

AMENDED IN SENATE JUNE 21, 2007

AMENDED IN ASSEMBLY MAY 7, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1066

Introduced by Assembly Member Laird

February 23, 2007

An act to ~~add Sections 12807.7 and 65302.10 to~~ amend Section 65040.2 of, and to add Section 66646.1 to, the Government Code, and to add Section 35620 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1066, as amended, Laird. Coastal ~~resources: local coastal planning:~~ sea level rise.

(1) Existing law requires the Governor's Office of Planning and Research to develop and adopt guidelines for the preparation and the content of the mandatory elements required in city and county general plans.

This bill would require those guidelines, relying on the technical information described in (3), to include advise that cities and counties may use to address the effects of climate change and sea level rise on the California coast and bays.

(2) Existing law provides for the San Francisco Bay Conservation and Development Commission and specifies its duties and membership.

This bill would require the commission, in coordination with regional councils of government and other agencies and interested parties, to develop regional strategies, as needed, for addressing the impacts of,

and adapting to, the effects of sea level rise and other impacts of global climate change on the San Francisco Bay.

(3) Existing law provides for the Ocean Protection Council in state government and specifies its duties and membership.

The bill would require the council, in coordination with the State Energy Resources Conservation and Development Commission's Climate Change Center, and other appropriate state and federal agencies, on a continual basis, to provide the best available scientific information to assist state land use and resource protection agencies in planning for sea level rise impacts on the California coast and bays. The bill would impose specific duties and responsibilities on the Ocean Protection Council, including, among other things, the convening, of a state agency working group developing methodology, and identifying the minimum sea level rise regarding development proposals along the coast and bays. The bill would require the council to report to the Legislature and the Governor, by July 1, 2009, regarding implementing these provisions.

~~(1) Existing law requires local government planning agencies to prepare and adopt a comprehensive, long-term general plan for physical development.~~

~~This bill would, as of January 1, 2009, require local governments within the coastal zone or San Francisco Bay, as defined, to include consideration of the effects of sea level rise, including, but not limited to, bay and coastal flooding, coastal erosion, beach loss, and cliff failure, when amending appropriate elements of its general plan, as prescribed. The local governments would be required to fund the program and would be authorized to levy fees sufficient to pay for the program. Because this bill would increase the duties of local governments, it would thereby impose a state-mandated local program.~~

~~The Resources Agency, in coordination with the Environmental Protection Agency and the Governor's Office of Planning and Research, would be required to assist coastal land use and resource protection agencies and organizations in planning for sea level rise impacts on the California coast and bays by working with interested parties and other state agencies to implement and identify funding, and by gathering information on sea level rise as prescribed and making that information available.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes-no~~.

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

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

3 (a) The California coast has witnessed persistent sea level rise
4 along its southern and central coast section and in San Francisco
5 Bay over the past century. Over 1,000 miles of open ocean coast
6 are potentially at risk from the impacts associated with global
7 warming.

8 (b) *A growing body of scientific knowledge further indicates*
9 *that climate change has led to the increase in global sea levels,*
10 *consistent with the sea level rise observed in California. Over the*
11 *foreseeable future, it is likely that the earth's surface will warm*
12 *considerably more and that the rate of global sea level rise will*
13 *increase, thereby affecting the California coast and its estuaries.*

14 ~~(b)~~
15 (c) Assembly Bill 32 of the 2005–06 Regular Session established
16 the California Global Warming Solution Act of 2006. Assembly
17 Bill 32 states that climate change poses a serious threat to the
18 economic well-being, public health, natural resources, and the
19 environment of California.

20 ~~(e)~~
21 (d) A recent study sponsored by the California Environmental
22 Protection Agency and conducted by the National Center for
23 Atmospheric Research (NCAR) surveyed federal, state, and local
24 coastal managers in California regarding perceptions of sea level
25 rise and related climate change impacts. The survey indicates that
26 coastal managers are aware of and concerned with the potential
27 impacts associated with climate change on the coast, such as sea
28 level rise and coastal erosion and beach loss from winter storms,
29 but that the majority of coastal managers are not addressing these
30 impacts in their planning and development decisions on the coast
31 to date.

32 ~~(d) According to the NCAR study, “The sobering conclusion~~
33 ~~is that~~

1 (e) According to that NCAR study, California is inadequately
 2 preparing for the impacts of climate change on coastal areas at this
 3 time. ~~Local and local~~ governments will need substantial support
 4 from state and federal agencies if the level of preparedness for
 5 climate change and other inundation-related risks is to be elevated
 6 in the ~~future.~~ future.

