

**STAFF REPORT  
INFORMATIONAL  
67**

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| A | Statewide | 04/05/19     |
| S | Statewide | S. Pemberton |

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

**SUMMARY:**

Key issues the Legislature is addressing this year that are relevant to the Commission are oil and gas decommissioning, sea-level rise and climate change, marine invasive species prevention, reducing plastic waste, beach access, granted lands, and oil spill prevention.

Another key issue this year is legislation related to the Oakland Athletics' interest in developing a major league baseball ballpark and mixed-use development at the roughly 50-acre Howard Terminal site in the Port of Oakland. The Port, by the City Charter, is a trustee on behalf of the State for the tidelands trust lands at Howard Terminal. The Commission oversees the Port's management of state-owned public trust lands along the Oakland Estuary.

This year, the Commission is sponsoring two bills. The first, AB 585 (Limon), clarifies the conditions the Commission should consider when assessing a request to transfer an existing oil or gas lease. The second, AB 912 (Muratsuchi), would change the implementation date of California's ballast water discharge standards, authorize the Commission to sample ballast water and biofouling for research, and modify and improve the Marine Invasive Species Act. In late April, AB 585 will be heard in the Assembly Natural Resources Committee. It is anticipated that AB 912 will be heard in the Environmental Safety and Toxics Committee and the Assembly Water, Parks and Wildlife Committee in late April.

**LEGISLATION:**

Below is a list of bills introduced to date that may be of interest to the Commission.

**Coastal Protection, Climate Change, and Sea-Level Rise**

**AB 65 (Petrie-Norris) Coastal Protection: Climate Adaption: Project Prioritization**

This bill requires specified things of the State Coastal Conservancy when it allocates funding from the 2018 California Drought, Water, Parks, Climate,

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Coastal Protection, and Outdoor Access for All Act, including that it prioritize projects using natural infrastructure for climate change adaptation. It would require the Conservancy to provide information to the Office of Planning and Research on projects funded for inclusion into the climate adaptation clearinghouse. This bill would authorize the Conservancy to provide technical assistance to coastal communities to assist them with projects that use natural infrastructure.

Status: Assembly Appropriations Committee

### **AB 552 (Stone) Coastal Adaptation, Access, and Resilience Program**

This bill creates the Coastal Adaptation, Access, and Resilience Program—funded by tideland oil revenue that would otherwise go to the General Fund. The California Coastal Commission, the Natural Resources Agency, the Ocean Protection Council, and the State Coastal Conservancy can use the revenue to take actions, based on the best scientific information, that are designed to address and adapt to sea level rise and coastal climate change, consistent with the guidelines and recommendations established in the bill.

Status: Assembly Natural Resources Committee

### **AB 839 (Mullin) Climate Adaptation: Strategy: Adaptation through Resiliency, Economic Vitality, and Equity Account**

This bill creates the Adaptation through Resiliency, Economic Vitality, and Equity Account in the State Treasury, with the funding going toward grants that fund climate adaptation projects. The bill requires the Treasurer, in consultation with the Secretary of the Natural Resources Agency, the Secretary of Labor and Workforce Development, and the Director of State Planning and Research, to develop grants and financing criteria. And it would require the Natural Resources Agency Secretary to develop, adopt, and implement a comprehensive, coordinated, and proactive strategy for the state to adapt to climate change, with the intent to ensure the state is prepared for climate change impacts modeled for 2050 and beyond.

Status: Assembly Natural Resources Committee

### **AB 975 (Calderon) California Adaptation Leadership and Coordination Act of 2019**

This bill establishes the California Adaptation Leadership and Coordination Act of 2019. It requires the Secretary of the Natural Resources Agency, in coordination with the Governor's office, to communicate with countries, states, regional collaboratives, and subnational governments to support and promote state goals and policies relating to ocean, coastal, and terrestrial adaptation, and requires

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the Secretary to take certain actions related to accomplishing those goals and policies. The bill would require the Secretary to prepare and submit to the appropriate legislative committees an annual progress report.

