

Date of Hearing: April 14, 2021

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Luz Rivas, Chair

AB 826 (Bennett) – As Introduced February 16, 2021

**SUBJECT:** Beach erosion: South Central California Coast: Point Conception to Point Mugu

**SUMMARY:** Establishes, upon appropriation by the Legislature, the Beach Erosion Authority for Clean Oceans and Nourishment Program (Program), within the State Coastal Conservancy (SCC), to address the resource and recreational goals of the south central coast area.

**EXISTING LAW:**

- 1) Establishes the SCC in the Natural Resources Agency (NRA).
- 2) Specifies that SCC consists of the following members: the chairperson of the SCC, the Secretary of the NRA, the Director of Finance, and four members of the public, two appointed by the Governor, one appointed by the Speaker of the Assembly, and one appointed by the Senate Committee on Rules.
- 3) Authorizes the SCC to apply for and accept federal grants and receive gifts, donations, subventions, rents, royalties, and other financial support from public and private sources.
- 4) Specifies that the SCC shall serve as the repository for lands whose reservation is required to meet the policies and objectives of the California Coastal Act of 1976.
- 5) Authorizes the SCC to acquire property or interests pursuant to its mission.
- 6) Authorizes the SCC to address the impacts and potential impacts of climate change on resources within its jurisdiction, including projects that reduce greenhouse gases, address extreme weather events including sea level rise, storm surge, beach and bluff erosion, salt water intrusion, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources.
- 7) Authorizes the SCC to award grants to nonprofits and public agencies.
- 8) Establishes San Francisco Bay Area Conservancy Program, within the SCC, to address the resource and recreational goals of the San Francisco Bay area in a coordinated, comprehensive, and effective way.
- 9) Establishes the Santa Ana River Conservancy Program to be administered, within the SCC, to address the resource and recreational goals of the Santa Ana River region.
- 10) Requires the SCC to develop and implement a Lower Cost Coastal Accommodations Program to improve the availability of lower cost accommodations along the coast.

**THIS BILL:**

- 1) Declares it is the obligation of the Legislature to encourage local governments to form bonds to counter sea level rise, beach erosion, and to preserve marine life.

- 2) Establishes the Program, within the SCC, to address the resource and recreational goals of the south central coast area.
- 3) Defines the “area” in the Program to mean those lands that are located within the Central California Coast from Point Conception to Point Mugu.
- 4) Authorizes the SCC to undertake projects and award grants and loans to public agencies and nonprofit organizations to help achieve all of the following goals of the Program:
  - a) Recreational opportunities, open space, trails, wildfire habitat and species restoration, enhancement, and protection, protection and maintenance of the quality of the waters in the South Central Coast for all beneficial uses, related educational use, and natural floodwater conveyance; and,
  - b) Public access to, enjoyment of, and enhancement of recreational and educational experience on program lands in a manner consistent with the protection of land and natural resources and economic resources in the area.
- 5) Requires the SCC to do all of the following when implementing the Program:
  - a) Create an advisory group to offer advice, expertise, support, or service to the SCC, without compensation. Authorizes the group to comprise of members of the environmental community, local government, local agencies, and public and private representatives;
  - b) Prepare a coastal erosion and sea level rise plan, as specified;
  - c) Give priority to sea level rise and coastal erosion related projects that create expanded opportunities for recreation, greening, aesthetic improvement, and wildfire habitat along the coast and in parts of the shoreline; and,
  - d) Implement the Program in conformance with all related general and specific plans and zoning regulations of local agencies within the south central coast area.
- 6) Authorize the SCC to do all of the following when implementing the Program:
  - a) Acquire interests and options in real property and make acquisition grants for these purposes according to specified noticing requirements;
  - b) Exercise a right of first refusal for surplus property located within the south central coast area;
  - c) Lease, rent, sell, exchange, or transfer interests in real property;
  - d) Undertake or fund projects to implement site improvements, upgrade deteriorating facilities or construct new facilities for outdoor recreation, public access, nature appreciation and interpretation; historic and cultural preservation; or protection, restoration, or enhancement of natural resources and habitat;
  - e) Provide for the management of Program lands;

- f) Fix or collect fees for the use of any land owned or controlled, or for any service provided, by the SCC;
  - g) Accept grants, gifts, donations of money and property, subventions, rents, royalties and other assistance from public and private sources;
  - h) Recruit and coordinate volunteers and experts to conduct interpretive and recreational programs, and assist with construction projects and the maintenance of facilities;
  - i) Enter into contracts and joint powers agreements; and,
  - j) Sue and be sued.
- 7) Prohibits the SCC from doing any of the following:
- a) Exercise the power of eminent domain in implementing the Program;
  - b) Manage, regulate, or control the use of any land owned or leased by another public agency, except as provided pursuant to a written agreement with that public agency;
  - c) Levy a tax;
  - d) Take an action that interferes with, conflicts with, impedes, adversely impacts, or prevents the planning and implementation of transportation projects and programs contained in the regional transportation plan, approved and maintained, from time to time, by the Southern California Association of Governments; and,
  - e) Act to affect any water right or water-resource facility, including any publicly owned water treatment works, in the south central coast area.
- 8) Requires the SCC, to the extent feasible, utilize the services of the California Conservation Corps and Community Conservation Corps.
- 9) Creates the Beach Erosion Authority for Clean Oceans and Nourishment Account (Account) in the SCC Fund. Moneys in the account shall be available, upon appropriation, for purposes of implementing the Program. Requires any fee revenue collect by SCC for the Program to be deposited into the Account.
- 10) Requires the SCC to include information about the Program in its report to the Governor and Legislature.
- 11) Makes implementation of this bill contingent upon an appropriation by the Legislature.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **Author's statement:**

