

34. Direct the Chair of the Board to send a letter expressing support for Assembly Bill 996 to the bill's author, Assemblymember Pellerin, and to other members of our legislative delegation ()



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Board of Supervisors - Third District

Subject: Support for Assembly Bill 996 - California Coastal Planning Fund: Sea Level Rise Plans.

Meeting Date: May 20, 2025

Formal Title: Direct the Chair of the Board to send a letter expressing support for Assembly Bill 996 to the bill's author, Assemblymember Pellerin, and to other members of our legislative delegation

Recommended Actions

Direct the Chair of the Board to send a letter expressing support for Assembly Bill 996 to the bill's author, Assemblymember Pellerin, and to other members of our legislative delegation.

Executive Summary

Assembly Bill 996 (Pellerin) would create the California Coastal Planning Fund to provide resources to the California Coastal Commission, the San Francisco Bay Conservation and Development Commission (BCDC), and local governments for coastal planning work, with a particular focus on preparing for sea level rise. Given the vulnerability of Santa Cruz County's coastline and the importance of forward-looking coastal resilience planning, it is important that the Board support this legislation.

Discussion

Santa Cruz County's coastline is increasingly threatened by sea level rise, coastal erosion, and extreme weather events. As a coastal jurisdiction, the County has a vested interest in legislation that facilitates comprehensive and coordinated coastal planning, especially efforts that align with state requirements and enhance local capacity.

Assembly Bill 996 (AB 996) would establish the California Coastal Planning Fund to support local and regional coastal planning efforts. Although the Fund would not have a dedicated source of revenue, it would be authorized to receive voluntary contributions from a variety of sources, thereby creating a flexible tool to support coastal planning work statewide. This includes critical efforts to integrate sea level rise adaptation into local coastal programs (LCPs), a priority for many coastal communities, including Santa Cruz County.

Recent amendments to AB 996 improve its utility for local governments by allowing past sea level rise planning work to count toward the mandates of SB 272. The amendments also create a voluntary consultation pathway with the Coastal Commission, which could help local governments like Santa Cruz County navigate the complex regulatory and scientific aspects of updating LCPs to address climate change impacts.

Supporting AB 996 aligns with the County's climate adaptation goals and enhances our ability to secure resources and guidance for local coastal planning. A letter of support from the Board would communicate the County's strong interest in seeing this bill enacted.

Financial Impact

The recommended action does not have a financial impact.

Strategic Initiatives

Operational Plan - Sustainable Environment

Submitted By:

Justin Cummings, Third District Supervisor

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

AMENDED IN ASSEMBLY APRIL 30, 2025

AMENDED IN ASSEMBLY APRIL 21, 2025

AMENDED IN ASSEMBLY MARCH 10, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 996

Introduced by Assembly Member Pellerin

February 20, 2025

An act to amend Section 30985 of, and to add Sections 30527 and 30985.7 to, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Pellerin. Public Resources: California Coastal Act of 1976: California Coastal Planning Fund: sea level rise plans.

Existing law, the California Coastal Act of 1976, provides for the protection of California's coast and requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit, except as specified. The act requires the issuance of a coastal development permit if the proposed development is in conformity with the certified local coastal program. The act provides for the certification of local coastal programs by the California Coastal Commission.

The bill would establish the California Coastal Planning Fund in the State Treasury to help local governments adequately plan for the protection of coastal resources and public accessibility to the coastline. The bill would, upon appropriation by the Legislature, make moneys in the fund available to the commission for various state and local costs relating to local coastal program development and sea level rise plans and to administer the fund, as provided. *The bill would authorize the*

commission to expend moneys in the fund to assist specified eligible recipients, including, among others, the San Francisco Bay Conservation and Development Commission, and to take specified action to administer the fund. The bill would authorize the San Francisco Bay Conservation and Development Commission to set appropriate requirements as a condition of funding for moneys provided to it from the fund.

The bill would make findings and declarations related to a gift of public funds.

Existing law requires local governments lying in whole or in part within the coastal zone or within the jurisdiction of the San Francisco Bay Conservation and Development Commission to, on or before January 1, 2034, develop a sea level rise plan with specified required content as part of a local coastal program that is subject to approval by the California Coastal Commission or the San Francisco Bay Conservation and Development Commission.

This bill would authorize the applicable commission, when approving a local coastal plan or an amendment to a local coastal plan, to deem existing sea level rise information or plans prepared by a local government to satisfy the content requirements for a sea level rise plan. The bill would provide that local governments are encouraged to, on or before January 1, 2029, consult with the commission, in a voluntary early consultation, regarding sea level rise plans in the preparation of a local coastal program or an amendment to a local coastal 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 30527 is added to the Public Resources
- 2 Code, immediately following Section 30526, to read:
- 3 30527. (a) The California Coastal Planning Fund is hereby
- 4 established in the State Treasury to help local governments
- 5 adequately plan for the protection of coastal resources and public
- 6 accessibility to the coastline. Upon appropriation by the
- 7 Legislature, moneys deposited into the fund shall be available to
- 8 the commission to fund the following:
- 9 (1) Costs for local governments to prepare, adopt, and revise
- 10 local coastal programs, consistent with this division.

1 (2) Costs for local governments to prepare, adopt, and revise
2 sea level rise plans, consistent with Division 20.6.9 (commencing
3 with Section 30985).

4 (3) Costs for commission staff to review local coastal programs
5 and for the San Francisco Bay Conservation and Development
6 Commission staff to review sea level rise plans, consistent with
7 Division 20.6.9 (commencing with Section 30985). Those costs
8 shall not exceed 20 percent of the annual deposits into the fund.

