

**STAFF REPORT
INFORMATIONAL
87**

A Statewide

02/27/18

S Statewide

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**LEGISLATIVE REPORT PROVIDING INFORMATION AND A STATUS UPDATE
CONCERNING STATE AND FEDERAL LEGISLATION RELEVANT TO THE
COMMISSION**

INTRODUCTION:

The purpose of this Staff Report is to update the Commission about proposed legislation relevant to the Commission's authority and jurisdiction. The exhibit to this Staff Report summarizes the proposed state legislation that affects the Commission or that the staff believes is of interest to the Commission. Below are the bills that the Commission is sponsoring in 2018.

LEGISLATION:

AB 2404 (O'Donnell): Oil Trust Fund

This bill would remove the \$300 million limit on the amount of revenue deposited into the Oil Trust Fund, which is for the State's share of future abandonment costs of the West Wilmington and Long Beach Unit oil operations in the city of Long Beach. Existing law establishes the Oil Trust Fund in the State Treasury to fund removal of oil and gas facilities, remediation, and plugging and abandonment of wells when the City of Long Beach oil operations cease. The Oil Trust Fund, financed by monthly contributions from revenue generated from the oil operations, is statutorily capped at \$300 million. The cap was reached in June 2014. Since then, the interest earned, a total of \$4.4 million, has been transferred to the General Fund. According to the City of Long Beach Gas and Oil Department, the State's share of the abandonment liability is estimated to be approximately \$836 million, leaving a funding shortfall of \$536 million.

AB 2549 (Stone): Tidelands and submerged lands: exchange agreements

This bill would authorize the Commission, regarding land exchanges that involve lands that a local jurisdiction holds under a legislative grant, to convey lands acquired in an exchange to a local jurisdiction subject to the Public Trust and conditions in the existing granting statute. The bill would require that the Commission make those exchange agreements, including descriptions of any land or interest in lands granted to conveyed to a local jurisdiction by the Commission, available on its website.

STAFF REPORT NO. 87 (CONT'D)

AB 2646 (Gonzalez-Fletcher): San Diego Unified Port District; granted trust lands

This bill would grant the San Diego Unified Port District sovereign land in the city of Chula Vista that the Commission acquired in a 2010 land exchange. The grant would be subject to the terms and conditions in the Port's existing statutory trust grant and the common law Public Trust Doctrine.

SB 1493 (Senate Committee on Natural Resources and Water): State lands; coastal resources; marine invasive species

This bill would repeal a statutory trust grant to the Metropolitan Water District of Southern California that was made in 1967, and would make clarifying and technical changes to several Public Resources Code statutes that pertain to the Commission's jurisdiction and authority.

CONCLUSION:

February 16, 2018, was the deadline for bill introductions for the second half of the 2017-18 state legislative session. Exhibit A lists the bills that staff intends to monitor and review. Staff will continue its analysis in the ensuing weeks and update the Commission at subsequent meetings or as requested.

This action is consistent with Strategy 3.1 of the Commission's strategic plan to foster, improve and enhance relationships to engage the Legislature, public, local, state and federal agencies, grantees, lessees, potential applicants, nongovernmental organizations, and the regulated community.

Below are the deadlines for bills moving through the California Legislature:

April 27 - Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.

May 11 - Last day for policy committees to hear and report to the Floor nonfiscal bills introduced in their house.

June 1 - Last day for each house to pass bills introduced in that house.

June 15 - Budget Bill must be passed by midnight.

June 29 - Last day for policy committees to hear and report fiscal bills to fiscal committees.

July 6 - Last day for policy committees to meet and report bills. Summer Recess begins on adjournment.

STAFF REPORT NO. **87** (CONT'D)

August 6 - Legislature reconvenes from Summer Recess.

August 31 - Last day for each house to pass bills. Final recess begins upon adjournment.

EXHIBIT:

A. Legislative Report

2018 Legislative Summary Exhibit A

Abandoned Vessels

[AB 2175](#) (Aguiar-Curry D) Removal of vessels.

Introduced: 2/12/2018

Location: 2/12/2018-A. PRINT

Summary:

Current law authorizes any peace officer or any lifeguard or marine safety officer employed by a county, city, or district, while engaged in the performance of official duties, to remove and, if necessary, store a vessel removed from a public waterway under specified circumstances. This is a spot bill that would make a nonsubstantive change to that provision.

[AB 2441](#) (Frazier D) Sacramento-San Joaquin Delta Abandoned Vessel Removal Account: removal of abandoned vessels.

Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

Current law requires that all rental income from leases that is received for surface uses on lands under the jurisdiction of the commission be deposited in the State Treasury to the credit of the General Fund, except for certain income from state school lands, royalties received from the extraction of minerals on the surface of those lands, and all rental income from surface uses for lands at Lake Tahoe. This bill would exclude rental income received from surface uses of public lands, all rental income from surface uses for lands in the Sacramento-San Joaquin Delta. The revenue would be available to the commission for the removal of abandoned and derelict commercial vessels on lands, including tidelands and submerged lands, in the Sacramento-San Joaquin Delta.

Coastal Conservancy

[SB 1365](#) (Hueso) D) Coastal Conservancy: grants for nonprofit organizations.

Introduced: 2/16/2018

Location: 2/16/18 S. Print

Summary:

This bill, to the extent permitted by law, would require 50 percent of any mitigation funds awarded to the conservancy on and after January 1, 2019, to be used for grants to nonprofit organizations that offer scientific, educational, or maritime history programs about the California coastline.

Coastal Wetlands

[AB 3160](#) (Grayson D) Coastal Wetlands Fund.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

Current law establishes the Coastal Wetlands Fund and provides that its funds in the State Treasury, to contain contributions from specified sources, may be expended by the Department of Fish and Wildlife and the State Coastal Conservancy, upon appropriation by the Legislature, for the maintenance of coastal wetlands property owned by the state, a conservancy of the state, a local government agency, or a nonprofit organization. This bill, a spot bill, would make nonsubstantive changes in those provisions.

[AB 2464](#) (Harper R) California Coastal Act of 1976: Port of Newport Beach.

Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

The California Coastal Act specifies that after a port master plan for the port of Hueneme, Long Beach, Los Angeles, or San Diego Unified Port District located within the coastal zone is certified by the commission, the permit authority of the commission is thereafter delegated to the appropriate port governing body, except as specified. Existing law requires certain cities and counties to incorporate the master plan in its local coastal program. This bill would additionally apply this port master plan provision to the Port of Newport Beach located within the coastal zone.

[AB 2549](#) (Stone, Mark D) Tidelands and submerged lands: exchange agreements.

Introduced: 2/15/2018

Location: 2/15/2018-A. PRINT

Summary:

Current law authorizes the State Lands Commission to enter into an exchange, with any person or public entity, of filled or reclaimed tidelands and submerged lands or beds of navigable waterways, or interests in these lands, that are subject to the public trust for commerce, navigation, and fisheries, for other lands or interests in lands, if the commission finds that specified conditions are met. This bill would expressly authorize the commission, regarding the above described exchange that involves any lands or interests in lands that a public entity holds title to pursuant to a legislative grant, to require that the lands or interest in lands be subject to the same public trust requirements and terms and conditions prescribed in the statute providing for the grant of those lands or interest in lands to the public entity.

[AB 2567](#) (Eggman D) City of Stockton: tidelands and submerged lands: land grants.

Introduced: 2/15/2018

Location: 2/15/2018-A. PRINT

Summary:

Would declare the intent of the Legislature to enact legislation to grant in trust to the Port of Stockton and its successors all the right, title, and interest of the State of California, held by the state by virtue of its sovereignty, in and to certain tidelands and submerged lands not previously granted, whether filled or unfilled, in San Joaquin County. The bill would declare the intent of the Legislature that the lands be held by the trustee and its successors in trust for the benefit of all the people of the state for purposes of improvement and operation of a harbor.

[AB 2578](#) (Chiu D) Infrastructure financing districts.

Introduced: 2/15/2018

Location: 2/15/2018-A. PRINT

Summary:

Current law authorizes the City and County of San Francisco to create infrastructure financing districts, including districts that include specified waterfront property, adopt infrastructure financing plans for those districts, and issue bonds financed by projected increases in ad valorem property taxes to fund certain public facilities, pursuant to a specified procedure. Current law specifies the types of projects a waterfront district may finance. This bill, a spot bill, would make a nonsubstantive change to this provision relative to the types of projects a waterfront district may finance.

[AB 2646](#) (Gonzalez Fletcher D) The San Diego Unified Port District: grant: trust lands.

Introduced: 2/15/2018

Location: 2/15/2018-A. PRINT

Summary:

Would grant and convey in trust to the San Diego Unified Port District all the right, title, and interest of the state, acting by and through the State Lands Commission, in specified real property in the City of Chula Vista in the County of San Diego, acquired and held by the Commission under a land exchange approved in 2010 subject to certain terms and conditions.

AB 3079 (O'Donnell D) Ports.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

This bill would declare the intent of the Legislature to enact legislation relating to public ports in California.

