
THIRD READING

Bill No: AB 399
Author: Boerner (D), et al.
Amended: 8/29/25 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 5-2, 6/24/25
AYES: Limón, Allen, Hurtado, Laird, Stern
NOES: Seyarto, Grove

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 54-18, 6/2/25 - See last page for vote

SUBJECT: Coastal resources: coastal development permits: blue carbon demonstration projects

SOURCE: WILDCOAST

DIGEST: This bill, upon appropriation, authorizes the California Coastal Commission to authorize blue carbon demonstration projects, as provided.

ANALYSIS:

Existing law:

- 1) Pursuant to the California Coastal Act of 1976 (Coastal Act) (Public Resources Code (PRC) §§30000 *et seq.*):
 - a) Establishes the California Coastal Commission (commission) in the California Natural Resources Agency.
 - b) Includes legislative findings and declarations that the basic goals of the state for the coastal zone include to protect, maintain, and, where feasible,

enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources, among other goals. (PRC §30001.5)

- c) Provides for the planning and regulation of development within the coastal zone, as defined.
 - i) A person planning to perform or undertake any development in the coastal zone is required to obtain a coastal development permit (CDP) from the commission or local government enforcing a certified local coastal program (LCP). (PRC §30600)
 - ii) Development means, among other things, the placement or erection of any solid material or structure on land or in water. Structure means building, road, pipe, flume, conduit, and electrical power transmission and distribution lines, among other things. (PRC §30106)
 - iii) The coastal zone means the coastal land and waters of California, and includes the lands that extend inland generally 1,000 yards from the mean high tide line, as specified, with various exceptions including the San Francisco Bay. (PRC §30103)
 - d) Provides that enactment of the Coastal Act does not increase, decrease, duplicate, or supersede the authority of any existing state agency, as specified. Requires that the commission not set standards or adopt regulations that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization, as provided. (PRC §30401)
- 2) States that it is the policy of the state that the protection and management of natural and working lands is an important strategy in meeting the state's GHG emissions reduction goals, and that the protection and management of those lands can result in the removal of carbon from the atmosphere and the sequestration of carbon in, above, and below the ground. (PRC §9001.5)
 - 3) Provides that the California Natural Resources Agency shall explore and may implement options to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects that use natural infrastructure where these projects are defined to include tidal marshes and sea grass, among other things. (PRC §71160)
 - 4) Directs the Ocean Protection Council to establish the Ocean Acidification and Hypoxia Reduction program whose goals include incorporating consideration

of carbon dioxide removal for eelgrass restoration projects, as provided. (PRC §35632)

This bill:

- 1) Authorizes the commission to authorize blue carbon demonstration projects in order to demonstrate and quantify the carbon sequestration potential of these projects, as specified.
- 2) Authorizes the commission to require an applicant with a nonresidential project that impacts coastal wetlands, subtidal, intertidal, or marine habitats or ecosystems to build or contribute to a blue carbon demonstration project as mitigation for those impacts.
- 3) Requires the commission to consult with the State Air Resources Board and other public entities in developing the blue carbon demonstration project program.
- 4) Requires each blue carbon demonstration project to be designed, monitored, and have sufficient data collection in order to demonstrate carbon uptake and sequestration, as provided.
- 5) Requires the results of monitoring to be presented to the commission at a public hearing.
- 6) Defines relevant terms, and makes several relevant legislative findings and declarations.
- 7) Provides that 1) – 6), inclusive, become operative only upon appropriation by the Legislature, as specified.

[NOTE: See the Senate Natural Resources and Water Committee analysis for additional information regarding this bill.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- The Coastal Commission estimates ongoing costs of approximately \$240,000 annually (General Fund, Greenhouse Gas Reduction Fund, or other special fund) for one position to conduct the additional level of project coordination, review, analysis and ongoing mitigation monitoring required by this bill. The Commission notes that its workload would be expected to increase over time as

increased funding for more resilience/adaptation/nature-based solutions would generate additional project proposals and ongoing, long-term monitoring.

SUPPORT: (Verified 8/29/25)

WILDCOAST (Source)
350 Bay Area Action
AltaSea
California Environmental Voters
CleanEarth4Kids.org
Port of San Diego
Sierra Club California
The Climate Center
The Nature Conservancy

OPPOSITION: (Verified 8/29/25)

Orange County Business Council

ARGUMENTS IN SUPPORT: According to the author, “Several recent studies focusing on the importance of conserving coastal ecosystems have concluded coastal wetlands can store far greater amounts of carbon than they naturally release, which makes them one of the world’s most important natural carbon sinks. Unfortunately, coastal habitats around the world are being lost at a rapid rate, largely due to coastal development for housing, ports, and commercial facilities. AB 399 requires that coastal development permit applicants include in their planning and design how they plan to build or will contribute in promoting blue carbon projects where feasible. This requirement is consistent with the California Coastal Commission’s task of working with local governments to protect the shoreline when approving developments in the coastal zone consistent with the California Ocean Protection Act.”

ARGUMENTS IN OPPOSITION: According to the Orange County Business Council (OCBC) in an opposition letter submitted to a prior version of this bill: “While OCBC supports climate resiliency and responsible environmental stewardship, this bill adds yet another layer of costly, burdensome requirements for economic development along the coast—particularly for critical infrastructure and job-creating projects. The bill risks setting a precedent for unpredictable permitting mandates that hinder investment and delay projects needed to address housing, mobility, and economic competitiveness in our coastal communities.”

“We urge the Legislature to pursue carbon sequestration initiatives through voluntary, incentive-based programs rather than by expanding regulatory mandates on the business community.”

ASSEMBLY FLOOR: 54-18, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Zbur, Rivas

NOES: Alanis, Castillo, Chen, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Bains, Davies, Nguyen, Pacheco, Michelle Rodriguez, Blanca Rubio, Wilson

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