Status: Assembly Natural Resources Committee

**AB 1080 (Gonzalez)/SB 54 (Allen) California Circular Economy and Plastic Pollution Reduction Act**

These bills establish the California Circular Economy and Plastic Pollution Reduction Act, which require the state to adopt regulations to source, reduce, and recycle 75 percent of single-use packaging and products sold or distributed in California by 2030. The bills would require CalRecycle to develop a scoping plan that sets a baseline to achieve reduction and recycling requirements developed via regulation. The bills would require CalRecycle to develop criteria to determine which types of single-use packaging or products are reusable, recyclable, or compostable. A manufacturer of single-use plastic packaging or products sold or distributed in California would have to demonstrate a recycling rate of at least 20 percent by January 2022 and of 40 percent by January 2026, as a condition of sale, and would authorize CalRecycle to impose a higher recycling rate as a sale condition.

Status: Assembly Appropriations Committee/Senate Appropriations Committee

**Granted Lands**

**AB 1191 (Bonta) Public Lands: Howard Terminal: Oakland Sports and Mixed-Use Project**

This bill would enact the Oakland Waterfront Ballpark Act and authorize the State Lands Commission to enter into a title settlement and land exchange agreement involving lands at Howard Terminal. The purpose of the land exchange is to facilitate the Oakland Sports and Mixed-Use Project, which consists of a new ballpark for the Oakland Athletics and a mixed-use project that includes residential, commercial, and retail uses. The Commission is working with the Port and City of Oakland, the San Francisco Bay Conservation and Development Commission, the Oakland Athletics, and others on amendments to the bill.

Status: Assembly Natural Resources Committee

**AB 1392 (Mullin) Grant of Public Lands: City of Redwood City**

This bill grants and conveys in trust to the City of Redwood City all the right, title, and interest of the state, consistent with the Public Trust Doctrine and the terms and conditions in its existing statutory trust grant, land that the State Lands Commission acquired in a recent land exchange and title settlement agreement.

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This transfer would fulfill a requirement in a land exchange that the City and State Lands Commission approved last year.

Status: Assembly Natural Resources Committee

### **SB 507 (Atkins) San Diego Unified Port District: Territory Held in Trust**

This bill transfers certain tide and submerged lands in San Diego Bay, which the State Lands Commission owns and manages, to the San Diego Unified Port District to hold and manage in trust consistent with the terms and conditions of its existing statutory trust grant and the Port Act.

Status: Senate Natural Resources and Water Committee

### **Public Access**

#### **AB 1680 (Limon) State Coastal Conservancy: Coastal Access**

This bill requires the California Coastal Commission, together with the State Coastal Conservancy, the Department of Parks and Recreation and the State Lands Commission to develop a coastal access plan for Hollister Ranch by April 2020. The plan must include a provision providing for public access by land and descriptions of beach recreation and scientific and educational areas. If a new coastal access plan is not completed by April 2020, the State Lands Commission would be required to expeditiously implement the 1982 Hollister Ranch access program after consulting with coastal protection agencies. The bill would require the State Coastal Conservancy to make findings and provide recommendations to the California Coastal Commission every 5 years regarding any legislation that may be necessary to adjust in-lieu public access fees.

Status: Assembly Natural Resources Committee

### **Oil and Gas**

#### **AB 926 (O'Donnell) Oil Revenue: Oil Trust Fund**

This bill removes the \$300 million cap in the state's Oil Trust Fund, resuming monthly deposits of \$2 million from Long Beach oil operation revenues until the Fund reaches a balance that will cover the state's projected oil and gas well abandonment liabilities. Consideration to support AB 926 is on the Commission's April 5 meeting agenda as Item 69.

Status: Assembly Appropriations Committee

#### **AB 936 (Robert Rivas) Oil Spills: Response and Contingency Planning**

This bill defines nonfloating oil for purposes of the Lempert-Keene-Seastrand Oil

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Spill Prevention and Response Act and requires the Office of Spill Prevention and Response to complete an independent scientific study to determine the best way to address nonfloating oil spills and to develop findings defining the elements of state-of-the-art response capability to nonfloating oil spills. The bill would require: testing of new products for use in nonfloating oil spill cleanup; grants or technology competitions to facilitate the development of those products; notification requirements for facilities that receive nonfloating oil; and make other changes relative to nonfloating oil, including increasing the spill insurance responsibility imposed on transporters of nonfloating oil from \$1 billion to \$10 billion.

