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SB-576 Coastal resources: Climate Ready Program and coastal climate change adaptation, infrastructure, and readiness program. (2019-2020)

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Senate Bill No. 576

CHAPTER 374

An act to amend Section 31113 of, and to add Section 35616 to, the Public Resources Code, relating to coastal resources.

[Approved by Governor September 27, 2019. Filed with Secretary of State September 27, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 576, Umberg. Coastal resources: Climate Ready Program and coastal climate change adaptation, infrastructure, and readiness program.

(1) Existing law establishes the State Coastal Conservancy with prescribed powers and authorizes the conservancy to address the impacts and potential impacts of climate change on resources within its jurisdiction. Existing law authorizes the conservancy to undertake, among other things, projects that reduce greenhouse gas emissions, address extreme weather events, sea level rise, storm surge, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources. Existing law authorizes the conservancy to award grants to public agencies and nonprofit organizations for these authorized activities.

This bill would recast these provisions as the Climate Ready Program to be administered by the conservancy as described above.

(2) Existing law establishes the Ocean Protection Council in state government and requires the council to, among other things, 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 provisions of the California Ocean Protection Act.

This bill would require the council, subject to the availability of funding, to develop and implement a coastal climate adaptation, infrastructure, and readiness program to, among other things, recommend best practices and strategies to improve the climate change resiliency of the state's coastal communities, infrastructure, and habitat and collaborate with certain entities and scientists to facilitate information sharing regarding coastal climate change adaptation, infrastructure, and readiness, including providing information to the Office of Planning and Research to be considered for inclusion into a certain clearinghouse for climate adaptation information.

(3) This bill would incorporate additional changes to Section 31113 of the Public Resources Code proposed by AB 65 to be operative only if this bill and AB 65 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) California's coastal waters, waterfronts, wetlands, harbors, estuaries, bays, ports, marinas, riparian areas, beaches, and agricultural resources are important environmental and economic resources to the state.
- (b) Eighty percent of California's 38 million residents live within 30 miles of the coast.
- (c) Sea level rise, combined with storm-driven waves, poses a direct risk to the state's coastal resources, including public and private real property and infrastructure. Rising marine waters threaten sensitive coastal areas, habitats, the survival of threatened and endangered species, beaches and other recreation areas, and urban waterfronts.
- (d) Commercial fisheries and fishing harbors, ports, production of seafood, and related jobs will suffer adverse impacts if steps are not taken to protect them.
- (e) The desirability of natural areas, riparian areas, beaches, parks, and urban areas as tourist destinations, and their concomitant economic benefit to the state, depends on protection of their scenic and recreational qualities.
- (f) The economic and environmental health of human and natural coastal communities depends on their resilience: their ability to survive and rebound from adverse effects.
- (g) Improving the health of coastal rivers, wetlands, beaches, harbors, ports, urban waterfronts, fisheries, and agricultural resources in advance of threats can contribute to their resiliency.
- (h) Extensive cooperation between governmental and private entities is needed to respond adequately to the effects of climate change.
- (i) For well over 40 years, the State Coastal Conservancy, a nonregulatory agency established under Division 21 (commencing with Section 31000) of the Public Resources Code, has worked with local governments and public and private entities to protect, restore, and enhance coastal and marine resources and habitats, has addressed deteriorating urban waterfronts and poorly designed coastal development, and has provided public recreation facilities and access to the coastal and urban waterfront areas.
- (j) The State Coastal Conservancy is a leader in advancing green infrastructure projects that increase the resiliency of the natural and built environments, including beaches, wetlands, habitat, and urban shorelines by developing multibenefit solutions to sea level rise.
- (k) Projects that protect coastal resources from climate change impacts can provide additional valuable public benefits, including, but not limited to, flood protection, improved water quality, and increases in fish and wildlife for food and recreation.
- (l) It is the intent of the Legislature that, in implementing Division 21 (commencing with Section 31000) of the Public Resources Code, the State Coastal Conservancy have adequate authority to work with local governments and private entities to address the effects of climate change on coastal resources, public and private, natural and built, including, but not limited to, coastal beaches, ports, urban waterfronts, infrastructure, the ocean, riparian areas and watersheds, fisheries, forests, wetlands, and public and private real property.
- (m) The State Coastal Conservancy's participation in addressing climate change can help to produce construction and other jobs for Californians, both directly, through conservation and development activities, and indirectly, through increased recreational, business, and tourist use.
- (n) To the extent that this act assists the State Coastal Conservancy in obtaining federal and other funds, it may help reduce demand on the General Fund for coastal improvement and resiliency activities.

