

**CALENDAR ITEM
C04**

A Statewide

06/02/14

S Statewide

S. Pemberton

CONSIDER SUPPORTING STATE LEGISLATION THAT WOULD REQUIRE THE NATURAL RESOURCES AGENCY TO CREATE AND MAINTAIN A SEA LEVEL RISE PLANNING DATABASE ON ITS WEBSITE AND REQUIRE VARIOUS STATE AND LOCAL ENTITIES, INCLUDING THE STATE LANDS COMMISSION, TO SUBMIT INFORMATION QUARTERLY FOR INCLUSION IN THE DATABASE

INTRODUCTION:

State Lands Commission (Commission) staff has been reviewing various legislative proposals introduced in the 2013-14 legislative session that involve lands under the Commission's jurisdiction. This report describes proposed legislation (AB 2516 – Gordon), pertaining to a sea level rise planning database.

LEGISLATIVE PROPOSAL

AB 2516 (Gordon):

SUMMARY:

AB 2516 would require the Natural Resources Agency to create a sea level rise planning database on its website and require various state and local entities, including the Commission to submit information monthly for inclusion in the database.

BACKGROUND AND ANALYSIS:

Sea level rise is an issue that has been studied and discussed at virtually all levels of government over the past several years. It is the subject of myriad studies, reports and conferences, and woven into broader policy discussions about reducing greenhouse gas emissions and adapting to climate change. Information about sea level rise projections and planning abounds. Having one state agency as a repository of this information appears to be good idea, so long as the database is user friendly and kept current. Much of the discussion about sea level rise planning has emphasized the importance of collaboration and information sharing, which is of particular benefit to local jurisdictions seeking to prepare for rising sea levels. The database required by this bill is consistent with these concepts.

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As a land and resource manager, the Commission, like other coastal management agencies, has been increasing its focus on sea level rise and continuously explores options to improve its leasing practices, environmental review, and coordination with grantees of public trust lands to facilitate sea level rise planning and adaptation. The Commission relies on the common law Public Trust Doctrine, the California Constitution, and case law to ensure public access to the State's tide and submerged lands and navigable waterways and to protect the State's public property rights.

In an effort to foster collaboration, share information, and lessen duplicity, AB 2516 would require the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create and maintain a sea level rise planning database intended to be a centralized source of information for sea level rise planning and adaptation efforts; a one stop shop if you will. The Agency would have to include on the website information provided by numerous entities, which would be required to provide the Agency with initial information by July 1, 2015 and beginning January 1, 2016, any new or updated sea level rise planning information on a quarterly basis in a format determined by the Agency. The Agency would decide what information to include in the database. The following entities would be required to submit information to the Agency about new or updated sea level rise planning:

- Airports within the Coastal zone or San Francisco Bay area
- California Coastal Commission
- California Energy Resources Conservation and Development Commission
- Ports located in the California coastal zone or San Francisco Bay Area
- Department of Transportation
- Investor-owned utilities located in the California coastal zone or San Francisco bay Area
- Publicly owned electric and natural gas utilities located in the California coastal zone or San Francisco Bay Area
- Regional water quality control boards
- San Francisco Bay Conservation and Development Commission
- State Coastal Conservancy
- State Lands Commission
- State Water Resources Control Board

The sea level rise information that these entities submit and which are included on the website may include: purpose; person or entity tasked with developing the sea level rise information and other contributors; whether the planning information is required to be developed by law; geographic scope of the planning information; if the planning information is an assessment, whether it is a risk or vulnerability assessment; whether

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the planning information has governance, environmental, economic, social equity, or public education objectives; the types of resources and infrastructure; sources of funding and cost; scientific considerations or science-based facts; relevant maps; and, links to other website materials that provide further information.

Information included on the website would be organized by geographic region and the Natural Resources Agency would determine how best to organize the information for optimal usefulness.

Commission staff supports the idea of providing information to the Natural Resources Agency about its sea level rise planning efforts and about efforts by the State's approximately 80 local jurisdictions that have legislatively granted public trust lands that they hold in trust for the public pursuant to the Public Trust Doctrine. In particular, Chapter 592, Statutes of 2013 (AB 691, Muratsuchi), requires a local trustee of granted public trust lands whose annual trust revenues exceed \$250,000 to prepare and submit to the Commission an assessment of how sea level rise will impact its granted lands, including a description of how the local trustee proposes to protect those lands. This information will be useful to include on the Agency's sea level rise planning database.

OTHER PERTINENT INFORMATION:

1. This bill is authored by the Chair of the Assembly Select Committee on Sea Level Rise and the California Economy, which convened four hearings over the past year that focused on the impact of sea level rise on coastal agriculture, fishing, aquaculture, tourism industries, and ports, as well as examined the existing authority of state agencies to address this issue. This bill was introduced in response to the hearings and is intended to establish a database that will assist the State's sea level rise planning and adaption by providing a centralized source of continuously updated information, serving as a resource for local and regional entities in the process of addressing sea level rise.
2. AB 2516 was approved on April 28, 2014 by the Assembly Natural Resources Committee on a 5-2 vote. On May 23, 2014, it was approved by the Assembly Appropriations Committee on a party-line vote.
3. The bill is supported by the California Coastal Commission, San Francisco Bay Conservation and Development Commission, the City of Mountain View, the City and County of San Francisco, the Nature Conservancy, the San Mateo County Board of Supervisors, and the Sierra Club California. It has not received any opposition.

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. Adopt a support position on AB 2516 (Gordon).