Status: Assembly Natural Resources Committee

**AB 1057 (Limon) Oil and gas: Wells and Facilities: Indemnity Bonds and Remediation**

This bill doubles the indemnity bonds that the Division of Oil, Gas and Geothermal Resources requires for oil drilling permits and authorizes the Supervisor to require an operator filing an indemnity bond to provide an additional amount of security to cover the reasonable costs to plug and abandon all the operator's wells and to remediate environmental damage caused by the wells.

Status: Assembly Natural resources Committee

**AB 1440 (Levine) State-Owned Lands: Oil and Gas Production**

There is a provision in existing law, a finding enacted in 1961, that the people of California have a direct and primary interest in assuring the production of optimum quantities of oil and gas from state-owned lands and that a minimum of oil and gas be left wasted and unrecovered in these lands. AB 1440 deletes that finding.

Status: Assembly Natural Resources Committee

**AB 1441 (Levine) Oil and gas: Operations: Permit and Notice Requirements**

This bill requires well operators to file a written application for a permit to drill instead of a notice of intention and bans any drilling until a written permit is issued. The bill changes other aspects of the Division of Oil, Gas, and Geothermal Resources process when it reviews and considers permit requests. This bill would also remove obsolete statutory language and require notification to nearby communities before drilling occurs.

Status: Assembly Natural Resources Committee

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**SB 246 (Wieckowski) Oil and Gas Severance Tax**

This bill imposes an oil and gas severance tax at the rate of 10 percent of the average price per barrel of California oil or 10 percent of the average price per unit of gas.

Status: Senate Rules Committee

**SB 551 (Jackson) Oil and Gas: Decommissioning, Cleanup, and Remediation: Costs**

This bill requires the Division of Oil, Gas, and Geothermal Resources to develop a mechanism to assess the full cost of decommissioning, cleanup, and remediation of oil-and-gas infrastructure, including pipeline facilities, pump facilities, and storage facilities.

Status: Senate Natural Resources and Water Committee

**Other Legislation**

**AB 129 (Bloom) Waste Management: Plastic Microfiber**

This bill declares legislative intent to enact legislation to recognize the threat that microfibers, a category of plastic pollution, pose to the environment and water quality, and makes related findings and declarations.

Status: Assembly Rules Committee

**AB 209 (Limon) Parks: Environmental Education: Grant Program**

This bill requires the Director of Parks and Recreation to establish an Outdoor Equity Grants Program to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and public lands. The bill requires the Director to prioritize funding to outdoor environmental education programs that primarily provide outreach to and serve students who are eligible for free or reduced-price meals, foster youth, or pupils of limited English proficiency.

Status: Assembly Appropriations Committee

**AB 371 (Frazier) Transportation: Freight: Statewide Economic Vitality Assessment**

This bill requires GO-Biz to prepare and regularly update a statewide economic vitality assessment of California's freight industry and require the Transportation Agency to integrate the assessment findings into the state freight plan. The California Freight Advisory Committee is a permanent advisory Committee that

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the California Department of Transportation and the California Transportation Agency established in response to guidance in federal transportation legislation known as Moving Ahead for Progress in the 21st Century (MAP-21). The State Lands Commission serves on the Committee.

Status: Assembly Jobs, Economic Development, and the Economy Committee

### **AB 467 (Boerner Horvath) State Property Competitions: Prize Compensation: Gender Equity**

This bill requires the State Lands Commission, the California Coastal Commission, the California Department of Fish and Wildlife and State Parks to include equal prize compensation as a condition of any lease or permit authorizing a competitive event. Last year, the State Lands Commission approved a lease to the World Surf League for the Mavericks Challenge, an annual 1day competition that attracts surfers from around the world. The lease requires multiple heats in the women's division and equal pay for all competitors regardless of gender. This lease was viewed as a precedent-setting victory for equal pay in any sporting event held on state property, and is the genesis of this bill idea. Consideration to support AB 467 is on the Commission's April 5 meeting agenda as Item 71.

Status: Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee

### **AB 639 (Cervantes) Financing Lower Carbon Emissions: Seaports**

This bill requires the Infrastructure and Economic Development Bank to establish criteria, priorities, and guidelines for applications from harbor agencies to purchase and install equipment that would reduce carbon emissions at seaports. The bill would require the Bank to approve an application if it finds that the project is more likely than not to achieve fiscal and economic impact projections. If the project is on legislatively granted Public Trust lands, the harbor agency must include a finding that the project is consistent with the Public Trust and the conditions of the applicable granting statutes. The harbor agency must provide the State Lands Commission with a copy of the finding.

