

AMENDED IN ASSEMBLY APRIL 30, 2019

AMENDED IN ASSEMBLY APRIL 22, 2019

AMENDED IN ASSEMBLY APRIL 1, 2019

AMENDED IN ASSEMBLY MARCH 14, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 552

Introduced by Assembly Member Mark Stone

February 13, 2019

An act to amend Section 6217 of, and to add Division 20.8 (commencing with Section 30990) to, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 552, as amended, Mark Stone. Coastal resources: Coastal Adaptation, Access, and Resilience Program.

(1) Existing law vests with the State Lands Commission jurisdiction over specified public lands in the state, including tidelands and submerged lands. The California Coastal Act of 1976 also establishes the California Coastal Commission and requires the commission to regulate development in the coastal zone, as defined. Existing law creates the Integrated Climate Adaptation and Resiliency Program to be administered by the Office of Planning and Research, and requires the Director of State Planning and Research, no later than January 1, 2017, to establish the program to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as specified.

This bill would establish the Coastal Adaptation, Access, and Resilience Program for the purpose of funding specified activities intended to help the state prepare, plan, and implement actions to address and adapt to sea level rise and coastal climate change. The bill would create the Coastal Adaptation, Access, and Resilience Fund in the State Treasury, and would authorize the California Coastal Commission and specified state agencies to expend moneys in the fund, upon appropriation in the annual Budget Act, to take actions, based upon the best scientific information, that are designed to address and adapt to sea level rise and coastal climate change, as prescribed. The bill would require the Natural Resources Agency to annually make available information regarding any activity funded under the program on a publicly accessible internet website. The bill would also require the Director of State Planning and Research to consider the program in its administration of the Integrated Climate Adaptation and Resiliency Program.

(2) Existing law requires the State Lands Commission, with specified exceptions, to deposit all revenue, money, and remittances received by the commission from certain state lands in the General Fund, and requires that sufficient moneys from those deposits be made available each fiscal year for payments for expenditures of the commission, specified payments to cities and counties pursuant to agreements covering transferred lands, mineral rights, and oil and gas well removal and remediation, as prescribed.

This bill would require, for the 2020–21 fiscal year and for each fiscal year thereafter, an amount not less than 30% of those ~~moneys funds~~ received by the commission and required to be deposited into the General Fund by the commission pursuant to those provisions, except as provided, be transferred to the Coastal Adaptation, Access, and Resilience Fund and made available, upon appropriation in the annual Budget Act, for expenditure for purposes of the Coastal Adaptation, Access, and Resilience Program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6217 of the Public Resources Code is
2 amended to read:

6217. With the exception of revenue derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, and 6855, and Sections 8551 to 8558, inclusive, and Section 6404 (insofar as the proceeds are from property that has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit all revenue, money, and remittances received by the commission under this division, and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, in the General Fund. Out of those ~~moneys~~ *funds* deposited in the General Fund, sufficient moneys shall be made available each fiscal year for the following purposes:

(a) Payment of refunds, authorized by the commission, out of appropriations made for that purpose.

(b) Payment of expenditures of the commission as provided in the annual Budget Act.

(c) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, out of appropriations made for that purpose.

(d) Payments to cities and counties of the amounts agreed to pursuant to Section 6875, out of appropriations made for that purpose.

(e) (1) For the 2018–19 fiscal year, the sum of two million dollars (\$2,000,000) shall be transferred to the Land Bank Fund and, notwithstanding Section 8610, shall be available, upon appropriation in the annual Budget Act, for the purpose of implementing the commission’s coastal hazard and legacy oil and gas well removal and remediation program provided in Section 6212.

(2) For each fiscal year from the 2019–20 fiscal year to the 2027–28 fiscal year, inclusive, an amount sufficient to bring the unencumbered balance of the Land Bank Fund available for the purpose of implementing the commission’s coastal hazard and legacy oil and gas well removal and remediation program provided in Section 6212 to two million dollars (\$2,000,000) shall be transferred to the Land Bank Fund and, notwithstanding Section 8610, shall be available, upon appropriation in the annual Budget Act, for the purpose of implementing the commission’s coastal hazard and legacy oil and gas well removal and remediation program provided in Section 6212.

(f) For the 2020–21 fiscal year and for each fiscal year thereafter, an amount not less than 30 percent of the ~~moneys~~ *funds* received by the commission and required to be deposited in the General Fund pursuant to this section, except for moneys transferred to the Land Bank Fund pursuant to subdivision (e), shall be transferred to the Coastal Adaptation, Access, and Resilience Fund, created pursuant to Section 30992, and made available, upon appropriation in the annual Budget Act, for expenditure for the purposes of Division 20.8 (commencing with Section 30990).

SEC. 2. Division 20.8 (commencing with Section 30990) is added to the Public Resources Code, to read:

**DIVISION 20.8. COASTAL ADAPTATION, ACCESS, AND
RESILIENCE PROGRAM**

30990. The Legislature finds and declares all of the following:

(a) The coast of California is a vital and invaluable natural resource of statewide importance belonging to all the people, and its preservation and accessibility by current and future generations is of paramount concern to the residents of this state and nation.

