

AMENDED IN SENATE APRIL 26, 2016
AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1363

Introduced by Senator Monning

February 19, 2016

An act to amend Section 35650 of, and to add Sections 35630 and 35631 to, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1363, as amended, Monning. Ocean Protection Council: Ocean Acidification and Hypoxia Reduction Program.

The California Ocean Protection Act ~~law~~ establishes the Ocean Protection Council and requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, and to establish policies to coordinate the collection and sharing of scientific data related to coastal and ocean resources among agencies. The act creates the California Ocean Protection Trust Fund in the State Treasury and authorizes moneys deposited in the fund, upon appropriation by the Legislature, to be expended by the council for projects and activities authorized by the council consistent with the purposes of the act.

This bill would require the council, in ~~coordination~~ *consultation* with the State Coastal ~~Conservancy~~, *Conservancy and other relevant entities*, to establish and administer the Ocean Acidification and Hypoxia Reduction Program for the purposes of achieving specified goals. The bill would authorize moneys in the trust fund to be expended for grants or loans for projects or activities that further public purposes consistent with the Ocean Acidification and Hypoxia Reduction 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. Section 35630 is added to the Public Resources
 2 Code, to read:
 3 35630. The Legislature finds and declares all of the following:
 4 (a) Eelgrass ecosystems are among the most diverse and
 5 productive ecosystems in the world, with particular importance to
 6 commercially and recreationally valuable species including
 7 shellfish, crabs, finfish, waterfowl, and shorebirds.
 8 (b) Since the 1850s, 90 percent of California’s eelgrass acreage
 9 has been destroyed, and the remaining 10 percent is continuously
 10 exposed to multiple stressors and threats.
 11 (c) Scientific research has shown that eelgrass habitat provides
 12 multiple benefits, including the following:
 13 (1) Providing essential fish habitat for salmon, groundfish, and
 14 Pacific herring, providing Dungeness crab nurseries, and supporting
 15 commercial fisheries important to California’s coastal economy.
 16 (2) Improving water quality by filtering polluted runoff and by
 17 absorbing excess nutrients.
 18 (3) Helping to mitigate hypoxia, an abnormal deficiency of
 19 oxygen in marine environments.
 20 (4) Sequestering carbon in the underlying sediments.
 21 (5) Protecting the shoreline from erosion by absorbing wave
 22 energy and helping to mitigate *the impacts of* sea level rise.
 23 SEC. 2. Section 35631 is added to the Public Resources Code,
 24 to read:
 25 35631. (a) To the extent funds are available from bonds or
 26 other sources, the council, in ~~coordination~~ *consultation* with the
 27 State Coastal ~~Conservancy~~, *Conservancy and other relevant*
 28 *entities*, shall establish and administer the Ocean Acidification and
 29 Hypoxia Reduction Program for the purposes of achieving the
 30 following goals:
 31 (1) Developing demonstration projects to ~~evaluate the best~~
 32 ~~locations that are optimal for implementing carbon dioxide removal~~
 33 ~~strategies, including the protection and restoration of eelgrass beds.~~
 34 *research how important environmental and ecological factors*
 35 *interact across space and time to influence how geographically*

1 *dispersed eelgrass beds function for carbon dioxide removal and*
2 *hypoxia reduction.*

3 (2) Generating an inventory of locations where conservation or
4 restoration of aquatic habitats, including eelgrass, can be
5 successfully applied to mitigate ocean acidification and hypoxia.

6 (3) Incorporating consideration of carbon dioxide removal
7 during the habitat restoration planning process in order to fully
8 account for the benefits of long-term carbon storage of habitat
9 restoration in addition to the habitat value.

10 (b) In advancing approaches in the program to remove carbon
11 dioxide from seawater, the council shall consider approaches that
12 provide multiple cobenefits, including, but not limited to, providing
13 essential fish and bird habitat, improving water quality, and
14 mitigating sea level rise.

15 SEC. 3. Section 35650 of the Public Resources Code is
16 amended to read:

17 35650. (a) The California Ocean Protection Trust Fund is
18 established in the State Treasury.

19 (b) Moneys deposited in the fund may be expended, upon
20 appropriation by the Legislature, for both of the following:

21 (1) Projects and activities authorized by the council consistent
22 with Chapter 3 (commencing with Section 35600).

