

**CALENDAR ITEM
C03**

A Federal

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**CONSIDER SUPPORTING FEDERAL LEGISLATION THAT WOULD ENACT THE
COASTAL STATE CLIMATE CHANGE PLANNING ACT, WHICH WOULD AMEND
THE COASTAL ZONE MANAGEMENT ACT TO REQUIRE THE SECRETARY OF
COMMERCE TO ESTABLISH A COASTAL CLIMATE CHANGE ADAPTATION
PLANNING AND RESPONSE PROGRAM**

PROPOSED LEGISLATION

INTRODUCTION:

State Lands Commission (Commission) staff has been reviewing various legislative proposals introduced in the 113th Congress that involve lands under the Commission's jurisdiction. This report describes the Coastal State Climate Change Planning Act, which would amend the Coastal Zone Management Act to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response grant program that would provide assistance to coastal states to voluntarily develop and implement coastal climate change adaptation plans (H.R. 764 - Capps) and proposes a Resolution for the Commission to consider adopting in support of this bill.

LEGISLATIVE PROPOSAL:

H.R. 764 (Capps): the Coastal State Climate Change Planning Act

SUMMARY:

H.R. 764 would require the Secretary of Commerce to establish a coastal climate change adaptation planning and response grant program to help coastal states develop and implement climate change adaptation plans.

BACKGROUND AND DESCRIPTION OF THE BILL:

Climate change hazards, especially sea level rise, threaten public health, the economy, infrastructure, ecosystems and coastal zones. California's most unique and valuable asset is its coastal areas, including many of the submerged and tidelands granted in

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trust by the Legislature to local jurisdictions for management purposes and much of the sovereign land under the Commission's jurisdiction.

For the past several years, the Commission has been proactive in addressing sea level rise by actively supporting state legislation requiring a trustee of granted public trust lands to assess and plan for the impacts of sea level rise on its granted lands. Climate change is a major contributor to sea level rise. H.R. 764 is complementary to the Commission's efforts to address sea level rise because it gives the State and local coastal jurisdictions another tool to mitigate the impacts of climate change and sea level rise.

The program established in H.R. 764 would operate through coastal adaption planning grants issued by the Secretary through a merit-based competitive process to coastal states to develop climate change adaption plans pursuant to guidelines issued by the Secretary. Any plan developed with a grant shall include the following:

1. Identification of public facilities and public services, working waterfronts, coastal resources of national significance, coastal waters, energy facilities, or other land and water uses located in the coastal zone likely to be impacted by climate change.
2. Adaptive management strategies for land use to respond or adapt to changing environmental conditions, including strategies to protect biodiversity, protect water quality, and establish habitat buffer zones, migration corridors, and climate refuge.
3. Requirements to initiate and maintain long-term monitoring of environmental change to assess coastal zone adaption and to adjust when necessary adaptive management strategies and new planning guidelines to meet specified objectives.
4. Any other information considered necessary by the Secretary to identify the full range of climate change impacts affecting coastal communities.

This bill also authorizes the Secretary to provide technical assistance to coastal states receiving grants to facilitate the timely development of climate adaption plans. In order to be eligible for a grant, a coastal state must have its plan approved by the Secretary.

Within 90 days after approval of the first plan developed by a State, the Secretary shall publish in the Federal Register requirements regarding applications, allocations, eligible activities, and all terms and conditions for grants awarded under this program.

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Further, this bill authorizes the Secretary to award grants to coastal states to implement projects in the coastal zone to address stress factors in order to improve coastal climate change adaption, including the following:

1. Activities to address physical disturbances within the coastal zone, especially activities related to public facilities and public services, tourism, sedimentation, ocean acidification, and other factors negatively impacting coastal waters, and fisheries-associated habitat destruction or alteration.
2. Monitoring, control, or eradication of disease organisms and invasive species.
3. Activities to address the loss, degradation, or fragmentation of wildlife habitat through projects to establish or protect marine and terrestrial habitat buffers, wildlife refuges, or networks thereof, preservation of migratory wildlife corridors and other transition zones, and restoration of fish and wildlife habitat.
4. Implementation of projects to reduce, mitigate, or otherwise address likely impacts caused by natural hazards in the coastal zone, including sea level rise, coastal inundation, coastal erosion and subsidence, severe weather events and fluctuating Great Lakes water levels.
5. Provide technical training and assistance to local coastal policy makers to increase awareness of science, management, and technology information related to climate change and adaption strategies.

