



bay restoration commission

STEWARDS OF SANTA MONICA BAY

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March 16, 2012

Agenda Item #3 d ii

To: Executive Committee, SMBRC
From: Scott Valor, Director of Government Affairs
Subject: Senate Bill 1066 (Lieu) re Climate Change

Action Requested of the Executive Committee:

- Review and recommend consideration of support of Senate Bill 1066 by the Governing Board at its April 2012 meeting.

Background

Senate Bill (SB) 1066 was introduced this legislative session by State Senator Ted Lieu to specify that the California State Coastal Conservancy may fund and undertake projects that address climate change and to authorize the Coastal Conservancy to award grants to public agencies and nonprofit organizations for these purposes. According to the Senator's office, the SB 1066 is designed to correct ambiguities in existing state law to make it clear that the Coastal Conservancy has the authority to address climate change and its impacts as part of its broader mission. By clarifying this role for the Coastal Conservancy, SB 1066 has the potential to enhance funding for climate change projects by capturing federal and other non-state funding sources that otherwise might not have been available.

The Coastal Conservancy, as a non-regulatory state agency, uses a variety of innovative entrepreneurial techniques to purchase, protect, restore, and enhance coastal resources, urban waterfronts, and to provide shoreline access. The agency works with local governments, public agencies, nonprofit organizations, and private landowners to undertake more than 1,800 projects along the California coastline.

Attached are a background sheet prepared by the Senator's office and the bill language, as introduced in the Senate. The bill currently awaits assignment to a Senate policy committee where it will be heard for the first time. Staff will update the bill's status as the Governing Board meeting approaches in April.

The SMBRC Governing Board has considered support of legislation in the past. In 2005 the Governing Board voted to support Assembly Constitutional Amendment 13 (Harman) which would have provided flexibility to local agencies to increase local stormwater management fees. Requiring a super majority to pass, this bill was not brought up for a vote and died at the end of the legislative session.





Senator Ted W. Lieu

28th Senate District

SB 1066

COASTAL RESOURCES

Maximizing Project Benefits Along the Coast

BILL SUMMARY

SB 1066 corrects an ambiguity in law to ensure that the California Coastal Conservancy, as part of its mission to use innovative entrepreneurial techniques to protect, restore, and enhance coastal resources and urban waterfronts, can engage in projects that address climate change impacts in these areas. Specifically, this bill would:

- Clarify that the Conservancy may fund and undertake projects to address climate change and may award grants to public agencies and nonprofit organizations for these purposes;
- Require that the Conservancy prioritize projects that maximize public benefits.

HISTORY

The Legislature created the California Coastal Conservancy in 1976 as a unique non-regulatory entity to serve as an intermediary among government, citizens, and the private sector in recognition that creative approaches are needed to preserve and enhance California's coast for future generations.

The Coastal Conservancy uses innovative entrepreneurial techniques to purchase, protect, restore, and enhance coastal resources, urban waterfronts, and to provide access to the shore. The Conservancy works in partnership with local governments, other public agencies, nonprofit organizations, and private landowners to undertake more than 1,800 projects along the 1,100 mile California coastline.

Projects create thriving urban waterfronts, help provide for smart development, protect and enhance coastal agriculture, improve beaches and other natural areas, and promote healthy watersheds, wetlands, riparian areas, wildlife habitat, and forests. Projects also create public access to the coast and San Francisco Bay.

SB 1066 is needed to clarify that projects can address climate change impacts to coastal resources and maximize benefits to the public.

PURPOSE

California's coastal resources contribute over \$40 billion annually to state and local funds. Climate change affects these resources and could ultimately cost the state tens of billions of dollars if not addressed.

The consequences of climate change, such as extreme weather events and sea level rise, disproportionately impacts 80 percent of California's population that reside and work within 30 miles of the coast, causing major economic, ecological, physical, and social problems. Infrastructure, marinas, beaches, estuaries, coastal wetlands, and other unique coastal habitats and natural areas that drive coastal tourism and support coastal communities are at risk.

Though existing law created the California Coastal Conservancy to protect and enhance coastal resources and urban waterfronts through grants and other non-regulatory means, it does not expressly authorize the Conservancy to help address the adverse effects of climate change on coastal resources.

SB 1066 corrects this ambiguity by providing the Conservancy authority to address climate change and its impacts as part of its broader mission. This bill will enable the non-regulatory agency to more effectively achieve its purpose, and capture federal and other non-state funds that become available for projects that help reduce the impacts of climate change to people and natural resources along the coast.

Support:

The Nature Conservancy (Sponsor)
Bay Area Open Space Counsel

Oppose:

None received.

Contact:

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Office of State Senator Ted Lieu
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Introduced by Senator Lieu

February 13, 2012

An act to add Section 31113 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1066, as introduced, Lieu. Coastal resources: climate change.

