

AMENDED IN SENATE JANUARY 16, 2008

AMENDED IN SENATE APRIL 19, 2007

**SENATE BILL**

**No. 965**

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**Introduced by Senator Lowenthal**

February 23, 2007

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An act to add Section 8670.21.1 ~~of~~ *to* the Government Code, relating to oil spills.

LEGISLATIVE COUNSEL'S DIGEST

SB 965, as amended, Lowenthal. Oil spills: California Physical Oceanographic Real-Time System (CalPORTS).

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act establishes an administrator for oil spill response and specifies the administrator's powers and duties relating to oil pollution prevention and response and improvements to maritime safety. The act establishes 5 harbor safety committees (Humboldt Bay; San Francisco, San Pablo, and Suisun Bays; Port Hueneme; Los Angeles/Long Beach; and San Diego) to promote navigational safety of vessels.

This bill would establish the California Physical Oceanographic Real-Time System (CalPORTS). The bill would authorize the administrator, in cooperation with the National Oceanic and Atmospheric Administration/National Ocean Service (*NOAA/NOS*), port authorities, and harbor safety committees, to establish, maintain, and operate a CalPORTS information network linking existing and proposed information systems, to improve the efficiency *of* and access to critical environmental information affecting safe navigation.

The bill would provide that ~~its provisions shall only be implemented to the extent that funds are available~~, *upon appropriation by the Legislature from the Oil Spill Prevention and Administration Fund, the*

administrator may hire staff and procure equipment necessary to administer the program. The bill would also authorize the administrator to seek federal funds, including funds from the Physical Oceanographic Real-Time System (PORTS) administered by the NOAA/NOS, and funds from California marine ports to administer the program.

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 that a
- 2 California Physical Oceanographic Real-Time System (CalPORTS)
- 3 would provide, in part, the following public benefits:
- 4 (a) ~~By preventing vessel accidents that might result in oil spill~~
- 5 ~~pollution, CalPORTS would further enhance protection of~~
- 6 ~~California coastal and marine resources. Humboldt Bay, San~~
- 7 ~~Francisco Bay, and San Diego Bay contain significant natural~~
- 8 ~~resources of national and state importance, including bird refuge~~
- 9 ~~areas on the Pacific Flyway, wetland habitats, sensitive fish and~~
- 10 ~~marine mammal species, and sensitive shoreline beach habitats.~~
- 11 ~~An oil spill in portions of any of these harbors could have~~
- 12 ~~significant adverse impacts on critical bird, fish, and marine~~
- 13 ~~mammal populations, and sensitive wetland and beach habitats.~~
- 14 (b) ~~CalPORTS supports the top priority of the Ocean Protection~~
- 15 ~~Council’s Strategic Plan to provide planned national and state~~
- 16 ~~integrated ocean observing systems, including the Central and~~
- 17 ~~Northern California Ocean Observing System and the Southern~~
- 18 ~~California Ocean Observing System, which provide real-time~~
- 19 ~~information on ocean conditions for improved navigation and~~
- 20 ~~resource protection decisionmaking.~~
- 21 (c) ~~The existing Physical Oceanographic Real-Time System~~
- 22 ~~(PORTS), critical to San Francisco Bay, almost shut down at the~~
- 23 ~~end of 2005, lacking a dedicated source of funds because of the~~
- 24 ~~broad range of users and beneficiaries, which include commercial~~
- 25 ~~and recreational boaters, academia, and oil spill responders.~~
- 26 ~~Elsewhere in the United States, the Delaware Bay system shut~~
- 27 ~~down for the same reasons—no dedicated funding and a broad~~
- 28 ~~range of users.~~
- 29 (d) ~~CalPORTS would build on PORTS, the NOAA/NOS~~

1 (a) CalPORTS would build on the Physical Oceanographic  
2 Real-Time System (PORTS), the National Oceanic and Atmospheric  
3 Administration/National Ocean Service (NOAA/NOS) administered  
4 program of integrated sensors placed in the marine environment,  
5 which provide information on tides, currents, wind velocity, air  
6 and water temperature, salinity, and air gap data between bridge  
7 elevation and the water’s surface. CalPORTS would create a  
8 statewide system of sensors strategically placed to improve the  
9 safety of navigation in Humboldt Bay, the San Francisco, San  
10 Pablo, and Suisun Bays, Port Hueneme, Los Angeles/Long Beach,  
11 and San Diego Bay.

12 ~~(e) The state created harbor safety committees voted to support~~  
13 ~~the creation of CalPORTS and to provide state funding because~~  
14 ~~of the demonstrated broad benefit to the public.~~

15 (f)

16 (b) The ports and harbors of California, especially the ports in  
17 San Francisco Bay, Los Angeles, and Long Beach, provide  
18 critically important contributions to the commerce and economies  
19 of California and the United States. CalPORTS provides real-time  
20 oceanographic information that is critical to ship navigation and  
21 safe operation of California harbors.

22 ~~(g) CalPORTS would be a model effort to create the first unified~~  
23 ~~system in the nation.~~

24 SEC. 2. Section 8670.21.1 is added to the Government Code,  
25 to read:

26 8670.21.1. (a) For purposes of this section, the following  
27 definitions apply:

28 (1) “NOAA/NOS” means the National Oceanic and Atmospheric  
29 Administration/National Ocean Service.

30 (2) “CalPORTS” means the California Physical Oceanographic  
31 Real-Time System.

32 (3) “PORTS” means the Physical Oceanographic Real-Time  
33 System.

34 (b) The administrator, in cooperation with NOAA/NOS,  
35 respective port authorities, and harbor safety committees, may  
36 enter into contracts necessary for the establishment, improvement,  
37 maintenance, and operation of CalPORTS. CalPORTS shall consist  
38 of existing PORTS components in each of the following harbors:

39 (1) Humboldt Bay.

40 (2) San Francisco, San Pablo, and Suisun Bays.

- 1 (3) Port Hueneme.
- 2 (4) Los Angeles/Long Beach.
- 3 (5) San Diego.

4 (c) ~~The~~ Upon appropriation by the Legislature from the Oil  
5 Spill Prevention and Administration Fund, the administrator may  
6 hire staff and procure equipment necessary to administer this  
7 program. *The administrator may seek federal funds, including*  
8 *funds from PORTS, administered by the NOAA/NOS, and funds*  
9 *from California marine ports to administer this program.*

10 (d) CalPORTS components established, improved, maintained,  
11 and operated under the authority of this section shall meet all  
12 applicable standards set by NOAA/NOS in order to ensure that  
13 the best possible data is generated. CalPORTS data shall be made  
14 available to the general public.

15 (e) ~~This section shall only be implemented to the extent that~~  
16 ~~funds are available.~~