

Assembly Bill No. 64

CHAPTER 798

An act to add Article 2.8 (commencing with Section 69.5) to Chapter 2 of Division 1 of the Harbors and Navigation Code, relating to coastal resources.

[Approved by Governor October 7, 1999. Filed with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 64, Ducheny. Public beach restoration.

Under existing law, the Department of Boating and Waterways has powers and duties pertaining to beach erosion control, beach stabilization, and beach repair and restoration.

This bill would establish the California Public Beach Restoration Program, to be administered by the department, for specified public beach enhancement purposes.

The bill would require the department and the State Coastal Conservancy to jointly prepare and submit to the Legislature, not later than January 1, 2002, a report detailing the restoration, nourishment, and enhancement activities undertaken through the program, evaluating the need for public beach restoration projects, the effectiveness of the program in addressing that need, and ways to increase natural sediment.

The bill would create the Public Beach Restoration Fund in the State Treasury and would provide that moneys in the fund are available for expenditure by the department for the purposes of the bill. The bill would become operative only to the extent that funds are appropriated in the annual Budget Act for the purposes of the bill.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The state's beaches provide California with an enriched quality of life, worldwide recognition, and unparalleled tourist opportunities for economic enhancement.

(b) The state's beaches are California's most popular recreational destination with over 550 million visitors in 1995, 85 percent of whom were noncoastal residents.

(c) Tourism is the third largest industry in the state; the state's beaches provide the attraction and recreational infrastructure that drives a major portion of that industry.

(d) Beach-induced recreation and tourism produce over ten billion six hundred million dollars (\$10,600,000,000) in direct spending, seventeen billion dollars (\$17,000,000,000) in indirect and induced spending, support over 500,000 jobs, and generate over one billion dollars (\$1,000,000,000) in state taxes.

(e) Many state beaches are in an advanced state of erosion and are disappearing because of human-induced impacts produced by inland development and watershed modifications, such as concrete channels, flood control structures, and water supply dams. The health of the state's beaches relies upon a steady flow of sand from watersheds via rivers and streams that are now greatly modified and dammed.

(f) The state's beaches provide a natural habitat for many species, some of which are on the threatened or endangered list, such as the least tern and the snowy plover.

(g) Beaches provide exceptional, low-cost recreational opportunities for all social-economic levels especially in densely populated areas that possess limited water recreation opportunities.

(h) A dedicated state-funding source will greatly enhance our ability to partner and qualify for federal matching funds through the United States Army Corps of Engineers' Shore Protection Program.

(i) The Public Research Institute at San Francisco State University has studied beach nourishment needs along the California coast and found a statewide need for one hundred thirty-two million dollars (\$132,000,000) in one-time project costs with annualized maintenance costs of seventeen million six hundred thousand dollars (\$17,600,000).

SEC. 2. Article 2.8 (commencing with Section 69.5) is added to Chapter 2 of Division 1 of the Harbors and Navigation Code, to read:

Article 2.8. California Public Beach Restoration Act

69.5. This chapter shall be known, and may be cited, as the California Public Beach Restoration Act.

69.6. (a) The California Public Beach Restoration Program is hereby established, to be administered by the department for all of the following purposes:

(1) The restoration, enhancement, and nourishment of public beaches, as determined to be necessary by the department, through the cost-effective engineered placement of sand on the beach or in the nearshore environment.

(2) The planning, design, and permitting of the beach restoration, nourishment, or enhancement projects specified in paragraph (1), which shall not exceed 15 percent of the total project cost.

(3) The preparation of studies to inventory, characterize, and assess the physical and biological resources of the ocean, and nearshore, shoreline, and inland areas that are determined by the



department to be necessary to construct the projects specified in paragraph (1) that are environmentally and economically sound. The cost of the studies shall not exceed 5 percent of the annual program funding.

(4) The funding of 100 percent of the nonfederal project construction cost for restoration, nourishment, or enhancement of coastal state parks and state beaches with placement of sand on the beach or in the nearshore.

(5) The funding of 85 percent of the nonfederal project cost for restoration, nourishment, or enhancement of nonstate public beaches with placement of sand on the beach or in the nearshore, with a 15 percent match from the local sponsors, provided as funds or in-kind services.

(6) The active pursuit and promotion of federal and local partnerships to cost-share beach restoration, nourishment, or enhancement projects specified in paragraph (1) that have significant state benefits.

(b) Prior to funding any project under this section, the department shall develop guidelines that include application requirements and criteria for evaluating a project. The guidelines shall be consistent with the Resources Agency's policies for shoreline erosion protection. Only beaches that are in public ownership and that are open and accessible to the public are eligible for funding under this section.

69.8. Notwithstanding Section 7550.5 of the Government Code, the department, and the State Coastal Conservancy, not later than January 1, 2002, shall jointly prepare and submit to the Legislature a report that does all of the following:

(a) Details the restoration, nourishment, and enhancement activities undertaken through this program.

(b) Discusses and evaluates the need for continued public beach restoration projects.

(c) Reports on the effectiveness of the program in addressing that need.

(d) Discusses ways to increase natural sediment supply in order to decrease the need to nourish the state's beaches, including, but not limited to, an analysis of specific locations where structures might be removed or modified.

69.9. (a) The Public Beach Restoration Fund is hereby created in the State Treasury. The moneys in the fund shall be available for expenditure by the department only for the purposes of the California Public Beach Restoration Program established pursuant to this article.

(b) Of the moneys in the fund, 60 percent shall be available for allocation by the department to projects south of the point at which the Pacific Ocean meets the border between the County of San Luis



Obispo and the County of Monterey and 40 percent shall be available for allocation to projects located north of that point.

SEC. 3. This act shall become operative only to the extent that funds are appropriated in the annual Budget Act for the purposes of this act.

O

