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**SENATE COMMITTEE ON ENVIRONMENTAL QUALITY**

**Senator Allen, Chair**

**2021 - 2022 Regular**

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**Bill No:** SB 1  
**Author:** Atkins  
**Version:** 3/23/2021  
**Urgency:** No  
**Consultant:** Eric Walters, Rylie Ellison

**Hearing Date:** 4/12/21  
**Fiscal:** Yes

**SUBJECT:** Coastal resources: sea level rise

**DIGEST:** Expands the duties of the California Coastal Commission (CCC) to consider minimizing and mitigating damages from sea level rise (SLR) in coastal resources planning and management policies. Creates the California SLR State and Regional Support Collaborative within the Ocean Protection Council (OPC) to serve a number of coordinating and supporting roles. Adds \$500,000 to the Environmental Justice Small Grants Program to be used on SLR mitigation in disadvantaged communities.

**ANALYSIS:**

Existing law:

- 1) Establishes the California Coastal Commission (CCC) to plan and regulate the use of land and water in the coastal zone. (Public Resources Code (PRC) § 30300-30305 et seq.)
- 2) Establishes the Ocean Protection Council (OPC) to coordinate activities of ocean-related state agencies to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies, identify and recommend to the Legislature changes in law, and identify and recommend changes in federal law and policy to the Governor and Legislature. (PRC § 35600–35625)
- 3) Under the California Coastal Act (PRC § 30200 et seq.):
  - a) Defines coastal zone to encompass the land and water from Oregon to Mexico, seaward to the state’s outer limit of jurisdiction, and inland generally 1,000 yards from the mean high tide line, barring specified exceptions. (PRC § 30103)

- b) Requires each local government lying at all within the coastal zone to prepare a local coastal program, and dictates some of the contents of that local coastal program, including public access to the coast and housing policies and programs.
- 4) Establishes the Environmental Justice (EJ) Small Grant Program under the jurisdiction of the California Environmental Protection Agency (CalEPA) to provide grants (limited to \$50,000 per grant and \$1.5 million annually for the program) to eligible community groups that are located in areas adversely affected by environmental pollution and hazards that are involved in work to address environmental justice issues. (PRC § 71116 et seq.)
- 5) Defines disadvantaged communities (DACs) as areas disproportionately affected by environmental pollution or hazards that lead to negative public health effects or environmental degradation, or as areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment. (Health and Safety Code (HSC) § 39711)

This bill:

- 1) Updates the declared goals of the state for the coastal zone to include anticipating, assessing, planning for, and, to the extent feasible, minimizing and mitigating the adverse environmental and economic effects of sea level rise (SLR) within the coastal zone.
- 2) Adds an article pertaining to SLR to the California Coastal Act which mandates the OPC's procedures for the preparation of local coastal programs to include recommendations and guidelines for the identification, assessment, minimization, and mitigation of SLR within each local coastal program.
- 3) As the California Sea Level Rise Mitigation and Adaptation Act of 2021:
  - a) Makes findings and declarations regarding the importance, vulnerability, and economic value of the State's coastal zones.
  - b) States that it is the purpose of this division to establish new planning, assessment, funding, and mitigation tools for California to address and respond to SLR.
  - c) Creates the California SLR State and Regional Support Collaborative within the OPC, and tasks it with (1) coordinating state planning and coastal management agencies to administer grants; (2) providing state and regional information to the public; (3) and supporting local, regional, and other state agencies for the identification, assessment, and mitigation of sea

- level rise within the coastal zone and area included in the San Francisco Bay Conservation and Development Commission.
- d) Directs the collaborative to, upon appropriation by the Legislature, expend not more than \$100,000,000 annually from appropriate bond funds on grants to local governments to update land use plans to account for SLR and implement those plans, with priority given to those governments that have effectively and urgently planned and implemented actions to address SLR.
  - e) Requires the secretaries of CalEPA and CNRA to appear annually before the budget committees of the Senate and Assembly about implementation of this grant program.
- 4) Increases the maximum amount of money that can be awarded under the EJ Small Grant program from \$1.5 to \$2 million dollars, and mandates that not more than \$500,000 be given to organizations working on SLR in DACs, as defined.

