

# San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 415 352 3606

State of California | Gavin Newsom – Governor | [info@bcdc.ca.gov](mailto:info@bcdc.ca.gov) | [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

## Agenda Item #12

February 28, 2020

**TO:** Commissioners and Alternates

**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653; [larry.goldzband@bcdc.ca.gov](mailto:larry.goldzband@bcdc.ca.gov))  
Steve Goldbeck, Chief Deputy Director (415/352-3611; [steve.goldbeck@bcdc.ca.gov](mailto:steve.goldbeck@bcdc.ca.gov))

**SUBJECT: Staff Report on Pending Legislation**  
(For Commission consideration on March 5, 2020)

### Summary and Recommendations

The following state and federal legislation is of interest to the Commission. Many of the bills are spot bills and will be fleshed out in further amendments. The staff intends to recommend Commission positions at future Commission meetings. At this time, however, the Commission may choose to take positions on one or more of these bills.

### Staff Report

There are several bills of interest to the Commission in the current second year of the Legislature's two-year session:

#### ***Assembly Bill 2809. San Francisco Bay Conservation and Development Commission, Suisun Marsh Preservation Act of 1977***

Introduced by Assemblymember Kevin Mullin. This bill has not yet been referred to a committee.

AB 2809 currently includes most of the recommendations for legislative action contained in the State Auditor's May 2019 report on BCDC's enforcement program. The bill would direct the Commission to create and implement by June 30, 2021: (1) a procedure to ensure that managers perform a documented review of staff decisions in enforcement cases; (2) timelines for resolving enforcement cases; and (3) a penalty matrix for assessing fines and civil penalties. The Commission's Enforcement Committee and staff are already working to implement these audit recommendations and expect to have them completed before the bill would become law.

The bill would further allow the Commission, beginning July 1, 2022, to record notices of violations on the titles of properties that are the subject of a final order setting administrative liability. Recording notices of violations on titles is an enforcement tool that is presently used by



the California Coastal Commission. The Coastal Commission's authorization to do this focuses on notices of violations rather than fines and includes provisions for expunging the notices when the violation is resolved.

AB 2809 would also end the use of the Bay Fill Cleanup and Abatement (BFCA) Fund to pay enforcement staff salaries after June 30, 2021. Several BCDC enforcement staff are currently being paid using the BFCA fund. Assemblymember Mullin's staff has indicated that the Assemblymember will pursue alternative funding to replace the use of the BFCA prior to June 30, 2021.

Lastly, the bill amends the provision in the Suisun Marsh Preservation Act that now requires the Commission to review the Local Protection Plan for the Suisun Marsh, to state that BCDC will conduct the review by July 1, 2021 and every five years thereafter. BCDC staff recently completed this review in January 2020.

Commission staff is presently discussing with Assemblymember Mullin's staff an additional State Auditor recommendation that would direct BCDC to adopt regulations for defining single violations and resolving minor violations through fines.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB2809](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2809)

### **Assembly Bill 2148. *Climate change: adaptation: regional plans***

Introduced by Assemblymember Bill Quirk. This bill has not yet been referred to a committee.

This is a spot bill for legislation that would: foster regional-scale adaptation; provide regions time to develop their regional plans; and consider, among other things, sea level rise and fire vulnerability.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB2148](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2148)

### **Assembly Bill 2089. *Environmental and Justice Empowerment Outreach Pilot Program***

Introduced by Assemblymember Luz Rivas. The bill has been referred to the Natural Resources Committee.

This bill would establish an Environmental and Justice Empowerment Outreach Pilot Program within the Strategic Growth Council from January 1, 2021, through January 1, 2025, and would have the program be administered by the council as a grant pilot program for eligible community-based organizations. The pilot program would provide a comprehensive suite of coordinated incentives and services to disadvantaged communities, at the resident household level, to provide economic savings, reduce greenhouse gas emissions and air pollution, and improve resiliency to the impacts of climate change. The bill would require the council to submit reports to the Legislature on the program no later than December 31, 2025.

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB2089](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2089)



**Assembly Bill 1992. *Transportation: asset management plan: California Transportation Plan: transportation infrastructure: climate change***

Introduced by Assemblymember Laura Friedman. This bill has been referred to the Assembly Committees on Transportation and Natural Resources.

This bill would state the intent of the Legislature to enact legislation that would establish a new program to fund climate change adaptation planning for transportation impacts, data collection, modeling, and training. The bill would require both the 3rd update to the California Transportation Plan, which is due in 2025, and the Strategic Growth Council's report addressing the California Transportation Plan and specified sustainable communities strategies and alternative planning strategies, to include a forecast of the transportation impacts of climate change and measures to address those impacts.

