

ASSEMBLY THIRD READING

AB 2160 (Bennett)

As Amended May 5, 2022

Majority vote

SUMMARY

Amends the California Coastal Act to authorize a city or county, at the request of an applicant for a coastal development permit, to waive or reduce the permit fee for specified projects.

Major Provisions

- 1) Authorize, at the request of an applicant for a coastal development permit, a city or county to waive or reduce a coastal development permit fee for a public access project or habitat restoration project.
- 2) Authorize, if a city or county rejects a fee waiver or fee reduction request, the applicant to submit the coastal development permit application directly to the California Coastal Commission (Commission).
- 3) Clarify nothing in this bill shall be construed to impact, address, or change a local coastal plan or program.

COMMENTS

Commission fee authority. Commission regulations allow for coastal development permit applicants to request the reduction or waiver of application filing fees.

Taking one step farther. At the request of an applicant for a coastal development permit, this bill would authorize a city or county to waive or reduce a coastal development permit fee for a public access project or habitat restoration project.

If AB 2160 should be enacted, and a city or county declines to waive or reduce an applicant's permit fee for a project covered by the bill when reviewing the permit application, the Commission would maintain its standard of review and defer to all of the requirements of that local government's LCP.

Eligible projects. Habitat restoration and public access projects that would be covered under this bill are consistent with those that would further some of the state's goals.

Governor Newsom's Nature Based Solutions Executive Order N-82-20 elevates the role of natural and working lands in the fight against climate change and advancing biodiversity conservation as an administration priority. As part of this Executive Order, California is committed to the goal of conserving 30% of state lands and coastal waters by 2030. The draft report, *Pathways to 30x30 California*, states:

Access to nature is critical to human health and well-being. Working to achieve 30x30 provides an opportunity to expand outdoor access and recreation for all Californians. Fostering human connections to nature can increase community support for its protection and ensure all Californians have access to its benefits.

The public access (and habitat restoration) projects have a direct nexus to the state's goals; reducing costs for them creates an incentive to permit more of those projects.

According to the Author

Nonprofits perform a wide assortment of habitat restoration and public access work in communities across California. However, high Coastal Development Permitting fees can present a financial barrier to performing meaningful work in a community. This bill eases financial hurdles to allow for restoration and public access projects to be completed by non-profits working for the public's interests as determined by the Coastal Commission.

Arguments in Support

The California Coastal Protection Network, Surfrider Foundation, among other signatories, state, "Maximizing public access and restoring sensitive coastal habitats are two central principles of the Coastal Act and priorities of our organizations. Many of our organizations are frequently involved in on-the-ground easement or restoration projects that are burdened by high fees, local opposition, and disinterested bureaucracies. These projects would directly benefit from a more streamlined permitting process and help local governments address unnecessary financial and capacity burdens. With this bill, applicants are able to apply directly to the Coastal Commission for a permit if a local government denies a request. The Commission's permit fees are typically lower than local governments' and the Commission already has the obligation to give close consideration to fee waiver requests from NGOs. This approach would also streamline the process for those projects that may otherwise be appealed to the Commission anyway."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, enactment of this bill would result in minor and absorbable costs to the Commission.

VOTES

ASM NATURAL RESOURCES: 7-3-0

YES: Luz Rivas, Friedman, Cristina Garcia, McCarty, Muratsuchi, Stone, Wood

NO: Flora, Mathis, Seyarto

ASM APPROPRIATIONS: 11-4-1

YES: Holden, Bryan, Calderon, Mike Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

NO: Bigelow, Megan Dahle, Davies, Fong

ABS, ABST OR NV: Carrillo

UPDATED

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