AB 3181 (Bonta D) Port infrastructure financing.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

Current law regulates port infrastructure financing and defines "harbor agency" for those purposes. This bill would make nonsubstantive changes to that definition.

Marine Debris

AB 2921 (Low D) Polystyrene Food Service Packaging Recovery and Recycling Act.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

Would enact the Polystyrene Food Service Packaging Recovery and Recycling Act, which would authorize polystyrene food service packaging (PFP) manufacturers and polystyrene resin producers to form or designate an organization consisting of manufacturers and resin producers. If the manufacturers and resin producers form or designate a recycling organization, the bill would require each manufacturer or resin producer that formed or designated the organization that sells polystyrene food service packaging or polystyrene resin in this state to pay to the Recycling Organization the polystyrene food service packaging assessment fee, which the bill would require to be established in an amount reasonably anticipated to generate an unspecified number of dollars within the first year of the program. The bill would require the collected fees to be used by the organization to carry out the requirements of the act and for appropriate projects and programs that would further the purposes of the act, including awarding grants to public entities for programs designed to increase community access to PFP recycling, to promote efforts to recycle PFP, and to reduce or abate litter from PFP. The bill would impose civil penalties on the PFP manufacturers or resin producers that formed or designated the PFP Recycling Organization that fail to remit the PFP assessment fee, and would authorize the department to expend the civil penalty moneys to support its duties under the act.

Marine Invasive Species

AB 2470 (Grayson D) Invasive species: Greenhouse Gas Reduction Fund.

Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

Would establish the Invasive Species Council of California, composed as prescribed, to help coordinate a comprehensive effort to exclude invasive species already established in the state. The bill would establish a California Invasive Species Advisory Committee to advise the council on a broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as minimizing the economic, ecological, and human health impacts that invasive species cause. The bill would transfer \$10,000,000 from the Greenhouse Gas Reduction Fund to the Invasive Species Fund this bill would establish in the State Treasury.

AB 3116 (Cooley D) Ballast water.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

The Marine Invasive Species Act, which is administered by the State Lands Commission and generally applies to all vessels carrying or capable of carrying ballast water into the coastal waters of the state after operating outside of the coastal waters of the state and to all ballast water and associated sediments taken on a vessel, imposes specified requirements on the master, owner, operator, or person in charge of one of those vessels to minimize the uptake and release of nonindigenous species, including minimizing the uptake of ballast water in specified areas and

under certain circumstances. This bill would also require those persons to minimize the uptake of ballast water in areas designated by the Commission.

Marine Protected Areas

[AB 2369](#) (Gonzalez Fletcher D) Fishing: marine protected areas: violations.

Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

Under the Marine Life Protection Act, the Fish and Game Commission is authorized to regulate commercial and recreational fishing and any other taking of marine species in marine protected areas, but the taking of a marine species in a marine life reserve, a type of marine protected area, is prohibited for any purpose, including recreational and commercial fishing, except as authorized by the commission for scientific purposes. This bill would increase the penalty for unlawfully taking a fish for commercial purposes within a marine protected area to the penalties established for the above-described poaching provision for a person who holds a commercial fishing license or a commercial passenger fishing boat license.

Miscellaneous

[AB 2421](#) (Stone, Mark D) Wildlife Conservation Board: Monarch Butterfly and Pollinator Rescue

Program. Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

Would establish the Monarch Butterfly and Pollinator Rescue Program, to be administered by the Wildlife Conservation Board, for recovering and sustaining populations of monarch butterflies and other pollinators. To achieve these purposes, the bill would authorize the board to provide grants to private landowners, nonprofit organizations, or public agencies, for the restoration of California prairie on private and public lands and to provide technical assistance to those grant recipients.

[AB 2958](#) (Quirk D) State bodies: meetings: teleconference.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body, as defined, be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. Existing law does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. This bill would require a member of a state body participating by teleconference to be listed in the meeting minutes.

[AB 2975](#) (Friedman D) Wild and scenic rivers.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

Would, if the federal government takes action to remove or delist any river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers system, or if the secretary determines that the federal government has exempted a river or segment of a river in California that is not in the state wild and scenic river system from the protection of certain federal provisions governing restrictions on water resources projects, require the secretary, after holding a public hearing on the issue, to take any necessary action to add the river or segment of a river to the state wild and scenic rivers system and to classify that river or segment of a river.

[AB 3218](#) (Arambula D) Millerton Lake State Recreation Area: expansion.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

Would require the Department of Parks and Recreation to take all necessary action to acquire lands to expand the Millerton Lake State Recreation Area to include the San Joaquin River and approximately 5,900 acres adjacent to the river.

