

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2125

Introduced by Assembly Member Ruskin

February 18, 2010

An act to add Sections 35620 and 35621 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2125, as amended, Ruskin. Coastal resources: marine spatial planning.

Existing law declares it is the policy of the state to assess the long-term values and benefits of the conservation and development of ocean resources and uses with the objective of restoring or maintaining the health of the ocean ecosystem and ensuring the proper management of renewable and nonrenewable resources.

Existing law requires the Ocean Protection 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, to establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies, and to identify and recommend to the Legislature changes in law needed to achieve these goals.

This bill would, consistent with the above goals and subject to the availability of funding, require the Ocean Protection Council, to support state agencies' use and sharing of scientific and geospatial information

for coastal- and ocean-relevant decisionmaking, including marine spatial planning, by taking specified actions, to assess the needs of California’s public agencies with respect to their abilities to gather, manage, use, and share information and decision-support tools relevant to ecosystem-based management *in the coastal and ocean environment*, and to ~~develop recommendations that address specified aspects of ecosystem-based~~ *make a report to the Legislature on, among other things, the advantages and disadvantages of marine spatial planning in the state with respect to coastal and ocean management.*

The bill would require each state agency, board, department, or commission with ocean or coastal management interests or regulatory authority to cooperate with the council to achieve all of the specified goals, ~~to the extent subject to available funding is made available~~ and consistent with each entity’s individual mandate. The bill would authorize the council to award grants, enter into interagency agreements, and provide assistance to public agencies and nonprofit organizations to support the achievement of these goals and would require the council to give preference to public agencies that are meeting these goals.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California’s ocean and coastal waters are unique and valuable
- 4 natural resources that the state holds in trust for the people of
- 5 California.
- 6 (b) The preservation of the state’s ocean resources depends on
- 7 healthy, productive, and resilient ocean ecosystems.
- 8 (c) California’s coastal and ocean resources are critical to the
- 9 state’s environmental and economic security, and integral to the
- 10 state’s high quality of life and culture.
- 11 (d) Long-term protection and enhancement of California’s ocean
- 12 resources depends on comprehensive and coordinated ocean
- 13 management.
- 14 (e) (1) Relevant, accessible, and shared scientific and geospatial
- 15 information is essential to effective ecosystem-based ocean
- 16 management.

1 (2) President Barack Obama has established an Interagency
2 Ocean Policy Task Force (task force) to develop a national
3 framework for improved ocean stewardship and a process for
4 effective coastal and marine spatial planning. The task force has
5 identified scientific information as a strategic asset that should be
6 developed and managed on an ongoing basis to meet planning
7 needs.

8 (3) *Marine spatial planning as defined by the task force is “a*
9 *comprehensive, adaptive, integrated, ecosystem-based, and*
10 *transparent spatial planning process, based on sound science, for*
11 *analyzing current and anticipated uses of the ocean or coastal*
12 *environment. Marine spatial planning identifies areas most suitable*
13 *for various types or classes of activities in order to reduce conflicts*
14 *among uses, reduce environmental impacts, facilitate compatible*
15 *uses, and preserve critical ecosystem services to meet economic,*
16 *environmental, security, and social objectives.”*

17 ~~(3)~~

18 (4) California public agencies need better access to relevant
19 scientific and geospatial information when making permitting
20 decisions and conducting long-term planning for the management
21 of California’s coastal and ocean ecosystems. Marine spatial
22 planning is a potential tool for more effective and comprehensive
23 ecosystem-based management of California’s oceans.

24 (f) Future uses of state waters present new threats and increased
25 cumulative impacts. The state seeks appropriate information and
26 management measures to ensure that these uses contribute
27 positively to the state and do not cause unnecessary user conflicts
28 or adverse impacts to our valuable coastal and marine resources.

29 (g) Effective ecosystem-based ocean management is enhanced
30 by the state’s use of scientific and geospatial information related
31 to California’s coastal and ocean ecosystems.

32 (h) Effective ecosystem-based ocean management is advanced
33 by human and technological resources that support the strategic
34 use of scientific and geospatial information by public agencies,
35 users of coastal and ocean ecosystems, and the public. These
36 resources include, but are not limited to, all of the following:

37 (1) Education and training of existing staff.

38 (2) New and retained staff members with training in geographic
39 information systems and other relevant disciplines.

1 (3) Information discovery and search tools that facilitate
2 information gathering and sharing.

3 (4) Decision-support tools that convey planning-relevant
4 information to decisionmakers, users, and the public, and assist
5 them with making planning decisions.

6 (i) The Ocean Protection Council was created to, among other
7 things, coordinate activities of state agencies that are related to the
8 protection and conservation of coastal waters and ocean ecosystems
9 to improve the effectiveness of state efforts to protect ocean
10 resources.

11 SEC. 2. Section 35620 is added to the Public Resources Code,
12 to read:

13 35620. (a) Consistent with this chapter, and subject to the
14 availability of funding, the council shall support state agencies'
15 use and sharing of scientific and geospatial information for coastal-
16 and ocean-relevant decisionmaking, including marine spatial
17 planning, by taking all of the following actions:

18 (1) Assess the needs of California's public agencies with respect
19 to their abilities to gather, manage, use, and share information and
20 decision-support tools relevant to ecosystem-based management
21 *in the coastal and ocean environment.*

22 (2) ~~Increase~~ *Subject to a determination of need in paragraph*
23 *(1) and in consultation with the relevant coastal or ocean*
24 *management agency, increase the amount of baseline scientific*
25 *and geospatial information that is available to public agencies in*
26 *a publicly accessible, electronic, and geospatial format* with respect
27 to the following aspects of coastal and ocean ecosystems:

28 (A) Ecosystem health, functioning, productivity, resilience, and
29 vulnerability to threats.