7 SEC. 2. Section 65040.2 of the Government Code is amended
 8 to read:

9 65040.2. (a) In connection with its responsibilities under
 10 subdivision (l) of Section 65040, the office shall develop and adopt
 11 guidelines for the preparation of and the content of the mandatory
 12 elements required in city and county general plans by Article 5
 13 (commencing with Section 65300) of Chapter 3. For purposes of
 14 this section, the guidelines prepared pursuant to Section 50459 of
 15 the Health and Safety Code shall be the guidelines for the housing
 16 element required by Section 65302. In the event that additional
 17 elements are hereafter required in city and county general plans
 18 by Article 5 (commencing with Section 65300) of Chapter 3, the
 19 office shall adopt guidelines for those elements within six months
 20 of the effective date of the legislation requiring those additional
 21 elements.

22 (b) The office may request from each state department and
 23 agency, as it deems appropriate, and the department or agency
 24 shall provide, technical assistance in readopting, amending, or
 25 repealing the guidelines.

26 (c) The guidelines shall be advisory to each city and county in
 27 order to provide assistance in preparing and maintaining their
 28 respective general plans.

29 (d) The guidelines shall contain the guidelines for addressing
 30 environmental justice matters developed pursuant to Section
 31 65040.12.

32 (e) The guidelines shall contain advice including
 33 recommendations for best practices to allow for collaborative land
 34 use planning of adjacent civilian and military lands and facilities.
 35 The guidelines shall encourage enhanced land use compatibility
 36 between civilian lands and any adjacent or nearby military facilities
 37 through the examination of potential impacts upon one another.

38 (f) The guidelines shall contain advice for addressing the effects
 39 of civilian development on military readiness activities carried out
 40 on all of the following:

- 1 (1) Military installations.
- 2 (2) Military operating areas.
- 3 (3) Military training areas.
- 4 (4) Military training routes.
- 5 (5) Military airspace.
- 6 (6) Other territory adjacent to those installations and areas.

7 (g) By March 1, 2005, the guidelines shall contain advice,
8 developed in consultation with the Native American Heritage
9 Commission, for consulting with California Native American tribes
10 for all of the following:

11 (1) The preservation of, or the mitigation of impacts to, places,
12 features, and objects described in Sections 5097.9 and 5097.993
13 of the Public Resources Code.

14 (2) Procedures for identifying through the Native American
15 Heritage Commission the appropriate California Native American
16 tribes.

17 (3) Procedures for continuing to protect the confidentiality of
18 information concerning the specific identity, location, character,
19 and use of those places, features, and objects.

20 (4) Procedures to facilitate voluntary landowner participation
21 to preserve and protect the specific identity, location, character,
22 and use of those places, features, and objects.

23 (h) (1) *The guidelines shall include advice that cities and*
24 *counties may use to address the effects of climate change and sea*
25 *level rise on the California coast and bays.*

26 (2) *The office shall rely on the technical information available*
27 *pursuant to Section 35620 of the Public Resources Code, including*
28 *new information that is developed pursuant to that section, in*
29 *developing the advice described in paragraph (1).*

30 (3) *The office shall make the advice available to cities and*
31 *counties through state Web sites.*

32 ~~(h)~~

33 (i) The office shall provide for regular review and revision of
34 the guidelines established pursuant to this section.

35 SEC. 3. *Section 66646.1 is added to the Government Code, to*
36 *read:*

37 *66646.1. The San Francisco Bay Conservation and*
38 *Development Commission, in coordination with regional councils*
39 *of government and other agencies and interested parties, may*
40 *develop regional strategies, as needed, for addressing the impacts*

1 of, and adapting to, the effects of sea level rise and other impacts
2 of global climate change on the San Francisco Bay. These regional
3 strategies may include, but are not limited to, the following:

4 (a) Identification of areas that may be subject to erosion,
5 inundation, or other impacts from sea level rise and climate
6 change.

7 (b) Economic and environmental analyses of the benefits and
8 costs of protecting the areas likely to be impacted.

9 (c) A plan that describes how to accommodate projected sea
10 level rise, protect resources from erosion and inundation, and
11 maintain, restore, or enhance the productivity of coastal and bay
12 environments.

13 SEC. 4. Section 35620 is added to the Public Resources Code,
14 to read:

15 35620. (a) The council, in coordination with the State Energy
16 Resources Conservation and Development Commission's Climate
17 Change Center, and other appropriate state and federal agencies,
18 shall on a continual basis provide the best available scientific
19 information to assist state land use and resource protection
20 agencies in planning for sea level rise impacts on the California
21 coast and bays. The council shall rely on the best available
22 scientific information and shall periodically update the information
23 to reflect new research.

24 (b) By July, 2008, the council shall convene a state agency
25 working group to coordinate state coastal and bay land use agency
26 actions related to mitigating and adapting to the impacts of sea
27 level rise due to climate change and other related impacts caused
28 by these conditions.

29 (c) By January 1, 2009, and, after receiving guidance and
30 recommendations from the state working group described in
31 subdivision (b) and public input, the council shall do all of the
32 following:

33 (1) Develop, or cause to be developed, a methodology that will
34 assist state agencies in considering shoreline impacts, and provide
35 a process to adapt to the effects of sea level rise.