SB 1090 (Monning D) Nuclear powerplant decommissioning.

Introduced: 2/12/2018

Location: 2/12/2018-S. RLS.

Summary:

Would state the intent of the Legislature to enact legislation providing direction and authorization to the Public Utilities Commission with respect to the decommissioning of the Diablo Canyon Units 1 and 2 nuclear powerplant to minimize the economic dislocation that might otherwise occur because of that decommissioning.

SB 1301 (Beall D) State permitting: environment: processing times.

Introduced: 2/16/2018

Location: 2/16/2018-S. RLS.

Summary:

Would require the Department of Fish and Wildlife, the San Francisco Bay Conservation and Development Commission, the California Coastal Commission, the State Water Resources Control Board, and a California Regional Water Quality Control Board, for certain permits that each entity administers, to keep an accurate record of permit processing times. The bill would require these entities to issue a quarterly report that discloses any legally mandated permit processing times and the average permit processing times for all projects and for large-sized projects.

Oceans/Marine Debris

AB 1097 (Levine D) State beaches and parks: smoking ban.

Introduced: 2/17/2017

Last Amended: 1/3/2018

Location: 1/29/2018-S. DESK

Summary:

Would make it an infraction for a person to smoke on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system, with certain exceptions.

AB 2191 (O'Donnell D) Ocean Protection Council: White Shark Population Monitoring and Beach Safety Program.

Introduced: 2/12/2018

Location: 2/12/2018-A. PRINT

Summary:

Would require the Ocean Protection Council to develop and implement a White Shark Population Monitoring and Beach Safety Program to award grants to academic institutions engaged in, and local agencies assisting with, research regarding white sharks and to local agencies engaged in operations to promote public safety on California's beaches. The bill would appropriate an unspecified amount from the General Fund to the Ocean Protection Council for these purposes.

AB 2379 (Bloom D) Waste management: polyester microfiber.

Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

Would require that clothing made from fabric that is more than 50% polyester bear a conspicuous label stating that the garment sheds plastic microfibers when washed and recommending hand washing. The bill would prohibit a person, on and after January 1, 2020, from selling or offering for sale clothing made from fabric that is more than 50 percent polyester that does not bear that label.

AB 2779 (Stone, Mark D) Recycling: single-use plastic beverage container caps.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires every rigid plastic packaging container sold or offered for sale in this state, to generally meet one of specified criteria. This bill would prohibit a retailer, on and after an unspecified date, from selling or offering for sale a single-use plastic beverage container with a cap that is not tethered to or contiguously affixed to the beverage container.

[AB 1775](#) (Muratsuchi D) State lands: leasing: oil and gas.

Introduced: 1/4/2018

Location: 1/29/2018-A. NAT. RES.

Summary:

Would prohibit the State Lands Commission from entering into any new lease or other conveyance or from entering into any lease renewal, extension, or modification that authorizes a lessee to engage in new or additional exploration, development, or production of oil or natural gas upon lands owned by the state and under the jurisdiction of the commission that are located seaward of the ordinary high water mark for tidal waterways and the ordinary low water mark for navigable nontidal waterways that would result in the increase of oil or natural gas production from federal waters.

[AB 2534](#) (Limón D) Oil and gas.

Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

Current federal law, the Natural Gas Policy Act of 1978, authorizes state agencies having regulatory jurisdiction with respect to the production of natural gas to make certain determinations for purposes of this federal act. Current law authorizes the State Oil and Gas Supervisor to make those determinations entrusted to state agencies and requires the determinations to be made in accordance with procedures prescribed in guidelines adopted by the supervisor. This bill, a spot bill, would make nonsubstantive changes to the latter provision.

[AB 2828](#) (Friedman D) Waste discharge requirements: produced water: oil and gas operations.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal agencies with authority over water quality. Under the act, persons discharging waste are required to file with the appropriate regional board a report of the discharge and the discharge is subject to waste discharge requirements prescribed by that regional board. This bill would require the state board to conduct a public hearing, to determine whether using produced water from an oil and gas operation for specified water uses would pose a hazard to the public, employees that regularly interact with the produced water, or the environment.

[AB 3146](#) (Holden D) Oil and gas: well records.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

Current law requires an owner or operator of an oil and gas well to keep, or cause to be kept, and requires the operator to file with the district deputy at specified times, a careful and accurate log, core record, and history of the drilling of the well. Current law provides that a person who fails to comply with specific laws relating to the regulation of oil or gas operations, including failing to furnish a report or record, or rendering a false report, is guilty of a misdemeanor. This bill would additionally require the owner or operator to keep, or cause to be kept, a history of the maintenance and repair of the well.