Existing law establishes the State Coastal Conservancy, which serves as a repository for coastal lands. Existing law authorizes the conservancy to, among other things, undertake projects and award grants for the purposes of restoration of areas of the coastal zone that are adversely affecting the coastal environment or are impending orderly development.

This bill would authorize the conservancy to fund and undertake projects to address climate change, giving priority to projects that maximize public benefits.

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. The Legislature finds and declares the following:
- 2 (a) California's coastal waters, waterfronts, wetlands, harbors,
- 3 estuaries, bays, ports, marinas, riparian areas, beaches, and
- 4 agricultural resources are important environmental and economic
- 5 resources to the state.
- 6 (b) The coastal economy contributes \$46 billion dollars annually
- 7 to the State of California.
- 8 (c) Eighty percent of California's 38 million residents live within
- 9 30 miles of the coast.

1 (d) Sea level rise, combined with storm-driven waves, poses a
2 direct risk to the state’s coastal resources, including public and
3 private real property and infrastructure. Rising marine waters
4 threaten sensitive coastal areas, habitats, the survival of threatened
5 and endangered species, beaches and other recreation areas, and
6 urban waterfronts.

7 (e) Commercial fisheries and fishing harbors, ports, production
8 of seafood, and related jobs will suffer adverse impacts if steps
9 are not taken to protect them.

10 (f) The desirability of natural areas, riparian areas, beaches,
11 parks, and urban areas as tourist destinations, and their concomitant
12 economic benefit to the state, depends on protection of their scenic
13 and recreational qualities.

14 (g) The economic and environmental health of human and
15 natural coastal communities depends on their resilience—their
16 ability to survive and rebound from adverse effects.

17 (h) Improving the health of coastal rivers, wetlands, beaches,
18 harbors, ports, urban waterfronts, fisheries, and agricultural
19 resources in advance of threats can contribute to their resiliency.

20 (i) Extensive cooperation between governmental and private
21 entities is needed to respond adequately to the effects of climate
22 change.

23 (j) For well over 30 years, the State Coastal Conservancy, a
24 nonregulatory agency established under Division 21 (commencing
25 with Section 31000) of the Public Resources Code, has worked
26 with public and private entities to protect, restore, and enhance
27 coastal and marine resources and habitats, has addressed
28 deteriorating urban waterfronts and poorly designed coastal
29 development, and has provided public recreation facilities and
30 access to the coast and urban waterfront areas.

31 (k) The conservancy can further contribute to the improvement
32 and management of the state’s invaluable public and private coastal
33 resources, and, in so doing, lessen the degradation and destruction
34 from future effects of a changing climate on natural and built
35 resources and related jobs.

36 (l) Projects that protect coastal resources from climate change
37 impacts can provide additional valuable public benefits, including,
38 but not limited to, flood protection, improved water quality, and
39 increases in fish and wildlife for food and recreation.

1 (m) Existing law does not expressly authorize the Coastal
2 Conservancy to address climate change or its impacts, despite the
3 anticipated adverse effects on the coast.

4 (n) It is the intent of the Legislature that in implementing
5 Division 21, the conservancy have adequate authority to work with
6 local governments and private entities to address the effects of
7 climate change on coastal resources, public and private, natural
8 and built, including, but not limited to, coastal beaches, ports,
9 urban waterfronts, infrastructure, the ocean, riparian areas and
10 watersheds, fisheries, forests, wetlands, and public and private real
11 property.

12 (o) The conservancy’s participation in addressing adverse effects
13 on coastal resources can help to maintain property values for
14 individuals and businesses, aid the tourist industry, and promote
15 business and jobs by facilitating the development and protection
16 of visitor-serving commercial facilities and amenities attractive to
17 skilled and educated workers.

18 (p) The conservancy’s participation in addressing climate change
19 can help to produce construction and other jobs for Californians,
20 both directly, through conservation, and development activities,
21 and indirectly, through increased recreational, business, and tourist
22 use.

23 (q) The conservancy’s participation can contribute to the
24 resiliency of the natural and built environments including habitat,
25 beaches, ports, and urban waterfronts, and can facilitate assisted
26 migration of plant and animal species that lack adequate ability to
27 adapt.

28 (r) To the extent that this act assists the conservancy in obtaining
29 federal and other funds, it may help reduce demand on the General
30 Fund for coastal improvement and resilience activities.

31 SEC. 2. Section 31113 is added to the Public Resources Code,
32 to read:

33 31113. In implementing this division, the conservancy may
34 fund and undertake projects to address climate change, including,
35 but not limited to, planning, adaptation, and mitigation, and may
36 award grants to public agencies and nonprofit organizations for
37 these purposes. The conservancy shall prioritize projects that
38 maximize public benefits.

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