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1992](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1992)

**Assembly Bill 1920. *Climate change: California Climate Adaptation Center and Regional Support Network***

Introduced by Assemblymember Boerner Horvath. This bill has not yet been referred to a committee.

This bill would declare the intent of the Legislature to enact subsequent legislation that would establish the California Climate Adaptation Center and Regional Support Network to provide technical support and information to local governments on adapting to climate change impacts, including, but not limited to, sea level rise.

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1920](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1920)

**Assembly Bill 2619. *Coastal resources: Program for Coastal Resilience, Adaptation, and Access***

Introduced by Assemblymember Mark Stone. This bill has not yet been referred to a committee.

This bill would establish the Program for Coastal Resilience, Adaptation, and Access for the purpose of funding specified activities intended to help the state prepare, plan, and implement actions to address and adapt to sea level rise and coastal climate change. The bill would create the Coastal Resilience, Adaptation, and Access Fund in the State Treasury, and would authorize the California Coastal Commission and specified state agencies to expend moneys in the fund, upon appropriation in the annual Budget Act, to take actions to address and adapt to sea level rise and coastal climate change. The bill would require the California Natural Resources Agency to annually make available information regarding any activity funded under the program on a publicly accessible internet website. The bill would also require the Director of State Planning and Research to consider the program in its administration of the Integrated Climate Adaptation and Resiliency Program.

AB 2619 would require, for the 2021–22 fiscal year and for each fiscal year thereafter, an amount not less than thirty percent of certain funds received by the State Lands Commission and required to be deposited into the General Fund, except as provided, to be transferred to the Coastal Resilience, Adaptation, and Access Fund and made available, upon appropriation in the annual Budget Act, for expenditure for purposes of the Program for Coastal Resilience, Adaptation, and Access.

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB2619](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2619)

### **Assembly Bill 3256. *Climate risks: bond measure***

Introduced by Assemblymember Eduardo Garcia. This bill has not yet been referred to a committee.

This spot bill would state the intent of the Legislature to enact a bond measure that would address climate risks to the State of California

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB3256](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3256)

### **Assembly Bill 352. *Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020***

Introduced by Assemblymember Eduardo Garcia. This is a two-year bill now in the Senate Environmental Quality Committee.

This bill would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

The bill would provide for the submission of these provisions to the voters at the November 3, 2020, statewide general election.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB352](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB352)

### **Senate Bill 45. *Wildfire, Drought, and Flood Protection Bond Act of 2020***

Introduced by Senator Ben Allen, this is a two-year bill that is now in Senate Appropriations.

SB 45 would authorize the issuance of bonds to finance projects to restore fire-damaged areas, reduce wildfire risk, create healthy forests and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources. The bill would provide \$970 million for coastal areas and \$240 million for regional climate resilience.

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB45](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB45)

**Assembly Bill 2371. *Climate change: adaptation***

Introduced by Assemblymember Laura Friedman. The bill has been referred to the Assembly Committee on Natural Resources.

This bill would require the Secretary of the Natural Resources Agency, by January 1, 2022, to review the Safeguarding California Plan and develop a strategic resiliency framework that, among other things, makes recommendations on actions that are necessary to prepare the state for the most significant climate change impacts modeled for 2025, 2050, and beyond, review available funding sources and make recommendations for aligning investments with the framework, and establish actions for community and economic resiliency, the ocean and coast, and terrestrial ecosystems.

The bill would require the Strategic Growth Council, by July 1, 2021, to convene a science advisory team of distinguished scientists to guide climate planning and adaptation efforts in the state and to, among other things, review and make recommendations to improve the plan and the framework. The bill would require each state agency identified in the framework to report to the secretary on its progress in completing the recommendations and actions in the framework. The bill would require state agencies implementing the framework to engage regional agencies and communities that have been disproportionately impacted by environmental or socioeconomic burdens. The bill would require the secretary to solicit feedback from the science advisory team on the development of the framework. The bill would require the updates to the plan to include a review of the progress made in implementing the past plans and a detailed description of the framework.

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB2371](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2371)

**HR 1132. *The San Francisco Bay Restoration Act***

This bill was introduced in the U.S. Congress by Representative Jackie Speier. It has passed the U.S. House of Representatives.

The bill would provide \$25 million in federal funding annually for the restoration of the San Francisco Bay, for five years and a total of \$125 million to revive Bay Area wetlands, improve water quality and protect coastal communities from rising sea level.

<https://www.congress.gov/bill/116th-congress/house-bill/1132>