9 (b) Consistent with subdivision (a), the commission shall expend
10 moneys in the fund for grants, loans, contracts, or services to assist
11 eligible recipients.

12 (c) (1) Eligible recipients of funding pursuant to this section
13 shall be local agencies, including cities and counties, the
14 commission, and the San Francisco Bay Conservation and
15 Development Commission.

16 (2) To be eligible for funding pursuant to this section, grants,
17 loans, contracts, or services provided to a local government shall
18 have a clear and definite purpose associated with the planning
19 efforts required to provide public benefits related to coastal
20 resource protection and public accessibility of the California coast.

21 (d) The commission may undertake any of the following actions
22 to administer the fund:

23 (1) Provide for the deposit of any of the following moneys into
24 the fund:

25 (A) Federal contributions.

26 (B) Voluntary contributions, gifts, grants, or bequests.

27 (C) Financial participation by a public agency in an activity
28 authorized for funding from the fund.

29 (2) Enter into agreements for contributions to the fund from the
30 federal government, local or state agencies, private corporations,
31 and nonprofit organizations.

32 (3) Direct portions of the fund to a subset of eligible applicants
33 as required or appropriate based on funding source.

34 (4) Take additional action as may be appropriate for adequate
35 administration and operation of the fund.

36 (5) Set appropriate requirements as a condition of ~~funding~~.
37 *funding. This paragraph does not apply to funding provided to the*
38 *San Francisco Bay Conservation and Development Commission*
39 *pursuant to paragraph (1) of subdivision (c).*

1 (e) *The San Francisco Bay Conservation and Development*
2 *Commission may set appropriate requirements, consistent with*
3 *this section, as a condition of funding provided pursuant to*
4 *paragraph (1) of subdivision (c).*

5 (e)

6 (f) Actions to administer the fund, and implement or interpret
7 this section, are not subject to the Administrative Procedure Act
8 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
9 Division 3 of Title 2 of the Government Code).

10 (f)

11 (g) This section does not expand any obligation of the state to
12 provide resources for the provisions of this article or to require the
13 expenditure of additional resources beyond the amount of moneys
14 deposited into the fund.

15 SEC. 2. Section 30985 of the Public Resources Code is
16 amended to read:

17 30985. (a) A local government lying, in whole or in part,
18 within the coastal zone or within the jurisdiction of the San
19 Francisco Bay Conservation and Development Commission shall
20 develop a sea level rise plan as part of either of the following, as
21 applicable:

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

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

29 (b) The sea level rise plan required pursuant to subdivision (a)
30 shall include, at a minimum, all of the following:

31 (1) The use of the best available science.

32 (2) A vulnerability assessment that includes efforts to ensure
33 equity for at-risk communities.

34 (3) Sea level rise adaptation strategies and recommended
35 projects.

36 (4) Identification of lead planning and implementation agencies.

37 (5) A timeline for updates, as needed, based on conditions and
38 projections and as determined by the local government in
39 agreement with the California Coastal Commission or the San

1 Francisco Bay Conservation and Development Commission, as
2 applicable.

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

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

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

15 (f) The California Coastal Commission or the San Francisco
16 Bay Conservation and Development Commission may deem
17 existing sea level rise information or sea level rise plans prepared
18 by a local government to satisfy one or all of the requirements of
19 subdivisions (b) and (c).

20 SEC. 3. Section 30985.7 is added to the Public Resources Code,
21 to read:

22 30985.7. (a) A local government is encouraged to consult with
23 the California Coastal Commission, on or before January 1, 2029,
24 in preparation of a local coastal program or an amendment to a
25 local coastal program pursuant to this division to ensure that, upon
26 formal submission of the local coastal program or an amendment
27 to the local coastal program to the California Coastal Commission,
28 the materials are sufficient for a thorough and complete review.

29 (b) A local government’s participation in an early consultation
30 pursuant to this section is voluntary. An early consultation is
31 intended to help a local government to timely meet the
32 requirements of this division. Participation in an early consultation
33 at any time shall not prevent a local government from submitting
34 a sea level rise plan as required by this division.

35 (c) If a local government seeks to engage in an early consultation
36 at any time with the California Coastal Commission, the following
37 shall occur:

38 (1) A local government shall initiate the early consultation by
39 notifying California Coastal Commission staff in writing that the
40 local government seeks to engage in a consultation. After providing

1 this notification, the local government shall provide the California
2 Coastal Commission a summary report on the status of its efforts
3 to develop a sea level rise plan pursuant to Section 30985, including
4 any draft components as outlined in subdivisions (b) and (c) of
5 Section 30985, and may provide a draft local coastal program or
6 an amendment to a local coastal program that is intended to satisfy
7 the requirement of paragraph (1) of subdivision (a) of Section
8 30985.

9 (2) An early consultation may include a singular meeting or
10 regular meetings. The meeting schedule shall be mutually agreed
11 upon by the local government and the California Coastal
12 Commission.

13 (3) California Coastal Commission staff shall offer written
14 recommendations to a local government about what may preclude
15 certification of a local coastal program or an amendment to a local
16 coastal program, including, but not limited to, information about
17 what satisfies the requirements of subdivisions (b) and (c) of
18 Section 30985.

19 (4) California Coastal Commission staff shall provide
20 recommendations in a reasonable timeframe that is mutually agreed
21 upon by both the local government and the commission.

22 SEC. 4. The Legislature finds and declares that the addition of
23 Section 30527 to the Public Resources Code serves the public
24 purpose of protecting coastal resources and public accessibility to
25 the coastline and does not constitute a gift of public funds within
26 the meaning of Section 6 of Article XVI of the California
27 Constitution.

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