

AMENDED IN SENATE AUGUST 11, 1997

AMENDED IN ASSEMBLY MAY 20, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1581**

**Introduced by ~~Committee on Budget (Ducheny (Chair), Miller (Vice Chair), Bowen, Brown, Cardenas, Davis, Escutia, Figueroa, Gallegos, Keeley, Knox, Lempert, Scott, Strom-Martin, Torlakson, Villaraigosa, and Wright)~~**  
**Assembly Member Keeley**

*(Principal coauthors: Senators Alpert and O'Connell)*

March 17, 1997

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An act ~~relating to forest resources~~ to add Division 28 (commencing with Section 36525) to the Public Resources Code, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1581, as amended, Committee on Budget. ~~Department of Forestry and Fire Protection: Budget Act of 1997~~ Ocean resources: strategy team: assessment, report, and evaluation.

Existing law, the California Ocean Resources Management Act of 1990 (CORMA), created the Ocean Resources Task Force and required the task force to prepare and submit to the Legislature by July 1, 1994, a report and plan describing existing ocean resources management activities and impacts, as specified.

*This bill would enact the California Ocean Resources Management Act of 1998 and establish the Coastal Operations and Strategy Team of 1998, which would remain in existence until July 1, 1998. The bill would prescribe the membership of the strategy team and require the strategy team, not later than February 28, 1998, to prepare and submit to the Legislature the California Ocean Resources Management Assessment, containing specified components. The bill would require the strategy team, not later than April 30, 1998, to prepare and submit to the Legislature a report describing the action steps that are necessary to authorize and implement a coastal management plan, containing specific recommendations, as specified. The bill would require the strategy team, not later than May 15, 1998, to prepare and submit to the Legislature an evaluation that evaluates what is needed to implement assessment components.*

*The bill would specify related matters and make related legislative findings and declarations.*

~~Prior Budget Acts have authorized the expenditure of funds for the operation and support of the Department of Forestry and Fire Protection.~~

~~This bill would state the intent of the Legislature in enacting the bill to make the necessary statutory changes to implement the Budget Act of 1997 relative to funding for the department.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~  
yes. State-mandated local program: no.

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

- 1 ~~SECTION 1. It is the intent of the Legislature in~~
- 2 ~~enacting this act to make the necessary statutory changes~~
- 3 ~~to implement the Budget Act of 1997 relative to funding~~
- 4 ~~for the Department of Forestry and Fire Protection.~~
- 5 *SECTION 1. Division 28 (commencing with Section*
- 6 *36525) is added to the Public Resources Code, to read:*
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1                    *DIVISION 28. OCEAN RESOURCES*  
2    *MANAGEMENT*

3  
4                    *CHAPTER 1. GENERAL PROVISIONS*

5  
6        *36525. This act shall be known, and may be cited, as*  
7 *the California Ocean Resources Management Act of 1997.*

8        *36526. The Legislature hereby finds and declares all*  
9 *of the following:*

10        *(a) The coastal and ocean waters along the California*  
11 *Coast are among the world's most biologically productive*  
12 *and nutrient rich marine habitats and support a great*  
13 *diversity of marine life.*

14        *(b) The health, productivity, diversity, and integrity*  
15 *of ocean resources is of vital and enduring economic,*  
16 *environmental, and social interest and concern to*  
17 *California and the nation.*

18        *(c) California's Coastal Management Program, which*  
19 *was approved by the federal government in 1978, has*  
20 *effectively implemented a broad planning and*  
21 *management program to ensure sound long-term*  
22 *environmentally sustainable use of coastal resources.*  
23 *However, the program is not fully inclusive and*  
24 *comprehensive and does not adequately provide for the*  
25 *effective management of land and ocean uses that affect*  
26 *the health and vitality of ocean resources.*

27        *(d) California does not have an integrated and*  
28 *comprehensive ocean management program that*  
29 *provides for the sound management of living and*  
30 *nonliving ocean resources, nor does the state provide for*  
31 *the adequate protection of marine water quality from*  
32 *nonpoint sources of pollution.*

33        *(e) A number of issues concerning the*  
34 *environmentally sustainable use, protection, and*  
35 *restoration of certain coastal and ocean resources are not*  
36 *adequately addressed in a comprehensive and*  
37 *coordinated manner by California's existing coastal*  
38 *management program. Those issues include marine*  
39 *aquaculture; shoreline erosion and beach sand*  
40 *replenishment; wetlands acquisition, restoration, and*

1 enhancement; coastal watershed management;  
2 ecosystem management; and water quality monitoring.

