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**SB-867 Sea level rise: planning and adaptation.** (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**SENATE BILL**

**NO. 867**

**Introduced by Senator Laird  
(Principal coauthor: Assembly Member Berman)**

**January 24, 2022**

An act to add Division 20.6.9 (commencing with Section 30985) to the Public Resources Code, relating to sea level rise.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 867, Laird. Sea level rise: planning and adaptation.

Existing law creates within the Ocean Protection Council the California Sea Level Rise State and Regional Support Collaborative to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone, as provided.

This bill would require a local government, as defined, lying, in whole or in part, within the coastal zone, as defined, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined, to implement sea level rise planning and adaptation through either submitting, and receiving approval for, a local coastal program, as defined, to the California Coastal Commission or submitting, and receiving approval for, a subregional San Francisco Bay shoreline resiliency plan to the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2033. By imposing additional requirements on local governments, the bill would impose a state-mandated local program. The bill would require local governments that receive approval for sea level rise planning and adaptation on or before January 1, 2028, to be prioritized for sea level rise funding, upon appropriation by the Legislature, for the implementation of projects in the local

government's approved sea level rise adaptation plan. The bill would require, on or before December 31, 2023, the California Coastal Commission and the San Francisco Bay Conservation and Development Commission, in close coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of that planning and adaptation. The bill would make the operation of its provisions contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

**SECTION 1.** Division 20.6.9 (commencing with Section 30985) is added to the Public Resources Code, to read:

### **DIVISION 20.6.9. SEA LEVEL RISE PLANNING AND ADAPTATION**

**30985.** (a) A local government lying, in whole or in part, within the coastal zone or within the jurisdiction of the San Francisco Bay Conservation and Development Commission shall implement sea level rise planning and adaptation through submitting either of the following, as applicable:

- (1) A local coastal program to the California Coastal Commission, subject to approval by the California Coastal Commission.
- (2) A subregional San Francisco Bay shoreline resiliency plan to the San Francisco Bay Conservation and Development Commission, subject to approval by the San Francisco Bay Conservation and Development Commission.

(b) The sea level rise planning and adaptation required pursuant to subdivision (a) shall include, at a minimum, all of the following:

- (1) The use of the best available science.
- (2) A vulnerability assessment that includes efforts to ensure equity for at-risk communities.
- (3) A sea level rise adaptation plan.
- (4) Identification of lead planning and implementation agencies.
- (5) A timeline for updates, as needed, based on conditions and projections and as determined by the local government in agreement with the California Coastal Commission or the San Francisco Bay Conservation and Development Commission, as applicable, for the sea level rise planning and adaptation elements included in paragraphs (2) to (4), inclusive.

(c) A timeline for sea level rise planning and adaptation updates, as required pursuant to paragraph (5) of subdivision (b), shall include, to the maximum extent practicable, applicable implementation approaches that build upon both of the following:

- (1) The sea level rise adaptation plan, as required pursuant to paragraph (3) of subdivision (b).
- (2) Economic analyses of critical public infrastructure.

(d) (1) Notwithstanding paragraph (2), it is the state's goal to implement the requirements of this section by January 1, 2028.

- (2) All local governments subject to the requirements of subdivision (a) shall comply with this section by January 1, 2033.

(e) For purposes of this section, "critical public infrastructure" includes, but is not limited to, roads, water and wastewater treatment facilities, landfills, power plants, and railroads.

**30985.2.** On or before December 31, 2023, the California Coastal Commission and the San Francisco Bay Conservation and Development Commission, in close coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, shall establish guidelines for the preparation of the sea level rise planning and adaptation required pursuant to subdivision (a) of Section 30985.

**30985.4.** This division does not reduce, alter, or diminish the authority of a state agency.

**30985.5.** Local governments that receive approval by the California Coastal Commission or the San Francisco Bay Conservation and Development Commission, as applicable, pursuant to subdivision (a) of Section 30985 on or before January 1, 2028, shall be prioritized for sea level rise funding, upon appropriation by the Legislature, for the implementation of projects in the local government's approved sea level rise adaptation plan.

**30985.6.** The operation of this division is contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute.

**30985.8.** For purposes of this division, the following definitions apply:

(a) "California Sea Level Rise State and Regional Support Collaborative" means the California Sea Level Rise State and Regional Support Collaborative created pursuant to Section 30972.

(b) "Coastal zone" has the same meaning as defined in Section 30103.

(c) "Jurisdiction of the San Francisco Bay Conservation and Development Commission" means the area described in Section 66610 of the Government Code.

(d) "Local coastal program" has the same meaning as defined in Section 30108.6.

(e) "Local government" has the same meaning as defined in Section 30109.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.