

## Senate Bill No. 1319

### CHAPTER 719

An act to add Division 26.5 (commencing with Section 35500) to the Public Resources Code, relating to natural resources.

[Approved by Governor September 23, 2004. Filed with Secretary of State September 23, 2004.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1319, Burton. Natural resources: ocean protection.

Existing law generally regulates activities relating to coastal and ocean resources.

This bill would create the California Ocean Protection Act, which would include various legislative findings and declarations related to coastal and ocean resources. The bill would define terms.

The bill would establish the Ocean Protection Council in state government, consisting of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission. The bill would require one Member of the Senate, appointed by the Senate Committee on Rules, and one Member of the Assembly, appointed by the Speaker of the Assembly, to meet with the council as nonvoting, ex officio members.

The bill would require the council to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, consistent with specified legislative findings and declarations, to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies, and to identify and recommend to the Legislature and the Governor changes in law and policy needed to meet the above goals. The bill would require the executive officer of the State Coastal Conservancy to act as secretary to the council, as specified.

The bill would establish the California Ocean Protection Trust Fund and authorize moneys deposited in the fund, upon appropriation by the Legislature, to be expended for activities related to coastal and ocean resources, as specified.

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

SECTION 1. Division 26.5 (commencing with Section 35500) is added to the Public Resources Code, to read:

DIVISION 26.5. CALIFORNIA OCEAN PROTECTION ACT

CHAPTER 1. GENERAL PROVISIONS

35500. This division shall be known, and may be cited, as the California Ocean Protection Act.

35505. The Legislature finds and declares all of the following:

(a) California's coastal and ocean resources are critical to the state's environmental and economic security, and integral to the state's high quality of life and culture. A healthy ocean is part of the state's legacy, and is necessary to support the state's human and wildlife populations. Each generation of Californians has an obligation to be good stewards of the ocean, to pass the legacy on to their children.

(b) The ocean and coastal waters offshore of the state are unique and valuable natural resources that the state holds in trust for the people of California. The state of our ocean's health is well documented. Reports such as the 1997 Resources Agency report, "California's Ocean Resources: An Agenda for the Future," the 2003 Pew Oceans Commission report, "America's Living Oceans: Charting a Course for Sea Change," and the United States Commission on Oceans Policy's 2004 preliminary report, document degraded ocean values, due to coastal and ocean development, onshore and offshore pollution, certain fishing and aquaculture practices, and invasive species, among other things.

(c) The preservation of the state's ocean resources depends on healthy, productive, and resilient ocean ecosystems. The governance of ocean resources should be guided by principles of sustainability, ecosystem health, precaution, recognition of the interconnectedness between land and ocean, decisions informed by good science and improved understanding of coastal and ocean ecosystems, and public participation in decisionmaking.

(d) Good governance and stewardship of ocean resources necessitate more efficient and effective use of public funds.

(e) The state needs to coordinate governance and stewardship of the state's ocean, to identify priorities, bridge existing gaps, and ensure effective and scientifically sound approaches to protecting and conserving the most important ocean resources.



(f) The California Ocean Resources Management Act of 1990 (Division 27 (commencing with Section 36000)) establishes the California Ocean Resources Management Program. The mission of the program is to ensure comprehensive and coordinated management, conservation, and enhancement of the state's ocean resources, for their intrinsic value and the benefit of current and future generations.

(g) Terrestrial sources of ocean pollution in the state contribute to significant water quality degradation, causing deleterious impacts to public health and marine ecosystems, as well as coastal and recreational economics that are essential to the state's future.

35510. The Legislature finds and declares all of the following:

(a) The coastal waters offshore of the state and the ocean ecosystems associated with those waters are natural resources that the state holds in trust for the people of the state.

(b) It is the state's policy that all public agencies shall consider the following principles in administering the laws established for the protection and conservation of coastal waters:

(1) State decisions affecting coastal waters and the ocean environment should be designed and implemented to conserve the health and diversity of ocean life and ecosystems, allow and encourage those activities and uses that are sustainable, and recognize the importance of aesthetic, educational, and recreational uses.

(2) The ocean ecosystem is inextricably linked to activities on land and all public agencies should consider the impact of activities on land that may adversely affect the health of the coastal and ocean environment.

(3) It is the state's policy to incorporate ecosystem perspectives into the management of coastal and ocean resources, using sound science, with a priority of protecting, conserving, and restoring coastal and ocean ecosystems, rather than managing on a single species or single resource basis.

(4) A goal of all state actions shall be to improve monitoring and data gathering, and advance scientific understanding, to continually improve efforts to protect, conserve, restore, and manage coastal waters and ocean ecosystems.

(5) State and local actions that affect ocean waters or coastal or ocean resources should be conducted in a manner consistent with protection, conservation, and maintenance of healthy coastal and ocean ecosystems and restoration of degraded ocean ecosystems.

(6) Improving the quality of coastal waters and the health of fish in coastal waters should be a priority for the state.