(b) Burning nonrenewable fossil fuels that are extracted from California's public lands and state tidelands contributes to global climate change and sea level rise, which threatens the state's coastal natural resources, human, plant, and animal communities, public infrastructure, coastal tourism and recreational opportunities, and the state's \$50 billion coastal economy.

(c) Royalty revenue generated from leases authorizing the extraction of nonrenewable resources on the state's trust lands should be prioritized for planning, minimizing, and mitigating the environmental impacts of those activities, including, but not limited to, sea level rise and its impact on the accessibility of the coastline by all Californians.

(d) Recent and ongoing studies and reports developed by the state, universities, and other science-driven analyses illustrate that California's coastal communities are not prepared for the coming "new normal" of rising sea levels and that enhanced coastal planning and management of coastal resources and development continue to be of preeminent concern to the state.

(e) The current rate of global sea level rise calls for an urgent, coordinated, statewide initiative to actively plan for adaptation

1 and mitigation strategies to address the inevitable economic and
2 environmental impacts of sea level rise in this state.

3 (f) Protection of coastal resources from sea level rise impacts
4 can provide additional valuable public benefits, including, but not
5 limited to, flood protection; improved water quality; habitat for
6 fish, shellfish, and wildlife; recreational opportunities; enhanced
7 quality of life; and increased property values.

8 (g) Maintaining a strong state coastal management program,
9 including comprehensive updates of existing planning documents,
10 is the most efficient, cost-effective, and practical method for
11 ensuring that statewide coastal management and climate change
12 policies are locally implemented and that unplanned and costly ad
13 hoc responses that risk more significant environmental and social
14 harm are avoided.

15 (h) In order for the state to maintain its strong coastal
16 management program and to plan and prepare comprehensively
17 for sea level rise in the face of a rapidly changing climate, it is
18 appropriate to allocate revenues from nonrenewable resource
19 royalties to purposes related to coastal resource protection and
20 management, including forward-thinking sea level rise and climate
21 change planning.

22 30991. The Coastal Adaptation, Access, and Resilience
23 Program is hereby established to fund activities intended to help
24 the state prepare, plan, and implement actions intended to address
25 and adapt to sea level rise and coastal climate change.

26 30992. (a) The Coastal Adaptation, Access, and Resilience
27 ~~Fund, hereafter referred to as the fund,~~ *Fund* is hereby created in
28 the State Treasury. Moneys in the fund may be expended by the
29 California Coastal Commission, the Natural Resources Agency,
30 the Ocean Protection Council, the Department of Parks and
31 Recreation, *the State Lands Commission*, and the State Coastal
32 Conservancy, upon appropriation in the annual Budget Act, to take
33 actions, based upon the best scientific information, that are
34 designed to address and adapt to sea level rise and coastal climate
35 change, consistent with the guidelines and recommendations
36 contained in both of the following:

37 (1) The Fourth Climate Change Assessment released in
38 September 2018 and prepared by the Office of Planning and
39 Research, the State Energy Resources Conservation and

1 Development Commission, and the Natural Resources Agency, or
2 the most recent update to the assessment.

3 (2) The “Safeguarding State Plan: 2018 Update” released in
4 January 2018 and prepared by the Natural Resources Agency, or
5 the most recent update to the plan.

6 (b) The Natural Resources Agency shall ensure that moneys
7 expended from the ~~fund~~ *Coastal Adaptation, Access, and Resilience*
8 *Fund* are consistent with statewide or regional reports and studies
9 that rely upon the best available scientific information, including
10 approaches that prioritize natural infrastructure in accordance with
11 the objectives set forth in Section 71154.

12 (c) The Natural Resources Agency shall, on a publicly accessible
13 internet website, annually make available information regarding
14 any activity funded pursuant to this division. The information shall
15 include, at a minimum, all of the following information:

16 (1) The name of the agency, or agencies, to which funding was
17 allocated.

18 (2) A list of each activity funded with moneys from the ~~fund~~,
19 *Coastal Adaptation, Access, and Resilience Fund*, including a
20 description of the purpose of each activity funded and its
21 relationship to relevant statewide reports or studies.

22 (3) The amount allocated for the activity.

23 (4) An anticipated timeline and total cost for completion of the
24 activity.

25 (d) All activities funded pursuant to this division shall be
26 consistent with, and incorporate, the environmental justice goals
27 set forth in Section 71110 of this code and Section 65040.12 of
28 the Government Code.

29 (e) In order to ensure that all communities and regions are able
30 to benefit from moneys made available for the purposes described
31 in this division, moneys may be utilized to provide technical
32 assistance and cover necessary and eligible planning costs.

33 (f) The Natural Resources Agency may, as necessary, coordinate
34 with the California Coastal Commission, the Ocean Protection
35 Council, the Department of Parks and Recreation, *the State Lands*
36 *Commission*, and the State Coastal Conservancy to compile data
37 on the outcomes and accomplishments of any activity funded
38 pursuant to this division and provide that data and information to
39 the relevant legislative committees.

1 (g) Pursuant to Section 71354, the Director of State Planning
2 and Research shall consider the Coastal Adaptation, Access, and
3 Resilience Program in its administration of the Integrated Climate
4 Adaptation and Resiliency Program (Part 4.5 (commencing with
5 Section 71350) of Division 34).

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