



Date: April 18, 2012

To: Governing Board

From: Amy Hutzell  
Program Manager, San Francisco Bay Area Conservancy

Subject: **Status and Legislative History of AB 1656 (Fong) Amending San Francisco Bay Restoration Authority's Enabling Legislation**

Attachments: (1) Current version of AB 1656 (Fong)  
(2) Edited version of AB 1656 excluding Delta Primary Zone  
(3) Map of Delta Primary Zone

### **Introduction**

At its January 25, 2012 meeting, the Governing Board authorized staff to work on obtaining amendments to the Restoration Authority's enabling legislation that would accomplish the following:

- Reverse the exclusion of the northeastern Contra Costa County shoreline from eligibility for ABAG appointment to the Governing Board and address the exclusion of the eastern Solano and Contra Costa shorelines from the definition of San Francisco Bay.
- Extend the sunset date for the Restoration Authority's enabling legislation from January 1, 2029 to January 1, 2039.

In addition, the Governing Board stipulated that the boundary for the Restoration Authority in Contra Costa County should be moved eastward just far enough to include Dutch Slough, with the easternmost boundary of Solano County nearby.

### **Status and Legislative History**

- Assembly Member Paul Fong introduced AB 1656 to address the boundary and sunset issues, with extension of the sunset date only to 2036, reflecting concerns of legislative staff.
- On March 26, AB 1656 was heard in the Assembly Natural Resources Committee and passed with a minor amendment recommended by Committee staff on a vote of 6 – 3

## Amendments to Enabling Legislation

April 18, 2012

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along party lines. Attached to this memo is the current version of AB 1656, as amended in this Committee (note that the edits that appear only reflect changes made to the bill by the Assembly Natural Resources Committee).

- On April 11, AB 1656 was appeared on the Assembly Local Government Committee's consent calendar, which was passed on a vote of 9 – 0.
- The bill will next be scheduled for the consent calendar of the Assembly Appropriations Committee at a date to be determined.
- In advance of the Appropriations Committee hearing, staff is working with Assembly Member Fong's staff to insert language excluding the "Primary Zone" of the Delta—principally Delta Islands. See attached edited version of legislation and map.

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1656**

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**Introduced by Assembly Member Fong**

February 13, 2012

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An act to amend Sections 66703, 66704.5, and 66706 of the Government Code, relating to San Francisco Bay.

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, as amended, Fong. San Francisco Bay Restoration Authority.

(1) The San Francisco Bay Restoration Authority Act establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. Existing law repeals the act on January 1, 2029.

This bill would extend the repeal of the act until January 1, 2036. Because the act imposes additional duties on local governmental agencies relating to the membership of the governing board of the authority, the extension of the act by this bill would impose a state-mandated local program.

(2) The act establishes a governing board of the authority composed of specified local and regional governmental officials, including one member who is an elected official of a bayside city or county in the East Bay, which is defined as consisting of the portion of Contra Costa County that is west of the City of Pittsburgh and a specified portion of Alameda County.

This bill would revise that definition of the East Bay, for purposes of that appointment, to provide that it consists of the whole Contra Costa County, as well as that specified portion of Alameda County.

(3) The act authorizes the authority to raise funds and award grants to public and private entities for eligible projects, including projects, that, among other things, restore, protect, or enhance tidal wetlands, managed ponds, or natural habitat on the San Francisco Bay shoreline. The act defines the term “San Francisco Bay Area” as including a specified area within the State Coastal Conservancy’s San Francisco Bay Area Conservation Program.

This bill would revise that requirement to instead make eligible projects that restore, protect, or enhance tidal wetlands, managed ponds, or natural habitat on the shoreline in the San Francisco Bay Area.

(4) 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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 66703 of the Government Code is  
2 amended to read:

3 66703. (a) The authority shall be governed by a board  
4 composed of seven voting members, as follows:

5 (1) One member shall be a resident of the San Francisco Bay  
6 Area with expertise in the implementation of Chapter 4.5  
7 (commencing with Section 31160) of Division 21 of the Public  
8 Resources Code and shall serve as the chair.

9 (2) One member shall be an elected official of a bayside city or  
10 county in the North Bay. For purposes of this subdivision, the  
11 North Bay consists of the Counties of Marin, Napa, Solano, and  
12 Sonoma.

13 (3) One member shall be an elected official of a bayside city or  
14 county in the East Bay. For purposes of this subdivision, the East  
15 Bay consists of Contra Costa County and the portion of Alameda  
16 County that is north of the southern boundary of the City of  
17 Hayward.

1 (4) One member shall be an elected official of a bayside city or  
2 county in the South Bay. For purposes of this subdivision, the  
3 South Bay consists of Santa Clara County, the portion of Alameda  
4 County that is south of the southern boundary of the City of  
5 Hayward, and the portion of San Mateo County that is south of  
6 the northern boundary of Redwood City.