30 (B) The effects of climate change.

31 (C) The cumulative effects of human-caused and natural sources
32 of stress.

33 (D) Existing and predicted patterns of human activities,
34 including activities that present conflicting or compatible demands
35 on coastal and ocean ecosystems or those that require the use of a
36 precautionary approach.

37 (E) Social, economic, and cultural values, including the value
38 of coastal and ocean ecosystems for providing ecosystem services.

1 (F) Other physical, biological, economic, social, and cultural
2 information that the council determines is relevant to marine spatial
3 planning.

4 (3) Support public agencies' collaborative management and use
5 of scientific and geospatial information relevant to ecosystem-based
6 management.

7 (4) Help identify decision-support tools relevant to
8 ecosystem-based management, and, where appropriate, support
9 the adaptation of those tools or the creation of new tools to serve
10 the state's needs.

11 ~~(b) Subject to the availability of funding, the council shall~~
12 ~~consider ecosystem-based marine spatial planning as a tool for~~
13 ~~achieving effective and comprehensive management of California's~~
14 ~~ocean resources and develop recommendations that address all of~~
15 ~~the following aspects of ecosystem-based marine spatial planning~~
16 ~~in the state:~~

17 ~~(1) Ecosystem health, functioning, productivity, resilience, and~~
18 ~~vulnerability to threats.~~

19 ~~(2) The effects of climate change.~~

20 ~~(3) The cumulative effects of human-caused and natural sources~~
21 ~~of stress.~~

22 ~~(4) Existing and predicted patterns of human activities, including~~
23 ~~activities that present conflicting or compatible demands on coastal~~
24 ~~and ocean ecosystems.~~

25 ~~(5) Social, economic, and cultural values, including the value~~
26 ~~of coastal and ocean ecosystems for providing ecosystem services.~~

27 ~~(6) Other physical, biological, economic, social, and cultural~~
28 ~~issues that the council determines are relevant to marine spatial~~
29 ~~planning.~~

30 ~~(e) To the extent funding is made available for their~~
31 ~~participation,~~

32 *(b) Subject to the availability of funding, but no later than 12*
33 *months following the receipt of sufficient funding, the council shall*
34 *report to the Legislature on all of the following:*

35 *(1) The advantages and disadvantages of marine spatial*
36 *planning with respect to coastal and ocean management, including,*
37 *but not limited to, consideration of the possible role of marine*
38 *spatial planning in all of the following:*

39 *(A) Improving ecosystem health, functioning, productivity,*
40 *resilience, and vulnerability to threats.*

1 (B) Addressing the effects of climate change.

2 (C) Evaluating and mitigating the cumulative effects of
3 human-caused and natural sources of stress.

4 (D) Assessing existing and predicted patterns of human
5 activities, including activities that present conflicting or compatible
6 demands on coastal and ocean ecosystems.

7 (E) Understanding social, economic, and cultural values,
8 including the value of coastal and ocean ecosystems for providing
9 ecosystem services.

10 (F) Evaluating other physical, biological, economic, social, and
11 cultural issues that the council determines are relevant.

12 (2) Whether marine spatial planning is expected to enhance
13 coastal and ocean resource planning, management, or regulation
14 and leads to greater efficiencies or cost savings for the state or
15 regulated community.

16 (3) Whether marine spatial planning is expected to enhance the
17 sustainability, conservation, or protection of coastal and ocean
18 resources.

19 (4) The implications of federal marine spatial planning policies
20 and their impact on state or local coastal and ocean management.

21 (5) Recommendations to the Legislature to facilitate marine
22 spatial planning.

23 (6) Other matters deemed relevant by the council.

24 (c) The requirement for submitting a report imposed under
25 subdivision (b) is inoperative four years after the report is due,
26 pursuant to Section 10231.5 of the Government Code, and shall
27 be submitted in compliance with Section 9795 of the Government
28 Code.

29 (d) Subject to available funding, and consistent with their
30 individual mandates, each agency, board, department, or
31 commission of the state with ocean or coastal management interests
32 or regulatory authority shall cooperate with the council to achieve
33 all of the goals described in subdivisions (a) and (b).

34 SEC. 3. Section 35621 is added to the Public Resources Code,
35 to read:

36 35621. Consistent with the council's authority and
37 responsibility under this chapter to coordinate activities of state
38 agencies with ocean or coastal management interests or regulatory
39 authority, to improve the effectiveness of state efforts to protect
40 ocean resources, and to establish policies to coordinate the

1 collection and sharing of scientific data related to coastal and ocean
2 resources among agencies, the council may award grants, enter
3 into interagency agreements, and provide assistance to public
4 agencies and nonprofit organizations to support this effort,
5 including grants to improve geospatial data collection, interagency
6 data sharing and collaboration, and tools for visualizing and
7 analyzing these data. In allocating grants and assistance, the council
8 shall give preference to public agencies that are meeting the goals
9 described in Section 35620.

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