.

27 SEC. 5. Section 30340.5 of the Public Resources Code is
28 amended to read:

29 30340.5. (a) It is the policy of the state that no less than 50
30 percent of funds received by the state from the federal
31 government pursuant to the Federal Coastal Zone Management
32 Act of 1972 (16 U.S.C. Section 1451 et seq.) shall be used for the
33 preparation, review, approval, certification, and implementation
34 of local coastal programs.

35 (b) A local government subject to this division may claim
36 reimbursement of costs incurred as a direct result of the operation
37 of or any requirement promulgated pursuant to this division.
38 Notwithstanding any other provision of law, a claim for
39 reimbursement of mandated costs directly attributable to the

1 operation of this division shall only be submitted, reviewed, and
2 approved in the manner set forth in this section.

3 (c) A claim pursuant to this section shall be submitted to the
4 executive director of the commission no later than September 30.
5 The executive director shall review the claim in accordance with
6 this section and shall submit the claim to the Controller within 60
7 days after receipt of a claim but in no event later than November
8 30.

9 (d) A claim submitted pursuant to this section shall be filed on
10 forms approved and prepared by the commission in consultation
11 with the Controller. The forms shall specify the information
12 needed to enable the executive director of the commission and
13 the Controller to make the determinations required by
14 subdivision (e). The forms shall clearly set forth information
15 requirements for the evaluation of the following categories of
16 costs:

17 (1) Costs for work relating to the preparation, review, and
18 approval of a local coastal program or a portion of a program.

19 (2) Costs for work that is not covered by paragraph (1).

20 The claim forms required by this section shall provide for
21 claims of actual costs incurred during the fiscal year preceding
22 submittal and for the costs the claimant local government
23 estimates will be incurred during the then current fiscal year.

24 (e) The executive director shall review and evaluate each
25 claim submitted pursuant to this section and shall determine
26 whether:

27 (1) The costs claimed are not paid for or reimbursed from any
28 other source of state or federal funding.

29 (2) The costs are for work which is the direct result of and is
30 mandated by the operation of this division or by the commission
31 or whether the work is optional.

32 (3) With respect to costs specified in paragraph (1) of
33 subdivision (d), the work done or to be done is reasonable and
34 necessary for the preparation and approval of a local coastal
35 program pursuant to a local coastal program work program
36 approved by the commission, or for work which is not part of an
37 approved work program if the work can be shown to be
38 necessary for the completion of a certifiable local coastal
39 program or if new information or other circumstances cause the
40 commission to require that the work be carried out.

1 (f) The executive director of the commission shall submit to
2 the Controller, on behalf of each claimant local government, all
3 claims submitted pursuant to this section together with his or her
4 recommendation whether the Controller should allow or deny, in
5 whole or in part, the claim. The executive director's
6 recommendation shall be based on his or her determinations
7 made pursuant to subdivision (e). If the executive director fails to
8 make a recommendation by the time a claim is required to be
9 submitted to the Controller as provided in subdivision (c), the
10 executive director is deemed to have recommended approval of
11 the claim.

12 (g) Section 17561 of the Government Code shall apply to a
13 claim filed pursuant to this section. However, where a conflict
14 between Section 17561 of the Government Code and this section
15 occurs, the conflict shall be resolved in a manner that best carries
16 out the purposes of this section. The Controller shall apply the
17 criteria of subdivision (e) in determining whether to allow or
18 deny, in whole or in part, a claim and shall consider the
19 recommendations of the executive director of the commission.

20 SEC. 6. Section 30342 of the Public Resources Code is
21 repealed.

22 SEC. 7. Section 30343 of the Public Resources Code is
23 repealed.

24 SEC. 8. Section 30601.3 is added to the Public Resources
25 Code, to read:

26 30601.3. (a) Notwithstanding Section 30519, the commission
27 may process and act upon a consolidated coastal development
28 permit application if both of the following criteria are satisfied:

29 (1) A proposed project requires a coastal development permit
30 from both a local government with a certified local coastal
31 program and the commission.

32 (2) The applicant, the appropriate local government, and the
33 commission, which may agree through its executive director,
34 consent to consolidate the permit action, provided that public
35 participation is not substantially impaired by that review
36 consolidation.

37 (b) The standard of review for a consolidated coastal
38 development permit application submitted pursuant to
39 subdivision (a) shall follow Chapter 3 (commencing with Section

1 30200), with the appropriate local coastal program used as
2 guidance.

3 (c) The application fee for a consolidated coastal development
4 permit shall be determined by reference to the commission's
5 permit fee schedule.

6 (d) To implement this section, the commission may adopt
7 guidelines, in the same manner as interpretive guidelines adopted
8 pursuant to paragraph (3) of subdivision (a) of Section 30620.

9 SEC. 9. Section 30608.5 of the Public Resources Code is
10 repealed.

11 SEC. 10. Section 30713 of the Public Resources Code is
12 repealed.

13 *SEC. 11. Section 32604 of the Public Resources Code is*
14 *amended to read:*

15 32604. The conservancy shall do all of the following:

16 (a) Establish policies and priorities for the conservancy
17 regarding the San Gabriel River and the Lower Los Angeles
18 River, and their watersheds, and conduct any necessary planning
19 activities, in accordance with the purposes set forth in Section
20 32602.