7 (5) One member shall be an elected official of a bayside city or  
8 county in the West Bay. For purposes of this subdivision, the West  
9 Bay consists of the City and County of San Francisco and the  
10 portion of San Mateo County that is north of the northern boundary  
11 of Redwood City.

12 (6) Two members shall be elected officials of one or more of  
13 the following:

14 (A) A bayside city or county.

15 (B) A regional park district, regional open-space district, or  
16 regional park and open-space district formed pursuant to Article  
17 3 (commencing with Section 5500) of Chapter 3 of Division 5 of  
18 the Public Resources Code that owns or operates one or more San  
19 Francisco Bay shoreline parcels.

20 (b) The Association of Bay Area Governments shall appoint  
21 the members.

22 (c) Each member shall serve at the pleasure of his or her  
23 appointing authority.

24 (d) A vacancy shall be filled by the Association of Bay Area  
25 Governments within 90 days from the date on which the vacancy  
26 occurs.

27 SEC. 2. Section 66704.5 of the Government Code is amended  
28 to read:

29 66704.5. (a) The authority may raise funds and award grants  
30 to public and private entities, including, but not limited to, owners  
31 or operators of ~~San Francisco Bay~~ shoreline parcels *in the San*  
32 *Francisco Bay Area*, for eligible projects in the counties within  
33 the authority's jurisdiction.

34 (b) An eligible project shall do at least one of the following:

35 (1) Restore, protect, or enhance tidal wetlands, managed ponds,  
36 or natural habitats on the shoreline in the San Francisco Bay Area.

37 (2) Build or enhance shoreline levees or other flood management  
38 features that are part of a project to restore, enhance, or protect  
39 tidal wetlands, managed ponds, or natural habitats identified in  
40 paragraph (1).

1 (3) Provide or improve public access or recreational amenities  
2 that are part of a project to restore, enhance, or protect tidal  
3 wetlands, managed ponds, or natural habitats identified in  
4 paragraph (1).

5 (c) In awarding grants pursuant to subdivision (a), the authority  
6 shall give priority to projects that, to the greatest extent possible,  
7 meet the selection criteria of the State Coastal Conservancy's San  
8 Francisco Bay Area Conservancy Program in accordance with  
9 subdivision (c) of Section 31163 of the Public Resources Code,  
10 and are consistent with the San Francisco Bay Conservation and  
11 Development Commission coastal management program for the  
12 San Francisco Bay segment of the California coastal zone and the  
13 San Francisco Bay Joint Venture implementation strategy updated  
14 list of Ongoing and Potential Wetland Habitat Projects.

15 (d) In reviewing and assessing projects, the authority shall solicit  
16 input from the advisory committee convened pursuant to Section  
17 66703.7. The authority shall adopt a procedure for evaluating  
18 proposals in consultation with the advisory committee.

19 (e) Grants awarded pursuant to subdivision (a) may be used to  
20 support all phases of planning, construction, monitoring, operation,  
21 and maintenance for projects that are eligible pursuant to  
22 subdivision (b).

23 SEC. 3. Section 66706 of the Government Code is amended  
24 to read:

25 66706. This title shall remain in effect only until January 1,  
26 2036, and as of that date is repealed, unless a later enacted statute,  
27 that is enacted before January 1, 2036, deletes or extends that date.

28 SEC. 4. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 a local agency or school district has the authority to levy service  
31 charges, fees, or assessments sufficient to pay for the program or  
32 level of service mandated by this act, within the meaning of Section  
33 17556 of the Government Code.

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BILL NUMBER: AB 1656      AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY    MARCH 29, 2012

INTRODUCED BY    Assembly Member Fong

FEBRUARY 13, 2012

An act to amend Sections 66703, 66704.5, and 66706 of the Government Code, relating to San Francisco Bay.

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, as amended, Fong. San Francisco Bay Restoration Authority.

(1) The San Francisco Bay Restoration Authority Act establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. Existing law repeals the act on January 1, 2029.

This bill would extend the repeal of the act until January 1, 2036. Because the act imposes additional duties on local governmental agencies relating to the membership of the governing board of the authority, the extension of the act by this bill would impose a state-mandated local program.

(2) The act establishes a governing board of the authority composed of specified local and regional governmental officials, including one member who is an elected official of a bayside city or county in the East Bay, which is defined as consisting of the portion of Contra Costa County that is west of the City of Pittsburgh and a specified portion of Alameda County.

This bill would revise that definition of the East Bay, for purposes of that appointment, to provide that it consists of the whole Contra Costa County, as well as that specified portion of Alameda County.

(3) The act authorizes the authority to raise funds and award grants to public and private entities for eligible projects, including projects, that, among other things, restore, protect, or enhance tidal wetlands, managed ponds, or natural habitat on the San Francisco Bay shoreline. The act defines the term "San Francisco Bay Area" as including a specified area within the State Coastal Conservancy's San Francisco Bay Area Conservation Program.

This bill would revise that requirement to instead make eligible projects that restore, protect, or enhance tidal wetlands, managed ponds, or natural habitat on the shoreline in the San Francisco Bay Area.

