

CAPISTRANO BAY DISTRICT
AGENDA REPORT
November 5, 2013

Security Reports

ITEM F.3

WOOD BURNING BEACH FIRES PROHIBITED
SCAQMD RULING vs ASSEMBLY BILL 1102

**The Board was originally following Assembly Resolution ACR 52 which turns out to be a resolution stating the majority position of the legislature in support of permitting wood burning beach fires. The proposed bill that we want to follow is AB 1102, intended to prevent the SCAQMD from prohibiting beach fires. AB 1102 was introduced on February 22nd, 2013, ahead of the SCAQMD ruling in July.*

Unless the ruling from earlier this year by the South Coast Air Quality Management District (SCAQMD) is somehow nullified, the prohibition on wood burning beach fires will go into effect this coming March 1, 2014.

As a result of the SCAMD's ruling, the Capistrano Bay District Board, in July, approved a similar prohibition on wood burning beach fires that would apply to Beach Road and become effective also in March 2014.

State Assemblymember Travis Allen introduced Assembly Bill 1102 back in late February that is intended to "prohibit the SCAQMD from enacting a rule that prohibits a person from engaging in a beach burning". That bill (see following pages) has gone through several committee readings and amendments and is now scheduled to be heard again in January.

Assemblymember Allen's office has been contacted in an effort to learn more about AB 1102, such as:

- is there strong support for this bill
- what are the odds that this bill will pass and become law
- how long would that process take
- if it is pending in the legislature past March 1 do we have to honor the SCAQMD ruling in the meantime

Pending the outcome of AB 1102, the District may have to notify the Beach Road community by written notice and amend District Ordinance No. 06-203, *Regulating Recreational Outdoor Wood Burning Fires*. For the time being, these items are on hold.

The full text of AB 1102 and ACR 52 are provided on the following five pages.

AB 1102

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AMENDED IN ASSEMBLY AUGUST 14, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

ASSEMBLY BILL

No. 1102

**Introduced by Assembly ~~Member~~ Grove Members Allen and
Quirk-Silva
(Principal coauthors: Assembly Members Donnelly and Mansoor)
(Coauthors: Assembly Members Beth Gaines and Hagman)
(Coauthors: Senators Nielsen, Walters, and Wyland)**

February 22, 2013

An act to add Section ~~38572~~ 40440.15 to the Health and Safety Code,
relating to ~~air resources~~: *nonvehicular air pollution*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, ~~Grove Allen. Air resources: greenhouse gas
emissions. South Coast Air Quality Management District: beach
burning.~~

Existing law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board to govern the district. Existing regulations of the district prohibit a person from engaging in a recreational, ceremonial, or open burning conducted in a public coastal area marked by an accumulation of sand, as specified.

This bill would prohibit the district from enacting a rule that prohibits a person from engaging in a beach burning for a recreational, ceremonial, or open burning conducted in a public coastal area marked by an accumulation of sand.

This bill would make legislative findings and declarations as to the necessity of a special statute for the south coast district.

~~The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board, known as ARB, by regulation, to adopt a market-based compliance mechanism to further the achievement of the statewide greenhouse gas emissions limits.~~

~~This bill would require the ARB, if the ARB adopts a market-based compliance mechanism that provides for the auctioning of greenhouse gas allowances, to auction program allowances consigned by an electrical corporation or a local publicly owned electric utility before auctioning any other allowances.~~

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

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

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

3 (a) *As the Legislature confirmed with Assembly Concurrent*
4 *Resolution 52 (Chapter 52 of the Statutes of 2013), beach bonfires*
5 *contained in fire rings should be allowed on all beaches in*
6 *California.*

7 (b) *Beach bonfires are an inexpensive recreational activity and*
8 *are enjoyed by all the members of our community regardless of*
9 *socioeconomic class.*

10 (c) *Fire rings are usually large cement rings in the sand used*
11 *to build your very own bonfire on the beach.*