Through its close coordination with its member agencies and departments, the Beach Erosion Authority for Clean Oceans and Nourishment JPA (BEACON) has

repeatedly shown itself to be a vital resource, and model agency, in the South Central Coast. Established in 1986, the joint powers agency (Counties of Santa Barbara and Ventura as well as the coastal cities of Santa Barbara, Goleta, Carpinteria, Ventura, Oxnard and Port Hueneme) was formed to address coastal erosion, beach nourishment and clean oceans within the Central California Coast from Point Conception to Point Mugu. Since its conception, it has conducted sea level rise, coastal erosion, mitigation, and restoration plans for the last 30 years. Most recently, BEACON shared its Ventura County Sea Level Rise Adaption plan with the Board of Supervisors to better support Ventura County residence living along the coast line. In October 2020, BEACON announced its latest project to design and engineering of a beach access stairway at Mondo's Cove beach, adjacent to the community of Faria Beach. By becoming a program within Conservancy, BEACON would have better access to grants, better communication and coordination with the conservancy, and would receive additional assistance at both the state and local level.

- 2) **SCC.** The SCC is a state agency, established in 1976, to protect and improve natural lands and waterways, to help people get to and enjoy the outdoors, and to sustain local economies along California's coast. It is a non-regulatory agency that supports projects to protect coastal resources and increase opportunities for the public to enjoy the coast. SCC implements statewide resource plans through its projects, including the California Water Action Plan, the Wildlife Action Plan, and many others. SCC works along the entire length of California's coast and within the watersheds of rivers and streams that extend inland from the coast. SCC also works throughout the nine-county San Francisco Bay Area and the entire Santa Ana River watershed.
- 3) **This bill.** Extreme storm and weather events are changing the coast of California, which sea level rise is exacerbating, causing increased flooding and inundation, coastal erosion, changes in sediment supply and movement, and saltwater intrusion to water supplies. The degree of impact and rate of change sea level rise has on coastal communities and ecosystems varies widely along the state's 1,200-mile coastline. Santa Barbara and Ventura Counties are already experiencing impacts, which will continue to grow. The sea level along the state's coastline is currently predicted to rise by as much as one-half foot by 2030 and up to 7 feet by 2100. The area the Program would cover would be from Point Conception to Point Mugu, which covers large portions of Santa Barbara and Ventura Counties.

This bill intends to create a program within the SCC to address resource and recreational goals of the south central coast including through projects that increase recreational opportunities, protect public access, and address sea level rise. The Program would have the same name as the existing joint powers authority (JPA) that does identical work.

The SCC is already active in the area this Program would cover. Over the last 10 years the SCC has provided over \$14 million for projects in the proposed Program area including to members of the BEACON JPA. In the past, the Legislature has created programs within the SCC in the San Francisco Bay Area and Santa Ana River watershed. However, both programs expand SCC jurisdiction inland. This bill does not specify how far inland the Program would go. SCC also operates a Climate Ready program grant program, which has awarded over \$12 million for 62 projects to adapt to the impacts of climate change. Awards

for the Climate Ready program have included members of the BEACON JPA. It is important that this bill be compatible with, and supportive of, the Climate Ready Program.

4) **Amendments.** The author and committee *may wish to consider* the following amendments:

- a) Clarify the definition of the “area” of the program;
- b) Add addressing sea level rise as one of the goals of the Program;
- c) Specify the Program may carry out projects within the area of the Program;
- d) Clarify what the sea level rise plan should include;
- e) Require the Program’s actions to address sea level rise be consistent with the SCC’s Climate Ready Program and prioritize natural infrastructure; and,
- f) Make other clarifying and technical changes.

5) **Related/prior legislation.**

SB 1 (Atkins) establishes the California Sea Level Rise State and Regional Support Collaborative within the Ocean Protection Council (OPC) to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone and the area under the jurisdiction of the San Francisco Bay Conservation and Development Commission. This bill is awaiting hearing in the Senate Environmental Quality Committee.

SB 45 (Portantino) would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, subject to approval by the voters in the November 8, 2022 general election, would authorize the issuance of \$5.51 billion in general obligation bonds to finance projects for wildfire prevention, safe drinking water, sea level rise, drought preparation, and flood protection. This bill is awaiting hearing in the Senate Governance and Finance Committee.

AB 1500 (E Garcia) would, subject to approval by the voters in the November 8, 2022 general election, authorize a \$6.7 billion general obligation bond to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, sea level rise, and workforce development programs. This bill passed out of the Assembly Water, Parks, and Wildlife Committee on a 9-0 vote.

AB 67 (Petrie-Norris) would require a state agency to take into account the current and future impacts of sea level rise when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds for those purposes. The bill would require the OPC to establish a multiagency working group, consisting of specified individuals, on sea level rise to provide recommended policies, resolutions, projects, and other actions to address sea level rise, the breadth of its impact, and the severity of its anticipated harm. This bill is also scheduled to be heard in this committee on April 14.

SB 576 (Umberg), Chapter 374, Statutes of 2019, establishes the Climate Ready Program to be administered by the SCC. This bill requires the OPC to develop and implement a coastal climate change adaptation, infrastructure, and readiness program to recommend best practices and strategies to improve the climate change resiliency of the state's coastal communities, infrastructure, and habitat.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Ventura County

**Opposition**

None on file

**Analysis Prepared by:** Michael Jarred / NAT. RES. /