3 (f) The Governor's report entitled "California's Ocean  
4 Resources: An Agenda for the Future," published in  
5 March 1997, represents a positive step toward  
6 comprehensive, integrated, coordinated long-term  
7 management of coastal and ocean resources. The report  
8 identifies management and policy issues, information  
9 needs, existing management activities, and  
10 recommendations for further action. However, it does  
11 not constitute an ocean resources management plan and  
12 does not contain a specific action plan that can be  
13 authorized by the Legislature and implemented by  
14 appropriate public agencies.

15 (g) It is in the best interests of current and future  
16 generations that appropriate public agencies in this state  
17 prepare, adopt, and implement a comprehensive,  
18 coordinated, and effective ocean management program  
19 that addresses the management needs identified in the  
20 Governor's report, and that is integrated with the existing  
21 coastal management program to avoid duplication and  
22 maximize program efficiencies.

23 (h) It is in the interests of the state to establish an  
24 orderly process that will facilitate the timely preparation,  
25 completion, and submittal of a California Ocean  
26 Resources Management Plan to the Legislature, to ensure  
27 the protection of valuable ocean and coastal resources.

28 36527. As used in this division, the following terms  
29 have the following meaning:

30 (a) "Assessment" means the California Ocean  
31 Resources Management Assessment.

32 (b) "Strategy Team" means the Coastal Operations  
33 and Strategy Team of 1998.

34

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#### CHAPTER 2. STRATEGY TEAM

36

37 36528. There is hereby established the Coastal  
38 Operations and Strategy Team of 1998, which shall  
39 remain in existence until July 1, 1998.



1 (a) *The strategy team shall be composed of the*  
2 *following six members:*

3 (1) *Five voting members, as follows:*

4 (A) *The Secretary of the Resources Agency.*

5 (B) *The Chairperson of the State Water Resources*  
6 *Control Board.*

7 (C) *The Director of Fish and Game.*

8 (D) *The Executive Director of the California Coastal*  
9 *Commission.*

10 (E) *The Executive Officer of the State Coastal*  
11 *Conservancy.*

12 (2) *The Executive Officer of the State Lands*  
13 *Commission, who shall serve as a nonvoting, ex officio*  
14 *member.*

15 (b) *Members of the strategy team may designate an*  
16 *alternate representative to serve on the strategy team on*  
17 *the member's behalf.*

18 (c) *The Secretary of the Resources Agency shall chair*  
19 *the strategy team and be responsible for ensuring that the*  
20 *assessment, report, and evaluation required to be*  
21 *prepared pursuant to Sections 36530, 36531, and 36532,*  
22 *respectively, are submitted to the Legislature on a timely*  
23 *basis. A copy of the assessment, report, and evaluation*  
24 *shall also be submitted to the Chair of the Assembly*  
25 *Budget Committee, the Chair of the Senate Budget and*  
26 *Fiscal Review Committee, the Chair of the Joint*  
27 *Committee on the Legislative Budget, and the chairs of*  
28 *the appropriate legislative budget and fiscal*  
29 *subcommittees that review bills relating to natural*  
30 *resources.*

31 36529. *The strategy team shall meet not less than two*  
32 *times between February 15, 1998, and June 15, 1998, to*  
33 *discuss and take testimony on the assessment, report, and*  
34 *evaluation required to be prepared pursuant to Sections*  
35 *36530, 36531, and 36532, respectively. All meetings of the*  
36 *strategy team shall be duly noticed and open to members*  
37 *of the public. Members of the public who attend strategy*  
38 *team meetings shall be provided with the opportunity to*  
39 *participate in, and comment on, matters discussed at the*  
40 *meeting that relate to issues pertaining to coastal and*



1 ocean resource management, or to the duties and  
2 responsibilities of the strategy team. The strategy team  
3 shall make available to the public all written  
4 correspondence it receives that it determines to be  
5 relevant to its activities.