12 (d) *The California Coastal Commission staff report of October*
13 *22, 2012, stated, "Beach fire rings are a unique recreational*
14 *facility for which there is no substitution."*

15 (e) *Amendments to Rule 444 by the South Coast Air Quality*
16 *Management District were voted on at a hearing on July 12, 2013,*
17 *and any actions by that vote on regulatory language and any*
18 *subsequent action resulting from it need to be nullified.*

19

20 SEC. 2. *Section 40440.15 is added to the Health and Safety*
21 *Code, to read:*

22 40440.15. *The south coast district shall not prohibit a person*
23 *from engaging in a beach burning for a recreational, ceremonial,*

1 or open burning conducted in a public coastal area marked by an
2 accumulation of sand.

3 *SEC. 3. The Legislature finds and declares that a special law*
4 *is necessary and that a general law cannot be made applicable*
5 *within the meaning of Section 16 of Article IV of the California*
6 *Constitution because of the need to protect visitor-generated*
7 *revenues that are used to fund essential programs, such as those*
8 *for the protection of public safety and parks, within the jurisdiction*
9 *of the South Coast Air Quality Management District.*

10 ~~SECTION 1. Section 38572 is added to the Health and Safety~~
11 ~~Code, to read:~~

12 ~~38572. If the state board adopts a market-based compliance~~
13 ~~mechanism pursuant to this part that provides for the auctioning~~
14 ~~of greenhouse gas allowances, the state board shall auction program~~
15 ~~allowances consigned by an electrical corporation or a local~~
16 ~~publicly owned electric utility before auctioning any other~~
17 ~~allowances.~~

ACR 52

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Assembly Concurrent Resolution No. 52

RESOLUTION CHAPTER 52

Assembly Concurrent Resolution No. 52—Relative to state beaches.

[Filed with Secretary of State June 20, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 52, Allen. State beaches: fire rings.

This measure would recognize the tradition and cultural significance of fire rings on state beaches as part of California's recreational and community activity, and beach lifestyle. This measure would support the protection of California's beaches, access to those beaches, and important traditions that are integral to the state's culture and beach lifestyle, such as fire rings.

WHEREAS, It is well known that visitors, tourists, and residents are drawn to the California coast for personal and family recreation, surfing and water sports, iconic piers, and unforgettable sunsets; and

WHEREAS, An important beach attraction is the time-honored tradition of a beach bonfire in a fire ring that California residents and visitors enjoy as the sun goes down over a perfect California beach evening; and

WHEREAS, Beach bonfires are a safe and inexpensive recreational activity and are enjoyed by all the members of our community, regardless of socioeconomic class; and

WHEREAS, Beach attractions result in optimum economic and community activity, from gatherings of family and friends, beach barbecues, community events, and beach sports, and much more; and

WHEREAS, Fire rings are usually large cement rings in the sand to build your very own bonfire, though in places such as Oceano Dunes Vehicle Recreation Area and its beach where cars can drive right on the beach in Grover Beach, you can pull your car onto the sand and simply set the wood out on the beach and light it, or dig your own fire ring; and

WHEREAS, Many state beaches offer fire rings to campsite guests as part of their camping fee, while some provide them for free; and

WHEREAS, Of 108 state parks, 29 allow fire rings for beach vacationers and visitors (excluding camping); and

WHEREAS, In Orange County, there are more than 600 fire rings available on the city and state beaches for nightly bonfires, a favorite activity among locals, visitors, and international tourists; and

WHEREAS, The Los Angeles County Department of Beaches and Harbors maintains fire rings at Dockweiler Beach in Playa del Rey; and

WHEREAS, The California Coastal Commission Staff Report of October 22, 2012, at page 10 stated, "Beach fire rings are a unique recreational facility for which there is no substitution."; now, therefore, be it

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Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature supports the protection of California's beaches, access to those beaches, and important traditions that are integral to our culture and beach lifestyle, such as fire rings; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

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