## Background

- 1) *The threat of sea level rise in California.* As the planet continues to warm due to anthropogenic activities and greenhouse gas (GHG) emissions, regions of the globe where ice has historically stayed frozen year round are beginning to thaw. Particularly when this ice has been atop land masses, the meltwater running into the ocean can add considerable volume. Scientific estimates suggest the magnitude of SLR in California could be at least half of one foot by 2030 and as much as seven feet by 2100. Moreover, storm surges, exceptionally high “king tides,” or El Niño events could produce notably higher water levels than SLR alone. According to the 2015 Risky Business Project assessment, 87% of all Californians live in coastal counties, and 80% of the state’s GDP is derived from those counties.

Encroaching seas and waves could result in negative impacts along California’s coast not only through increased flooding, but also by eroding beaches and cliffs, and by raising coastal groundwater levels. Protective walls and berms can help reduce overland flooding, but groundwater infiltration from SLR cannot be stopped the same way, and it can have major impacts on releasing pollutants from underground storage, soils, and other infrastructure. According to the Legislative Analyst’s Office’s 2020 Report *What Threat Does Sea-Level Rise Pose to California?*, \$8-10 billion of existing property in California is likely to be underwater by 2050, with an additional \$6-10 billion at risk during high tides. Moreover, four feet of higher water levels would cause daily flooding for nearly 28,000 socially vulnerable residents in the San Francisco

Bay Area region alone.

- 2) *Previous state actions to support locals.* According to the Legislative Analyst's Office's 2019 report *Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts*, "Most of the development along the coast is owned by either private entities or local governments—not the state. Additionally, most land use policies and decisions are made by local governments, and they are most knowledgeable about their communities. Local governments will need to grapple with which existing infrastructure, properties, and natural resources to try to protect from the rising tides; which to modify or move; and which may be unavoidably affected. However, given the statewide risks, the state can play an important role in encouraging and supporting local efforts and helping to alleviate some of the challenges local governments face." Overall, the report recommended supporting local adaptation efforts by fostering regional-scale adaptation; supporting local planning and adaptation projects; providing information, assistance, and support; and enhancing public awareness of SLR risks and impacts. In practice, most local SLR adaptation appears to be primarily at the planning stages currently.
- 3) *Environmental Justice Small Grant Program.* The EJ Small Grant Program was established in 2001 under CalEPA to award competitive grants of up to \$50,000 for projects that distribute information to help resolve environmental problems, identify improvements in communication and coordination between CalEPA and stakeholders regarding pollution exposure, improve community understanding of environmental issues, promote community involvement in relevant decision-making processes, or enhance community understanding of environmental information. In 2020, the EJ Small Grant Program awarded more than \$1 million in grants across 28 projects such as training refugees and immigrants working at nail salons how to reduce their exposure to toxic chemicals and helping Black expectant mothers and their health workers in Fresno understand how reducing air pollution can improve prenatal care.
- 4) *Disadvantaged communities.* The definition of DACs used in SB 1 is the same adopted pursuant to SB 535 (de Leon, 2012): the top 25% scoring areas from CalEnviroScreen 3.0 and other communities with high pollution burden but with unreliable socioeconomic or health data. CalEPA conducted a series of public workshops in 2017, and subsequently updated the list to add two more census tracts in June 2018. Collectively, these 2006 census tracts represent over 9.3 million Californians who, due to both historical and ongoing inequities in land use and resource allocation, have significantly heightened risk for acute and chronic health conditions owing to pollution exposure.

## Comments

- 1) *Purpose of Bill.* According to the author, “Sea level rise is an immediate and proximate threat to coastal regions of California. The non-partisan Legislative Analyst’s Office (LAO) estimates that California could experience up to 7 feet of rise by 2100, having massive impacts on the state’s lands, economy, and physical environment. The LAO further states that waiting too long to initiate adaptation efforts likely will cost the state and its economy billions of dollars.

“Addressing sea level rise is a joint responsibility among local governments, regional and state agencies. Local governments in the coastal zone oversee land use decisions, but are also subject to the California Coastal Act which requires the development and adoption of local coastal programs which must be reviewed and approved by the state Coastal Commission. Other public agencies – such as councils of government, regional housing and transportation agencies, and state oceans and resources agencies – all have a piece of jurisdiction over lands and infrastructure affected by sea level rise.

“SB 1 (Atkins) enacts the first comprehensive sea level rise program in state government to assess and mitigate sea level rise and to assist local governments and communities in their response to the inevitable challenge of sea level rise.

