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AB-72 Environmental protection: coastal adaptation projects: natural infrastructure: regulatory review and permitting: report. (2021-2022)

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Assembly Bill No. 72

CHAPTER 369

An act to add Section 71160 to the Public Resources Code, relating to environmental protection.

[Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 72, Petrie-Norris. Environmental protection: coastal adaptation projects: natural infrastructure: regulatory review and permitting: report.

Existing law establishes the Natural Resources Agency. Existing law requires the agency, by July 1, 2017, and every 3 years thereafter, to update the state's climate adaptation strategy to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors.

This bill would enact the Coastal Adaptation Permitting Act of 2021. The bill would require the agency to explore, and authorize it to implement, options within the agency's jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects that use natural infrastructure, as defined. The bill would require the agency to submit, by July 1, 2023, a report to the Legislature with suggestions and recommendations for improving and expediting the coordination between appropriate agencies in their regulatory review and permitting process for coastal adaptation projects that use natural infrastructure.

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

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

SECTION 1. This measure shall be known, and may be cited, as the Coastal Adaptation Permitting Act of 2021.

SEC. 2. Section 71160 is added to the Public Resources Code, to read:

71160. (a) The agency shall explore and may implement options within the agency's jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects that use natural infrastructure.

(b) (1) By July 1, 2023, the agency shall report to the Legislature on suggestions and recommendations for improving and expediting the coordination between appropriate agencies in their regulatory review and permitting process for coastal adaptation projects that use natural infrastructure.

(2) The requirement for submitting a report imposed under this subdivision is inoperative on July 1, 2027, pursuant to Section 10231.5 of the Government Code.

(3) The report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(c) (1) For purposes of this section, "coastal adaptation projects that use natural infrastructure" means development, as defined in Section 30106, that relies on 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.

(2) Coastal adaptation projects that use natural infrastructure may also include, but are not limited to, both of the following:

(A) Soft strategies that avoid fixing the shoreline with hard structures and instead rely on the use of dynamic systems to attenuate coastal hazards, such as dune or wetland restoration.

(B) Hybrid armoring that combines fixing the shoreline to some limited extent, such as with a buried revetment or other shoreline protective device, with a nature-based feature to provide ecological benefits.