

STAFF REPORT

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CONSIDER SPONSORING STATE LEGISLATION IN THE SECOND HALF OF THE 2017-18 LEGISLATIVE SESSION TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO PUBLIC RESOURCES CODE SECTIONS 6216.1, 6107, 6201, 6477, 6914, 7730, 8618, 8622, AND 71200 THROUGH 71271

SUMMARY:

This legislative proposal would make clarifying and technical changes to several Public Resource Code statutes that pertain to the Commission's jurisdiction and authority.

BACKGROUND AND DISCUSSION:

The primary location of the Commission's statutory authority is in Divisions 6, 7, 7.5, 7.7, 7.8 and 36 of the Public Resources Code. Staff believes it would be beneficial to update many of these statutes. The proposed amendments, attached as Exhibit A, would revise several statutes to use gender neutral language, revise references to state entities, clarify the process for submitting reports to the Legislature, and make other technical and clarifying changes.

EXHIBIT:

A. Proposed Amendments

STAFF RECOMMENDATION:

Staff recommends that the Commission sponsor legislation in the second half of the 2017-2018 legislative session to make technical and clarifying amendments to Public Resources Code sections 6216.1, 6107, 6201, 6477, 6914, 7730, 8618, 8622, 71204, 71204.9, 71205.3, 71210, 71211, 71212, and 71213.

RECOMMENDED ACTION:

It is recommended that the Commission:

Sponsor legislation in the second half of the 2017-2018 legislative session to make technical and clarifying amendments to Public Resources Code sections 6216.1, 6107, 6201, 6477, 6914, 7730, 8618, 8622, and 71200 through 71204, 71204.9, 71205.3, 71210, 71211, 71212, and 71213.

EXHIBIT A
Proposed Amendments

Amendment one

Public Resources Code section 6107. Agreements for compromise or settlement of claims

Whenever the commission, pursuant to authority granted to it by law, enters into any agreement for the compromise or settlement of ***title or boundary*** claims, the agreement shall be submitted to the Governor, and if approved by him ***or her*** shall thereupon, but not before, be binding upon the State and the other party thereto.

Amendment two

Public Resources Code section 6201. Classification of lands; Duties

The commission may from time-to-time classify any or all state land for its different possible uses, and, when it is deemed advisable, may require the Department of Parks and Recreation, the Department of Conservation, the Director of Agriculture ***California Department of Food and Agriculture***, or any other officer, organization, agency or institution of the state government to make such classification. It is the duty of any such officer, organization, agency, or institution to make such classification and to submit a report ~~thereon~~ upon the application of the commission.

Amendment three

Public Resources Code section 6216.1. Removal of ***artificial manmade*** structures or obstructions

The Commission may remove or cause to be removed any ***artificial manmade*** structures or obstructions from ungranted lands under its jurisdiction if the commission determines that such removal is appropriate and the Attorney General advises that there is no legal recourse to compel other responsible parties to effect such removal.

Amendment four

Public Resources Code section 6477. Reports required by commission

The State Lands Commission shall report quarterly to the Teachers' Retirement Board and annually, ***in compliance with section 9795 of the Government Code***, to the Legislature and the Governor on the following:

(a) The management of school and lieu lands.

(b) Waivers, suspensions, reductions, alterations, or amendments made by the commission pursuant to Section 6916, together with the reasons therefor.

(c) The commission shall file a report with the Legislature annually on all waivers, suspensions, reductions, alterations, or amendments made by the commission pursuant to this section, together with the reasons therefor.

Amendment five

Public Resources Code section 6914. Quitclaim or relinquishment of rights under permit or lease

The holder of any geothermal resources permit or lease may quitclaim or relinquish his or her rights under such permit or lease pursuant to the provisions of Section 6804.1 of this code.

Amendment six

Public Resources Code section 7730. Payments, Certificates of Purchase, and Patents

The patent or deed shall then be signed by the Governor, attested by the Secretary of State, sealed with the Great Seal of the State, and countersigned by the commission.

Amendment seven

Public Resources Code section 8618. Land Bank Fund

On or before January 2 of each year, the trustee shall prepare and submit to the Governor and the Legislature a report, **in compliance with section 9795 of the Government Code,** describing its progress in achieving the objectives of this division, including the status of property acquisitions and an accounting of the moneys in the fund.

Amendment eight

Public Resources Code section 8622. Kapiloff Land Bank Act

As soon as practicable after initiating a title and parcel acceptability study for possible acquisition pursuant to this division, the trustee shall mail a "Notice of Potential Land Bank Acquisition" to the Department of Fish and ~~Wildlife Game~~, the San Francisco Bay Conservation and Development Commission, the Coastal Conservancy, the district office of the United States Army Corps of Engineers for the district in which the real property is located, other persons, entities, or public agencies who have previously requested to be placed on the mailing list for the notices, and any others deemed appropriate by the trustee. The notice shall contain a "Plat of Potential Land Bank Parcel," showing the approximate location, character, and size of the parcel.