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CHAPTER 3. CALIFORNIA OCEAN RESOURCES  
MANAGEMENT ASSESSMENT, REPORT, AND EVALUATION

8

9

10 36530. (a) Not later than February 28, 1998, the  
11 strategy team shall prepare and submit the California  
12 Ocean Resources Management Assessment, consisting of  
13 the components specified in subdivision (b), to the  
14 Legislature. The assessment shall include information  
15 and recommendations pertaining to coastal and ocean  
16 resources management, based on data from existing  
17 studies on ocean resources, including, but not limited to,  
18 the study prepared in March 1997 by the Resources  
19 Agency titled, California's Ocean Resources: An Agenda  
20 for the Future, information and reports of the  
21 commission, and information provided by the  
22 Department of Fish and Game, the State Coastal  
23 Conservancy, the State Water Resources Control Board,  
24 and the State Lands Commission.

25 (b) The assessment shall contain, but is not limited to,  
26 all of the following components:

27 (1) An ecosystem component. The strategy team shall  
28 identify and evaluate alternative strategies for managing  
29 coastal and ocean resources using an ecosystem approach  
30 and make recommendations for a specific management  
31 strategy for those coastal and ocean resources.

32 (2) A living marine resources conservation  
33 component. The strategy team shall inventory and  
34 analyze the state's ocean fish stocks and develop a  
35 management program to sustain the stocks. In  
36 developing the program, the strategy team shall give  
37 priority to stocks that are important to commercial and  
38 recreational fisheries, and that are in decline. The  
39 strategy team shall make recommendations for the



1 *implementation of a marine resources management*  
2 *program.*

3 (3) *A marine aquaculture component. The strategy*  
4 *team shall assess the need for environmentally sound and*  
5 *sustainable aquaculture management programs and, if*  
6 *the strategy team determines that there is such a need, it*  
7 *shall evaluate alternative management approaches that*  
8 *may be used to implement the program. The strategy*  
9 *team shall make recommendations for the*  
10 *implementation of a management program for marine*  
11 *aquaculture.*

12 (4) *A watershed management component. The*  
13 *strategy team shall inventory and assess the state's*  
14 *watershed needs.*

15 (5) *A coastal water quality monitoring component.*  
16 *The strategy team shall inventory and evaluate existing*  
17 *water quality monitoring programs and shall make*  
18 *recommendations for improving water quality*  
19 *monitoring in the state.*

20 (6) *A shoreline erosion and beach sand replenishment*  
21 *component. The strategy team shall inventory and*  
22 *evaluate erosion conditions and strategies for mitigating*  
23 *or abating erosion and make recommendations for*  
24 *specific strategies for addressing beach sand*  
25 *replenishment and erosion.*

26 (7) *A coastal wetlands component. The strategy team*  
27 *shall conduct a data review and develop a study design for*  
28 *assessing the needs for wetlands preservation and*  
29 *mitigation.*

30 (8) *A nonpoint source pollution component. The*  
31 *strategy team shall inventory nonpoint source pollution*  
32 *and existing efforts to mitigate or abate nonpoint source*  
33 *pollution and evaluate alternatives for abatement and*  
34 *mitigation. The strategy team shall develop a strategy for*  
35 *the abatement and mitigation of nonsource pollution.*

36 (9) *A coastal properties acquisition component. The*  
37 *strategy team shall develop an inventory of coastal*  
38 *properties that are appropriate for state or local*  
39 *acquisition, and determine a method for establishing*  
40 *priorities for acquisition of those properties.*



1 (10) A governance component. The strategy team  
2 shall compile a list of federal, state, local, and private  
3 jurisdiction over coastal and ocean resources, describe  
4 those jurisdictions, and analyze areas of sole jurisdiction,  
5 shared jurisdiction, and conflict. The strategy team shall  
6 describe gaps in those jurisdictional responsibilities, assess  
7 the proper role for state management, develop a strategy  
8 to increase state accountability, assign standards for  
9 measuring state performance, promote efficiency, and  
10 minimize regulatory burdens. Pursuant to this  
11 component, the strategy team shall report on its findings  
12 with respect to ways to improve existing regulatory  
13 practices.

