

Assembly Bill No. 1656

CHAPTER 535

An act to amend Sections 66701, 66703, and 66704.5 of the Government Code, relating to San Francisco Bay.

[Approved by Governor September 25, 2012. Filed with
Secretary of State September 25, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, 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.

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, excluding the Delta primary zone, as defined.

(2) 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, excluding the Delta primary zone.

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 described in Section 29728 of the Public Resources Code.

(f) “Elected official” means an elected member of a city council or an elected member of a county board of supervisors.

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

(h) “San Francisco Bay” means the area described in subdivision (a) of Section 66610.

(i) “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.

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, excluding the Delta primary zone.

(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:

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 shoreline parcels in the San Francisco Bay area, excluding the Delta primary zone, for eligible projects in the counties within the authority's jurisdiction.

(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.

(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).

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