

Introduced by Senator Alquist

February 23, 2012

An act to add Division 22.5 (commencing with Section 32385) to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1283, as introduced, Alquist. San Francisco Bay Area Sea Level Rise Planning Act.

Existing law, including the California Coastal Act of 1976, provides for the planning and regulation of development and use of coastal resources in the state.

This bill would establish the San Francisco Bay Area Sea Level Rise Planning Act, which would authorize a regional sea level rise management group, as defined, or local government agency to prepare and adopt an integrated sea level rise management plan for the San Francisco Bay area, in accordance with specified requirements. The bill would require a state agency that elects to develop an integrated sea level management plan to include specified criteria in that plan, and to prioritize funding for the plan, as prescribed.

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 22.5 (commencing with Section 32385)
- 2 is added to the Public Resources Code, to read:

1 DIVISION 22.5. SAN FRANCISCO BAY AREA SEA LEVEL
2 RISE PLANNING ACT

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4 32385. The Legislature finds and declares all of the following:
5 (a) Sea level rise from global warming is a fact. Water levels
6 in the San Francisco Bay have risen nearly eight inches over the
7 past century, and scientists agree that the rate of sea level rise is
8 accelerating.

9 (b) While the rate of global climate change will depend on the
10 volume of future greenhouse gas emissions, sea level rise in San
11 Francisco Bay could be as much as 16 inches by 2050 and 55
12 inches by the end of the century.

13 (c) Planning and adapting to sea level rise and its impacts are
14 unavoidable and essential.

15 (d) Sea level rise is a particularly acute problem for the San
16 Francisco Bay area. Between 1850 and 1960 about one-third of
17 San Francisco Bay, equivalent to approximately 240 square miles,
18 was filled high enough to be above current sea level, but not above
19 future sea level. Also, large portions of the south bay are below
20 current sea level. The San Francisco Bay Conservation and
21 Development Commission has identified 330 square miles of
22 low-lying land around San Francisco Bay that may be vulnerable
23 to sea level rise over the next century.

24 (e) A 16-inch rise above the year 2000 sea level would
25 potentially expose 281 square miles of bay shoreline to flooding,
26 and a 55-inch rise would potentially expose 333 square miles to
27 flooding.

28 (f) If no adaptation measures are taken, a 55-inch rise in sea
29 level would place an estimated 270,000 people in the bay area at
30 risk of flooding.

31 (g) The economic value of bay area shoreline development at
32 risk from a 55-inch rise in sea level is estimated at sixty-two billion
33 dollars (\$62,000,000,000)—nearly twice the estimated value of
34 other development vulnerable to sea level rise along the rest of
35 California's entire coastline.

36 (h) Sea level rise could potentially jeopardize the drinking water
37 supply for all Californians.

38 (i) The nine-county San Francisco Bay area is home to
39 approximately seven million people, making the bay one of the
40 world's most urbanized estuaries.

1 (j) Managing the threats to the San Francisco Bay and shoreline
2 development from sea level rise will be one of the defining
3 challenges of the 21st century.

4 (k) Coastal ecosystems, including wetlands and beaches, provide
5 important ecological, recreational, and scenic functions and values,
6 which are threatened by sea level rise.

7 (l) Many state entities, such as the San Francisco Bay
8 Conservation and Development Commission, the California Coastal
9 Commission, the State Lands Commission, the Strategic Growth
10 Council, the Ocean Protection Council, and the Governor’s Office
11 of Planning and Research are all working to determine the best
12 way to prepare for a sea level rise in the San Francisco Bay area.

13 (m) Local governments and various state agencies are involved
14 with the protection of low-lying land throughout the state and are
15 charged with managing competing land uses, upgrading aging and
16 aged infrastructure, protecting habitat and water quality,
17 maintaining flood protection, and providing public shoreline access.

18 (n) There are multiple local, state, and regional government
19 agencies with authority over the San Francisco Bay and shoreline.
20 Local governments have broad authority over shoreline land use,
21 but limited resources to address climate change adaptation.
22 Working collaboratively with local governments, including
23 agencies with responsibility for flood protection, is desirable to
24 optimize scarce resources and create the flexibility needed to plan
25 amidst a high degree of uncertainty.

26 (o) Government jurisdictional boundaries and authorities in the
27 bay area are incongruent with the regional scale and nature of
28 climate-related challenges. It is the intent of the Legislature that
29 sea level rise planning take place through a framework for regional
30 decisionmaking to address sea level rise through consistent and
31 effective regionwide policy and to provide local governments with
32 assistance and incentives for addressing climate change.

