

# San Francisco Bay Conservation and Development Commission

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**TO:** Commissioners and Alternates  
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**SUBJECT: Staff Report on Pending Legislation**  
(For Commission consideration on July 19, 2018)

## Summary and Recommendations

The staff recommends that the Commission **support:** (1) Senate Bill 1301 (Beall), *State permitting: environment: processing procedures: dam safety or flood risk reduction project;* (2) Assembly Bill 2864 (Limon), *Coastal resources: oil spills;* and (3) AB 2441 (Frazier) *Sacramento-San Joaquin Delta Abandoned Vessel Removal Account: removal of abandoned commercial vessels.*

## Report

There are several bills of interest to the Commission in the current second year of the two-year session:

**Senate Bill 1301, *State permitting: environment: processing procedures: dam safety or flood risk reduction project.*** Introduced by Senator Jim Beall, this bill is in the Assembly Appropriations Committee.

SB 1301 would formalize a process for permitting agencies (including BCDC) to provide supplemental consulting services for dam and flood control projects proposed by public agencies, in addition to their normal permit processing consultation. The bill's intent is to foster permitting agency input early and particularly during CEQA review. The cost of the supplemental consultation would be paid by the permit applicant to the agency.

While BCDC staff supports and currently endeavors to provide early consultation, many of the permitting agencies, including BCDC, have limited staff resources for such early consultation. *Staff recommends that the Commission support SB 1301.*

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB1301](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1301)

**Assembly Bill 2864, Coastal resources: oil spills.** Introduced by Assembly member Monique Limon, the bill is in the Senate Appropriations Committee.

The current Lempert-Keene-Seastrand Oil Spill Prevention and Response Act provides for an administrator to direct prevention and cleanup efforts related to oil spills in waters of the state. The act requires the Administrator, who is appointed by the Governor, to coordinate all actions required by state or local agencies to assess impacts and provide full mitigation, restoration, rehabilitation, or replacement of natural resources, including wildlife, fisheries, wildlife or fisheries habitat, shorelines, and coastal areas, that are damaged by an oil spill.

This bill would provide that for spills affecting coastal areas, that either the California Coastal Commission or BCDC (as appropriate), be invited to participate in the natural resource damage assessment, mitigation and restoration process to prepare the damage assessment and restoration plan.

While staff works closely with the state Office of Spill Prevention and Response now, staff believes that this change would add value in helping to prepare damage assessment and restoration plans for coastal oil spills. *Staff recommends the Commission support AB 2864.*

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB2864](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2864)

**Assembly Bill 2441, Sacramento-San Joaquin Delta Abandoned Vessel Removal Account: removal of abandoned commercial vessels.** Introduced by Assembly member Jim Frazier Jr., the bill is in Senate Appropriations Committee.

This bill would place funds that the State Lands Commission (SLC) collects for rental leases in the Sacramento-San Joaquin Delta (which, as defined in the bill includes Solano, Contra Costa County, Sacramento, San Joaquin, and Yolo counties) in a new account that would be used to fund removal of abandoned and derelict vessels within the waterways of those counties. AB 2441 provides for the process by which the SLC would remove and dispose of such boats, including: (1) efforts to contact the registered owner(s); (2) recovery of costs associated with removing and disposing of boats; and (3) preparation of a plan for removal of abandoned commercial vessels in consultation with state and local agencies directly involved in the removal of abandoned vessels. The SLC took a position of *support* for the bill at its April 19, 2018 meeting.

AB 2441, while affecting areas outside of BCDC's jurisdiction, would aid in the removal of derelict and abandoned vessels in the Bay within Contra Costa and Solano counties. *Staff recommends that the Commission support AB 2441.*

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB2441](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2441)