

PROPOSED CONFERENCE REPORT NO. 1
SEPTEMBER 9, 1997

AMENDED IN SENATE AUGUST 11, 1997

AMENDED IN ASSEMBLY MAY 20, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1581

Introduced by Assembly Member Keeley

(Principal coauthors: Senators Alpert and O'Connell)

(Coauthors: Assembly Members Bordonaro and Bowen)

(Coauthors: Senators Hayden, McPherson, and Thompson)

March 17, 1997

~~An act to add Division 28 (commencing with Section 36525) to the Public Resources Code, relating to ocean resources. An act relating to coastal and ocean resources, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1581, as amended, ~~Committee on Budget~~ Keeley. ~~Ocean Coastal and ocean resources management programs: strategy team: assessment, report, and evaluation funding.~~

Existing law requires the California Coastal Commission, the State Water Resources Control Board, and the Resources Agency to implement and administer various coastal and ocean resources management programs.

This bill would appropriate \$1,520,000 from the General Fund, \$685,000 of which would be appropriated to the

California Coastal Commission for administration and support of the commission and for grants to local jurisdictions for the preparation of local coastal programs, as specified, \$420,000 of which would be appropriated to the State Water Resources Control Board for specified water quality monitoring activities pertaining to coastal resources, and \$415,000 of which would be appropriated to the Resources Agency for commission networking equipment and to contract for services to upgrade the commission's computer system.

~~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.~~

~~Vote: majority ²/₃. Appropriation: no yes. Fiscal committee: yes. State-mandated local program: no.~~

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

1 SECTION 1. ~~Division 28 (commencing with Section~~
2



1 SECTION 1. The sum of one million five hundred
2 twenty thousand dollars (\$1,520,000) is hereby
3 appropriated from the General Fund, as follows:

4 (a) The sum of six hundred eighty-five thousand
5 dollars (\$685,000) to the California Coastal Commission,
6 as follows:

7 (1) The sum of three hundred forty-five thousand
8 dollars (\$345,000) for the administration and support of
9 the California Coastal Commission.

10 (2) The sum of three hundred forty thousand dollars
11 (\$340,000) for grants to local jurisdictions for the
12 completion of local coastal programs, as defined in
13 Section 30108.6 of the Public Resources Code. If local
14 jurisdictions do not accept those funds to prepare local
15 coastal programs, the California Coastal Commission
16 may, with the approval of the Director of Finance, retain
17 a portion of those funds to prepare local coastal programs
18 for those local jurisdictions.

19 (b) The sum of four hundred twenty thousand dollars
20 (\$420,000) to the State Water Resources Control Board
21 for purposes of preparing an inventory of existing water
22 quality monitoring activities within state coastal
23 watersheds, bays, estuaries, and coastal waters, and a
24 report that proposes the implementation of a
25 comprehensive program to monitor the quality of state
26 coastal watersheds, bays, estuaries, and coastal waters.

27 (c) The sum of four hundred fifteen thousand dollars
28 (\$415,000) to the Resources Agency to purchase
29 networking equipment for the California Coastal
30 Commission and to contract for services necessary to
31 upgrade the California Coastal Commission's computer
32 system.

33 ~~36525) is added to the Public Resources Code, to read:~~

34



~~DIVISION 28. OCEAN RESOURCES
MANAGEMENT~~

~~CHAPTER 1. GENERAL PROVISIONS~~

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

~~36526. The Legislature hereby finds and declares all of the following:~~

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

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

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

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

~~(e) A number of issues concerning the environmentally sustainable use, protection, and restoration of certain coastal and ocean resources are not adequately addressed in a comprehensive and coordinated manner by California's existing coastal management program. Those issues include marine aquaculture; shoreline erosion and beach sand 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

35

~~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.~~

6
7 ~~CHAPTER 3.—CALIFORNIA OCEAN RESOURCES~~
8 ~~MANAGEMENT ASSESSMENT, REPORT, AND EVALUATION~~
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 (e) ~~The orderly, balanced, and environmentally~~
19 ~~sustainable conservation of living and nonliving ocean~~
20 ~~resources consistent with solid ecological planning~~
21 ~~principles.~~