[SB 834](#) (Jackson D) State lands: leasing: oil and gas.

Introduced: 1/4/2018

Location: 1/16/2018-S. N.R. & W.

Summary:

Would prohibit the commission from entering into any new lease or other conveyance or from entering into any lease renewal, extension, or modification that authorizes a lessee to engage in new or additional exploration, development, or production of oil or natural gas upon lands owned by the state and under the jurisdiction of the commission that are located seaward of the ordinary high-water mark for tidal waterways and the ordinary low water mark for navigable nontidal waterways that would result in the increase of oil or natural gas production from federal waters.

SB 1489 (Stern D) Oil and gas: inspection.

Introduced: 2/16/2018

Location: 2/16/2018-S. RLS.

Summary:

Current law requires owners or operators of oil and gas wells to keep a careful and accurate log, core record, and history of the drilling of each well. Current law requires the log to be kept in the local office of the owner or operator, and, together with the tour reports of the owner or operator, provides that they are subject to inspection by the State Oil and Gas Supervisor, the district deputy, or the Director of Conservation. This bill, a spot bill, would make nonsubstantive changes to the provision related to inspection.

Oil Spills

AB 2864 (Limón D) California Coastal Commission: coastal zone resources: oil spills.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

Would designate the California Coastal Commission as a trustee for coastal zone resources affected by oil spills and related responses.

Sea Level Rise and Climate Adaptation

AB 2434 (Bloom D) Strategic Growth Council: Health in All Policies Task Force.

Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

Would require the Strategic Growth Council to establish a Health in All Policies Task Force for the purposes of incorporating health, equity, and sustainability considerations into decision-making across sectors and policy areas. The bill would require the task force to, among other things, take specified actions to advance the council's goals of improving air and water quality, protecting natural resources and agricultural lands, increasing the availability of affordable housing, improving infrastructure programs, promoting public health, planning sustainable communities, and meeting the state's climate change goals.

AB 2528 (Bloom D) Climate adaptation.

Introduced: 2/14/2018

Location: 2/14/2018-A. PRINT

Summary:

Current law requires the Natural Resources Agency, by July 1, 2017, and every 3 years thereafter, to update the state's climate adaptation strategy to identify vulnerabilities to climate change by sectors, including the water sector, and priority actions needed to reduce the risks in those sectors. To address vulnerabilities identified in the climate adaptation strategy, existing law requires state agencies to maximize specified objectives, including, among others, protecting and enhancing habitat, species strongholds, and wildlife corridors that are critical to the preservation of species that are at risk from the consequences of climate change. This bill would specify that the water sector includes the component of habitat resiliency areas.

AB 3015 (Caballero D) Marine terminal operations.

Introduced: 2/16/2018

Location: 2/16/2018-A. PRINT

Summary:

States legislative intent to enact legislation to require state agencies to maintain Executive Order No. B-32-15 and follow California Sustainable Freight Action Plan actions to produce "win-win" outcomes to protect one-third of the state's economy and to achieve the greenhouse gas emissions reductions goals by maintaining and growing California's intermodal market share. States additional legislative intent to require state agencies to maintain an executive order issued by the Governor regarding greenhouse gas emissions reduction targets to be met by 2050 and to ensure that the regulations of air emissions from public seaport operations with respect to marine terminal cargo handling equipment and ocean-going vessels at-berth, are implemented consistent with various objectives.

SB 1072 (Leyva D) Regional Climate Collaborative Program: technical assistance.

Introduced: 2/12/2018

Location: 2/12/2018-S. RLS.

Summary:

Would establish the Regional Climate Collaborative Program, to be administered by the Strategic Growth Council, to assist under-resourced communities to access statewide public and other grant moneys, as specified, by establishing regional climate collaboratives, as specified. The bill would authorize the council to award specified grants to collaboratives for specified activities. The bill would authorize moneys from the Greenhouse Gas Reduction Fund to be used to implement the program.

SB 1350 (Stern D) Climate change: research, development, and demonstration: financial assistance.

Introduced: 2/16/2018

Location: 2/16/2018-S. RLS.

Summary:

States legislative intent to enact legislation to establish a new model for providing agile financial assistance for research, development, and demonstration of climate change mitigation technologies with transformational potential.

SB 1401 (Wieckowski D) Climate change: climate adaptation information: clearinghouse.

Introduced: 2/16/2018

Location: 2/16/2018-S. RLS.

Summary:

Current law requires the Governor's Office of Planning and Research to coordinate with appropriate entities to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities. The bill would require the office to seek feedback from entities that use the clearinghouse to maximize the efficacy and usefulness of the clearinghouse.