35515. The Legislature finds and declares that the purpose of this division is to integrate and coordinate the state's laws and institutions



responsible for protecting and conserving ocean resources, including coastal waters and ocean ecosystems, to accomplish all of the following objectives:

(a) Provide a set of guiding principles for all state agencies to follow, consistent with existing law, in protecting the state's coastal and ocean resources.

(b) Encourage cooperative management with federal agencies, to protect and conserve representative coastal and ocean habitats and the ecological processes that support those habitats.

(c) Improve coordination and management of state efforts to protect and conserve the ocean by establishing a cabinet level oversight body responsible for identifying more efficient methods of protecting the ocean at less cost to taxpayers.

(d) Use California's private and charitable resources more effectively in developing ocean protection and conservation strategies.

(e) Provide for public access to the ocean and ocean resources, including to marine protected areas, for recreational use, and aesthetic, educational, and scientific purposes, consistent with the sustainable long-term conservation of those resources.

## CHAPTER 2. DEFINITIONS

35550. Unless the context requires otherwise, the following definitions govern this division:

(a) "Council" means the Ocean Protection Council established pursuant to Section 35600.

(b) "Fund" means the California Ocean Protection Trust Fund established pursuant to Section 35650.

(c) "Public agency" means a city, county, city and county, district, or the state or any agency or department of the state.

(d) "Sustainable" and "sustainability" mean both of the following:

(1) Continuous replacement of resources, taking into account fluctuations in abundance and environmental variability.

(2) Securing the fullest possible range of present and long-term economic, social, and ecological benefits, while maintaining biological diversity.

## CHAPTER 3. OCEAN PROTECTION COUNCIL

35600. The Ocean Protection Council is established in state government. The council consists of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission.



35605. The Secretary of the Resources Agency is the chair of the council.

35610. One Member of the Senate, appointed by the Senate Committee on Rules, and one Member of the Assembly, appointed by the Speaker of the Assembly, shall meet with the council as nonvoting, ex officio members.

35612. (a) The council's meetings shall be open to the public.

(b) The council may sponsor conferences, symposia, and other public forums, to seek a broad range of public advice when establishing priorities for ocean resource protection, enhancement, and restoration.

35615. The council shall do all of the following:

(a) (1) Coordinate activities of state agencies, that are related to the protection and conservation of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, consistent with Sections 35510 and 35515.

(2) Establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies.

(3) Identify and recommend to the Legislature changes in law needed to achieve the goals of this section.

(b) (1) Identify changes in federal law and policy necessary to achieve the goals of this division and to improve protection, conservation, and restoration of ocean ecosystems in federal and state waters off the state's coast.

(2) Recommend to the Governor and the Legislature actions the state should take to encourage those changes in federal law and policy.

35620. The council shall take into account the research, findings, recommendations, and determinations of the State Interagency Coordinating Committee established pursuant to Section 36800 and the scientific review panel established pursuant to Section 36900. The council may review and recommend proposals to the State Interagency Coordinating Committee, and to designating entities, to further the purposes of this division.

35625. (a) Under the direction of the Secretary of the Resources Agency, the executive officer of the State Coastal Conservancy shall act as secretary to the council, administer its affairs, and provide the staff services that the council needs to carry out this division, including, but not limited to, both of the following:

(1) Administering grants and expenditures authorized by the council from the fund or other sources, including, but not limited to, block grants from other state boards, commissions, or departments.

(2) Arranging meetings, agendas, and other administrative functions in support of the council.



(b) The Legislature may make appropriations to be used for the purposes of this division directly to the State Coastal Conservancy, for expenditures authorized by the council.

#### CHAPTER 4. CALIFORNIA OCEAN PROTECTION TRUST FUND

35650. (a) The California Ocean Protection Trust Fund is established in the State Treasury.

(b) Moneys deposited in the fund may be expended, upon appropriation by the Legislature, for both of the following:

(1) Projects and activities authorized by the council consistent with Chapter 3 (commencing with Section 35600).

(2) Upon authorization by the council, for grants or loans to public agencies, nonprofit corporations, or private entities for, or direct expenditures on, projects or activities that do one or more of the following:

(A) Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species.

(B) Foster sustainable fisheries, including development of more selective fishing gear, collaborative research and demonstration projects between persons who fish commercially and scientists, promotion of value-added wild fisheries to offset economic losses attributable to reduced fishing opportunities, and the creation of revolving loan programs for the purpose of implementing sustainable fishery projects.

(C) Improve coastal water quality.

(D) Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term protection and conservation of those resources.

(E) Improve management, conservation, and protection of coastal waters and ocean ecosystems.

(F) Provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources.

(G) Protect, conserve, and restore coastal waters and ocean ecosystems, including any of the following:

(i) Acquisition, installation, and initiation of monitoring and enforcement systems.

(ii) Acquisition from willing sellers of vessels, equipment, licenses, harvest rights, permits, and other rights and property, to reduce threats to ocean ecosystems and resources.

(H) Address coastal water contamination from biological pathogens, including collaborative projects and activities to identify the sources of pathogens and develop detection systems and treatment methods.



(c) Grants or loans may be made to a private entity pursuant to this section only for projects or activities that further public purposes consistent with Sections 35510 and 35515.

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