Status: Assembly Jobs, Economic Development, and the Economy Committee

### **SB 1 (Atkins, Portantino, and Stern) California Environmental, Public Health, and Workers Defense Act of 2019**

This bill, introduced by the Senate President Pro Tempore, is intended to protect California's environment, workers, and consumers from consequences of misguided deregulation at the federal level. The bill would make federal clean air, climate, clean water, worker safety, and endangered species standards

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enforceable under state law, even if the federal government weakens those standards. The bill would also direct state environmental, public health, and worker safety agencies to take all actions within their authorities to ensure standards in effect and being enforced as of January 2017 remain in effect. As such, the bill establishes minimum federal environmental, public health, and labor standards as state baselines if Congress or the President repeals or weakens corresponding federal standards and prohibits the corresponding California standards from falling below those baselines. If new federal standards fall below the baseline, this bill allows private citizens to enforce state standards.

Status: Senate Appropriations Committee

### **SB 8 (Glazer)/AB 1718 (Levine) State Parks: State Coastal Beaches: Smoking Ban**

These bills ban cigarette smoking at state coastal beaches and parks. In 2017, the Commission supported similar legislation ([Calendar Item 93, April 2017](#)).

Status: Senate Appropriations Committee/Assembly Water Parks and Wildlife Committee

### **SB 45 (Allen) Wildfire, Drought, and Flood Protection Bond Act of 2020**

This bill, introduced by the Chair of the Senate Environmental Quality Committee, enacts the Wildfire, Drought, and Flood Protection Bond Act of 2020, which would authorize \$4.3 million in bonds to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.

Status: Senate Appropriations Committee

### **SB 69 (Wiener): Ocean Resiliency Act of 2019**

This bill, an immense and vast piece of legislation, would enact the Ocean Resiliency Act of 2019. The bill's scope spans the California Department of Fish and Wildlife, the California Natural Resources Agency, the California Coastal Conservancy, the California Air Resources Board, the State Lands Commission, the Ocean Protection Council, the State Water Resources Control Board, the Department of Forestry, and the Department of Water Resources. The bill includes provisions related to fish and wildlife conservation, ballast water treatment technology, vessel speeds, coastal wetlands, dredged sediment reuse, stream studies, water diversions, mariculture, kelp, aquaculture, ocean

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acidification, blue carbon, erosion, and much more. Consideration to oppose certain provisions of SB 69 is on the Commission's April 5 meeting agenda as Item 70.

Status: Senate Natural Resources and Water Committee

### **SB 367 (Hueso) State Coastal Conservancy: Grants: Educational Projects and Programs**

This bill authorizes the State Coastal Conservancy to undertake educational projects and programs for adults and for pupils in kindergarten to grade 12, and to award grants to nonprofit organizations, educational institutions, and public agencies for educational projects and programs related to the preservation, protection, enhancement, and enjoyment of coastal resources, and for onsite and distance learning facilities, activities, and instructional programs that support the delivery of science, history, and social science content. The bill also authorizes the Conservancy to award grants to construct and improve facilities used for those projects and programs. The bill authorizes the Conservancy to award funds not otherwise restricted, after January 2020, for funding grants to nonprofit organizations that offer scientific, educational, or heritage programs that focus on the history and stewardship of the ocean and coastal resources.

Status: Senate Natural Resources and Water Committee

#### **Deadlines:**

The California Legislature has a legislative calendar that contains deadlines for when certain actions must occur. Below are key deadlines for 2019.

- April 11 – Spring Recess begins upon adjournment
- April 26 – Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house
- May 10 – Last day for policy committees to meet before June 3
- May 17 – Last day for fiscal committees to meet and report to the floor bills introduced in their house
- May 31 – Last day for each house to pass bills introduced in that house.
- June 15 – Budget Bill must be passed by midnight
- July 12 – Last day for policy committees to meet and report bills; Summer Recess begins on adjournment, provided Budget Bill has been passed
- August 12 – Legislature reconvenes from Summer Recess
- August 30 – Last day for fiscal committees to meet and report bills
- September 6 – Last day to amend bills on the floor
- September 13 – Last day for any bill to be passed
- October 13 – Last day for the Governor to sign or veto bills