21 (b) Give priority to river related projects that create expanded
22 opportunities for recreation, greening, aesthetic improvement,
23 and wildlife habitat along the corridor of the river, and in parts of
24 the river channel that can be improved for the above purposes
25 without infringing on water quality, water supply, and necessary
26 flood control.

27 (c) Approve conservancy funded projects that advance the
28 policies and priorities set forth in Section 32602.

29 (d) Prepare a San Gabriel and Lower Los Angeles Parkway
30 and Open Space Plan to be approved by a majority of the cities
31 representing a majority of the population, the Board of
32 Supervisors of Los Angeles County, ~~and by the Central Basin~~
33 ~~Water Association, and the San Gabriel Valley Watermaster~~
34 *Water Association*. The plan shall include, but not be limited to,
35 all of the following elements:

36 (1) A determination of the policies and priorities for the
37 conservation of the San Gabriel River and its watershed, the
38 Lower Los Angeles River, and the San Gabriel Mountains, in
39 accordance with the purposes of the conservancy as set forth in
40 Section 32602.

1 (2) A plan for incorporating, as relevant, the principles and
2 planning work contained within the Los Angeles River Master
3 Plan prepared by the County of Los Angeles.

4 (3) An identification of underused existing public open spaces
5 and recommendations for providing better public use and
6 enjoyment in areas identified in the plan.

7 (4) An identification of, and a priority program for
8 implementing, those additional low-impact recreational and open
9 space needs, including additional or upgraded facilities and parks
10 that may be necessary or desirable.

11 *SEC. 12. Section 32605 of the Public Resources Code is*
12 *amended to read:*

13 32605. The board shall consist of 13 voting members and
14 seven nonvoting members, as follows:

15 (a) The 13 voting members of the board shall consist of all of
16 the following:

17 (1) One member of the Board of Supervisors of the County of
18 Los Angeles, *or his or her designee*, who represents the area or a
19 portion thereof contained within the territory of the conservancy,
20 appointed by the Governor.

21 (2) Two members of the board of directors of the San Gabriel
22 Valley Council of Governments, one of whom shall be a mayor
23 or city council member of a city bordering along the San Gabriel
24 River, and one of whom shall be a mayor or city council member
25 of a city bordering the San Gabriel Mountains area. One member
26 shall be appointed by a majority of the membership of that board
27 of directors, and one member shall be appointed by the Senate
28 Committee on Rules from a list of two or more potential
29 members submitted by the board of directors.

30 (3) Two members of the board of directors of the Gateway
31 Cities Council of Governments, one of whom shall be the mayor
32 of the City of Long Beach or a city council member of the City
33 of Long Beach appointed by the mayor, and one of whom shall
34 be appointed by the Speaker of the Assembly from a list of two
35 or more potential members submitted by the executive committee
36 of the board of directors of the Gateway Cities Council of
37 Governments. The executive committee shall submit lists of
38 potential members to the Speaker of the Assembly until an
39 acceptable member is appointed.

1 (4) Two members of the Orange County Division of the
2 League of California Cities, both of whom shall be a mayor or
3 city council member of a city bordering along the San Gabriel
4 River or a tributary thereof. One member shall be appointed by a
5 majority of the membership of the city selection committee of
6 Orange County, and one member shall be appointed by the
7 Governor from a list of two or more potential members submitted
8 by the city selection committee.

9 (5) One member shall be a representative of a member of the
10 San Gabriel Valley Water Association appointed by a majority of
11 the membership of the board of directors of the San Gabriel
12 Valley Water Association.

13 (6) One member shall be a representative of the Central Basin
14 Water Association appointed by a majority of the membership of
15 the board of directors of the Central Basin Water Association.

16 (7) One member shall be a resident of Los Angeles County
17 appointed by the Governor from a list of potential members
18 submitted by local, state, and national environmental
19 organizations that operate within the County of Los Angeles and
20 within the territory of the conservancy and that have participated
21 in planning for river restoration or open space, or both, or river
22 preservation.

23 (8) The Secretary of the Resources Agency, or his or her
24 designee.

25 (9) The Secretary for Environmental Protection, or his or her
26 designee.

27 (10) The Director of Finance, or his or her designee.

28 (b) The seven ex officio, nonvoting members shall consist of
29 the following officers or an employee of each agency designated
30 annually by that officer to represent the office or agency:

31 (1) The District Engineer of the United States Army Corps of
32 Engineers.

33 (2) The Regional Forester for the Pacific Southwest Region of
34 the United States Forest Service.

35 (3) The Director of the Los Angeles County Department of
36 Public Works.

37 (4) The Director of the Orange County Public Facility and
38 Resource Department.

- 1 (5) A member of the San Gabriel River Watermaster,
- 2 appointed by a majority of the members of the San Gabriel River
- 3 Watermaster.
- 4 (6) The Director of Parks and Recreation.
- 5 (7) The Executive Officer of the Wildlife Conservation Board.

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