(4) 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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

SECTION 1. Section 66701 of the Government Code is amended to read:

**66701.** Unless the context otherwise requires, the following definitions govern the construction of this title:

(a) "Advisory committee" means the Bay Restoration Advisory Committee convened by the governing board of the San Francisco Bay Restoration Authority pursuant to Section 66703.7.

(b) "Authority" means the San Francisco Bay Restoration Authority established as a regional entity pursuant to Section 66702.

(c) "Bayside city or county" means a city or county with a geographical boundary that touches San Francisco Bay, and includes the City and County of San Francisco.

(d) "Board" means the governing board of the San Francisco Bay Restoration Authority created pursuant to Section 66703.

(e) "Delta primary zone" means the area defined in Section 29728 of the Public Resources Code.

(e) "Elected official" means an elected member of a city council or an elected member of a county board of supervisors.

(f) "Member" means a person appointed as a member of the governing board of the San Francisco Bay Restoration Authority pursuant to Section 66703.

(g) "San Francisco Bay" means the area described in subdivision(a) of Section 66610.

(h) "San Francisco Bay Area" means the area within the State Coastal Conservancy's San Francisco Bay Area Conservancy Program created pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21 of the Public Resources Code and includes the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

Comment [a1]: I added this entire section in order to add the definition of the Delta Primary Zone.

SEC. 2. Section 66703 of the Government Code is amended to read:

66703. (a) The authority shall be governed by a board composed of seven voting members, as follows:

(1) One member shall be a resident of the San Francisco Bay Area with expertise in the implementation of Chapter 4.5 (commencing with Section 31160) of Division 21 of the Public Resources Code and shall serve as the chair.

(2) One member shall be an elected official of a bayside city or county in the North Bay. For purposes of this subdivision, the North Bay consists of the Counties of Marin, Napa, Solano, and Sonoma.

(3) One member shall be an elected official of a bayside city or county in the East Bay. For purposes of this subdivision, the East Bay consists of Contra Costa County and the portion of Alameda County that is north of the southern boundary of the City of Hayward.

(4) One member shall be an elected official of a bayside city or county in the South Bay. For purposes of this subdivision, the South Bay consists of Santa Clara County, the portion of Alameda County that is south of the southern boundary of the City of Hayward, and the portion of San Mateo County that is south of the northern boundary of Redwood City.

(5) One member shall be an elected official of a bayside city or county in the West Bay. For purposes of this subdivision, the West Bay consists of the City and County of San Francisco and the portion of San Mateo County that is north of the northern boundary of Redwood City.

(6) Two members shall be elected officials of one or more of the following:

(A) A bayside city or county.

(B) A regional park district, regional open-space district, or regional park and open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of the Public Resources Code that owns or operates one or more San Francisco Bay shoreline parcels.

(b) The Association of Bay Area Governments shall appoint the members.

(c) Each member shall serve at the pleasure of his or her appointing authority.

(d) A vacancy shall be filled by the Association of Bay Area Governments within 90 days from the date on which the vacancy occurs.

SEC. 3. Section 66704.5 of the Government Code is amended to read:

Deleted: 2

66704.5. (a) The authority may raise funds and award grants to public and private entities, including, but not limited to, owners or operators of ~~San Francisco Bay~~ shoreline parcels in the San Francisco Bay Area, excluding the Delta primary zone, for eligible projects in the counties within the authority's jurisdiction.

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(b) An eligible project shall do at least one of the following:

(1) Restore, protect, or enhance tidal wetlands, managed ponds, or natural habitats on the shoreline in the San Francisco Bay Area, excluding the Delta primary zone.

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(2) Build or enhance shoreline levees or other flood management features that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats identified in paragraph (1).

(3) Provide or improve public access or recreational amenities that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats identified in paragraph(1).

(c) In awarding grants pursuant to subdivision (a), the authority shall give priority to projects that, to the greatest extent possible, meet the selection criteria of the State Coastal Conservancy's San Francisco Bay Area Conservancy Program in accordance with subdivision (c) of Section 31163 of the Public Resources Code, and are consistent with the San Francisco Bay Conservation and Development Commission coastal management program for the San Francisco Bay segment of the California coastal zone and the San Francisco Bay Joint Venture implementation strategy updated list of Ongoing and Potential Wetland Habitat Projects.

(d) In reviewing and assessing projects, the authority shall solicit input from the advisory committee convened pursuant to Section 66703.7. The authority shall adopt a procedure for evaluating proposals in consultation with the advisory committee.

(e) Grants awarded pursuant to subdivision (a) may be used to support all phases of planning, construction, monitoring, operation, and maintenance for projects that are eligible pursuant to subdivision (b).

SEC. 4. Section 66706 of the Government Code is amended to read:

Deleted: 3

66706. This title shall remain in effect only until January 1, 2036, and as of that date is repealed, unless a later enacted

statute, that is enacted before January 1, 2036, deletes or extends that date.

| SEC. ~~5.~~ No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Deleted: 4