SEC. 2. Section 31113 of the Public Resources Code is amended to read:

- 31113.** (a) The Climate Ready Program is hereby established and shall be administered by the conservancy to address the impacts and potential impacts of climate change on resources within the conservancy's jurisdiction.
- (b) In implementing this division, the conservancy may undertake projects within its jurisdiction, including, but not limited to, those that reduce greenhouse gas emissions, address extreme weather events, sea level rise, storm surge, beach and bluff erosion, salt water intrusion, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources.
 - (c) Pursuant to the Climate Ready Program, the conservancy may award grants to public agencies and nonprofit organizations for activities authorized pursuant to subdivision (b). In awarding the grants, the conservancy shall, to the extent allowed, prioritize projects that maximize public benefits and that accomplish either of the following:

(1) Reduce emissions of greenhouse gases, reduce hazards to harbors and ports, preserve and enhance coastal wetlands and natural lands, conserve biodiversity, and provide recreational opportunities.

(2) Reduce flood risk and enhance fish and wildlife habitat, including multibenefit projects that remove sediment where the excavated material can be used to enhance shorelines or ecosystems.

SEC. 2.5. Section 31113 of the Public Resources Code is amended to read:

31113. (a) The Climate Ready Program is hereby established and shall be administered by the conservancy to address the impacts and potential impacts of climate change on resources within the conservancy's jurisdiction.

(b) In implementing this division, the conservancy may undertake projects within its jurisdiction, including, but not limited to, those that reduce greenhouse gas emissions, address extreme weather events, sea level rise, storm surge, beach and bluff erosion, salt water intrusion, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources.

(c) Pursuant to the Climate Ready Program, the conservancy may award grants to public agencies and nonprofit organizations for activities authorized pursuant to subdivision (b). In awarding the grants, the conservancy shall, to the extent allowed, prioritize projects that maximize public benefits and that accomplish either of the following:

(1) Reduce emissions of greenhouse gases, reduce hazards to harbors and ports, preserve and enhance coastal wetlands and natural lands, conserve biodiversity, and provide recreational opportunities.

(2) Reduce flood risk and enhance fish and wildlife habitat, including projects with multiple benefits that remove sediment where the excavated material can be used to enhance shorelines or ecosystems.

(d) (1) When allocating funds made available pursuant to Section 80133, the conservancy shall do all of the following:

(A) Prioritize projects that use natural infrastructure in coastal communities to help adapt to climate change.

(B) Prioritize projects that provide multiple public benefits, including, but not limited to, protection of communities, natural resources, and recreational opportunities.

(C) Give consideration to projects in a variety of ecosystems along the state's coastline, including, but not limited to, the protection and expansion of coastal estuaries and lagoons that provide critical feeding and nursery habitat for juvenile fish species and foraging habitat for migratory waterfowl and other waterbirds, including eelgrass habitat.

(2) The conservancy shall provide information to the Office of Planning and Research on any projects funded pursuant to this subdivision to be considered for inclusion into the clearinghouse for climate adaption information, established pursuant to Section 71360.

(3) The conservancy may provide technical assistance to coastal communities to better assist them with their projects that use natural infrastructure.

(4) For purposes of this subdivision, "natural infrastructure" means using natural ecological systems or processes to reduce vulnerability to climate change related hazards, or other related climate change effects, while increasing the long-term adaptive capacity of coastal and inland areas by perpetuating or restoring ecosystem services. This includes, but is not limited to, the conservation, preservation, or sustainable management of any form of aquatic or terrestrial vegetated open space, such as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain gardens, and urban tree canopies. It also includes systems and practices that use or mimic natural processes, such as permeable pavements, bioswales, and other engineered systems, such as levees that are combined with restored natural systems, to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife.

SEC. 3. Section 35616 is added to the Public Resources Code, to read:

35616. (a) Subject to the availability of funding, the council shall develop and implement a coastal climate change adaptation, infrastructure, and readiness program to do all of the following:

(1) Recommend best practices and strategies to improve the climate change resiliency of the state's coastal communities, infrastructure, and habitat.

(2) Coordinate with the State Coastal Conservancy, the Santa Monica Mountains Conservancy, the San Diego River Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, and other state entities as needed to develop criteria to prioritize the types of projects needed to improve climate change resiliency in the coastal zone.

(3) Collaborate with California State University, Long Beach and other universities, scientists, and nongovernmental organizations involved in climate change activities covering areas along the Pacific Rim to facilitate information sharing regarding coastal climate change adaptation, infrastructure, and readiness, including providing information to the Office of Planning and Research to be considered for inclusion into the clearinghouse established pursuant to Sections 71354 and 71360.

(b) The council shall use existing staff, resources, databases, and information contained in reports and other documents, including, but not limited to, the "Safeguarding California Plan: 2018 Update" and the Office of Planning and Research Integrated Climate Adaptation and Resiliency Program, to develop and implement the program required under subdivision (a).

SEC. 4. Section 2.5 of this bill incorporates amendments to Section 31113 of the Public Resources Code proposed by both this bill and Assembly Bill 65. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 31113 of the Public Resources Code, and (3) this bill is enacted after Assembly Bill 65, in which case Section 2 of this bill shall not become operative.