Grants would be available subject to the availability of appropriations, and grant amounts are unspecified.

OTHER PERTINENT INFORMATION:

H.R. 764 has been referred to the House Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. Adopt the Resolution in support of H.R. 764 attached hereto as Exhibit A.

Exhibit A

RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION SUPPORTING H.R. 764 BY SENATOR CAPPAS (D - CA) THE COASTAL STATE CLIMATE CHANGE PLANNING ACT THAT WOULD REQUIRE THE SECRETARY OF COMMERCE TO ESTABLISH A COASTAL CLIMATE CHANGE ADAPTION PLANNING AND RESPONSE GRANT PROGRAM

WHEREAS, the California State Lands Commission has exclusive jurisdiction over school lands and approximately 4 million acres of tide and submerged lands owned by the State, including 120 navigable rivers and sloughs, nearly 40 navigable lakes, tidal bays, inlets, straits, lagoons and estuaries, and the three-mile wide band of tide and submerged lands adjacent to the coast and offshore islands of the State; and,

WHEREAS, California holds its navigable and tidal waters in a sovereign trust for the public, pursuant to the common law Public Trust Doctrine, which protects the public's right to use California's waterways for commerce, navigation, fishing, boating, natural habitat protection, and other water oriented and recreational activities; and,

WHEREAS, California's most unique and valuable asset is its coastal areas, including many of the submerged and tidelands granted in trust by the Legislature to local jurisdictions for management purposes and much of the sovereign land under the Commission's jurisdiction; and,

WHEREAS, climate change and sea level rise have far reaching consequences for California, including the lands under the jurisdiction of the California State Lands Commission; and in particular, threatens coastal communities and infrastructure, such as transportation facilities, electric utility systems and power plants, storm water systems and wastewater treatment plants and outfalls, vast areas of wetlands, and many other human and natural systems; and,

WHEREAS, it is believed that in the coming decades California will face intensifying climate changes from the amount of greenhouse gas emissions already released into the atmosphere; and,

WHEREAS, many efforts are underway at various international, national, state and local levels to develop policies, innovative approaches, and adaption strategies to lessen the impacts of climate change and sea level rise; and,

WHEREAS, California is one of the leading states in the nation addressing the impacts of climate change; and its major initiatives for reducing climate change and greenhouse gas emissions are outlined in Assembly Bill 32 (Chapter 488, Statutes of 2006), a 2005 Executive Order and a regulation to reduce passenger car greenhouse gas emissions,

Exhibit A

all of which are intended to reduce greenhouse gas emissions to 1990 levels by 2020 - a reduction of approximately 30 percent, and then an 80 percent reduction below 1990 levels by 2050.

WHEREAS, climate change and sea level rise will have a particularly acute impact on sovereign lands under the jurisdiction of the California State Lands Commission, with one of the most significant impacts being to property boundaries from the resultant changes in the elevation of the mean high tide line, potentially reducing or eliminating public access along the coastline; and,

WHEREAS, for the past several years, the California State Lands Commission has been proactive in addressing climate change and sea level rise by actively supporting state legislation requiring a trustee of granted public trust lands to assess and plan for the impacts of sea level rise on its granted lands; and,

WHEREAS, the California State Lands Commission has also been proactive in addressing climate change and sea level rise by changing its lease application for use of sovereign land to require applicants to assess the environmental impacts of any proposed use of sovereign land and explain if any feature of the project is subject to sea level rise or other effects associated with climate change over the life of the project; and if so, the applicant must include adaptation strategies.

WHEREAS, the California State Lands Commission will continue to be in the forefront of efforts to mitigate the impacts of climate change and sea level rise on the lands and natural resources under its jurisdiction; and,

WHEREAS, climate change is a major contributor to sea level rise, and H.R. 764 is complementary to the California State Lands Commission's efforts to address climate change and sea level rise because it gives the State and local coastal jurisdictions another tool to mitigate the impacts of climate change and sea level rise; and,

RESOLVED BY THE CALIFORNIA STATE LANDS COMMISSION that it supports H.R. 764 by Representative Capps, the Coastal State Climate Change Planning Act, that would assist coastal states with developing and implementing coastal climate change adaptation plans; and be it further

RESOLVED, that the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.