33 32385.1. The following terms shall have the following
34 meanings:

35 (a) “Bay area” means the area within the jurisdiction of the City
36 and County of San Francisco, including areas within the San
37 Francisco Bay.

38 (b) “Regional sea level rise management group” means an
39 organization comprised of more than one local agency.

1 (c) “Local agency” means a city, county, city and county, special
2 district, joint powers authority, or other political subdivision of
3 the state.

4 32385.2. (a) A regional sea level rise management group or
5 local agency may prepare and adopt an integrated sea level rise
6 management plan for the bay area in accordance with this section.

7 (b) A sea level rise management plan shall consider and use
8 relevant information from the October 2011 San Francisco Bay
9 Plan and the 2011 Report “Living With a Rising Bay: Vulnerability
10 and Adaptation in San Francisco Bay and on the Shoreline”
11 prepared by the San Francisco Bay Conservation and Development
12 Commission, 2009 California Climate Adaptation Strategy
13 prepared by the Natural Resources Agency, the Report on Sea
14 Level Rise Preparedness prepared by the State Lands Commission,
15 and the Sea Level Rise Assessment Report prepared by the National
16 Academy of Sciences if the report becomes available at least six
17 months prior to the date the plan is due, the resolution of the
18 California Ocean Protection Council on Sea-Level Rise and the
19 State of California Sea-Level Rise Interim Guidance Document,
20 and any subsequent updates to those reports that become available
21 six months prior to the date the plan is due, and any other related
22 resource.

23 (c) A sea level rise management plan that is adopted pursuant
24 to subdivision (a) shall include all of the following:

25 (1) Maps showing the areas that may be affected by sea level
26 rise in the years 2050 and 2100. These maps shall include the
27 potential impacts of 100-year storm events.

28 (2) An estimate of the financial cost of the impact of sea level
29 rise on affected land, communities, and coastal ecosystems. The
30 estimate shall consider, but is not limited to, both the potential
31 cost of repair of damage to and value of lost use of improvements
32 and land and the anticipated cost to prevent or mitigate potential
33 damage.

34 (3) A summary of regional strategies that includes, but is not
35 limited to, the following:

36 (A) Identification of areas that may be subject to erosion,
37 inundation, or other impacts from sea level rise and climate change.

38 (B) Economic and environmental analyses of the benefits and
39 costs of protecting the areas likely to be impacted.

1 (C) A plan that describes how to mitigate and adapt to projected
2 sea level rise on the bay and shoreline, including protecting
3 resources from erosion and inundation, and maintaining, restoring,
4 or enhancing the productivity of bay and shoreline environments.

5 (D) A plan to prevent or mitigate damage to existing
6 development and infrastructure, and to protect and enhance
7 undeveloped, vulnerable shoreline areas containing critical habitat
8 and opportunities for habitat creation, including wetland
9 restoration, habitat migration, or the creation of buffer zones on
10 granted public trust lands. When developing these strategies,
11 especially along the coastline, a local agency shall consider
12 feasible, nonengineered measures, such as coastal setback lines
13 and managed retreat of structures. These strategies shall consider,
14 but are not limited to considering, feasible, nonengineered
15 measures.

16 (4) Design standards that would avoid or mitigate impacts to
17 new development and infrastructure.

18 (5) Implementation measures and timetables.

19 (d) In preparing a sea level rise management plan, a local agency
20 shall conduct at least one public hearing and make a good faith
21 effort to consult with all affected parties.

22 (e) The appropriate state entities shall provide technical
23 assistance to local agencies that incorporate sea level adaptation
24 into their general plans.

25 (f) This section does not obligate a local agency to fund the
26 implementation of any project or program.

27 32385.3. (a) A state agency that elects to develop and
28 implement an integrated sea level management plan for application
29 in the state shall include in any set of criteria used to select plans
30 for funding a criterion that provides a preference for regional plans.

31 (b) A state agency shall prioritize funding for the plan based on
32 the following criteria:

33 (1) Community-based and cooperative management mechanisms
34 that promote long-term stewardship.

35 (2) Provisions for the improvement of the management,
36 conservation, and protection of coastal waters and ocean
37 ecosystems.

38 (3) A description of the potential to leverage additional funds.

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