“SB 1 does three things: First, it directs the California Coastal Commission to take into account sea level rise in its coastal planning, development, and mitigation efforts. Second, the bill establishes a collaborative within the Ocean Protection Council to help provide local and regional planning and mitigation strategies for sea level rise. Third, the measure would make public funding available both for local sea level rise planning efforts, and for community outreach and education for disadvantaged communities along the coast”

- 2) *Environmental justice and SLR.* This bill would expand the Environmental Justice Small Grant Program under CalEPA from \$1.5M annually to \$2M annually, and direct up to \$500,000 of that to “organizations working to address and mitigate the effects of sea level rise in disadvantaged communities impacted by sea level rise.” According to CalEnviroScreen 3.0, most DACs are not on the coast. As sea level continues to rise, however, the impacts of SLR will be felt further and further inland. Moreover, many residents of DACs may hold jobs closer to the coast, such as Long Beach and Santa Monica, where 39% and 31% of all jobs are held by residents of DACs.

Although most DACs, as defined here, will not be directly affected by SLR,

those that will do not have the same resources as many other coastal communities. As such, specifically directing a portion of the grants in the EJ Small Grant Program may be prudent. This is also in line with the first recommendation of the OPC's latest update to the CA SLR guidance document: Adaptation planning and strategies should prioritize social equity, environmental justice, and the needs of vulnerable communities. The document specifically points to addressing environmental contamination risks for coastal communities adjacent to industry or toxic sites, preserving access to and along the beach, preventing displacement by ensuring that investments in coastal resilience protect local jobs and housing costs, addressing economic impacts on agriculture, addressing emergency services and response to natural disasters, and evaluating the social and economic implications of various adaptation strategies.

### **Related/Prior Legislation**

SB 83 (Allen, 2020) would create the SLR Revolving Loan Program within the California Infrastructure and Economic Development Bank to provide loans to local jurisdictions to purchase vulnerable coastal properties. SB 83 is currently before the Senate Governance and Finance Committee.

AB 50 (Boerner Horvath, 2020) would establish the Climate Adaptation Center and Regional Support Network within the OPC to provide local governments with information and scientific expertise to address SLR. AB 50 is currently before the Assembly Natural Resources Committee.

AB 67 (Petrie-Norris, 2020) would require state agencies to take SLR into account for future infrastructure construction and operation, supported by a multiagency working group producing standardized methodology for economic analyses. AB 67 is currently before the Assembly Natural Resources Committee.

AB 72 (Petrie-Norris, 2020) would task and authorize CNRA to establish a more coordinated and efficient review and permitting process for coastal adaptation projects. AB 72 is currently before the Assembly Natural Resources Committee.

AB 2619 (Stone, 2020) would have established the Coastal Resilience, Adaptation, and Access Program to spend 30% of revenue, money, and remittances derived from mineral extraction leases on state tide and submerged lands, including tidelands oil revenue, on activities intended to help the state prepare, plan, and implement actions to address and adapt to sea level rise and coastal climate change. This bill was held in the Assembly Appropriations Committee.

AB 2371 (Friedman, 2020) would have required the Strategic Growth Council (SGC) to establish a science advisory team to provide recommendations on the state's climate adaptation and hazard mitigation plans and activities and, with OPR and other relevant agencies, produce a list of projects of statewide significance and urgency to advance the state's climate resilience. This bill did not receive a hearing in the Senate Environmental Quality Committee due to time constraints related to the COVID-19 pandemic.

AB 2413 (Thurmond, 2016) would have required the Natural Resources Agency to complete a study outlining the potential impact of sea level rise on low-income and at-risk communities and public projects and infrastructure. This bill died in the Assembly Natural Resources Committee.

AB 2516 (Gordon, Chapter 522, Statutes of 2014) created the Planning for Sea Level Rise Database (PSLRD) to be managed by the Natural Resources Agency (NRA). Requires various public and private entities to provide the NRA with existing sea level rise planning information that is to be posted and updated biannually on the PSLRD.

AB 691 (Muratsuchi, Chapter 592, Statutes of 2013) required a local trustee of granted public trust lands whose annual gross public trust revenues exceed \$250,000 to prepare and submit to the State Lands Commission an assessment of how it proposes to address sea level rise.

**SOURCE:** Author

**SUPPORT:**

California Coastal Protection Network  
California Coastkeeper  
NextGen California  
Plug In America  
Surfrider Foundation  
The Nature Conservancy

**OPPOSITION:**

None received