

ASSEMBLY THIRD READING
AB 826 (Bennett)
As Amended April 19, 2021
Majority vote

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.

Major Provisions

- 1) Establishes the Program, within the SCC, to address the resource and recreational goals of the south central coast area.
- 2) 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) Increase recreational opportunities, open space, trails, wildfire habitat and species restoration, enhancement, and protection, adaptation to sea level rise, 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) Provide 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 south central coast area.
- 3) 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 use natural infrastructure or 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.
 - e) Further the purposes of the Climate Ready Program
- 4) 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.
- 5) 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.
- 6) Requires the SCC, to the extent feasible, utilize the services of the California Conservation Corps and Community Conservation Corps.
- 7) 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.

COMMENTS

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 Muju, 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.

According to the Author

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.

Arguments in Support

The County of Venture, in support of this bill, writes AB 826 is an important measure for the communities along the South Central Coast. BEACON has executed projects that have become a national model for other jurisdictions. By establishing BEACON as a program under the Coastal Conservancy, the member agencies – and the communities that benefit greatly from coastal planning and restoration projects – will be able to amplify their efforts in the years ahead.

Arguments in Opposition

None received

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Cost pressures of tens of millions of dollars to fund the elements of this bill. (General Fund (GF), bond or special fund).
- 2) If the Authority is funded, increases in administrative costs are expected to oversee grant programs and perform the direct duties of the SCC (GF, bond, or special fund).

VOTES**ASM NATURAL RESOURCES: 9-2-0**

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

NO: Mathis, Seyarto

ASM APPROPRIATIONS: 13-3-0

YES: Lorena Gonzalez, Calderon, Carrillo, Chau, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

NO: Bigelow, Megan Dahle, Davies

UPDATED

VERSION: April 19, 2021

CONSULTANT: Michael Jarred / NAT. RES. / (916) 319-2092

FN: 0000499