Amendment nine

Public Resources Code section 71204. Duties of person in charge of vessel; Minimizing uptake and discharge of ballast water and release of nonindigenous species; Cleaning; Sampling; Maintenance and inspection of ballast water management plan; Training

(d) Clean the ballast tanks regularly in mid-ocean waters, or under controlled arrangements in port or in drydock, to remove ~~fouling~~ **biofouling** organisms and sediments, and dispose of those organisms and sediments in accordance with local, state, and federal law.

Amendment ten

Public Resources Code section 71204.9. Ballast Water Management Requirements

(b)(1) The commission shall convene and consult with an advisory panel in developing the report required by subdivision (a). The advisory panel shall be comprised of persons concerned with performance standards for the discharge of treated ballast water. The advisory panel shall include, but not be limited to, representatives from one or more California regional water quality control boards, the Department of Fish and ~~Game~~ **Wildlife**, the United States Coast Guard, the United States Environmental Protection Agency, and persons representing shipping, port, conservation, fishing, aquaculture, agriculture, and public water agency interests. The commission shall ensure that the advisory panel meets in a manner that facilitates the effective participation of both the public and panel members.

Amendment eleven

Public Resources Code section 71205.3(b) (1). Ballast Water Management Requirements

Not less than 18 months prior to January 1, 2020, and January 1, 2030, the commission, in consultation with the ~~board~~ **State Water Resources Control Board**, the United States Coast Guard, and the advisory panel described in subdivision (b) of Section 71204.9, shall prepare, or update, and submit to the Legislature a review of the efficacy, availability, and environmental impacts, including the effect on water quality, of currently available technologies for ballast water treatment systems. If technologies to meet the performance standards are determined in a review to be unavailable, the commission shall include in that review an assessment of why the technologies are unavailable. **The report shall be submitted consistent with the requirements of Government Code section 9795.**

Amendment twelve

Public Resources code section 71210(a). Ballast Water Management Requirements

The commission, in consultation with the board, the United States Coast Guard, and a technical advisory group made up of interested persons, including, but not limited to, shipping and port representatives, shall sponsor pilot programs for the purpose of evaluating alternatives for treating and otherwise managing ballast water **and biofouling**. The goal of this effort shall be the reduction or elimination of the discharge of nonindigenous species into the coastal waters of the state or into waters that may

impact coastal waters of the state. Whenever possible, the pilot programs shall include funding from federal grants and appropriations, vendor funding, and state bond funds, including, but not limited to, bond funds from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. Priority shall be given to projects to test and evaluate treatment technologies that can be used to prevent the introduction and spread of nonindigenous aquatic species into coastal waters of the state by ship-mediated vectors.

Amendment thirteen

Public Resources Code section 71211(a) (1) and 71211 (2). Research and Program Evaluation

The Department of Fish and ~~Game~~ ***Wildlife***, in consultation with the commission and the United States Coast Guard, shall collect data necessary to establish and maintain an inventory of the location and geographic range of nonindigenous species populations in the coastal and estuarine waters of the state that includes open coastal waters and bays and estuaries. In particular, data shall be collected that does both of the following:

Whenever possible, the study shall ~~utilize~~ ***use*** appropriate, existing data, including data from previous studies made pursuant to this section. The Department of Fish and ~~Game~~ ***Wildlife*** shall make the inventory and accompanying analysis available to the public through the Internet on or before January 1, 2007, and annually shall provide to the public an update of that inventory.

(b) (1) The Department of Fish and ~~Game~~ ***Wildlife***, in consultation with the commission and the United States Coast Guard, shall assess the effectiveness of the ballast water controls implemented pursuant to this division by comparing the status and establishment of nonindigenous species populations, as determined from the data collected pursuant to subdivision (a), with the baseline data collected pursuant to this division and submitted in a report to the Legislature in 2003.

Amendment fourteen

Public Resources Code section 71212. Research and Program Evaluation

On or before January 31, 2005, and updated biennially, the commission, in consultation with the board, the Department of Fish and ~~Game~~ ***Wildlife***, and the United States Coast Guard, shall submit to the Legislature, and make available to the public, a report that includes, but is not limited to, all of the following:

71213 The commission, the board, and the Department of Fish and ~~Game~~ ***Wildlife***, in consultation with interested stakeholders, shall identify and conduct any other research determined necessary to carry out the requirements of this division. The research may relate to the transport and release of nonindigenous species by vessels, the methods of sampling and monitoring of the nonindigenous species transported or released by vessels, the rate or risk of release or establishment of nonindigenous species in the waters of the state and resulting impacts, and the means by which to reduce or eliminate a release or establishment. The research shall focus on assessing or developing methodologies for

treating or otherwise managing ballast water **and biofouling** to reduce or eliminate the discharge or establishment of nonindigenous species.