36 (2) (A) Identify, based on the best available science provided
37 by the State Energy Resources Conservation and Development
38 Commission and other research agencies and organizations, the
39 minimum sea level rise that may be used to mitigate or adapt

1 existing and future development proposals along the coast and
2 bays.

3 (B) The minimum sea level rise may vary based on different
4 planning horizons.

5 (d) The council shall provide the information developed pursuant
6 to this section to all appropriate state agencies to assist in their
7 respective actions relating to the following:

8 (1) State planning, acquisitions, and construction.

9 (2) Local financial assistance programs.

10 (3) Regulatory duties.

11 (3) By July 1, 2009, and notwithstanding Section 7550.5 of the
12 Government Code, the council shall report to the Legislature and
13 the Governor on the status of implementing this section.

14 ~~SEC. 2. Section 12807.7 is added to the Government Code, to~~
15 ~~read:~~

16 ~~12807.7. (a) The Resources Agency, in coordination with the~~
17 ~~Environmental Protection Agency and the Governor's Office of~~
18 ~~Planning and Research, shall assist coastal land use and resource~~
19 ~~protection agencies and organizations in planning for sea level rise~~
20 ~~impacts on the California coast and bays by doing all of the~~
21 ~~following:~~

22 ~~(1) Completing a survey of science-based information currently~~
23 ~~available that can assist in providing a range of sea level rise~~
24 ~~projections.~~

25 ~~(2) Translating and communicating that sea level rise~~
26 ~~information into a useful format for coastal managers.~~

27 ~~(3) Identifying critical data gaps and information needs for~~
28 ~~coastal managers.~~

29 ~~(4) Establishing an information exchange program that provides~~
30 ~~exchange of information among coastal managers about their~~
31 ~~responses to sea level rise and related impacts.~~

32 ~~(b) The Resources Agency shall work with interested parties~~
33 ~~through a public process and with other state agencies, including,~~
34 ~~but not limited to, the State Coastal Conservancy, the California~~
35 ~~Coastal Commission, the Department of Water Resources, the San~~
36 ~~Francisco Bay Conservation and Development Commission, the~~
37 ~~Ocean Protection Council, and the Energy Commission to~~
38 ~~implement and identify funding to meet the requirements of~~
39 ~~subdivision (a).~~

1 ~~(e) The Resource Agency, when surveying sea level rise~~
2 ~~information, shall rely on, but is not limited to, the following~~
3 ~~information sources:~~

4 ~~(1) The California Climate Change Center, a research program~~
5 ~~jointly managed by the Energy Commission, Scripps Institute of~~
6 ~~Oceanography, and the University of California.~~

7 ~~(2) The Climate Action Team established by the Governor under~~
8 ~~Executive Order S-3-05.~~

9 ~~(3) The Intergovernmental Panel on Climate Change, an~~
10 ~~international panel organized through the United Nations to report~~
11 ~~on global climate.~~

12 ~~(4) The U.S. Geological Survey.~~

13 ~~(5) The National Oceanic and Atmospheric Administration.~~

14 ~~SEC. 3. Section 65302.10 is added to the Government Code,~~
15 ~~to read:~~

16 ~~65302.10. (a) Beginning on January 1, 2009, the legislative~~
17 ~~body of each city, county, and city and county lying, in whole or~~
18 ~~in part, within the coastal zone, as defined in Section 30103 of the~~
19 ~~Public Resources Code, and within the San Francisco Bay as~~
20 ~~defined in Section 66610 and Section 29101 of the Public~~
21 ~~Resources Code, shall include consideration of the effects of sea~~
22 ~~level rise when amending the appropriate elements of its general~~
23 ~~plan, that may include, but are not limited to, the required elements~~
24 ~~dealing with land use, circulation, housing, conservation, open~~
25 ~~space, and safety.~~

26 ~~(b) The amount of sea level rise upon which the legislative body~~
27 ~~of each city, county, and city and county subject to subdivision~~
28 ~~(a) shall base the consideration shall be guided by the information~~
29 ~~provided by the Resource Agency pursuant to Section 12807.7.~~

30 ~~(c) Effects of sea level rise to be considered may include, but~~
31 ~~are not limited to, bay and coastal flooding, coastal erosion, beach~~
32 ~~loss, and cliff failure.~~

33 ~~(d) Local governments shall fund the program or level of service~~
34 ~~mandated by the act, and may levy fees pursuant to Sections 65104~~
35 ~~and 66014.~~

36 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
37 ~~Section 6 of Article XIII B of the California Constitution because~~
38 ~~a local agency or school district has the authority to levy service~~
39 ~~charges, fees, or assessments sufficient to pay for the program or~~

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

O