



## SB-272 Sea level rise: planning and adaptation. (2023-2024)

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### Senate Bill No. 272

#### CHAPTER 384

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

[ Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023. ]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 272, 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 develop a sea level rise plan as part of either a local coastal program, as defined, that is subject to approval by the California Coastal Commission, or a subregional San Francisco Bay shoreline resiliency plan that is subject to approval by the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034, as provided. 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 a sea level rise plan to be prioritized for funding, upon appropriation by the Legislature, for the implementation of sea level rise adaptation strategies and recommended projects in the local government's approved sea level rise plan. The bill would require, on or before December 31, 2024, the California Coastal 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 the sea level rise plan. The bill would also require, on or before December 31, 2024, the San Francisco Bay Conservation and Development Commission, in close coordination with the California Coastal Commission, the Ocean Protection Council, and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of the sea level rise plan. 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

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

**SECTION 1.** (a) In enacting the provisions of Division 20.6.9 (commencing with Section 30985) of the Public Resources Code relating to the San Francisco Bay Conservation and Development Commission and the local governments lying, in whole or in part, within its jurisdiction, the Legislature finds and declares all of the following:

(1) The San Francisco Bay area is a vibrant, diverse, ecologically unique, innovative, and pioneering region that will be deeply and deleteriously affected by climate change without tremendous effort and investments to adapt to a constantly changing shoreline.

(2) Flood damage to vital shoreline development, public infrastructure, and facilities, such as neighborhoods, commercial centers, airports, seaports, regional transportation facilities, landfills, contaminated lands, and wastewater treatment facilities, absent adaptation will require costly repairs and likely will result in the interruption or loss of vital services and degraded environmental quality.

(3) In 2019, the San Francisco Bay Conservation and Development Commission, in collaboration with a leadership advisory group comprised of 35 bay area public, private, and nonprofit leaders, embarked on the development of "Bay Adapt," a consensus-driven strategy for regional sea level rise adaptation, and on October 21, 2021, the San Francisco Bay Conservation and Development Commission adopted the Bay Adapt Joint Platform. It has also been adopted or endorsed by over 50 local, regional, state, and other organizations in the bay area.

(4) The Bay Adapt Joint Platform lays out a set of guiding principles, priority actions, and vital tasks whose implementation will enable the region to adapt faster, better, and more equitably to a rising San Francisco Bay.

(b) In enacting the provisions of Division 20.6.9 (commencing with Section 30985) of the Public Resources Code relating to the California Coastal Commission, and the local governments lying, in whole or in part, within its jurisdiction, the Legislature finds and declares all of the following:

(1) The California Coastal Commission's Local Government Working Group is comprised of local elected officials, commission staff, and two members of the commission. In November 2020, the California Coastal Commission, the League of California Cities, and the California State Association of Counties asked the Local Government Working Group to develop principles and strategies for incorporating sea level rise into local coastal program updates.

(2) In December 2021, the Local Government Working Group released the following four work products:

(A) A framework for a phased approach to local coastal program updates for sea level rise.

(B) A call for regional approaches to resiliency and adaptation.

(C) An elevation and concurrence process to support efficient local coastal program updates.

(D) A quick-links reference document, including resources for sea level rise planning and local coastal program updates.

(3) The Local Government Working Group has affirmed its commitment to the development and advancement of tools that provide local flexibility for adaptation planning while also serving consistent statewide application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

**SEC. 2.** 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 develop a sea level rise plan as part of either of the following, as applicable:

(1) A local coastal program that is subject to approval by the California Coastal Commission consistent with the guidelines established pursuant to subdivision (a) of Section 30985.2.

(2) A subregional San Francisco Bay shoreline resiliency plan that is subject to approval by the San Francisco Bay Conservation and Development Commission consistent with the guidelines established pursuant to subdivision (b) of Section 30985.2.

(b) The sea level rise plan 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) Sea level rise adaptation strategies and recommended projects.

(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.

(c) A timeline for sea level rise plan updates, as required pursuant to paragraph (5) of subdivision (b), shall include economic impact analyses of, at a minimum, costs to critical public infrastructure and recommended approaches for implementing the sea level rise adaptation strategies and recommended projects pursuant to paragraph (3) of subdivision (b).

(d) All local governments subject to the requirements of subdivision (a) shall comply with this section by January 1, 2034.

(e) For purposes of this section, "critical public infrastructure" includes, but is not limited to, transit, roads, airports, ports, water storage, and conveyance, wastewater treatment facilities, landfills, powerplants, and railroads.

**30985.2.** (a) On or before December 31, 2024, the California Coastal 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 plan required pursuant to subdivision (a) of Section 30985. The guidelines shall recognize and build upon the baseline policies as described in the "Sea Level Rise Working Group: 2021 Work Products" as published by the California Coastal Commission on December 3, 2021.

(b) On or before December 31, 2024, the San Francisco Bay Conservation and Development Commission, in close coordination with the California Coastal Commission, 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 plan required pursuant to subdivision (a) of Section 30985. The guidelines shall recognize and build upon the "guiding principles of the joint platform" as described on page 16 of the "Bay Adapt Regional Strategy for a Rising Bay Joint Platform" adopted by the San Francisco Bay Conservation and Development Commission on October 21, 2021.

**30985.4.** This division does not reduce, alter, or diminish the authority of a state or local 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 shall be prioritized for funding, upon appropriation by the Legislature, for the implementation of sea level rise adaptation strategies and recommended projects in the local government's approved sea level rise 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. 3.** 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.