14 36531. Not later than April 30, 1998, the strategy team  
15 shall prepare and submit to the Legislature a report  
16 describing the action steps that are necessary to authorize  
17 and implement a coastal management plan. The  
18 description of the action steps shall be sufficiently  
19 detailed to sustain a thorough policy debate on the merits  
20 of the coastal management plan. The report shall include,  
21 but not be limited to, specific recommendations for all of  
22 the following:

23 (a) Statutory law changes, executive reorganization  
24 plans, executive orders, and the adoption or repeal of  
25 administrative regulations that are necessary to address  
26 the purposes of this division.

27 (b) Funding measures that the strategy team  
28 determines to be necessary and appropriate to  
29 implement its recommendations made pursuant to  
30 subdivision (a).

31 (c) Outcome measures that the strategy team  
32 determines are appropriate for measuring the  
33 performance of ocean resources management programs.

34 (d) A timetable, if appropriate, for authorizing and  
35 implementing any measure that the strategy team  
36 determines should be implemented by the state.

37 36532. Not later than May 15, 1998, the strategy team  
38 shall prepare and submit to the Legislature an evaluation  
39 that includes all of the following evaluations:



1 (a) An evaluation of the action steps, funding,  
2 outcome measures, and timetables necessary to  
3 implement alternative strategies for managing coastal  
4 and ocean resources using an ecosystem approach, as  
5 described in paragraph (1) of subdivision (b) of Section  
6 36530.

7 (b) An evaluation of the action steps, funding,  
8 outcome measures, and timetables necessary to  
9 implement a living marine resources conservation  
10 program, as described in paragraph (2) of subdivision (b)  
11 of Section 36530.

12 (c) An evaluation of the action steps, funding, and  
13 outcome measures necessary to implement a marine  
14 aquaculture program, as described in paragraph (3) of  
15 subdivision (b) of Section 36530.

16 (d) An evaluation of the action steps, funding,  
17 outcome measures, and timetables necessary to  
18 implement recommendations for a watershed  
19 management program, as described in paragraph (4) of  
20 subdivision (b) of Section 36530.

21 (e) An evaluation of the action steps, funding,  
22 outcome measures, and timetables necessary to  
23 implement a coastal water quality monitoring program,  
24 as described in paragraph (5) of subdivision (b) of  
25 Section 36530.

26 (f) An evaluation of the action steps, funding, outcome  
27 measures, and timetables necessary to implement the  
28 strategy team's recommendations regarding shoreline  
29 erosion and beach sand replenishment, as described in  
30 paragraph (6) of subdivision (b) of Section 36530.

31 (g) An evaluation of the action steps, funding,  
32 outcome measures, and timetables necessary to  
33 implement a nonpoint source pollution control strategy,  
34 as described in paragraph (8) of subdivision (b) of  
35 Section 36530.

36 (h) An evaluation of the action steps, funding,  
37 outcome measures, and timetables necessary to  
38 implement a plan for acquiring coastal properties, as  
39 described in paragraph (9) of subdivision (b) of Section  
40 36530.



1 (i) An evaluation of the action steps, funding, outcome  
2 measures, and timetables necessary to implement  
3 recommendations on state governance of the coast, as  
4 described in paragraph (10) of subdivision (b) of Section  
5 36530.

6 36533. The assessment, report, and evaluation  
7 required to be prepared pursuant to Sections 36530,  
8 36531, and 36532, respectively, shall be consistent with all  
9 of the following policies and objectives:

10 (a) The protection, restoration, and enhancement of  
11 the quality and biological productivity of the ocean  
12 environment, including, but not limited to, the  
13 protection of the ocean's economic, educational,  
14 recreational, and aesthetic values that are important and  
15 that will benefit current and future generations.

16 (b) The protection and restoration of optimum  
17 populations of all species of living organisms.

18 (c) The orderly, balanced, and environmentally  
19 sustainable conservation of living and nonliving ocean  
20 resources consistent with solid ecological planning  
21 principles.