23 (2) Upon authorization by the council, for grants or loans to
24 public agencies, nonprofit corporations, or private entities for, or
25 direct expenditures on, projects or activities that do one or more
26 of the following:

27 (A) Eliminate or reduce threats to coastal and ocean ecosystems,
28 habitats, and species.

29 (B) Improve the management of fisheries through grants or
30 loans for the development and implementation of fishery
31 management plans pursuant to Part 1.7 (commencing with Section
32 7050) of Division 6 of the Fish and Game Code, a part of the
33 Marine Life Management Act of 1998, that promote long-term
34 stewardship and collaboration with fishery participants to develop
35 strategies that increase environmental and economic sustainability.
36 Eligible projects and activities include, but are not limited to,
37 innovative community-based or cooperative management and
38 allocation strategies that create incentives for ecosystem
39 improvement. Eligible expenditures include, but are not limited
40 to, costs related to activities identified in subdivisions (a), (b), and

1 (d) of Section 7075 of the Fish and Game Code, fishery research,
2 monitoring, data collection and analysis to support adaptive
3 management, and other costs related to the development and
4 implementation of a fishery management plan developed pursuant
5 to this subparagraph.

6 (C) Foster sustainable fisheries, including grants or loans for
7 one or more of the following:

8 (i) Projects that encourage the development and use of more
9 selective fishing gear.

10 (ii) The design of community-based or cooperative management
11 mechanisms that promote long-term stewardship and collaboration
12 with fishery participants to develop strategies that increase
13 environmental and economic sustainability.

14 (iii) Collaborative research and demonstration projects between
15 fishery participants, scientists, and other interested parties.

16 (iv) Promotion of value-added wild fisheries to offset economic
17 losses attributable to reduced fishing opportunities.

18 (v) The creation of revolving loan programs for the purpose of
19 implementing sustainable fishery projects.

20 (D) Improve coastal water quality.

21 (E) Allow for increased public access to, and enjoyment of,
22 ocean and coastal resources, consistent with sustainable, long-term
23 protection and conservation of those resources.

24 (F) Improve management, conservation, and protection of
25 coastal waters and ocean ecosystems.

26 (G) Provide monitoring and scientific data to improve state
27 efforts to protect and conserve ocean resources.

28 (H) Protect, conserve, and restore coastal waters and ocean
29 ecosystems, including any of the following:

30 (i) Acquisition, installation, and initiation of monitoring and
31 enforcement systems.

32 (ii) Acquisition from willing sellers of vessels, equipment,
33 licenses, harvest rights, permits, and other rights and property, to
34 reduce threats to ocean ecosystems and resources.

35 (I) Address coastal water contamination from biological
36 pathogens, including collaborative projects and activities to identify
37 the sources of pathogens and develop detection systems and
38 treatment methods.

39 (J) (i) Provide funding for adaptive management, planning,
40 coordination, monitoring, research, and other necessary activities

1 to minimize the adverse impacts of climate change on California's
2 ocean ecosystem, including, but not limited to, the effects of sea
3 level rise, changes in ocean productivity, and ocean acidification
4 on coastal and ocean habitat, wildlife, fisheries, chemistry, and
5 other key attributes of ocean ecosystems and to increase the state's
6 understanding of the ocean's role in carbon sequestration. Adaptive
7 management strategies, planning, research, monitoring, or other
8 activities shall be designed to improve the management of coastal
9 and ocean resources or aid the state to adapt to climate change
10 impacts.

11 (ii) Information or activities developed under clause (i), to the
12 extent appropriate, shall provide guidance to the State Air
13 Resources Board for the adoption of early action measures for the
14 elimination or reduction of emissions from sources or categories
15 of sources pursuant to the California Global Warming Solutions
16 Act (Division 25.5 (commencing with Section 38500) of the Health
17 and Safety Code).

18 (c) Grants or loans may be made to a private entity pursuant to
19 this section only for projects or activities that further public
20 purposes consistent with Sections 35510, 35515, 35617, 35630,
21 and 35631.

22 (d) Consistent with the purposes specified in Section 35515,
23 and in furtherance of the findings in Sections 7059 and 7060 of
24 the Fish and Game Code, the council, in authorizing grants or loans
25 for projects or expenditures pursuant to this section, shall promote
26 coordination of state programs and activities that protect and
27 conserve ocean resources to avoid redundancy and conflicts to
28 ensure that the state's programs and activities are complementary.

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